

# 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**

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AUGUSTA, MAINE

**HOUSE**

Tuesday, April 21, 1981

The House met according to adjournment and was called to order by Edwin H. Pert, Clerk of the House.

Prayer by the Reverend Lawrence Merckens of the Riverside Congregational Church, Vassalboro.

The members stood at attention for the Pledge of Allegiance to the Flag.

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

Mrs. MITCHELL: Mr. Clerk, I nominate the gentleman from Fairfield, Representative Gwadosky, to serve as Speaker Pro-Tem for today's session.

The CLERK: The gentlewoman from Vassalboro, Mrs. Mitchell, nominates the gentleman from Fairfield, Mr. Gwadosky, to serve as Speaker Pro-Tem for today's session. Is this the pleasure of the House?

It is a vote.

Thereupon, Mr. Gwadosky was escorted to the rostrum by the Acting Sergeant-at-Arms for the purpose of acting as Speaker Pro-Tem.

The journal of the previous session was read and approved.

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

**Orders**

On motion of Representative Beaulieu of Portland, the following Joint Order: (H. P. 1370)

ORDERED, the Senate concurring, that Bill "An Act to Implement Certain Cost Savings while the State's Unemployment Compensation Fund Remains in Debt," House Paper 845, Legislative Document 1011, be recalled from the Governor's desk to the House.

By unanimous consent, ordered sent forthwith to the Senate.

The Order was read and passed and sent up for concurrence.

**Special Sentiment Calendar**

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

Recognizing:

Violet A. White of Oakfield, who celebrated her 90th birthday on April 3, 1981; (H. P. 371) by Representative Smith of Island Falls (Cosponsor: Senator Carpenter of Aroostook)

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

By unanimous consent, ordered sent forthwith to the Senate.

In Memory of:

David A. Michaud of Eagle Lake, House Staff Member of the 109th and 110th Legislatures; (H. P. 1372) by Representative Davis of Monmouth (Cosponsors: Representatives Hobbins of Saco, Kelleher of Bangor and Theriault of Fort Kent)

On the request of Mr. Davis of Monmouth, was removed from the Special Sentiment Calendar.

Thereupon, the Resolution was read.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: As our good clerk has just mentioned, we have lost a very dear friend, one who has served us all very well. He has lived in my district for the past two sessions. He has developed a reputation among our folks out there as one who has a great sense of values for a boy his age, and it is just a terrible, terrible thing that his life had to come to an end in this way.

I know we will all remember him, for he was

always willing and able to give us a hand no matter if it was five minutes of five or five minutes after five. So, it is with these thoughts, simple as they may be, that I hope we can remember and cherish our knowing of David Michaud.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill "An Act to Enable the State of Maine to Fund Waste Water Treatment Systems in the Event Federal Funds are not Included or Limited in Future Federal Budgets" (S. P. 573) (L. D. 1542)

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

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

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

**Passed to be Enacted  
Emergency Measure**

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

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. 132 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 Deregulate the Bag Limit and Size Requirements of Striped Bass (S. P. 369) (L. D. 1088)

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

An Act to Overrule Federal Preemption of Certain Maximum Rate Ceilings of the Maine Consumer Credit Code" (H. P. 12) (L. D. 6) (C. "A" H-200)

An Act to Increase the Limit of Indebtedness of the Newport Water District from \$1,000,000 to \$1,500,000 (H. P. 964) (L. D. 1155)

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 Define a Loose Cord of Wood for Fuel Wood Sold on that Basis (H. P. 1319) (L. D. 1517) (S. "A" S-116)

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

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed.

This bill, to me, is just clutter on the books. In no way can it be enforced, and I think it is just a useless piece of legislation that we can do very well without, and I would ask for a roll call, please.

The SPEAKER Pro-Tem: The gentleman from Franklin, Mr. Conners, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Members of the House: I would ask you not to indefinitely postpone this bill. This bill has been worked on to some extent for two sessions. It has had a lot of input to make this bill. It would be helpful to the urban areas where purchasers of wood

have had little or no experience in purchasing such a commodity. It takes nothing away from the purchaser or the seller. By agreement, the purchaser and the seller can make their own trade. The 128 cubic feet, which is the conventional way of buying wood, is still there, but for the benefit of some people that don't have an opportunity to pile the wood, this bill is helpful.

I would urge you to vote against the indefinite postponement.

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

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

The SPEAKER Pro-Tem: The pending question is on the motion of the gentleman from Franklin, Mr. Conners, 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 — Austin, Bell, Bordeaux, Brodeur, Brown, D.; Brown, K.L.; Cahill, Carroll, Conners, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Dudley, Foster, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Lancaster, Leighton, Livesay, MacBride, Masterton, McColister, McPherson, Murphy, Paradis, E.; Peterson, Randall, Reeves, J.; Ridley, Roberts, Salisbury, Smith, C.W.; Stevenson, Studley, Treadwell, Weymouth.

NAY — Aloupis, Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brown, A.; Callahan, Carrier, Carter, Chonko, Clark, Conary, Connolly, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Fowlie, Gowen, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Huber, Jacques, Joyce, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, LaPlante, Lewis, Lisnik, Locke, Lund, MacEachern, Mahany, Martin, A.; Masterman, Matthews, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, P.; Paul, Pearson, Perry, Post, Prescott, Racine, Reeves, P.; Richard, Rolde, Sherburne, Small, Smith, C.B.; Soulas, Soule, Stover, Strout, Swazey, Tarbell, Telow, Theriault, Thompson, Twitchell, Vose, Walker, Webster, Wentworth.

ABSENT — Armstrong, Gwadosky, Jalbert, Kane, Laverriere, Macomber, Manning, Martin, H.C.; Nadeau, Perkins, Pouliot, Tuttle, The Speaker.

Yes, 48; No, 90; Absent, 13.

The SPEAKER Pro-Tem: Forty-eight having voted in the affirmative and ninety in the negative, with thirteen being absent, the motion does not prevail.

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

An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Employees of Local Districts under the Maine State Retirement System (S. P. 274) (L. D. 783) (H. "A" H-201 to C. "A" S-99)

**Finally Passed**

RESOLVE, Authorizing the Director of the Bureau of Public Lands to Convey Certain Lands of the State to the Town of Gorham (S. P. 200) (L. D. 567) (C. "A" S-112)

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 Gudrun H. Kononen (S. P. 315) (L. D. 871) (C. "A" S-111)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Bill passed to be Enacted and the Resolves finally passed, all signed by the Speaker and sent to the Senate.

#### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Establish a Kennebec River Future Commission" (H. P. 1141) (L. D. 1285) ask leave to report: that they are unable to agree.

(Signed)

Senators:

DEVOE of Penobscot  
REDMOND of Somerset  
O'LEARY of Oxford

— of the Senate.

Representatives:

KANY of Waterville  
JACQUES of Waterville  
LUND of Augusta

— of the House.

Came from the Senate with the Committee of Conference Report read and accepted.

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

#### Papers from the Senate Reports of Committees Leave to Withdraw

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Insure Unemployment Compensation for Employees who are Harassed." (S. P. 350) (L. D. 993)

Came from the Senate with the Report read and accepted. In the House, the Report was read and accepted in concurrence.

#### Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act Promoting the Availability of Health Care Services" (S. P. 303) (L. D. 847)

Report was signed by the following members:

Senator:

BUSTIN of Kennebec

— of the Senate.

Representatives:

PRESCOTT of Hampden  
BRODEUR of Auburn  
RICHARD of Madison  
MANNING of Portland  
MCCOLLISTER of Canton  
KETOVER of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-105) on same Bill.

Report was signed by the following members:

Senators:

GILL of Cumberland  
HICHENS of York

— of the Senate.

Representatives:

RANDALL of East Machias  
BOYCE of Auburn  
HOLLOWAY of Edgecomb  
MacBRIDE of Presque Isle

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-105) as amended by Senate Amendment "A" (S-109) thereto.

In the House: Reports were read.

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

Mrs. PRESCOTT: Mr. Speaker, I move acceptance of the Majority "Ought Not to Pass" Report and further move that this be tabled for one legislative day.

Whereupon, Mrs. Berube of Lewiston requested a division.

The SPEAKER Pro-Tem: The pending question is on the motion of the gentlewoman from Hampden, Mrs. Prescott, that this matter be tabled for one legislative day. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Prescott of Hampden requested a roll call vote.

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

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

The SPEAKER Pro-Tem: The pending question is on the motion of the gentlewoman from Hampden, Mrs. Prescott, that this matter be tabled pending her motion to accept the Majority Report in non-concurrence and specially assigned for Monday, April 27. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowle, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Joyce, Kany, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Mahany, McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nelson, M.; Paradis, P.; Paul, Pearson, Perry, Peterson, Post, Prescott, Racine, Reeves, P.; Richard, Ridley, Rolde, Smith, C.B.; Soulas, Soule, Stevenson, Theriault, Thompson, Twitche, Vose, Webster.

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

ABSENT — Armstrong, Gwadosky, Jalbert, Kane, Laverriere, Macomber, Manning, Martin, H.C.; McKean, Nadeau, Pouliot, Tuttle, The Speaker.

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

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

The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the "Ought Not to Pass" motion today and accept the "Ought to Pass" Report.

I feel that we should not put quotas on physicians, their specialties or their locations. This is a free country. Lawyers practice where they wish, car dealers open a garage where they wish; why should physicians have any restriction placed on them?

This bill is merely a safeguard, allowing doctors the freedom that everyone else has to locate where they wish. It would be disastrous for Aroostook County to have regulation of doctors and specialties. We have a difficult time as it is to attract physicians since we are so far north. Can't you imagine our problem if the Human Services Department decided we didn't

need anymore physicians since we are so sparsely populated? I couldn't believe it when I first heard the possibility that this could possibly happen.

We in the County came out on the short end of the stick when the Maine Health Plan decided we couldn't have a catscan. They were so busy with cost containment that they didn't take into consideration the cost of an Aroostook resident traveling to Bangor, leaving his job, and probably having to stay overnight. If physicians were regulated, it would affect everyone's area, not only the area in Aroostook County, and it certainly would affect everyone's freedom.

