

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Tuesday, April 28, 1981

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

Prayer by the Reverend Richard W. Beebe of the First Congregational Church of Fryeburg.

The journal of yesterday was read and approved.

Order Out of Order

On motion of Representative MacEachern of Lincoln the following Joint Order: (H.P. 1388)

ORDERED, the Senate concurring, that the Joint Standing Committee on Fisheries and Wildlife report out a bill to the House to establish the open season on bear.

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.

Messages and Documents

The following Communication:

State of Maine
HEALTH FACILITIES COST
REVIEW BOARD
Augusta, Maine

April 27, 1981

To: Members of the 110th Legislature

From: S. David P. Cluchey, Chairman

Re: Transmittal of Annual Report

The Health Facilities Information Disclosure Act directs the Board to report annually to the Legislature and the Governor. Pursuant to Title 22, section 361 of the Maine Revised Statutes, I am enclosing copies of the Board's Annual Report for 1980.

Was read and with accompanying report ordered placed on file.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bill and Resolves were received and referred to the following Committees:

Aging, Retirement and Veterans

Bill "An Act to Provide Optional Local Funding of the State Retirement System Membership by School Administrative Units and to Allow Out-of-State Service Credits to Those Units" (H.P. 1385) (Presented by Representative Huber of Falmouth) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Taxation

RESOLVE. Reimbursing the Town of Madison under the Maine Tree Growth Tax Law" (H.P. 1386) (Presented by Representative Richard of Madison) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

RESOLVE. Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law" (H.P. 1387) (Emergency) (Presented by Representative Twitchell of Norway) (Cosponsor: Representative Masterman of Milo) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Special Sentiment Calendar

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

Recognizing:

Bob Benson and Glenn Picher of Winthrop High School, Debate Team winners of the State Debating Championship for 1981; (H.P. 1390) by Representative Davis of Monmouth.

Kathi Richardson of Winthrop High School, winner of the girls' state title for Extempora-

neous Speaking for 1981; (H.P. 1391) by Representative Davis of Monmouth.

Speech and debating coach Dan Bruneau of Winthrop High School, for an outstanding season during 1981; (H.P. 1392) by Representative Davis of Monmouth.

Steve Martin of Bangor, who was named 1980 Maine Sportscaster of the Year by the National Association of Sportswriters and Sportscasters; (H.P. 1394) by Representative Tarbell of Bangor. (Cosponsor: Representative Aloupis of Bangor)

Scott Bailey Patterson, son of Mr. & Mrs. Chauncy Patterson of Sherman Station, recipient of a certificate of commendation while serving on the USS Guitarro SSN; (H.P. 1393) by Representative Michaud of East Millinocket. (Cosponsor: Representative Smith of Island Falls)

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

**House Reports of Committees
Leave to Withdraw**

Representative Armstrong from the Committee on Aging, Retirement and Veterans on Bill "An Act to Require Disclosure of Contributions to a Retirement Account upon Request" (H.P. 1147) (L.D. 1369) reporting "Leave to Withdraw"

Representative Beaulieu from the Committee on Labor on Bill "An Act Concerning Injuries to In-plant Truck Operator under the Workers' Compensation Act" (H.P. 982) (L.D. 1170) reporting "Leave to Withdraw"

Representative Bell from the Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Frequency with which Items can be Proposed by the Initiative Procedure (H.P. 825) (L.D. 981) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

**Divided Report
Indefinitely Postponed**

Ten Members of the Committee on Business Legislation on Bill "An Act to Amend the Maine Consumer Credit Code" (H. P. 394) (L. D. 437) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-241)

Report was signed by the following members:

Senators:

SEWALL of Lincoln
SUTTON of Oxford

— of the Senate.

Representatives:

JACKSON of Yarmouth
FITZGERALD of Waterville
POULIOT of Lewiston
TELOW of Lewiston
PERKINS of Brooksville
GWADOSKY of Fairfield
MARTIN of Van Buren
BRANNIGAN of Portland

— of the House.

One Member of the same Committee on same Bill reports in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-242)

Report was signed by the following member: Representative:

GAVETT of Orono

— of the House.

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

Report was signed by the following members:

Senator:

CLARK of Cumberland

— of the Senate.

Representative:

RACINE of Biddeford

— of the House.

Reports were read.

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

Mr. BRANNIGAN: Mr. Speaker, I move that the Majority "Ought to Pass" Report be accepted.

The SPEAKER: The gentleman from Portland, Mr. Brannigan, moves that Report A be accepted.

The gentleman may proceed.

Mr. BRANNIGAN: Mr. Speaker and Members of the House: The Business Legislation Committee has before it several bills dealing with banking, as we do with insurance and with other matters of business. This year, the banking business brought before us many bills to increase their interest rates, fees and so forth. We also dealt with bills dealing with having the interest rate caps taken away from Maine and controlled by the federal government. So, we tried to deal with these as a group. We brought all of these bills together, six or seven of them dealing with banking fees and interest rates.

It was felt by the majority of the committee that to raise caps on rates from 18 to 25 percent, as was requested, was just not acceptable. In fact, it was decided it was not acceptable to raise interest rates at all, the caps on the interest rates which we regulate and control. After looking over all the problems that were presented to us by the banking community, it was decided that it was fees on credit cards that seemed to be the only place that we could offer relief. Relief was needed in that area, we were told, because this has been non-profitable and, in some cases, even an area where money was being lost by the banks in the processing of credit cards. Therefore, as you can see, the majority of the committee decided that we would allow that credit card fees be charged, if the banks wished, up to a maximum of \$15, and I will explain to you the several reports.

The majority report, signed by 10 of us, says that all credit card users may be charged by the banks up to \$15 annually. One of our members, I think, will explain quite well why it was decided all credit cards, if any.

One member went with what is called convenience users. Some people have credit cards and never pay any interest on them, they never use them for credit as such. They purchase with them, as many of you probably do, at the end of the month you get your statement and you pay it up and there is no interest. Therefore, you are called convenience users. I am not called anything, because I don't have any credit cards, but you are called convenience users and the banks make no money on you on an interest basis; therefore, it seemed fair to one member of the committee, and to others, that a fee for those users who pay no interest rates would be fair.

Then, two members of the committee chose that this bill should not pass. So, those are the options presented this morning.

The banks made a case for having a poor profit margin in the area of credit cards. They told us that they were offering fewer credit cards and if they weren't able to turn a better profit or to make a profit on credit cards, that they would offer less and less credit card business. Therefore, we offer to you this increase in fees, the ability to charge fees which they do not have now, on credit cards for all users up to a maximum of \$15.

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

Mr. RACINE: Mr. Speaker, I move the indefinite postponement of this Bill and all its accompanying papers.

The SPEAKER: The gentleman from Biddeford, Mr. Racine, moves that this bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. RACINE: Mr. Speaker and Members of the House: I would like to give you a little bit of background on this credit card business.

If you will remember, credit cards were heavily marketed in the late sixties and the early seventies. Cards were routinely mailed out to customers in an unsolicited manner until the U.S. government prohibited this practice in 1973. Every bank, big or small, wanted a piece of this profitable pie and used every mailing list that was available to get these cards out.