I feel that a doctor, when he finishes medical school, should have the ability to settle wherever he would like to settle and practice wherever he wishes.

The Senate Amendment does make a number of exemptions, that is very, very true; however, the bill is designed to protect the physicians who want to pass anywhere they wish, and the way the health plan has been written, it is uncertain if that would be true or not.

Ladies and gentlemen, I do hope you will vote against the "ought not to pass" so that you can accept the "ought to pass" report, and I ask for a roll call.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this bill, but it goes against my grain. This bill is another restriction on man's freedom. What next are these so-called departments and committees going to try to impose on all of us?

I don't think it is right to tell a doctor or anybody where he may practice or where he may have his business. In Brunswick, we have doctors coming out our ears, but we still can use more. The offices are always full of patients whether they are specialists or family doctors.

I hope you will vote against the "Ought Not to Pass" Report.

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Edgecomb, Mrs. Holloway.

Mrs. HOLLOWAY: Mr. Speaker and Members of the House: As a member of this committee that heard the bill, I believe that is a most important piece of legislation and we should deliberate on it very carefully. Many doctors and dentists in my area have contacted me and I am compelled to speak out in favor of this bill.

It should be pointed out that no one opposed this bill when we had the public hearing, while several groups supported it. But I believe that the testimony coming from the pre-med student from Boothbay Harbor was the most effective. This young man will be the first member of his family to receive a college education. He comes from a hard working family, whose father is a lobsterman and he cited the possibility of studying, spending thousands of dollars, only to perhaps find that he is unable to obtain a license to practice in his home state of Maine, in the town of Boothbay Harbor, because of some arbitrary regulatory limitation put upon the number of licenses or perhaps upon the location in which he can practice. They wouldn't think of doing these things to plumbers, electricians or even school teachers. It is a fundamental right to practice one's business, trade or profession so long as one is qualified to do so.

This bill would forestall any well-meaning regulatory attempt by the Department of Human Services, or its agents, to legally control the distribution of health professionals in our state without going through the legislature, and I hope that you will support me on the minority position, "Ought to Pass" as amended.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, I would like to pose a question through the Chair to anyone who can answer it. Is there any authority now which would permit the various licensing agencies to deny anyone a license by reason of number, specialty or location?

The SPEAKER Pro-Tem: the gentleman from Auburn, Mr. Brodeur, has posed a question through the Chair to anyone who may care to answer.

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

Mr. KELLEHER: Mr. Speaker, I would like to hear from the majority of the committee that was against this bill. There seem to be very reasonable arguments presented by Mrs. MacBride and the other gentlady; I would like to know what the reasons were for the opposition, to want us to support their position.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker and Members of the House: Not having an answer to my question, I think that is the reason most of us would not support the bill, the reason that there is no authority which would allow any licensing agency to deny anyone a license by reason of numbers, specialty or location.

Presently, doctors are licensed by the Board of Registration of Medicine; dentists are licensed by the Dental Examining Board, and they don't have the authority that allows anybody to deny a license for these reasons.

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I didn't rise to answer Representative Brodeur's question because I thought there would perhaps be some debate for the "Ought Not to Pass" report.

I don't believe that there is, at the present time, any restriction on physicians. However, one of the things that has happened, we have found a good many rumors floating around, and more substantial information than that, that possibly doctors will be regulated. This has been happening in some of the other states where there are a great many doctors in one area and few doctors in certain more rural areas. So some of the state governments have decided it would be a good idea to try to regulate doctors and have them practice wherever they are needed. This bill is intended to thwart that practice if it should arise.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I thank the good lady who just spoke. I think it would be wise for this House not to throw caution to the wind because invariably as we go back home as legislators in the spring of this year, on occasion departments, boards and commissions seem to be writing rules and regulations that are contrary to the wisdom of the people of the state and also contrary to the actions of the members of this legislature, this as well as past legislatures. So I would think it would be wise for us to support Mrs. MacBride's motion so we could guarantee the freedom of access of doctors, dentists and what have you throughout the state. I think it would be wise for us to vote against the gentlady from Hampden, Mrs. Prescott's motion and then support the minority report which, in fact, would be helping to improve the health care of the people of this state, which we all, I am sure, have in the best interest of our hearts.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from East Machias, Mr. Randall.

Mr. RANDALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak for a few minutes on the need for this legislation today. As a member of the Health and In-

stitutional Services Committee, I would like to provide you with a little bit of background about federal health planning. It started in this state in 1974 when the federal government passed the National Health Planning and Development Act. Since that time, we have been administered by the Maine Health Systems Agency, and also the State Health Planning and Developmental Agency within the Department of Human Services.

I certainly welcome today the comments from my colleague from Bangor. I can recall when I lived in the City of Bangor, of course I was just a boy in those days and Mr. Kelleher was here in this distinguished body, but I certainly agree with him that we do need to take a serious look at this, and I certainly agree with him that I feel that we should go with the Minority "Ought to Pass" Report.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I opposed this bill in the beginning because I thought it was a good idea not to tell people where they had to live, where they had to practice, until it was very dramatically pointed out to me that there was no law that made a doctor or a dentist practice wherever the state said. That still left me with some doubts, until I was thinking on the way home one night—do we make a law for everything that might happen? We could be here all summer if we sat and thought of how we can make a law so that every little thing could not happen. I believe that we must address things as they come to us. We certainly have enough legislation before us that is more worthy of our time than this piece of legislation which deals with something "may" happen at some time in the future.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from East Machias, Mr. Randall.

Mr. RANDALL: Mr. Speaker and Members of the House: I rise to clarify some of the comments made by my colleague from Canton, Mr. McCollister, and I would like to point out the article that I had distributed today from a Journal of Medicine entitled "Medical Economics." The article, incidentally, is entitled "How States Plan to Regulate Physician Supply." In this article, which was published on April 28, 1980, the article identifies Maine as one of nine states intending to put a ceiling on medical licenses. In other words, there are plans to franchise the practice of medicine in the State of Maine.

I know when we talk about franchises, I come from a small, rural part of Maine called Machias, and we have been waiting, for example, for a hamburger franchise from McDonald's for many years, and we still have to drive 60 miles to Ellsworth or 40 miles to Calais to get a hamburger. Now, I would hate to see that I had to go that far to get a doctor when I live in Machias, I would like to point that out.

I would also like to point out that article, which is a more serious matter, for your consideration. Also, in the article the information which was obtained for it was obtained from Gordon Brown, and ladies and gentlemen, Gordon Brown is the Director of the Maine State Health Planning and Development Agency. In light of this, I find it rather incredible that anyone would oppose this bill on the basis that it is not needed. It is definitely needed legislation.

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

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

The SPEAKER Pro-Tem: The pending ques-

tion is on the motion of the gentlewoman from Hampden, Mrs. Prescott, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Beaulieu, Benoit, Brannigan, Brodeur, Connolly, Cox, Davies, Diamond, G.W.; Diamond, J.N.; Fitzgerald, Hayden, Ketover, MacEachern, McCollister, McHenry, Michael, Mitchell, E.H.; Mitchell, J.; Pearson, Perry, Post, Prescott, Richard, Stevenson, Thompson.

NAY — Aloupis, Austin, Bell, Berube, Boisvert, Bordeaux, Boyce, Brennerman, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Conners, Crowley, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Fowlie, Gavett, Gillis, Gowen, Hall, Hanson, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kany, Kelleher, Kiesman, Kilcoyne, Lancaster, LaPlante, Leighton, Lewis, Lisnik, Live-say, Locke, Lund, MacBride, Mahany, Martin, A.; Masterman, Masterton, Matthews, McGowan, McKean, McPherson, McSweeney, Michaud, Moholland, Murphy, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Perkins, Peterson, Racine, Randall, Reeves, J.; Reeves, P.; Ridley, Roberts, Rolde, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Treadwell, Twichell, Vose, Walker, Webster, Wentworth, Weymouth.

ABSENT — Armstrong, Gwadosky, Jalbert, Kane, Laverriere, Macomber, Manning, Martin, H.C.; Nadeau, Poultier, Tuttle, Mr. Speaker.

Yes, 26; No, 113; Absent, 12.

The SPEAKER Pro-Tem: Twenty-six having voted in the affirmative and one hundred thirteen in the negative, with twelve being absent, the motion does not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-105) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-109) was read by the Clerk and adopted in concurrence. Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence, and the Bill assigned for second reading the next legislative day.

#### Non-Concurrent Matter

Bill "An Act Relating to Seeking Work and Accepting Suitable Work to be Eligible for Extended Unemployment Benefits" (Emergency) (H.P. 1190) (L.D. 1414) which was passed to be engrossed as amended by Committee Amendment "A" (H-199) in the House on April 14, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-199) as amended by Senate Amendment "A" (S-125) thereto in non-concurrence.

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

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Limit the Storage of Spent Fuel at Nuclear Reactors" (H.P. 1007) (L.D. 1203) on which the Minority "Ought to Pass" report of the Committee on Energy and Natural Resources was read and accepted and the Bill passed to be engrossed in the House on April 15, 1981.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Energy and Natural Resources read and ac-

cepted in non-concurrence.

In the House: Mr. Hall of Sangerville moved that the House adhere.

On motion of the same gentleman, tabled pending his motion to adhere and specially assigned for Tuesday, April 28.

#### Orders

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

ORDERED, that Representative Gregory G. Nadeau of Lewiston be excused April 21 through April 29 for Legislative Business.

#### Special Sentiment Calendar

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

The Bangor Baptist Church which will celebrate its 14th anniversary in special ceremonies on May 3, 1981; (H.P. 1369) by Representative Diamond of Bangor. (Cosponsor: Representative Treadwell of Veazie)

Peter Douglas, an 8th grader at Brunswick Junior High School and the 1981 Cumberland County spelling champion; (S.P. 569)

Ben Boyington, age 12, 7th grader at Freeport Middle School, who placed 3rd in the Cumberland County spelling championship on April 11, 1981; (S.P. 570)

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

#### House Reports of Committees

##### Ought Not to Pass

Representative Cahill from the Committee on Election Laws on Bill "An Act to Repeal the Statute Dealing with Failure to File Campaign Finance Reports on Time" (H.P. 57) (L.D. 70) reporting "Ought Not to Pass"

Representative McKean from the Committee on Transportation on Bill "An Act Requiring Certain Price Information on Certificates of Title Applications and Certificates" (H.P. 968) (L.D. 1159) reporting "Ought Not to Pass"

Representative Benoit from the Committee on Judiciary on Bill "An Act Concerning Plea Bargaining for Cases Involving Operating under the Influence of Intoxicating Liquor or Drugs" (H.P. 1123) (L.D. 1340) reporting "Ought Not to Pass"

Representative Benoit from the Committee on Judiciary on Bill "An Act Forbidding Questions which Inade Privacy During Public Benefit Program Screening" (H.P. 1124) (L.D. 1341) reporting "Ought Not to Pass"

Representative Drinkwater from the Committee on Judiciary on Bill "An Act to Require Restitution by a Criminal Offender to his Victim" (H.P. 1151) (L.D. 1372) reporting "Ought Not to Pass"

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

##### Leave to Withdraw

Representative Perry from the Committee on Legal Affairs on Bill "An Act to Effect Changes in Daylight Saving Time" (H.P. 962) (L.D. 1153) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Require Reasonable Notice of Rent Increase for Residential Dwelling Units" (H.P. 283) (L.D. 322) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Define Eviction Procedures During the Winter Months" (H.P. 278) (L.D. 331) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Amend the Conditions under Which a Tenant May File a Complaint Concerning the Habitability of a Dwelling Unit" (H.P. 378) (L.D. 416) reporting "Leave to Withdraw"

Representative Hobbins from the Committee

on Judiciary on Bill "An Act to Prohibit Unjust Retaliatory Evictions" (H.P. 409) (L.D. 448) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Providing for Equitable Treatment of Security Deposits" (H.P. 421) (L.D. 468) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Prohibit Rent Increases for Dwellings in which there are Violations of the Warranty of Habitability or Housing, Building, Health or Safety Codes" (H.P. 461) (L.D. 511) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Relating to Clarification of Notices for Rental Arrearages" (H.P. 495) (L.D. 547) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Providing an Alternative to the Warranty of Habitability Law where Dangerous Conditions Require Minor Repairs to a Dwelling Unit" (H.P. 498) (L.D. 550) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Concerning the Habitability of a Rental Unit under the Rental Property Law" (H.P. 561) (L.D. 637) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Relating to Theft of Services under the Maine Criminal Code" (H.P. 598) (L.D. 675) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Relating to Rental Increases" (H.P. 635) (L.D. 725) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Concerning Writ of Possession" (H.P. 662) (L.D. 766) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Relating to Property Abandoned by Tenants" (H.P. 663) (L.D. 767) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Relating to Sums Due for Rent and Claims for Damages" (H.P. 683) (L.D. 797) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Relating to Security Deposit Notices" (H.P. 726) (L.D. 829) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Relating to the Jurisdiction of the District Court" (H.P. 722) (L.D. 854) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Concerning Periodic Tenancy" (H.P. 723) (L.D. 855) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Concerning Causes for 7-day Notices of Termination of Tenancy" (H.P. 724) (L.D. 856) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Relating to Rental to Property" (H.P. 725) (L.D. 857) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Concerning Availability of Remedy" (H.P. 774) (L.D. 919) reporting "Leave to Withdraw"

Representative Brannigan from the Committee on Business Legislation on Bill "An Act to Prohibit the Charging of Users Fees When a Person Purchases a Mobile Home Already Located in a Mobile Home Park" (H.P. 422) (L.D. 469) reporting "Leave to Withdraw"

Representative Brannigan from the Committee on Business Legislation on Bill "An Act Relating to Certain Types of Indemnity Provisions in Construction Contracts" (H.P. 341) (L.D. 389) Reporting "Leave to Withdraw"

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act to Provide for the Registration of Trail Bikes by the Department of Inland Fisheries and Wildlife" (H.P. 1286) (L.D. 1501) reporting "Leave to Withdraw"

Representative Stevenson from the Committee on Aging, Retirement and Veterans on Bill "An Act to Amend the Benefit Option Provided upon Death of a Former Member who was Receiving a Disability Retirement Allowance" (H.P. 1114) (L.D. 1331) Reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act to Provide for Enforcement Inspections under the Minimum Wage Rate on Construction Projects Law" (H.P. 432) (L.D. 479)

Report was signed by the following members:

Representatives:

MARTIN of Brunswick  
McHENRY of Madawaska  
HAYDEN of Durham  
BEAULIEU of Portland  
BAKER of Portland  
LAVERRIERE of Biddeford  
TUTTLE of Sanford

— 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:

SEWELL of Lincoln  
DUTREMBLE of York  
SUTTON of Oxford

— of the Senate.

Representatives:

LEIGHTON of Harrison  
LEWIS of Auburn  
FOSTER of Ellsworth

— of the House.

Reports were read.

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: There are several reasons why I signed the "Ought Not to Pass" Report on the minimum wage rate on construction projects law. This particular law establishes certain minimum wages for various types of work in the construction industry.

I feel that the money that is asked for in this particular bill, although a minimal amount of money, would be a total waste of taxpayers' money. The reason why I feel that this is a waste of taxpayers' money is that I feel that this law is already being adequately enforced. Right now, every single construction company, when bidding on a project which will be covered under this law, must sign an affidavit that the company has never violated this law and will never violate the law in the future. Furthermore, if it is a federal contract, then an affirmative action form must also be filed. The company must then follow through by filing payrolls in multitudinous copies with both the state government and the federal government to prove that this law has not been violated. If it is found that any of these companies have violated this law, any employee who was not paid as much as he was supposed to be paid can collect three times the amount that he was supposed to get with no questions asked, and any employer can be restricted from bidding on a project again, and this is really a very big pen-

alty for these employers, so you can be quite sure that they do not violate this law.

Based on complaints from employees, the State Department has been trying to enforce this law and, on the average, about three abuses per year are turned into that department and the department does investigate these abuses and follow up on them.

The department itself originally did ask for the money for this bill, and the Governor cut this request from his budget. In other words, Governor Brennan did not feel that this was a high priority for us, and I also feel that this shouldn't be a high priority. Although this bill is only asking for \$9,700, there are certainly better ways to spend our money, and for this reason I ask you to vote no.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Freeport, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker and Members of the House: I am the sponsor of this bill. The purpose of the bill is to appropriate \$9700 for the biennium for the enforcement of the minimum wage rate for construction workers law, and I, frankly, don't think that appropriating money to enforce the minimum wage laws is a waste of taxpayers' money.

The Minimum Wage Rate on Construction Workers Act was first enacted by this legislature in 1935 and it establishes the minimum wage rates that construction companies pay their workers on state jobs that total more than \$10,000. The law is enforced by a board, the Minimum Wage Rate for Construction Workers Board, which is composed of four members, two from labor and two from management. The rate that the board sets is determined by reporting from contractors during the second and third week of September of each year. Contractors submit to the Bureau of Labor a list of building trades and the rates that they pay. The Bureau of Labor then determines the median rate and that is the rate set. It is not a high rate and it is not a low rate.

I have talked to some people in the Bureau of Labor and they feel there is extensive abuses of this law. There are seven or eight companies that they feel are paying less than the rates that are set. In fact, there was one violation reported in 1980, it was a case involving an asbestos worker and a Rhode Island construction firm that was working on student housing at the University of Maine at Presque Isle. In this case, the rate set for an asbestos worker is \$12.11 an hour. That may seem high, but asbestos work is very dangerous work, and it is also the highest rate of any trade. This particular employee who was picked up on the job was paid \$4 an hour, and after two weeks he was given a raise to \$4.50 an hour, and that is \$7.61 an hour less than the minimum wage. That was one case that was settled.

Construction workers are the kind of people who don't report abuses. You can go on the job and you work for a while. If your boss doesn't like you, he sends you down the road or you get mad and you leave, and I am sure that there are more cases out there that haven't been checked.

This money will also be used to assure that the initial reporting is correct. Since the median pay rate is the one that is picked out as the prevailing rate, it would be very easy if every company, say, made a 20 cent mistake or reported 20 cents lower than the rates and the company saves that money.

Furthermore, the most important reason for the enforcement of this, I think, is that when a contractor goes out and bids on a state contract, he knows what he is going to have to pay. If he doesn't pay that money, he is stealing from all the taxpayers of Maine. He knows what the rate is; he accordingly submits his bid, and if he gets his bid and then doesn't go out and pay what he said he would, he is just making extra money off the taxpayers.

I urge you to all support the Majority "Ought

to Pass" Report on this bill.

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

Miss LEWIS: Mr. Speaker and Members of the House: As I stated in my earlier comments, there are already ways in which we can enforce abuses such as the abuse that the gentleman from Freeport, Mr. Mitchell, has suggested to us, and for that reason, I would suggest that we go along with Governor Brennan in his suggestion that this not be funded, in that he did cut this from the state budget for this year.

I do urge you to vote no.

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I think we should heed what Representative Mitchell has been telling us very carefully. I think it is important to note that this state is charged, by law, to monitor the fair wage rate. Right now, that has not been done very well over the past few years. They have relied strictly on employee complaints, and while every one of those complaints was thoroughly investigated, I think the time has come and the bureau recognizes that they need to do a heck of a lot more work in this area.

There are some 250 job sites in this state. Many of the problems are occurring particularly when the bids are given to out-of-state companies. One of the nice ways of circumventing the law, for example, is that a contractor might report that he has so many journeymen on the job and he is paying them the rate, but he does not have to cite the number of apprentices he has on the job because they don't come under the act. So in effect, by never having to report the number of apprentices on the job, only reporting the journeymen, he literally and technically depresses the correct minimum wage that should be set.