If you will recall, we were deluged with advertising on the radio, television and newspapers. We were told — why carry cash when you can carry a credit card, reduce the temptation of being robbed and also to consolidate your credit purchases and pay on an easy monthly basis. The service, at that time, was available at no cost to the customer and it was part of their total package; they were looking for your business.

Now, the current situation is that the bankers testified that their operation in the credit department was not too profitable, and also that 50 percent of the card holders did not pay any interest at all and that the 50 percent that did not pay were being subsidized by the other 50 percent.

They also testified that two states had removed restrictions on their credit cards; they were New York and Delaware. I don't know if you remember, but there was a series on the radio, one of the major news stations provided some information on this, and the reason that Delaware deregulated this was because they were trying to get the business into their state so they could increase their income. However, New York followed suit, because this is where all of your major banking institutions are located, to retain that money in their state.

The banks also indicated that even though they charge 18 percent on the unpaid balance and they also get a merchant discount fee anywhere from 2 to 4 percent, this was not adequate to cover their expenses. This is what was testified at the hearing. Why don't we take a look at some of the facts.

Last summer, when the Department of Consumer Protection heard that the banking industry intended to seek to change the provision of the Consumer Code, Commissioner Weil requested certain cost information from the Maine Bankers Association in order to determine the need for and the impact of an annual fee. Specific cost information was refused.

We also requested that they provide us with the cost information at the public hearing, and to this date we have not been provided with any information to substantiate the fact that they claim they are losing money. Why didn't they submit any cost information on this? Because none is available. They are making money, and what they are trying to do is to make money by charging people that carry a credit card in their wallet for an emergency \$15. Can you imagine every credit card holder within the state of Maine being assessed an annual fee of \$15, the amount of revenue that would be involved? Think about this.

They also indicated that the cost of money was pretty high and, of course, I can't dispute the figures now, but if you go back and look at when they first started to charge an interest rate on the credit cards way back in the late sixties, at that time, and these figures were obtained from the Bureau of Banking, as an example, in 1965 the high interest rate that year was 5 percent, and what was the interest that they charged in 1965 — 18 percent. In 1972, the interest rate was down again, the low was 4 3/4 and high of 6 percent. What did the banks charge us for interest, those that had a balance, 18 percent. Of course, in 1976, the interest rate was 6 1/4 low and 7 1/4 high. What did they charge us then — 18 percent. Now, because money is a little bit tight and we don't know if it is going to stay up at this level, they want to charge us a \$15 annual fee just for the privilege of holding a credit card, and I don't believe that this is fair at all.

There is another item here that I would like

to mention. The consumer loans in the banking business is only about 25 percent of their business, it is a very small part of their business. Seventy-five percent of their business is with commercial and investments, and I have not been convinced that the banks are losing money by the mere fact that I am carrying a credit card in my wallet which I never use. I carry that in the event of an emergency, and I don't believe that I should pay \$15 for the privilege of holding that card, and I don't believe anyone sitting here should pay \$15 just for the privilege of holding a card.

There is a difference of opinion, but I feel strongly about this. I feel that the banks are not using money and if they were, they would have provided us with some cost information, which they failed to do.

I hope you will support my motion to indefinitely postpone this and let's get on with some other business.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I feel just as strongly the other way. I have carried cards for years and it didn't take me very long to find out that I could use somebody else's money for 45 days without paying anything for it. All you have to do when you carry one of these cards is, when you get your billing, go out and buy something and you don't have to pay anything for 45 days.

I will admit that I have had my fun and I have been one of those that has never had to pay any interest. However, I do feel that now is the time, because of the high rates and because of something else, I have just found out that there is a bank in Chicago that is very interested in buying up credit card options from various banks. If we don't pass this bill with the \$15 charge, you know what may happen — that bank can very well come into this state, make deals with our banks and instead of paying \$15 for these cards, we will be paying what American Express charges now, which is \$35.

I hope you will vote against the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Callahan.

Mr. CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: I am a director in one of the largest independent banks in the State of Maine, there are only 17, and we have been trying to get away from this same thing for months because we are losing money. This \$15 fee, I feel, is peanuts for the service that they get. I would hope that you would not vote to indefinitely postpone this bill.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: We are Visa Cards and Master Charge, the bank credit cards here. The fee that the committee is proposing would be up to \$15. We are very much hoping that they competitive market situation would mean that it would not rise to that, or that it would rise to that in only a few banks.

The State of Massachusetts, the State of New York, credit cards originating in banks in those states are already charging a fee. It was \$10 last year and I noticed they have gone up to \$15 this year.

What we did was, and I guess you might almost call it a trade-off in the committee, we did not allow the banks to go up to 25 percent on their interest rate; we kept them at 18 percent.

The problem is, the way the Maine law reads, the fee that would be charged on a credit card under present Maine law is considered to be part of the interest rate on that credit card and it would exceed the cap of 18 percent, so that is why it is illegal and that is why they can't charge a fee now. What we would do is maintain that cap at 18, but we would allow them to charge up to \$15 on a card.

What is going to happen is, many of you who have cards, if you have two you will go back to

one card. I would also point out that the card has a number of uses. They are very nice to carry around if you don't want to carry a pocket full of cash. If you travel, a lot of the car rental places and the hotels and motels really expect you to have a credit card, and it makes life much easier that way.

Some people are very frugal with their cards. They purchase things on them and they pay up steadily at the end of the month so they don't have to pay any interest. The costs of this go to the merchant who has to pay up to 4 1/2 fee on the products that he sells; that is where it is being paid for.

Now, you have another report in here which I want to speak to very briefly and I am very opposed to, and that is to say that, okay, we will allow up to \$15 charge on a card but if you use your card for interest, you will be excused your fee. I object to this on two grounds. First of all, I object to it on the ground that the card user who pays steadily at the end of the 30 days and doesn't use interest is subsidizing the interest user. Second, I object to it in that if you borrow money, you pay a fee for the right to borrow that money, it is called the interest fee, and I see two very separate things here. One, you have a credit card, you use the credit card for the money borrowing aspect, you are going to borrow money and use it beyond a month so you have to pay interest, I think that is a separate thing and you should have to pay an interest fee on that and it shouldn't be excused because you have paid a bank card fee.

I would urge the passage of this, the defeat of the indefinite postponement, and I would urge the acceptance of Report A, which is the majority committee report on this bill.

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

Miss GAVETT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you vote against the pending motion before the House so that we can accept Report B.

Report B is similar to Report A; the major difference is, as Mr. Jackson stated, anyone that did pay interest over the year in that amount or more, they would not have to pay the \$15, if they paid interest over the year in that amount or more, they would not have to pay the \$15 fee.

I think that for people who are using this and pay interest in as much as say \$100 or \$200 over a year, I think they are well paying for the use of the card. For those who are not paying any interest and are being billed every month I do think there should be some fee.

I would hope that you would vote against the pending motion so that we could accept Report B.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clarify a couple of points here. It was stated that the banks were losing money. The question I would like to ask, if they are losing money, why do they offer credit cards? They don't have to, it is not compulsory that a bank offers a credit card. So if they are losing money, why don't they get out of the credit card business? They won't do that because it has been profitable. They want you to sign up for a credit card because they want you to do your business with that particular bank, and this is an incentive for you to deal with that bank. They are not losing money.