We have had a case in this state, it took three to four years to settle it through the National Labor Relations Board at a cost of \$81,000. I don't think that is necessary. I think the point has got to be made that if the state has an obligation to see that its standards are enforced, then they have got to make sure that they are enforced.

Governor Brennan may have knocked it out of his package. I can't answer why he knocked it out of there, but then I don't always go along with the Governor. In this instance, I think it was a matter of so many bills before him, he took the most important, felt this one was not necessarily that important. I feel it is, the majority of the people who testified on the bill feel it is, and I don't see how anybody, even the Governor, could fault anyone for funding the state's obligation to monitor this by law and to enforce its obligation.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that we accept the Majority "Ought to Pass" Report on this bill. We pass laws over here, we say that the state should be doing this and should be doing that; yet, being good people, we don't fund them, we understand them so they can't do the checking that they should be doing. We are saying that the common laborer should be enforcing the laws, and half of them don't even know that these laws exist. I didn't before I came down here, and I am still learning a heck of a lot.

Anyway, the thing is, it isn't funded and we can't check, the state cannot check. They don't have the money to check on these contractors, so I hope that we do pass this.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: I think it is pretty plain why the Governor elected to take this out of his budget, because less than \$5,000 a year is like hunting elephants with a fly swatter. If we are going to pass a bill to enforce something, we can't enforce it at \$5,000 a year. You can't even pay the mileage with that.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Ellsworth, Mrs. Foster.

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to add at this time that all complaints made are investigated, and there was only one complaint made last year, which was investigated and taken care of, and I am sure that is why this was not included, and at this time I would ask for a roll call so we can proceed.

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

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

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would submit to you that the reason we only had one complaint in the state of Maine last year is because the fact is that the employee has to put it down in writing precisely the infraction of the law. He has to put it down in writing, mind you, and he is on a construction job that might last two months. It is not worth his time, and I wouldn't do it, I personally would not do it. That is why we do not have the amount of complaints that should be there.

The SPEAKER Pro-Tem: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Portland, Mrs. Beaulieu, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, I would like to pair my vote with the gentleman from Sanford, Mr. Tuttle. If he were here and voting, he would be voting yes; I would be voting no.

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

Mr. BROWN: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here and voting, he would be voting yes and I would be voting no.

#### ROLL CALL

YEA — Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Hall, Hayden, Higgins, H.C.; Hobbs, Jacques, Joyce, Kany, Kelleher, Ketover, Lisnik, Locke, MacEachern, Mahany, Martin, A.; McCollister, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Paradis, P.; Pearson, Perry, Prescott, Reeves, P.; Richard, Rolde, Smith, C.B.; Soulas, Soule, Swazey, Theriault, Thompson, Vose, Webster.

NAY — Aloupis, Austin, Bell, Bordeaux, Brown, A.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Crowley, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Hickey, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Kilcoyne, Lancaster, Leighton, Livesay, MacBride, Masterman,



Masterton, Matthews, McGowan, McPherson, Murphy, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Post, Racine, Randall, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth.

ABSENT — Armstrong, Gwadosky, Huber, Kane, LaPlante, Laverriere, Lund, Macomber, Manning, Martin, H.C.; Nadeau, Pouliot, Twitcheil, The Speaker.

PAIRED — Brown, D.; Jalbert; Lewis-Tuttle

Yes, 60; No, 73; Absent, 14; Paired, 4.

The SPEAKER Pro-Tem: Sixty having voted in the affirmative and seventy-three in the negative, with fourteen being absent and four paired, the motion to accept the Majority "Ought to Pass" Report does not prevail.

Thereupon, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

At this point, by unanimous consent, all bills passed to be enacted were ordered sent forthwith to the Senate.

#### Order out of Order

On Motion of Representative Mitchell of Vassalboro the following Joint Order: (H. P. 1373)

ORDERED, the Senate concurring, that, when the House adjourns, it adjourn to Monday, April 27, 1981, at 10 o'clock in the morning; and be it further

ORDERED, that, when the Senate adjourns, it adjourn to Monday, April 27, 1981, at 5 o'clock in the afternoon.

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### Divided Report

Eight Members of the Committee on Labor on Bill "An Act Providing Collective Bargaining Rights to Judicial Employees" (H. P. 823) (L. D. 979) report in Report "A" that the same "Ought to Pass"

Report was signed by the following members:

Senator: DUTREMBLE of York — of the Senate.

Representatives:  
BEAULIEU of Portland  
BAKER of Portland  
McHENRY of Madawaska  
MARTIN of Brunswick  
TUTTLE of Sanford  
HAYDEN of Durham  
LAVERRIERE of Biddeford — of the House.

Three Members of the same Committee on same Bill report in Report "B" that the same "Ought Not to Pass"

Report was signed by the following members:

Senators:  
SEWALL of Lincoln  
SUTTON of Oxford — of the Senate.

Representative:  
FOSTER of Ellsworth — of the House.

Two Members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-214)

Report was signed by the following members:

Representatives:  
LEIGHTON of Harrison  
LEWIS of Auburn — of the House.

Reports were read.

The SPEAKER Pro-Tem: The Chair recog-

nized the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report A.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't follow the lead of my good friend, the gentlelady from Munjoy Hill, today. I hope that you reject her motion. Incidentally, I would like to ask for a roll call so that we can move on and eventually, hopefully, accept Report C.

This bill nearly completes the tapestry of collective bargaining for state public employees. Recently we passed a collective bargaining measure for county employees, and I think that is entirely right, except that I think if right is a matter of equity, either we should take it from them all or give it to them all. But I think in the process of providing collective bargaining, and again I am for this, I think we ought to do it in such a way that it solves some of the problems that have plagued the collective bargaining process in the past; in other words, let's do it right.

The motion before us does not address the issue that we have heard so much about of free riders; Report C does. This motion doesn't address the problem of compulsory unionism; Report C does. This report, this motion, doesn't address the ability or the need for union members to have the ability to demand responsiveness from the unions.

I think it is all well and good to talk about collective bargaining and unionism, but I would have to pose a question of what happens when everyone has it and it is all compulsory unionism and no one can get out. I just wonder at this time how responsive unions are going to be if they know they have got all the public employees in the world locked up?

For these reasons, I would urge you to oppose the pending motion so that we can get to Report C, which would give us a collective bargaining bill that really addresses all the problems and would give us a good law in this regard on our books.

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Ellsworth, Ms. Foster.

Ms. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: I must disagree with my good friend Mr. Leighton, and my good friend Mrs. Beaulieu. One, I do not believe that judiciary employees should be given collective bargaining rights and I will give you the reasons. I will also tell you that I have voted that the legislative aides and so forth will be given collective bargaining rights, so I don't want to be branded as being against collective bargaining because I am not.

The first problem we have with judicial employees as such is that there would be no form from which matters involving judicial employees could be heard beyond the Maine Labor Relations Board. With the courts being directly affected by the actions of the judicial employees, if would be argued that the courts are too interested in the outcome of any labor dispute and therefore a fair hearing is not possible.

If you have looked at the L. D., the employer is listed as the Chief Justice of the Supreme Court. I think that is a very important thing for all to look at. Another problem which arises is that employees who have the right to organize are more likely to engage collective actions, such as strikes, even though they are prohibited by law, but there are cases of blue flu or other reasons for leaving the job. If judicial employees were to engage in such activities, they could effectively frustrate the prosecution criminal matters particularly those of who may be incarcerated pending trial. If this was the case, this could seriously prejudice the

rights of the accused.

I ask you to take a very good look at granting collective bargaining rights to judicial employees and ask you to vote no.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: Today I rise in support of Committee Amendment "A". In recent days, we have heard in previous legislative debate that the only public employees who don't enjoy bargaining rights are county employees. Those statements were not exactly correct, because over 200 employees of the Maine Court system, including court clerks, secretaries, court reporters, maintenance personnel also lack what I consider to be an essential right, the right to organize and collectively bargain with the employer.

Several years ago, court employees were treated as state employees. Their salaries generally tracked those of state workers in similar jobs. When the legislature passed collective bargaining for state employees in 1974, many people thought that court employees were also included in this law, as they are in many states such as New York and Hawaii. In several court decisions unrelated to collective bargaining, it became apparent that because of the constitutional doctrine of the separation of powers, judicial department employees would need their own bargaining law.

The bill which I have sponsored is an amendment to the State Employees Labor Relations Act specifically including court employees. The law basically tracks the state employee law but it establishes the Chief Justice or his designee as the employer and also provides for legislative ratification of any financial terms of contract negotiated by the court and its employees.

Some of you may question whether this bill is needed or if collective bargaining will create difficult problems for court administration. First of all, since court employees have been separated from state employees, their wages and benefits have fallen behind drastically. As a concerned citizen, I believe that we must provide decent salaries and working conditions to our court employees if we are to maintain the excellence in our court system. I believe that collective bargaining rights is the best method to ensure adequate treatment for all employees.

I am not alone in this belief. Let me read for you from several articles in a publication called, "The Justice System Journal, a Management Review," in an article about Hawaii's experience with collective bargaining for judicial personnel which had taken place since 1970, and I quote: "From the view of the court administrator's office, collective bargaining has had its greatest impact on the way of the day-to-day operations of the personnel management function. Rather than generating conflict, collective bargaining is largely a positive agent that has produced better employee-employer relationships, but potential erosion in the ability of a judge to control his court room has not materialized, as it was argued. Instead differences between a judge and his staff are resolved with less emotion and greater focus on the issues."

Finally, let me read one more quote from the same publication. This quote was written by Jerome S. Berg, the Administrator for the District Court of Massachusetts, which has had collective bargaining in its courts and for its employees since 1977. "Notwithstanding these questions and problems, the benefits of collective bargaining to management surely outweigh the burdens. This so for two reasons. First the collective bargaining process will force the courts to develop a management structure with enumerated roles and responsibilities. Without such a structure, it is impossible to manage effectively. As management responsibilities are identified, a heightened awareness of the im-



portance of good administration hopefully will develop. From this should come better managed courts and a high quality of court performance.