The other thing was, somebody mentioned that probably the free market will dictate how much they are going to charge. Did the free market dictate that every bank would charge 18 percent on the unpaid balance? What do you think is going to happen? Do you think they are going to charge \$5? Heck, no. If we pass this bill, as soon as it becomes law, you are going to get a bill for \$15.

I hope that you will support my motion.

The SPEAKER: The pending question is on

the motion of the gentleman from Biddeford, Mr. Racine, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Peterson of Caribou requested a roll call vote.

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

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think the good gentleman from Biddeford has presented a pretty strong argument in this House this morning in attempting to override the majority committee report from Business Legislation to put an assessment on people who do not deserve to be assessed a service fee for credit cards.

My good friend from Yarmouth, Mr. Jackson, talked about the penalties that were involved in business and the appearance that those who were paying interest over a period of nine or ten months is getting a free ride off the people in the state who pay within 30 days. I suggest to you, as I have shopped in the past few years and had an opportunity to use a credit card, any store in this state that does business is soliciting you and I to use credit cards as well as cash. And for us to turn around and charge people in this state that pay and have the ability to pay, who are lucky enough to pay within a 30-day period, is absolutely crazy.

I would hope that you would support the gentleman's motion. The banks are sending them out. You and I, if we are not satisfied with the credit rate we get, we go in and solicit to see if we can get more, and if they don't want to give it to us, we don't get it. But to support the majority on this issue is totally and completely out of character in terms of passing tax assessments or rate assessments on people that shouldn't have to pay.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: It is always difficult for me to get up after the eloquence of the gentleman from Bangor, Mr. Kelleher, because usually I agree with him, but this morning he is so far off it is pathetic.

I am going to vote on this issue the way I vote on every other issue, and that is with a degree of common sense.

It is very interesting when we talk about credit cards. The gentleman from Bangor said that the banks send them to us. I never received a credit card from the bank unsolicited.

We are talking about the ability to go to a store and buy what we wish. Isn't that what we are talking about here? If I don't want a credit card, I am not going to get one. If I am dissatisfied that the bank is going to charge me \$15 for the use of that credit card, which, incidentally, I may find very useful, but if I object to that \$15, I am going to send it right back and am not going to use it. For gosh sakes, let's let reason intercede here. If you don't want the card that the bank is going to charge you \$15 for using, for heaven's sake, don't take it back.

We still have the right to choose in this country, and I think that is the issue that is before us this morning. We have the right to choose whether we want the credit card, we have the right to choose whether or not we want to keep the credit card, and for gosh sakes, let's vote against this indefinite postponement motion that is before us and let's go on and accept the majority report.

The SPEAKER: The Chair recognizes the

gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I will go with Representative Racine, but I only wish that we could charge \$150 so that people would spend money that they have and not money that they don't have.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen: I agree. I like to get up after the gentleman from Madawaska, Mr. McHenry, because he always has a way of putting things succinctly that I agree with.

One of the reasons that some of the people on the committee wanted to go with \$15 was because we thought this would in turn restrict credit.

I think you heard from the gentleman from Yarmouth, Mr. Jackson, and the gentleman from Portland, Mr. Branningan, we have a number of banking bills in this year and several of the bills attempted to raise interest rates for your cars, for your home mortgage loans, for refinancing. We had a bill in that would raise interest rates for credit cards from 18 to 25 percent. Now, the banks are coming to us with their hats in their hands saying "we need some help." Now, it is pretty hard to be sympathetic with banks, nobody wants to be sympathetic with banks, but realistically we have got to take a look once in a while.

I hate to stand up here and say something for a bank, just like I did last week or two weeks ago for an insurance company, but the banks made a mistake. Their banks wanted to get into the credit card business several years and they sent cards out to everybody and they gambled. They gambled that people wouldn't pay within 30 days and they would make a lot of money on the interest. They were wrong, because people learned how to use credit cards. They realized that they could pay within 30 days and not be charged an interest fee, so now the banks are losing money.

The way I see this bill now is that the gentleman on my left said that the banks don't have to use credit cards, they don't have to use credit cards, it is just a convenience for you. It they continue not to make money on them, they are just not going to offer credit cards.

The choice is up to you today. If you deem that credit cards are useful for certain people, if you believe that they are a part of our way of life, whether they are good or bad, you have a choice now whether we can continue using credit cards or not use credit cards.

I look to my right, the gentleman from Bangor, Mr. Kelleher, he has been up on this bill, he has been talking about this bill for two or three days, I know he is upset about it. But the thing is, we had a choice. We could either go for a \$15 service fee or we could go for 25 percent interest. I hate to think anybody would have to pay 25 percent interest.

We had bills in this years to take the caps off altogether so they could charge anything they wanted on a credit card. This is kind of a selfish thing for the members of the committee to say that we know what is better for people, we know what people can and should not pay for debt, but it was the consensus of the committee that we want to restrict credit, and there were just certain amounts of interest that people should not have to pay. We gave a leave to withdraw, we killed the other interest bills, we killed the cap bills or we put a good lid on some of the areas we felt we had to kill but we did come out with this bill because we thought this was perhaps a necessary measure to help the banks in that respect if people do want to use credit cards. I don't use credit cards, perhaps you do, perhaps you don't, but I just think that we should look at this with an open mind and I hope that you will oppose the pending motion.

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

Mr. KELLEHER: Mr. Speaker, Ladies and

Gentlemen of the House: In regard to the last speaker's remarks, I would applaud him and I am sure that this House applauds him and his committee for killing any 25 percent interest bills that he was so concerned about down in Business Legislation, because I could rest assure that gentleman and the committee that if he didn't kill those 25 percent bills or if he didn't have help in the committee to do it, he would have certainly found an abundance of help in this House to do it. So let's just disregard that argument that he is trying to present here today, that smokescreens, that charade, on the burdens the Business Legislation Committee had in dealing with those banking bills and those interest bills, because I am sure that there is a great many people who would have been delighted to help kill those bills he is so concerned about.

In regards to his arguments dealing with the credit card bill, I think my argument stands that it would be absolutely ridiculous to support the recommendation that came out this morning, and we are going to give you some help on this bill, too, I hope, Mr. Gwadosky, by simply doing what the gentleman from Biddeford requested us to do, and that is to indefinitely postpone this item.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: As I have come to know my good friend Representative Darryl Brown, I sensed in his speech here on the floor that there was an element of hurt and disappointment on his part that he hasn't been solicited for credit cards. His reputation for being tight-fisted has spread well beyond this chamber into the banking world, and they realized that it would be a waste of an 18 cent stamp to send him a card, but you pass this "Ought to Pass" with Report A or B and a \$15 fee, and Mr. Brown will be inundated.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: The word common sense was used here this morning and I don't believe that common sense is just exactly the word, it is probably good judgement. And before you can make good judgement, we ought to know all the facts.