"Second, however uncomfortable the collective bargaining process may become at times, it provides vehicles for identifying and resolving assistant defunctations in the personnel area. It seems inevitable that over the time that this will be beneficial to both management and the employees as a lease to a better understanding of the views of both sides."

As a member of the Judiciary Committee, I have a strong commitment to both the court system and to court employees. I believe this bill would enhance both the effectiveness of the courts and the lives of the court employees. I urge you to support Report A, which I feel will avoid the problems which will be raised by Report C and collective bargaining will once again reign supreme for those employees of all departments in our government.

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: It is getting late and I don't want to belabor the issue, but all of the arguments that were given several weeks ago for collective bargaining rights for county employees apply to these workers. I think we should take a good strong look at the workers and then make a determination on whether or not they should be treated fairly and equitably as legitimate public employees with all the rights of the other public employees.

Back in December, I got a letter from a constituent who lives on one of my very special islands. I think he makes the greatest single point as to why they, too, should be entitled to the right to collectively speak for themselves. I will quote just a little bit of his letter and then I will quote a few other things from other people who have written and then let's see if the human element is going to prevail here.

He writes to me: "I understand there is a vote coming up in the legislature which would give court employees the right to unionize or to otherwise engage in collective bargaining. I would hope that you would support this bill. Last year, I disagreed with you about the need to unionize but this past year has proven to me the need. It is generally understood that a lot of people are opposed to unions, but someone has to speak for us. Basically, the frustrations of working in the court system are as follows: (1) we are in the employ of the state of Maine but are not considered state employees and are not eligible for state raises; (2) we are the lowest paid non-state employees; the difference is about \$30.00 a week. The administration went in hand to the legislature for an across-the-board increase and got 13 percent covering a two-year period; we did not get that. Since we are the lowest paid employees in the state and since inflation is pegged at 18 percent, the raise did not bring us up to minimum.

In the past few years, there have been problems in the courts. We say that better pay for those of us who have to do the work could solve a lot of the problems: (3) we are not allowed to unionize per se although we are allowed to join the state union for pension purposes; (4) we are without an independent grievance board; (5) we see an administration getting bigger and bigger; yet few give any indication that they know anything about court work, much less care about those who do have to do the work; (6) advancement is poor, especially those for those who criticize. When I was in district court, I was advanced from Assistant Clerk I to Assistant Clerk II in six months. When I transferred to Superior Court, I was dropped to Assistant Clerk I at the same pay. I figured I would be able to regain my Assistant Clerk II status in a matter of months. In two and a half years, I have been denied that advancement."

In other letters, we get quotes like: "I have

been an employee of the judicial court system for eight years and am frustrated and tired of the way the administration treats their employees. We need help. We have no one to speak for us, no one to complain to and no one will listen to us. I have been a judicial employee for almost five years and have seen my supervisors try to save money by giving us the least percentage increase possible. I have been employed with the court for the past fourteen years. I have seen many changes in the system. I have seen raises for judges, for research studies and administrators and their assistants, but very rarely for the employees. We take what little we get and if we don't like it, we have the option of getting another job. I can't throw fourteen years away. I am a widow with two children, I have built up a retirement and am a loyal employee of the state and the court system. Please help us to pass this bill. I have been employed by the state for over four years and feel that a few changes must be made. The present pay schedule specifies that an employee must wait five years for any increase in pay upon reaching target. As it stands now, we have no voice regarding our wages, hours and working conditions. We must be allowed to exercise our rights as employees and to be compensated fairly for our time.

I think every one of these comments are in order. They are near the last rung of the ladder in giving fair and equitable rights to all people who serve our state and our municipalities.

If a roll call has not been requested, I certainly want one, Mr. Speaker.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I had a chance to speak to a person who works in the court system a couple of weeks ago and I was amazed at the comments that she made to me. The clerks are treated in a very improper manner. They work like dogs, they are insulted by their so-called higher ups, abused in many ways, such as working conditions, being bothered by their supervisors and they are not even allowed a cup of coffee. Some of them are working for hours and hours at the salary of \$145 a week. There is much more that I was going to tell you but I am going to leave it alone. There is another bill coming and I will say what I have to say there. But I want to say to you, too, Mrs. Foster mentioned the Supreme Justice or Justice of the Supreme Court — no one is infallible and he is not infallible in his thinking either.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: The gentlelady from Portland, Mrs. Beaulieu, ended her comments by asking for fair and equitable rights for all workers, and if you truly believe in fair and equitable rights for all workers, you will vote no on the pending motion so that we can proceed to move to Report C, in which we would have collective bargaining rights for court employees but no one could be forced to join a union who did not wish to. For that reason, I urge you to vote no so that we may go on and move Report C.

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 Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I have sat here pa-

tiently for the last 15 minutes listening to the debate on both sides of the issue. I would just like to rise and make a couple of comments.

Some observations have been made that the pay and the work benefits for the 255 employees that work in our 40-plus courts throughout the state of Maine, that those pay and benefits are not comparable to those of other state employees, particularly those in the executive branch as well as those in the legislative branch and that observation is absolutely correct. You know who is to blame for that? We are; the legislative branch is and the executive branch is. For years, both branches, for every year since I have been here, both branches have persistently denied and refused court employees and there are only 225 of them, that run our courts and our judicial administration system in this state, we have persistently refused to afford them comparable benefits in salary and wages and working situations and conditions that their counterparts in the executive branch and the legislative branch enjoy.

We are to blame and we have been hypocritical because we have stood here for year after year and have come in with bill after bill and passed law after law to try to clean up and improve the administration of justice in our court system. We don't like the judges, we don't like the lawyers, we don't like the judicial system, but we don't even know what we are talking about and what we are dealing with. One of the reasons that there are critical problems in the judicial system of our state, of which we are the most critical and condemn, is because we have helped contribute to the cause of those problems because we have not given them their fair share and their fair due.

The Governor will not put in his budget a fair pay raise for the judicial department employees. We came in here two years ago, and some of you who were here will remember, with a bill, it was a partial catchup pay raise bill. We tried to bring them up to parity with other employees throughout this state, and you know why it was opposed? It was opposed because of politics. It was opposed because of union politics. The judicial employees are not members of the union and they are not unionized, and for them to receive a parody of benefits and pay raises and retirement benefits and working conditions on a parody level with those employees in the executive branch or the legislative branch that may be members of collective bargaining and of unions would undercut and undermine the unions. That is all there is to it. It is plain and simple politics and it has been unfair.

What we have been doing is starving, literally, and squeezing the employees of the judicial branch over the years. They have been made political pawns and I resent it and I think any member on the floor of this House and in this Legislature who is a public servant should resent it as well, because we owe the people of Maine more than that.

We are faced with a dilemma with this bill. If collective bargaining does not pass this legislature, whichever form you opt for that is before us with the various reports, I submit to you that this legislature and this executive will continue to deny the appropriate benefits and pay raises that these employees should have in order to do good work for us and for our judicial system and the citizens of Maine that go to the courts and rely on the courts and our judicial system to administer justice for them.

If we pass this bill and we do opt for collective bargaining, particularly the measure that we are being urged to support by our good chairman of the committee, there we are injecting what I fear is politics into the administration of our judicial system, more politics than exists, more than we have now, and I am not sure that we want our judicial branch, our third independent branch of government, that is supposed to be executing our laws and administering our laws with even handed justice, I am not sure we want to inject politics into it.

So, I think we are faced with a more profound and difficult issue before us today than simply collective bargaining or no collective bargaining.

I think we have been committing a grave and gross injustice over the last several years in conjunction and in partnership with the executive branch of our state. I think it is wrong and I think we have penalized and punished the 255 employees who have been working in our third branch of government for some semblance of justice in our state.

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I think what Representative Tarbell has told you about past history of treatment of our judicial employees is right on. However, I do disagree—I agree to the point that politics has been in the forefront of stopping these people from being recognized for what they truly are, public servants. I will contend that there will be no more politics by offering them collective bargaining rights than there is going to be when we offered county employees and the municipal employees or any other collective bargaining rights to anybody else. I think they have earned the chance to speak in a united voice if that is how they choose to go, and I think that we are going to be hit on the head for a change instead of us hitting them, because we will be listening to a collected effort on their part, and it is our job to keep politics out of it.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: A few more remarks. First of all, if we pass a collective bargaining bill, do you realize how long it is going to be before they organize and they have a collective bargaining contract before them and before it is brought back to this legislature to give them a pay raise? Do you realize how many years that could be? It is not going to be overnight. If you recall the first collective bargaining bill that we put through this legislature, it was quite some time before we had before us a pay raise bill.

We have it within our power, as a legislative branch, to appropriate the monies with the purse string power to give these employees what they deserve and have deserved for a long time. You don't have to pass a collective bargaining bill in order to do that, we can do it.

We write the laws and we pass the money bills for the state of Maine and for the employees. Because of politics, that is why they have been denied their fair share and their fair due. That is what I resent very highly. If the only way we can give the employees of the judicial branch of this state a fair pay raise is to opt for collective bargaining, then I think we are really in sad shape.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: As I stated earlier when I have talked about collective bargaining, the issue is not simply money. Sure, we can pass a pay raise. I have seen situations where employers will give a pay raise where there is no union. I don't believe that this is the only issue here. The issue is setting up a process in which the employees have a grievance procedure, have some orderly way of dealing with the work situation. That is what collective bargaining is all about. I suggest that we pass it and give them the same rights as we have given the county employees this session.

The SPEAKER Pro-Tem: A roll call has been ordered. The pending question before the House is on the motion of the gentlewoman from Portland, Mrs. Beaulieu, that the House accept the Majority "Ought to Pass" Report A.

The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, I would like to pair my vote with the gentleman from Sanford, Mr. Tuttle. If he were here, he would be voting yes; I would be voting no.