First of all, I don't see any banks very hard pressed in the state of Maine, and they are probably the one industry that is better off than our utilities which are always getting investigated. One thing hasn't been pointed out, at least to my ears this morning, is the fact that their credit card is collected on both ends. For the stores that use them, they pay a percentage for the use of that card and they want to collect on both ends.

I am opposed to charging for the credit card and I don't think they need any percentage like that. As a matter of fact, the new administration in Washington, I am sure, is going to show you some lower interest rates and show the banks that they are going to do business on lower interest rates and we should show them here this morning that we are not buying any such deal as that because they have an awful lobby in the House or out in the corridor.

I hope that this doesn't carry this vote this morning. I don't want to charge people for their credit cards. They are going to be paying on both ends, and I think we will be using good judgement, we won't have to deal in common sense, just good judgement.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Enfield has brought up an interesting question here and that is, we considered whether we could shift this burden and that they could charge merchants more, the rate could go up higher and they could pick up their money that way. That wasn't acceptable to me. We all are subsidizing credit cards anyway and

every time you go into a store, if you pay cash or something, you are probably paying a little more because that is how the merchant is leveling that off on the cost that he has to pay for his credit and for the credit card fees he has to pay, so we are all paying that already.

It was also pointed out here earlier that it has been hard to get information from the banks. I would point out that the banks, and this is a very competitive thing, and I am convinced that the banks are not doing very well on credit cards and I also don't think that they want to admit to each other how badly they are doing.

The out-of-state banks are charging \$15 now on credit cards. A couple of options are open if we kill the bill. One, the banks will shift their credit card operations out of state where they are not hampered by Maine law and they can charge the fee for anyone in Maine who wants a card and they would have to pay the fee and they just bypass to a degree. This would have some repercussions on the Maine banking industry, which I don't think we want to get into.

The second thing is, and I think if you have a credit card you may have noticed this, they originally sent you out one and it just arrived by mail. Well, I worked in Massachusetts a number of years ago and at that point I had a Massachusetts bank credit card and they started charging me money on it, so I sent it back to them and I decided I would get a Maine one to replace it. Well, when I went to do that, I had to fill out a form in triplicate and I had to wait about three weeks until I finally got it. Cards aren't being sent out anymore. If you don't pass this, what is going to happen is it is going to be that much harder to get a card. You are going to have to fill out a form and you are going to have to go through a lot of things before the bank is going to give it to you.

I am little cynical here. The banks make their money on the interest, they make money on lending money. Now, you can't tell me if you have to send in and they are kind of looking over the applications pretty hard, they are going to issue the cards to the people who are going to borrow money. The want to lend money, they want to lend as much as they can because that is profitable for them. It is my feeling that if you don't give them the fee, what you are going to see is that they are going to be gearing up to more and more, charge as much as they can and to look for people taking cards who will use the interest on it.

I personally think it is worth encouraging people to use credit wisely, I think it is wise to use credit where you pay at the end of the month and you don't carry it on for a few months with the interest charges building and building. This country has seen an absolute ballooning of interest. We have gone from something like \$40 billion in this country in the last five years to like a \$160 billion in consumer credit. I think this is one of the ways that we can maybe dump that down a little bit.

I hope you will vote against the "ought not to pass" and vote for Committee Amendment "A".

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I think the good gentleman from Enfield has hit the nail right on the head. I would also agree with part of the statement made by the gentleman from Yarmouth, Mr. Jackson. He suggested that credit has been too loose, too easily available, and we hear from the good gentleman from Enfield that if we pass this bill they would be paying on both ends.

I would suggest to this House that we kill this bill and encourage the merchants who utilize credit cards to offer a discount to the consumer if he pays cash rather than pay the bank for the use of the credit card. I think that would go a long ways in promoting sound credit policies in the state of Maine.

The SPEAKER: A roll call has been ordered.

The pending question before the House is on the motion of the gentleman from Biddeford, Mr. Racine, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Austin, Baker, Bell, Benoit, Berube, Boisvert, Boyce, Brenerman, Brodeur, Brown, A.; Brown, K. L.; Carrier, Carroll, Carter, Chonko, Clark, Conners, Connolly, Cox, Crowley, Cunningham, Curtis, Davies, Diamond, G. W.; Diamond, J. N.; Dillenback, Dudley, Erwin, Foster, Fowle, Gillis, Hall, Hanson, Hayden, Hickey, Higgins, H. C.; Holloway, Huber, Hunter, Jacques, Jordan, Joyce, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Lisnik, Livesay, Locke, MacEachern, Macomber, Mahany, Martin, A.; Matthews, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Murphy, Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perry, Peterson, Post, Prescott, Racine, Randall, Reeves, J.; Reeves, P.; Ridley, Roberts, Smith, C. B.; Smith, C. W.; Soulas, Strout, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Webster, Wentworth, The Speaker.

NAY—Aloupis, Armstrong, Bordeaux, Brannigan, Brown, D.; Cahill, Callahan, Conary, Damren, Davis, Day, Drinkwater, Fitzgerald, Gavett, Gowen, Gwadodsky, Higgins, L. M.; Hutchings, Ingraham, Jackson, Kane, Lewis, MacBride, Masterman, Masterton, McGowan, McPherson, Moholland, Nelson, A.; Nelson, M.; O'Rourke, Perkins, Pouliot, Richard, Rolde, Salsbury, Sherburne, Small, Soule, Stevenson, Stover, Studley, Tarbell, Telow, Walker, Weymouth.

ABSENT—Beaulieu, Dexter, Jalbert, Leighton, Lund, Manning, Martin, H. C.; McCollister, Nadeau, Swazey.

Yes, 94; No, 47; Absent, 10.

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

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

Mr. KELLEHER: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you all vote against me.

The SPEAKER: Mr. Kelleher of Bangor, having voted on the prevailing side, now moves that the House reconsider its action whereby this Bill was indefinitely postponed. Those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 701) (L. D. 826) Bill "An Act to Provide 75% Reimbursement to a Municipality for General Assistance Costs" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-246)

(H. P. 918) (L. D. 1089) Bill "An Act Covering Cost-of-Living Increases for Teachers" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H. P. 1145) (L. D. 1367) Bill "An Act to Separate the Funding of Old System Teachers in the Maine State Retirement System" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H. P. 1363) (L. D. 1548) Bill "An Act to Extend the Deadline for the Enactment of Legislation Concerning Education Allocations, Appropriations and Rates" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 1362) (L. D. 1547) Bill "An Act to Make Allocations from the Regulatory Fund, Public Utilities Commission, for the Fiscal

Years Ending June 30, 1982 and June 30, 1983" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 1361) (L. D. 1546) Resolve, to Authorize Expenditure of Certain Federal Funds for New or Expanded Programs" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 1087) (L. D. 1296) Bill "An Act to Appropriate Funds to Support Regional Rideshare Programs" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-249)

(H. P. 867) (L. D. 1036) Bill "An Act to Exempt State Mandated Revolving Fund Accounts at the Maine State Museum from the State Cost Allocation Program" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-247)

(H. P. 909) (L. D. 1075) Bill "An Act to Authorize a School Nursing Health Coordinator in the Department of Educational and Cultural Services" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-248)

No objections being noted, the above items were ordered to appear on the Consent Calendar, later in today's session.