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

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

The SPEAKER pro tem: The pending question before the House is the motion of the gentlewoman from Portland, Mrs. Beaulieu, that the House accept the Majority "Ought to Pass" Report A. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gillis, Gowen, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Jacques, Kany, Kelleher, Ketover, Kilcoyne, Lisnik, Locke, MacEachern, Mahany, Martin, A.; Masterton, Matthews, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mithcell, J.; Moholland, Nelson, M.; Norton, Paradis, E.; Paradis P.; Paul, Pearson, Perry, Post, Prescott, Racine, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Vose.

NAY — Aloupis, Austin, Bell, Bordeaux, Brown, K.L.; Cahill, Callahan, Conary, Conners, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Hanson, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Leighton, Livey, MacBride, Masterman, McCollister, McPherson, Murphy, Nelson, A.; Perkins, Peterson, Randall, Reeves, J.; Ridley, Salisbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth.

ABSENT — Armstrong, Gwadosky, Joyce, Kane, LaPlante, Laverriere, Lund, Macomber, Manning, Martin, H.C.; Nadeau, O'Rourke, Pouliot, Soulas, Twitchell, The Speaker.

PAIRED — Brown, D.; Jalbert: Lewis-Tuttle.

Yes, 73; No, 58; Absent, 16; Paired, 4.

The SPEAKER Pro-Tem: Seventy-three having voted in the affirmative and fifty-eight in the negative with sixteen being absent and four paired, the Majority "Ought to Pass" Report A is accepted.

The Bill was read once and assigned for second reading on Monday, April 27.

#### Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill, "An Act to Repeal the Double Affirmation Rule under the Employment Security Law" (H. P. 411) (L. D. 450)

Report was signed by the following members:

Senator: DUTREMBLE of York  
— of the Senate.

Representatives:  
McHENRY of Madawaska  
MARTIN of Brunswick  
TUTTLE of Sanford  
BEAULIEU of Portland  
BAKER of Portland  
HAYDEN of Durham  
LAVERRIERE of Biddeford  
— of the House.

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

Report was signed by the following members:

Senators:  
SEWALL of Lincoln  
SUTTON of Oxford  
— of the Senate.

Representatives:  
LEWIS of Auburn  
LEIGHTON of Harrison  
FOSTER of Ellsworth  
— of the House.

Reports were read.  
On motion of Mrs. Beaulieu of Portland, tabled pending acceptance of either 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. 1122) (L. D. 1339) Bill "An Act Concerning Certain Estates under the Control of Public Administrators"—Committee on Judiciary reporting "Ought to Pass"

(H. P. 1153) (L. D. 1374) Bill "An Act to Amend the Charter of the Maine Historical Society"—Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 56) (L. D. 69) Bill "An Act Concerning the Inspection of Ballots on Municipal Questions"—Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-226)

(H. P. 1069) (L. D. 1272) Bill "An Act Relating to Child Prostitution"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-227)

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

(S. P. 376) (L. D. 1134) Bill "An Act to Create a Department of Corrections"—Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-115)

On the objection of Mrs. Prescott of Hampden, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-115) was read by the Clerk.

Mrs. Prescott of Hampden offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-224) was read by the Clerk and adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading the next legislative day.

#### Consent Calendar

##### Second Day

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

(H. P. 1067) (L. D. 1270) Bill "An Act to Ensure that those Homes Receiving Fuel Assistance are Winterized"

(H. P. 664) (L. D. 768) Bill "An Act to Provide for Recovery of Unemployment Compensation Overpayments over a Reasonable Period of Time" (C. "A" H-215)

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

(H. P. 766) (L. D. 936) Bill "An Act to Clarify the Duties of the Register of Deeds" (C. "A" H-217)

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-215) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

(H. P. 448) (L. D. 495) Bill "An Act to Provide Notice to Cosigners and Others Similarly Situated in Consumer Credit Transactions" (C. "A" H-219)

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

#### Passed to Be Engrossed Amended Bills

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) (C. "A" H-211)

Bill "An Act Creating a Student Seat on the University of Maine Board of Trustees" (H. P. 836) (L. D. 1002) (C. "A" H-206)

Bill "An Act Authorizing the Town of Lincolnville to Employ a Superintendent of Schools and Supervising Principal" (H. P. 167) (L. D. 191) (C. "A" H-207)

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

#### Second Reader Indefinitely Postponed

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) (C. "A" H-205)

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

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

Mr. PEARSON: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and I would like to speak to my motion.

The SPEAKER Pro-Tem: The gentleman from Old Town, Mr. Pearson, moves that this Bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a bad bill from several different points of view. First of all, let me tell you that we have had in this legislature for the last couple of years continuing debate over the price that is charged at the Kittery Liquor Store, viz-a-viz the one that is charged in all the rest of the liquor stores in the state. There have been a number of attempts to change the prices at the liquor store in Kittery; this is simply one of those that has happened in the last several years.

I think this is a particularly bad bill for a number of reasons. One, the fiscal note says that an estimate of the actual loss of revenue from this particular bill is not possible, but a computerized analysis reflects that should sales for 1979 and 1980 have been at the Kittery prices, which is what this bill does, it lowers all the prices of liquor around the state to the Kittery prices, then that revenue loss to the General Fund would be \$9.9 million for one year.

The second reason I think it is a bad bill is that in order to offset this loss, you would have to increase the consumption of alcohol in this state by 36 percent.

Now, I understand that the original framers of the bill did not have in mind that all of the prices of the stores in the state would go down to the Kittery level but, hopefully, that the Kittery level would come up to the other stores in the state.

There is some point of confusion on this particular item. I took the bill this afternoon up to Legislative Finance and Mr. Lord and I went over it, along with Mr. Silsby, and apparently it has been drafted quite badly, because what it says is, at the point of enactment of this bill, when it becomes effective, which is July 1, 1982, on that date the price of liquor at all state liquor stores shall be reduced—reduced—to the

price of liquor at the one store which prior to the effective date of this act offered a retail discount. Now, there is only one store that answers that description and that is the Kittery store. That means that they all have to be reduced to that level.

If they are reduced to that level, at the current prices we would lose \$9.9 million. We can't afford to do that, obviously.

But there is another little tricky part of this bill which says that you can reduce it to the level that it was on that date, and that means that the commissioners could, the day before the bill became effective, up the rate so that you would have the Kittery store prices go up so that the rest of the state wouldn't have to go down very much. This may be confusing, because it was to me, and if that is done and the Kittery store prices in effect have been upped just the day before the effective date of the bill, then you will have created another situation, which would be that the Kittery store would lose its effectiveness as far as a drawing card for people who have been in the past going to New Hampshire, because the Kittery store prices would have gone up by an administrative act of the liquor commissioners.

I have never been to the Kittery store, I have been to other liquor stores but I have never been to the Kittery store, I understand it is very difficult to find, it is not very well signed and it is not very convenient, and the only thing that draws people there are the lower prices, so the store, I understand, would not be effective anymore.

What I think ought to be done is, if a person wants to do away with the liquor store in Kittery, they ought to say so. If they want the prices of liquor in the state to be lowered, they ought to do that in a clean bill. If they want the price of liquor to go up, they ought to do that in a clean bill. But this bill is so confusing and is so potentially dangerous to the General Fund, to the tune of \$20 million in a biennium, we really couldn't afford it. It has that kind of a potential. I don't think the sponsors intended it that way, nor did the committee, but that is the way that it has worked out.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't mean to speak on all the bills today, but I would like to propose to Mr. Pearson that there is a bill coming up that is going to make the liquor stores all retail stores but keeping the Kittery store. Well, I just want to tell you and a few others that you can't have your cake and eat it at the same time. If you are going to put retail stores all over the place, let's do the one in Kittery too. If you don't pass this bill, I am not voting for the other one.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Bangor, Miss Alopis.

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this bill. If it weren't drafted totally legally, I apologize to you, that was not my intent.

My intent is basically that this is a house-keeping bill. There is discrimination when there are two price levels for citizens of this state. It is unfair that the state has a two-system for the price of alcoholic beverages for our citizens.

The purpose of this bill is to change the retail price of liquor sold throughout the State of Maine to that of the discount price at the Kittery store.

I realize the fiscal note does say a loss of revenue of \$9,993,000. I did ask Guy Marcotte why he didn't round it off to \$10 million, and he said to me, Angie, I don't want you to lose the bill. So, for \$10 difference, maybe there is a chance.

However, please take into consideration that it says that it would be necessary for a 36 percent increase in volume. I am not doing it for

that reason. However, check with your friends, your neighbors and even yourself, there are many, many of us who, I am sure, buy in the New Hampshire store, whether it is a relative who is taking a drive down there, a friend who is down there, whatever, so we are losing sales to the New Hampshire store.

Between that and the fact that the people coming in, the tourists coming in, instead of stopping in New Hampshire would buy their liquor in the State of Maine and also the Canadians. I do ask that you vote in favor of this bill.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I missed the initial debate on this the other day, but what the gentleman from Old Town, Mr. Pearson, says is correct. This is a bill that has been in the last several sessions, and in the 109th it was my bill. I think in the 108th it was passed in one body and not passed in the other, and the same thing happened in the 107th. I hope this time that we can really pass this bill out.

Much was made of my bill about the so-called fiscal impact. Frankly, you can make the argument either way. But I think it is important to review why we created the Kittery store in the first place and what happened when we did create the Kittery store. What happened was, we responded to a competitive situation with New Hampshire, and we share a wide border with them, and we share that not just in Kittery but we share it in places like Bridgton where I come from, and the same principles that apply to the Kittery store can apply to any other stores located along this area.

The fact is, when the Kittery store lowered their prices, they achieved a greater volume and they also achieved a greater profit. I think most businessmen would agree that that same principle would apply elsewhere.