Consent Calendar

Second Day

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

(S. P. 175) (L. D. 455) Bill "An Act to Establish Minimum Standards for Medicare Supplement Insurance Policies" (C. "A" S-120)

(S. P. 228) (L. D. 615) Bill "An Act Relating to Interest Rates upon Refinancing of Loans under the Maine Consumer Credit Code and Making other Clarifications of the Maine Consumer Credit Code" (C. "A" S-118)

(S. P. 318) (L. D. 908) Bill "An Act to Amend the Consumer Loan Agreements Law" (C. "A" S-117)

(H. P. 67) (L. D. 104) Bill "An Act to Prohibit the Sale and Use of Drug Paraphernalia" (C. "A" H-233)

(H. P. 563) (L. D. 639) Bill "An Act Concerning Criminal Trespass by Motor Vehicle" (C. "A" H-232)

(H. P. 873) (L. D. 1042) Bill "An Act to Define Force under the Sex Offense Provisions of the Criminal Code" (C. "A" H-231)

(H. P. 169) (L. D. 222) Bill "An Act to Permit Additional Polling Places in Municipalities with Large Fluctuations in Voter Turnout" (C. "A" H-230)

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

Later Today Assigned

(H. P. 170) (L. D. 192) Bill "An Act to Permit Persons who Register Voters on Election Day to Vote by Absentee Ballot" (C. "A" H-235)

On the objection of Ms. Benoit of the South Portland, was removed Consent Calendar, Second Day.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-235) was read by the Clerk.

On motion of Ms. Benoit of South Portland, tabled pending adoption of Committee Amendment "A" and later today assigned.

(H. P. 1093) (L. D. 1290) Bill "An Act to Establish an R. B. Hall Day to Honor and Commemorate a Great Maine Composer" (C. "A" H-234)

No objections having been noted at the end of

the Second Legislative Day, the House Paper was passed to be engrossed as amended and sent up for concurrence.

(H. P. 455) (L. D. 502) Bill "An Act to Provide for a Closed Season on Black Bear from the First Monday Following Thanksgiving to September 1st" (C. "A" H-236)

On objection of Mr. MacEachern of Lincoln, was from the Consent Calendar, Second Day. Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-236) was read and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1125) (L. D. 1342) Bill "An Act Concerning Qualifications of Law Enforcement Officials"

(H. P. 1338) (L. D. 1533) Bill "An Act to Amend the Northern Maine General Hospital Charter"

(H. P. 286) (L. D. 333) RESOLVE, Authorizing Gerald Pelletier to Bring Civil Action Against the State of Maine (C. "A" H-237)

(H. P. 1274) (L. D. 1489) Bill "An Act Relating to the Sale of Alcoholic Beverages on Vessels" (C. "A" H-238)

(H. P. 779) (L. D. 924) Bill "An Act to Regulate Entrance Fees Charged by Mobile Home Parks"

(H. P. 938) (L. D. 1108) Bill "An Act to Amend the Law Prohibiting Law Enforcement Officers from Soliciting Funds"

(H. P. 1152) (L. D. 1373) Bill "An Act Relating to the Transport of State Prisoners in Knox County" (C. "A" H-239)

(H. P. 1008) (L. D. 1204) Bill "An Act Concerning the Payment of Burial Expense for Certain State Wards" (C. "A" H-240)

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

Passed to be Engrossed

Bill "An Act to Promote Greater Efficiency through Alternative Working Hours in State Government" (H. P. 1375) (L. D. 1556)

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

Mr. Paradis of Augusta offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-244) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Lisnik.

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I move for the indefinite postponement of this amendment.

This amendment deals with proration and the State Government Committee is unanimously, minus one, one behind this bill without the amendment. We believe that this is a significant step forward and have taken into consideration all aspects of this bill, including collective bargaining. MSEA will still be allowed to bargain for benefits, but once benefits are established, they must be prorated. It was our feeling that a person working half time should receive 50 percent of the benefits.

I would request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: It is with a bit of trepidation that I rise this morning in disagreement with most of my fellow members of the State Government Committee. As the good gentleman from Presque Isle has stated, this bill was unanimous except for one, which therefore makes it not unanimous.

It deals with one aspect of the collective bargaining agreement, as he stated wisely, that has to be addressed and that is the proration. That is the essential factor of this bill, that it removes from the bargaining table, where it ought to remain, the idea of proration of bene-

fits. We are talking about health insurance, retirement, sick leave, annual leave, other costs, holiday pay, other costs that might be incurred by the State of Maine.

I don't really believe that this legislature and any other legislature would want to involve itself this deeply into the collective bargaining process. A few years ago, the legislature set up the collective bargaining process, gave to the executive the right to negotiate with labor unions and said that we will discuss, we will pass the merits moneywise as to certain costs that might be incurred by any new contract. I think that is the way to do it, not to involve ourselves at the bargaining table. An offer was made in this line, I am told, of proration that is now before the bargaining table, where it ought to be, not before the legislature, where it is right now. I think we have an awful lot of issues that can be discussed by this body and the other body, but this is not one of them.

I agree with the idea of flex time and alternate working hours. I agree that we have to promote efficiency. Alternate work hours would promote efficiency. We have to look down the road towards that whole avenue, as other states are doing and other businesses are doing and doing it correctly. But I don't think that before we start doing it, that we ought to mandate, that we ought to say that you will do it, A, B, C, X, Y, Z. I don't think that is the way. We want to establish parameters, we want to establish goals, we want to establish general ideas but leave to the labor unions and to the executive bargaining teams their right to bargain certain items that are clearly flexible, that are clearly negotiable, leave it to them. Let's not get involved in this issue now or anytime down the road.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I think you should be aware of the vote 12 to 1 and there is a very sound reason for that 12 to 1. The reason we had 12 to 1 is, if you are going to accept this amendment, there should be a very strong fiscal statement put into this bill. As an example, if somebody goes into this and works half a day for seven years, then works three years full time, their pension is based on their last three years of full employment and they can get their full employment after the ten years. This is going to cost the state a tremendous amount of money.

I think there are other factors you have to consider. If a person is going to work part-time or flex time, they should proportion the benefits that they receive; it isn't fair to the rest of the employees to receive full benefits when you only work part time.

I can't remember all the details that we went into on this, but we worked hard and long on it, and when you have a 12 to 1 vote, it should be give you a reason to support our position.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: It is not often that I oppose something that the Maine State Employees Association is trying to do. However, I think that the issue addressed in this bill transcends any issue brought about by the collective bargaining process. I think that in this bill we have the overriding public policy that is important to the legislature to support the idea and recognize that we are in an era when there are more older people who would like to work, there are more women who take care of children at home and could work part time or could share a job with someone. Of course, there are also men who take care of children and could work part time as well.

The Maine State Employees Association does not represent a lot of people who do not work for the state but could work for the state, or could apply for a vacancy, if the job had flexible hours or if the job were part time or if the

job was a shared job with someone else.

I think more importantly, the state law now says that if a person works part time, the person has to get 100 percent health benefits, so even with Mr. Paradis' amendment, it seems to me that they couldn't bargain anything except 100 percent benefits unless they changed the law.

Under this bill it would say that if you worked part time, benefits should be prorated according to the percentage of the full week that you work. I agree with that concept and I agree with Mr. Lisnik's motion to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Lisnik.

Mr. LISNIK: Mr. Speaker, just one last comment. I would like to emphasize that this does not affect any employees hired to date, only those hired in the future and also I want to emphasize that the union may bargain benefits, they can still bargain those benefits, but once those benefits have been arrived at, they will be prorated.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Presque Isle, Mr. Lisnik, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Benoit, Berube, Bordeaux, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Conary, Connors, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Diamond, G. W.; Diamond, J. N.; Dillenback, Drinkwater, Dudley, Erwin, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Higgins, H. C.; Higgins, L. M.; Hobbins, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kane, Kany, Ketover, Kiesman, Lancaster, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, MacEachern, MacEachern, Macomber, Mahany, Martin, A.; Masterton, Matthews, McGowan, McKean, McPherson, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Murphy, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paul, Pearson, Perkins, Perry, Peterson, Post, Pouliot, Prescott, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Salisbury, Sherburne, Small, Smith, C. B.; Smith, C. W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Theriault, Thompson, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth.

NAY—Baker, Boisvert, Clark, Fitzgerald, Hickey, Kilcoyne, Masterman, McHenry, Paradis, P.; Rolde, Tuttle.

ABSENT—Beaulieu, Dexter, Jalbert, Keller, Leighton, Lund, Manning, Martin, H. C.; McCollister, Nadeau, Swazey, Treadwell.

Yes, 127; No, 11; Absent, 12.

The SPEAKER: One hundred twenty seven having voted in the affirmative and eleven in the negative, with twelve being absent, the motion does prevail.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1981 (Emergency) (H. P. 1380) (L. D. 1557)

Was reported by the Committee on Bills in

the Second Reading, read the second time, the House Paper was passed to be engrossed and sent up for concurrence.

Bill "An Act to Conform the Maine Consumer Credit Code to the Federal Truth-in-Lending Simplification and Reform Act" (S. P. 94) (L. D. 213) (S. "A" S-124 and S. "B" S-128 to C. "A" S-122 and S. "A" S-129)

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

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

Ought Not to Pass

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act Concerning Nongame and Endangered or Threatening Species" (S. P. 520) (L. D. 1450)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on RESOLVE, Providing Support for the Portland West Neighborhood Foster Grandparent Program" (S. P. 335) (L. D. 963)

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

Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Continue the Provision of Funding the Telecommunication Services for the Hearing Impaired" (S. P. 202) (L. D. 569)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act Appropriating Funds toward Reconstruction and Renovation of Leavitt Hall at the Maine Maritime Academy" (Emergency) (S. P. 435) (L. D. 1264)

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Provide a \$500 Fine for Hunting Turkeys" (S. P. 425) (L. D. 1247)

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act Concerning the Keeping of Wild Animals Purchased from Dealers or Pet Shops" (S. P. 355) (L. D. 1030)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Provide for Competitive Bidding on Design of Public Buildings" (S. P. 263) (L. D. 745)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Help Identify Lobbyists" (S. P. 445) (L. D. 1283)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Prohibit Segregation Requirements Concerning Returnable Bottles" (S. P. 396) (L. D. 1189)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Clarify the Status of Engineers Regarding the Design of Buildings" (S. P. 438) (L. D. 1266)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Permit a Draftsman to Perform Limited Work Without Being Registered as an Architect" (S. P. 531) (L. D. 1471)

Came from the Senate with the Reports read and accepted.

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

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

Study Report Committee on Education

Report of the Committee on Education to

which was referred to the study relative to the revision of the Education Law, Pursuant to (S. P. 580), of the 108th Legislature ask leave to report that the accompanying Bill "An Act to Revise the Education Law" (S. P. 561) (L. D. 1554) be referred to this Committee for Public Hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Education and ordered printed.

In the House, the Report was read and accepted and the Bill referred to the Committee on Education in concurrence.

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

Consent Calendar

First Day

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

(S. P. 484) (L. D. 1386) Bill "An Act to Include Health Education for the General Public as a Medical Education Program Conducted by the Board of Registration in Medicine" — Committee on Health and Institutional Services reporting "Ought to Pass"

(S. P. 487) (L. D. 1389) Bill "An Act Concerning Approval of Graduate Educational Programs by the Board of Registration in Medicine" — Committee on Health and Institutional Services reporting "Ought to Pass"

(S. P. 506) (L. D. 1433) Bill "An Act to Provide the Supreme Judicial Court with Rule-making Authority over Court Records and Certain Abandoned Property" — Committee on Judiciary reporting "Ought to Pass"

(S. P. 443) (L. D. 1281) Bill "An Act to Amend Certain Aspects of Post-Conviction Review" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-126)

(S. P. 507) (L. D. 1434) Bill "An Act Concerning the Investigative Authority of the Attorney General and Related Provision" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-127)

No objections being noted, the above items were ordered to appear on the Consent Calendar, Second Day, later in today's session.

The following papers appearing on Supplement No. 4 were taken up out of order by unanimous consent:

Non-Concurrent Matters

Bill "An Act to Require Trucks Carrying Explosive Material to Come to a Complete Stop Before Crossing Railroad Tracks" (H. P. 786) (L. D. 931) which was Passed to be Enacted in the House on April 16, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-186) as amended by Senate Amendment "A" (S-137) thereto in non-concurrence.

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

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) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-211) Report of the Committee on Fisheries and Wildlife was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-211) in the House on April 21, 1981.

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

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

The following papers appearing on Supple-

ment No. 5 were taken up out of order by unanimous consent:

The following Communication: (S. P. 581)

State of Maine
Senate Chamber
President's Office
Augusta, Maine 04333

April 21, 1981

Honorable Barbara A. Gill
Honorable Sandra K. Prescott
Chairmen, Joint Standing Committee
on Health and Institutional Services
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating David Cluchey of Cape Elizabeth for reappointment to the Health Facilities Cost Review Board.

Pursuant to Title 22 MRSA Section 353, this nomination will require review by the Joint Standing Committee on Health and Institutional Services and confirmation by the Senate.

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

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

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

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

Special Sentiment Calendar

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

Recognizing:

Norma Cole, of Sedgwick, winner of the Hancock County Spelling Championship for 1981; (S. P. 577)

Charles A. Kilbride of Portland, 1981 winner of the Jefferson Award for outstanding public service to all communities; (S. P. 578)

Dr. Peter C. Hoppe, of Bar Harbor, 1981 Overall Distinguished Alumnus and Distinguished Alumnus for the School of Agriculture, California State Polytechnic University, Pomona; (S. P. 580)

There being no objections, these items were considered passed in concurrence.

The following paper appearing on Supplement No. 7 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act Creating a Student Seat on the University of Maine Board of Trustees" (H. P. 836) (L. D. 1002) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-206) Report of the Committee on Education was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-206) in the House on April 21, 1981.

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

In the House:

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

Mr. CONNOLLY: Mr. Speaker, I move that the House insist.

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

Mr. MURPHY: Mr. Speaker, I move that the House recede and concur.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would ask for a division on the pending motion and would hope that you would vote against the motion to recede and concur.