Those that want to kill the bill argue that this would result in increased consumption of alcoholic beverages. The question I think we have to ask ourselves there — are we creating new drinkers or are we competing for existing drinkers? I think we have to ask ourselves — are summer tourists who come to Maine buying their liquor in New Hampshire before they get to Maine? We have to ask ourselves — how many of our people in Maine are going over the border in places like where I live in North Conway, which is only a half hour away, to buy their booze there?

I really think that all these questions, when properly addressed, lead to the conclusion that we should pass this bill. But all that aside, I think really the overriding question is, the really important question is this bill, when a government at any level sets forth to sell a product to its citizens, can we really, with good conscience, have them sell to one class of citizens at one price and another class of citizens at another price? I suggest to you that we can't, that in good conscience we need to let the chips fall where they may and pass this good piece of legislation.

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 don't know how anybody could be fiscally conservative and vote for this bill when we are going to lose \$20 million over a two-year period to the General Fund. All you people in here who might have bills that have money on them, that would be \$20 million less we are going to have in order to fund them.

But that question aside, the bill is bad, and I will tell you another reason why it is bad. It says here, on the effective date of this act, the price of liquor at all the state liquor stores will be reduced to the price of the Kittery store, the price which was in effect prior to the effective date of this act, and if you will read the bill cor-

rectly, it means the prices are going to be frozen all over the state because you are going to reduce it to the level, exactly the level that it was prior to the effective date of this act, and if inflation goes up and the cost of getting the liquor from the breweries, or wherever it comes from, goes up, you won't be able to reflect it in an increased cost in your state liquor stores because the bill is so poorly drafted.

For that and other reasons, the bill is just not a good bill. It is not well drawn, it costs too much money, it will cause more consumption, it will encourage more people to drink and those who drink will be drinking a lot more. It is bad, bad.

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am from Bethel. Oxford County is on the New Hampshire border. I beg to differ with a lot of the information that has been passed out here today but, in my opinion, 36 percent of the sales wouldn't change. The only difference would be, 36 percent of the sales that are now going to New Hampshire would come back to Maine.

Another thing, we wouldn't lose the \$20 million. If anything, we might gain \$20 million, not from an increase in sales, but if the liquor prices are more competitive in the State of Maine, more people are going to want agency stores, and if more agency stores open up, the first year the money that the state will make on the sale of the inventory alone will offset what he is giving an example of what we may lose. We are not going to lose \$20 million on this bill; we may make \$20 million on this bill.

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Members of the House: We heard the figure bantered around of \$9 million or close to \$10 million. It is my understanding that the New Hampshire store in Portsmouth sells 150,000 cases to people from Maine. At roughly \$60 a case, it would make it \$9 million. You take from that the 47 percent markup that the State of Maine makes, and I suspect that the loss would not be a \$9 million but perhaps closer to \$4.2 million. That is a very big loss. However, you must add to that the fact that people don't just go down to Kittery and fill up cars and vans, they also go to the Newington Mall, they go into Portsmouth and there is a great deal of sales tax revenue which is also lost. So there is another reason, I suppose, that we should pass this bill. It is fair play for everyone in the state.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: This is the day of the great giveaway. You head right down the pike, right out here you have tolls on the turnpike but nobody is worrying about the people paying the tolls, you say that it is a good business. Don't liquidate the business when it is making money. Now you have a liquor business and you want to liquidate the Kittery store because it is making money. Let's talk a little common sense here today; let's use our reasoning.

How much is this bill worth to the state of New Hampshire? I almost think the state of New Hampshire must have sponsored this bill. You have rocks in your head if you vote for this thing. Kill it. Leave business alone. If you are making a profit, make a profit. If you are so rich, I will tell you right now, the Department of Transportation is looking to the General Fund for about \$12 million and here is \$9 million right here, so kill this bill, we are on the way.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gen-

tlemen of the House: The four terms that I have been here, this particular issue, whether it be the Kittery store or Alcoholic Beverages Department, the bureau in general has been a rather controversial one, to say the least.

The good gentleman from Old Town, Mr. Pearson, has attempted to make us believe, I guess, that the bill is somehow confusing. I don't think it is. If he really feels so, then I guess I would have to say that maybe we ought to try to put an amendment on it that makes it less confusing.

This issue has been a thorn in the people of Maine's sides for years. No matter how you look at it, they don't like the fact that the people in the greater Kittery area are able to go to the liquor store and buy liquor cheaper than they can in their own home towns.

We have to deal, as I said before, with several issues. Once we opened the store, then there was a bill in so the people from Aroostook County, who were hauling potatoes from Aroostook County to Boston or wherever, couldn't stop and buy liquor in Portsmouth on the way back so you had to pass a bill to do that. We had to pass another bill that forbid bars, nightclubs and whatever, who sold liquor, from purchasing their alcohol in Kittery rather than at their local store, so we have had to deal with this thing over and over again.

I think it is time that we let one price be the same all over the state of Maine, and I do dispute the fact that we are going to lose \$20 million. I hope that I don't have rocks in my head, but I know for a fact that if you think about it, the people in the greater Portland area, at least I for one, 36 percent is peanuts. I can't think of a soul in my general vicinity who buys very much alcohol in the greater Portland area. When they go to Boston or go to New Hampshire, they stop there. They wait and they stock up.

A couple of weeks ago, my sister who happens to work for one of the larger insurance companies in the greater Portland area, they hired a bus to take some of their employees, chartered a bus, and they paid their own way, to go to Boston. Well, on the way back from Boston, the bus stops at Portsmouth and they all stock up on whatever liquor they want.

So, when you think about 36 percent, I think perhaps the good gentelady from Bethel is correct, we might be able to make a few bucks on this deal, maybe not, but I think what is fair is fair and I don't think I have rocks in my head and I think we ought to go along with this bill today. If we get it by here, I will put in an amendment on it, or attempt to, and perhaps that will soothe some of the gentleman's problems from Old Town. Let's let it go down to the other end of the hall and if there are some real serious problems with it being drafted, then let's let them put a Senate amendment on it that takes care of any ambiguities that might persist, but I don't believe there are too many there.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to tell you why that bus stops in New Hampshire — he gets a present. That is it plain and simple. It is bribery of the highest order, that's what it is. Don't tell me I have rocks in my head. I have people that live in Kittery. You can call me out of order, you can call me anything you want, but I am telling you the truth. Those bus drivers, and I had one tell me with his own mouth he gets a present if he brings a load in there. We hand tie our people, they can't give presents. We talk about honesty and integrity. If they were so honest, would they be making all that money from the sin taxes? They have a sales tax and an income tax, they wouldn't be robbing all our merchants in York County. Because we have a little nest egg down there, the rest of the state is mad. Well, I am not mad, I

say it is pure and simple logic. Drag the bus drivers and have them stop in New Hampshire, that is the way to make money for the state of Maine.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I can't believe what I am hearing here today. I have sat here for a long while and I am sure the ice is gone in my scotch and soda by now but, you know, I don't see how you can give up the amount of money that we are making in these liquor stores right now. Nobody knows what you are going to do if you change the price.

We have a store in North Windham, I built a liquor store in North Windham, and if you think the summer people all run down to New Hampshire to buy liquor, you are wrong. You stand in line to get in that liquor store in the summer.

In Wells, Maine, we have a grocery store that goes from something like \$50,000 a week to \$250,000 a week. They had to build a special addition to that store for their liquor department. How far is Wells from down at the little line there in Portsmouth? It is not very far. I know they put our liquor store in the wrong place and I know people are going to go there anyhow, but for us to lose that amount of money under the conditions that we have today, perhaps you would prefer 3 cents on your sales tax, that would about equal it, not on your sales tax but on your gasoline tax, that would about equal it. I don't think anybody knows, and I think we would be making a grave error if you change that law and I am going to vote against it, even if all my great friends here are on the other side.

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker and Members of the House: When you look at the facts, let me give you one example. In Bethel, our liquor sales, we have a lovely little liquor store that wasn't located in a bad place, it was located in a very nice place. They closed the liquor store because everybody went to New Hampshire to buy their booze. I would like the liquor store back in Bethel, my constituents would like the liquor store back in Bethel, and they would be delighted if the prices were competitive with New Hampshire.

The SPEAKER Pro-Tem: The pending question before the House is on the motion of the gentleman from Old Town, Mr. Pearson, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Higgins of Scarborough requested a roll call.

The SPEAKER Pro-Tem: 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.

Mr. Pearson of Old Town was granted permission to speak a third time.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is a very close vote and obviously I am interested in it because that is my job. I am concerned about \$20 million. You can throw figures around all you want and I will be willing to grant you that if the cost of liquor goes down, you will have more sales. Let's assume that you are going to have \$5 million more in sales. You are still down \$15 million.

Let's be practical, let's be sensible, let's be realistic. We have got a highway program that can't fund itself, we have problems in the General Fund, and you are saying, we "may" be

able to gain \$5 million. Some of you may say that we "may" gain more than \$20 million, but you don't know that. The financial people that we hired to do fiscal notes, in consultation with the Bureau of Alcoholic Beverages, came up with a fiscal note that said, if you did this on the basis of what we had in 1979 and 1980, we would lose \$9,933,990. I am sure that is not accurate but I think it is pretty close. They are not that far off.

You have got to ask yourselves, have we got the money to do that? The answer has got to be no, we don't have the money to do that. I am telling you we don't have the money to do that. Anybody that is on Transportation will tell you that we don't have the money to do that.

We have got innumerable bills in this legislature right now which are sponsored by all sorts of us in here that have money on them. Some of them get to the Appropriations table, some of them don't; some of them get killed in the House, some get killed in the other body, but you are all interested in your own bills no matter what they may be. Some of them cost \$10,000, some \$41,000, all sorts of different prices. We are not going to have the money to fund those different things if you take money away from the General Fund. We simply need the money.

If anybody, and I suspect they probably will, will follow me and say to you, oh, we are going to make money on this, every time you lower prices, you make money because the consumption goes up—ask yourself, have they proved that to you? Are you willing to take that risk? They say "may," it may happen.