This bill, when it was in here last week, received overwhelming support from this body, and yesterday it just narrowly missed being accepted in the other body. I would hope that we could keep this bill alive at this point in time, and a motion to insist would do that. So I would hope that you would vote against the motion to recede and concur.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Kennebunk, Mr. Murphy, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 64 having voted in the negative, the motion does not prevail.

Thereupon, on motion of Mr. Connolly of Portland, the House voted to insist.

The following paper appearing on Supplement No. 8 was taken up out of order by unanimous consent:

Study Report

Committee on Energy and Natural Resources

Report of the Committee on Energy and Natural Resources on Bill "An Act to Amend the Site Location of Development Law to Protect Ground Water" (S. P. 583) (L. D. 1559) (Filed under Joint Rule 17 pursuant to P&SL 1979, chapter 43 of the 109th Legislature and approved for introduction by a Majority of the Legislative Council under Joint Rule 18) ask leave to report that the same be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Energy and Natural Resources.

In the House, the Report was read and accepted and the Bill referred to the Committee on Energy and Natural Resources in concurrence.

The following paper appearing on Supplement No. 9 was taken up out of order by unanimous consent:

Passed to be Enacted Emergency Measure

An Act to Implement Certain Costs Savings While the State's Unemployment Compensation Fund Remains in Debt (H. P. 1381) (L. D. 1560)

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. 127 voted in favor of same and 4 against, and accordingly the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following paper appearing on Supplement 10-A was taken up out of order by unanimous consent:

Non-Concurrent Matter

Joint Order relative to the Joint Standing Committee on Fisheries and Wildlife reporting out a Bill to the House to establish the open season on bear (H. P. 1388) which was passed in the House on April 28, 1981.

Came from the Senate failing of passage in non-concurrence.

In the House: The House voted to insist.

The SPEAKER: Is there objection to this matter being sent forthwith? The Chair hears objection and the Chair will order a vote.

All those in favor of the rules being suspended for the purposes of sending this matter forthwith you will vote yes; those opposed will vote no.

A vote of the House was taken.

107 having voted in the affirmative and 13 having voted in the negative, the rules were suspended and the matter ordered sent forthwith to the Senate.

Orders of the Day

The Chair laid before the House the second item of Unfinished Business:

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 27 (Till Later Today) by Representative Diamond of Windham.

Pending — Passage to be Engrossed.

On motion of Mrs. Post of Owl's Head, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-245) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: This amendment brings this legislation into conformance with a statutory requirement that we have a fiscal note or at least indication whether there will be a fiscal impact on our municipalities and counties. It has to do with Knox County withdrawing from the Maine State Retirement System and indicates the liability that Knox County will continue to have over a period of years once it withdraws.

Essentially what will take place, if we assume that a minimum of eight active employees remain in the system, actually all county employees who presently are in place will be able to remain in the system if they choose, and if actuarial anticipations remain at the present level and the Maine State Retirement System does not increase its benefits by more than the 4 percent, Knox County will be liable for continuing payments at approximately a cost of \$37,000 a year for a period of about 15 years, or about half a million dollars. This is what Knox County will have to continue to pay to the Maine State Retirement System once it withdraws.

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

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Both because I think that the House deserves an explanation of why this bill has been tabled repeatedly over the last few weeks, and also because I want to go on record on this issue, I would like to explain a little bit about what is happening.

I think that the Maine Legislature, and the Knox County delegation in particular, is in a very difficult position on this issue.

Several years ago as the legislative delegation reviewed the budget, we made continued requests to the county commissioners that we get out of one retirement system or another because we were paying for both Social Security and the Maine State Retirement System, and that burden was getting increasingly difficult for the county and the small communities, in particular, in the county to bear.

This last year, the county commissioners made a decision to get out of one of the retirement systems. The decision they made was to get out of state retirement. That decision was made with no understanding and no investigation, as far as I know, on what the continuing cost of getting out of the Maine State Retirement System would be or what the relative cost of getting out of either Social Security or the Maine State Retirement System would be.

At the time of the budgetary hearing, I did make some preliminary calls to the Maine State Retirement System and was told that we would have a continuing obligation, although they would need to know the number of people who would be likely to stay in this system before they could be very specific and get the actuarial figures for Knox County's continuing

obligation.

The bill was put in and at the hearing there was support by the county commissioners for the bill, although, again, they had no indication and evidently no desire to find out what the continuing cost to the county would be once it got out of the Maine State Retirement System.

The bill came out of committee with an "ought to pass" report, and when it reached the floor of the House, even though I raised the issue of what the cost would be several times, when it reached the floor of the House, Representative Fowlie and myself asked to have the bill tabled until we could get the actuarial figures so people could make a fiscally responsible decision. We did that, and the resulting fiscal notes is before you, and it will cost about a half a million dollars over a period of 15 years if the actuarial figures go the way that we expect them to go and if only 8 active employees out of all those who are currently employed decide to remain in the Maine State Retirement System.

We wrote back to the county commissioners and asked them to reconsider their decision to get out of Maine State Retirement and consider instead withdrawing from Social Security. All it would take to withdraw from Social Security would be that we would have to continue making the payments for regular Social Security benefits for two years and then there would be no further obligation.

The county commissioners refused to reconsider that decision. So the option that we have now, the option that the delegation has and the option that the Maine Legislature has, is that if we do not pass this particular bill allowing Knox County to get out of the Maine State Retirement System and the county commissioners continue, as they have indicated to us, to even consider getting out of Social Security, then Knox County will have to stay with two retirement systems, which is a burden we simply cannot bear.

My problem is, I think the county commissioners have made the wrong decision, they have made a fiscally irresponsible decision, and one who is likely, for the next year anyway, going to have to continue paying that budget, I want it known that it is made over by objections. However, I am not asking that his legislature turn down the bill itself, because the problem is that we have no other alternative. The only way you can get out of Social Security is if the governing body makes the decision they want to get out of Social Security. But I think the county commissioners have made the wrong decision, it is an important decision, and it is going to be an expensive decision and one that will have to be paid over the next 15 years.

The SPEAKER: The Chair recognizes the gentleman from Warren, Mr. Jordan.

Mr. JORDAN: Mr. Speaker, Ladies and Gentlemen of the House: The facts that the good lady from Owl's Head has given you are part of the story. This was supposed to be a housekeeping bill and we who are the freshmen were stick with introducing it. From the very first it seemed to have trouble.

The request to go with one system rather than two in the retirement plan predates our coming onto the delegation. I believe, as she has already stated, that for several years it seemed to be costing too much in order to maintain both systems. So I do not believe that either one was designated as to which they should withdraw from, so the county commissioners called together a meeting of the employees and had representatives both from Social Security and from the Maine State Retirement System come and speak to the employees outlining the benefits of the two systems.

Then, in March of 1980, a vote as taken by the employees of the county, and it was a vote of 22 who favored staying with Social Security and 3 who wished to stay with the Maine State Retirement. After this vote, the county commis-

sioners held a meeting and forwarded the results of that particular vote and there official desire to withdraw from the Maine State Retirement to the then chairman of the delegation, the good Senator from Knox.