I am trying to rely on something that is happening right now and give you some good, concrete evidence. Please don't be led down a primrose path of a promise of cheap liquor and more money coming into the state because it isn't going to happen. I am absolutely, firmly convinced of that.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I hate to prolong this. I would just like to put one more dimension into the debate.

Being from the Kittery-York area, we are very sensitive to the problem of the liquor store and I have been dealing with it for many years, and I am very tempted to vote for this measure because we don't really want something that the rest of you can't have. However, it may be that Mr. Pearson is right and this is a problem financially.

I just wanted you to know about another bill that is in the committee, which I sponsored myself, which would call for three more discount stores along the New Hampshire border, which could possibly deal with Miss Brown's problem in Bethel, and also for a study of what would happen if you did lower all the prices in all of the liquor stores to that of the Kittery discount store. So if you feel that by killing this bill nothing else is going to be coming down the pike to deal with this, I want you to know about this bill that is still being held in committee.

The SPEAKER Pro-Tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Old Town, Mr. Pearson, 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 — Austin, Baker, Beaulieu, Benoit, Boisvert, Bordeaux, Brannigan, Brenerman, Brodeur, Carroll, Chonko, Clark, Connolly, Crowley, Cunningham, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Fowlie, Gillis, Gowen, Hall, Hickey, Higgins, H.C.; Hobbins, Huber, Hunter, Jacques, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Lewis, Lisnik, Locke, MacBride, MacEachern, Mahany, Masterman, Masterton, Matthews, McColister, McGowan, McKean, McPherson, Michaud, Mitchell, E.H.; Mitch-

ell, J.; Moholland, Murphy, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paul, Pearson, Perkins, Post, Prescott, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Smith, C.W.; Strout, Theriault, Thompson, Vose, Walker, Webster, Weymouth.

NAY — Aloupis, Bell, Berube, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Calahan, Carter, Conary, Conners, Cox, Curtis, Damren, Davis, Day, Erwin, Fitzgerald, Foster, Gavett, Hanson, Higgins, L.M.; Holloway, Hutchings, Ingraham, Jackson, Jordan, Kany, Leighton, Livesay, Martin, A.; McHenry, McSweeney, Michael, Paradis, E.; Paradis, P.; Perry, Peterson, Reeves, J.; Salisbury, Sherburne, Small, Soule, Stevenson, Stover, Studley, Swazey, Tarbell, Telow, Treadwell, Wentworth.

ABSENT — Armstrong, Carrier, Davies, Dudley, Gwadosky, Hayden, Jalbert, Joyce, Kane, LaPlante, Laverriere, Lund, Macomber, Manning, Martin, H.C.; Nadeau, Pouliot, Soulas, Tuttle, Twitchell, The Speaker.

Yes, 78; No, 52; Absent, 21.

The SPEAKER Pro-Tem: Seventy-eight having voted in the affirmative and fifty-two in the negative, with twenty-one being absent, the motion does prevail.

Sent up for concurrence.

Bill "An Act to Require a Record of Sales to be Kept by Dealers in Used Merchandise" (H. P. 423) (L. D. 470) (H. "A" H-222 to C. "A" H-208)

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

#### Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1981 (H. P. 1333) (L. D. 1526)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act Relating to Winter Closing of Town Ways (H. P. 643) (L. D. 733) (C. "A" H-193)

An Act to Establish a Transit License Plate for Movement of Special Off-road Vehicles and Equipment Weighing over 6,000 Pounds (H. P. 693) (L. D. 807) (C. "A" H-187)

An Act to Authorize the Town of West Bath to Regulate Ice Racing on New Meadows Lake (H. P. 751) (L. D. 888) (C. "A" H-191)

An Act to Require Availability of Municipal Ordinances (H. P. 893) (L. D. 997) (C. "A" H-192)

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

#### Orders of the Day

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

Bill, "An Act to Permit Knox County to Withdraw from the Maine State Retirement System" (H. P. 487) (L. D. 539) (C. "A" H-128)

Tabled—April 15 by Representative Diamond of Windham.

Pending—Passage to be Engrossed.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I ask that this bill be tabled for one legislative day so that an amendment may be introduced. There have been

some concerns about this legislation, and the amendment to the bill should address them.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed and specially assigned for Monday, April 27.

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

Bill, "An Act to Repeal the Prohibition Against Transfer of Birth Control Prescriptions between Pharmacies" (S. P. 391) (L. D. 1149)

Tabled—April 15 by Representative Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

On motion of Mrs. Prescott of Hampden, retabled pending passage to be engrossed and specially assigned for Monday, April 27.

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

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

— In Senate, Referred to the Committee on Business Legislation.

Tabled—April 16 by Representative Brannigan of Portland.

Pending—Reference in Concurrence.

On motion of Mr. Brannigan of Portland, retabled pending reference in concurrence and specially assigned for Monday, April 27.

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

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

Tabled—April 16 by Representative Higgins of Scarborough.

Pending—Adoption of House Amendment "A" (H-221) to Committee Amendment "A" (H-204)

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

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

House Amendment "B" to Committee Amendment "A" (H-225) was read by the Clerk and adopted.

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

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

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

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

Tabled—April 16 by Representative Brannigan of Portland.

Pending—Motion of the same gentleman to reconsider Failing of Passage to be Enacted.

On motion of Mr. Brannigan of Portland, retabled pending his motion to reconsider whereby the Bill failed of passage to be enacted and specially assigned for Tuesday, April 28.

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

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

Tabled—April 16 by Representative Tarbell of Bangor.

Pending—Passage to be Enacted.

On motion of Mr. Kelleher of Bangor, retabled pending passage to be enacted and specially assigned for Monday, April 27.

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

#### Special Sentiment Calendar



In accordance with House Rule 56, the following item:

Recognizing:

His Excellency Jaakko Itoniemi of Finland, Ambassador to the United States on the occasion of his visit to Madison Paper Industries, April 21, 1981; (S. P. 576)

No objection being noted, the above item was passed in concurrence.

#### Tabled and Assigned

On motion of Representative Kany of Waterville, the following Joint Order: (H. P. 1374)

WHEREAS, there are serious problems surrounding workers' compensation in the State; and

WHEREAS, a study should be made of these problems in order to enable the Legislature to effectively deal with the problems during the current session of the Legislature; now, therefore, be it

ORDERED, the Senate concurring, that a Joint Select Committee on Workers' Compensation be formed to study problems in workers' compensation, including the extent and quality of vocational rehabilitation available to injured workers' benefit levels; administration of workers' compensation; attorneys' fees; physicians' fees and accessibility; and insurance status and alternatives; and, be it further

ORDERED, that the Joint Select Committee shall consist of the majority leader of the Senate and majority leader of the House of Representatives, who shall be cochairman of the committee, and 10 additional members: Four members from the Joint Standing Committee on Labor; 3 members from the Joint Standing Committee on Business Legislation; and 3 members from the Joint Standing Committee on Judiciary. These 10 members shall be appointed by the President of the Senate and the Speaker of the House and apportioned equally by party and by House; and be it further.

ORDERED, that the Joint Select Committee report its findings and recommendations together with all necessary implementing legislation in final form to the Legislature on or before May 21, 1981.

The Order was read.

Mrs. Kany of Waterville moved that the Order be tabled for one legislative day.

Whereupon, Mr. Higgins of Scarborough requested a vote.

The SPEAKER pro tem: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that this be tabled pending passage and specially assigned for Monday, April 27. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 45 having voted in the negative, the motion did prevail.

Mr. Leighton of Harrison was granted unanimous consent to address the House.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: The hour is late and I will try to be brief, but I do feel that I should make some remarks to you. This will be the last session that I will enjoy with you.

I stand, in effect, to bring you the latest dope from Washington—Me. I have been designated for appointment as the assistant to the Assistant Secretary of Labor for OSHA, and I have this day submitted my resignation as of May 1. I will be participating in some hearings during this coming week but won't have a further chance to talk with you in session.

I have mixed emotions about this; it is a very difficult decision to make in a family sort of a way. I am someone who lives in Maine by choice. As a matter of fact, when I graduated from college, I took the usual senior interview trip that happened to take me on a late hot spring day to Newark, New Jersey and New York City where I interviewed six companies

and got three offers, and I found Newark and New York to be so appalling that I refused all three offers and came back to Maine unemployed.

From the standpoint of leaving the beautiful lake region of Maine where I live, thinking for the next few years I won't be able to go skiing, missing the legislative work that I have been involved with, I have had to consider all these things versus the opportunity to do more with respect to my political philosophy, the opportunity that has been presented to me to make OSHA a more effective organization, and the opportunity that has been afforded me for continued personal growth.

To the leadership down in the left-hand corner, I would like to say don't feel that you have lost a caucus member; feel that you have finally gained a friend in OSHA. To the leadership in the right-hand corner, I would like to thank you for all past courtesies and I would like to point out that you have made it real easy for me to disagree without being disagreeable.

The Speaker isn't here. I had intended to tell the Speaker that he is a good Speaker and I wanted to remind him that I had voted for him in both the 109th and 110th. Of course, there were no other candidates.

There are certain lessons to be learned from what has happened to me. One of them is, don't wait to bring your kids up here to visit. I have promised them all during the session. Each time they say to me, Dad, when are you going to take me up, I keep saying there is plenty of time, I am elected for two years and tomorrow isn't convenient. I have done that right until today, and today I had to bring them up.

I have some thoughts especially for the freshman based on my experience in the legislature these last three years, and those are that you can stand for principle. Your party is important, being a good team player is important, but you don't have to go along to get along. Hanging tough on your principles doesn't have to be its own reward; you might even get a presidential appointment.

In the legislative vernacular, I guess you could say that having voted on the prevailing side, I now move. And I would leave you with the caveat that if you must err in your legislative deliberations, do err on the side of conservatism. Goodbye, God bless you, and I will miss you, everyone. (Prolonged applause, the members rising)

#### (Off Record Remarks)

On motion of Mr. Theriault of Fort Kent, Adjourned until Monday, April 27, at ten o'clock in the morning, in memory of David A. Michaud of Eagle Lake.