The matter seemed to rest then until January of this year when we were reviewing the budget, and it came up that there was some need in order to introduce a bill to withdraw from Maine State Retirement because of that vote.

As time went on, there was a question about whether the vote was valid or not, so the commissioners took another vote. Interestingly enough, the vote came out exactly the same, 22 to 3 in favor of Social Security, and there had even been changes in the employees in that time. That was an interesting thing.

Another part of it is that all employees who are in the county do not necessarily have to come under Maine State Retirement. Those who are elected do not have to join, but they may. The sheriff's department and the deputies do not have to join, but they may. But the other employees must join when you are part of the Maine State Retirement System.

After the second vote, the commissioner said, well, this would not be our choice and it does not seem to be saving us the money. The good lady from Owl's Head is absolutely right, it was intended to be a money-saving move, but it looks as though it will be over a long range period before the county saves appreciably. I would say over the 15 year period eventually as they go to one. She is absolutely correct that if we moved out of the Social Security, there would be a savings sooner, but the problem is that the county commissioners have polled their employees twice and fairly, we believe, and it is their choice that they would like to have the benefits of Social Security rather than the Maine State Retirement System. It seems to be a no-win situation whichever way it goes. So here it stands, and they feel that they should follow what the majority, the very heavy majority of the employees have asked for.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I just wanted to clarify a few points. First of all, the employees in the County of Knox out of the Maine State Retirement System. They had a choice of staying in the retirement system or staying in Social Security, couldn't stay in both because it was too expensive, so they chose to get out of the Maine Retirement System.

Some may feel they made the wrong choice but that is not the issue we had before our committee. Twenty-two to three wanted out of the Maine Retirement system.

Now, it is right, according to the statutes, that you have to have some kind of fiscal note because it does reflect back on the county. Now the county has already — as a matter of fact today, we had the first step in approving the Knox County budget, they already have the money in the budget and they will continue to pay this amount of money because that's the contract. They are not paying any more money under this bill. Down the road, they will pay less.

All new employees who come to the Knox County to work will not be part of the retirement system, but the contractual right for those people who are now employed is such that if they wish to stay in, they will continue to have the benefits, those who are retired will continue to have the retiree benefits and their survivors will continue to have those rights too.

The bill before you is basically straightforward. The people have spoken. The commissioners came before our committee and we made a decision on the facts, and the facts are, they want out and in the long run it will cost them less. We mustn't be afraid to vote for this with this appropriation on it, they already have that money appropriated in this county budget

and will continue to. In the long run, it will be less expensive for them.

I hope that we can get on with the matter at hand, and I ask that it simply go under the hammer, Mr. Speaker, I think we have had quite enough discussion. We have held up the bill long enough; let's get on with it.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Fowlie.

Mr. FOWLIE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a brief comment. I, too, am upset at the decision the commissioners took on this issue. Being a member of this delegation in representing the largest taxpayer contributing to the county budget, the City of Rockland, I feel that they should have looked at the figures a little bit more and the cost savings to the taxpayers of the county. Because we really have no other option in front of us, the delegation decided to pull out of one or the other, and they chose, I feel, the wrong one. I would like to go on record as being opposed to this decision that they made.

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

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

Bill, "An Act to Limit the Storage of Spent Fuel at Nuclear Reactors" (H. P. 1007) (L. D. 1203)

— In House, Passed to be Engrossed on April 15.

— In Senate, Majority "Ought Not to Pass" Report Accepted in non-concurrence.

Tabled—April 21 by Representative Hall of Sangerville.

Pending—Motion of the same gentleman to Adhere.

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

Mr. KIESMAN: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The gentleman from Fryeburg, Mr. Kiesman, that the House recede and concur.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Fryeburg, Mr. Kiesman, that the House recede and concur.

The Chair recognizes the gentleman from Dexter, Mr. Sherburne.

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

The SPEAKER: The Chair recognizes the gentlewoman from Paris, Miss Bell.

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

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Conary.

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Fryeburg, Mr. Kiesman, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown,

K.L.; Cahill, Callahan, Connors, Cunningham, Damren, Davis, Day, Dillenback, Drinkwater, Foster, Gavett, Hanson, Higgins, L.M.; Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Martin, A.; Masterman, Masterton, McPherson, Murphy, Nelson, A.; Nelson, M.; O'Rourke, Paradis, E.; Perkins, Peterson, Racine, Randall, Reeves, J.; Salisbury, Small, Smith, C.W.; Soulas, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth.

NAY — Baker, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Curtis, Davies, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Jacques, Joyce, Kane, Kany, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Matthews, McGowan, McHenry, McKean, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Norton, Paradis, P.; Paul, Pearson, Perry, Post, Prescott, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soule, Theriault, Thompson, Tuttle, Twitchell, Vose, The Speaker.

ABSENT — Carrier, Dexter, Gillis, Kelleher, Leighton, Manning, Martin, H.C.; McCollister, McSweeney, Pouliot, Swazey.

PAIRED — Beaulieu-Sherburne; Bell-Nadeau; Conary-Jalbert.

Yes, 62; No, 72; Absent, 11; Paired, 6.

The SPEAKER: Sixty-two having voted in the affirmative and seventy-two in the negative, with eleven absent and six paired, the motion does not prevail.

Thereupon, on motion of Mr. Hall of Sangerville, the House adhered.

The Chair laid before the House the second 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 21 by Representative Brannigan of Portland.

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

Thereupon, the House reconsidered its action whereby the Bill failed of passage to be enacted.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: Just a reminder, this is a bill on which we voted 95 or 96 in favor of last week but we need a 101 because of the emergency measure which would make this fair to everyone.

The Insurance Bureau has not had an increase in fees, as we have said so often, for 11 years because of the reduction in their staff which they could not hire because of certain restrictions that were placed by this body. The restriction is lifted and now they are in need of these fees. We need them for the billings in July to be fair to all insurance companies and insurers. We need 101 votes to make that July billing effective and to allow the insurance industry to be regulated as they should be in a proper way. They must continue to have the staff continuing in July to do this.

Therefore, I urge you very strongly that you stand with us and go with a 101 today in fairness to regulations being even, and the cost of this is much less than the cost of poor regulation.

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

Miss GAVETT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out a few facts. There seems to be a lot of people confused about this bill at this point. I have had people come up to me and say, well, the bureau needs some money, and that I can agree with.

This, in essence, if the emergency enactor could be taken off, which it could be taken off, which it could be if it fails enactment, this could go over to the other body and the emergency could come off, and instead of the bureau getting \$505,000, they would still be getting approximately \$370,000 to \$380,000. I feel that is a substantial increase over their budget of 1980 which was \$690,000.

I think this is a compromise for those who have been urging a compromise. I would remind you that people have sent us down here, I know from my district, asking to stop the growth of government, not to put more and more people on the payroll and to increase government spending. In the long run, everybody who is buying insurance will be paying for this extra \$505,000, so I hope you will vote against enactment of this bill so it could go to the other body and they will take the emergency enactor off, which will mean a decrease of about \$130,000.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: My vote won't be one of those votes to make the 101, and my reason is simply this; these raises within departments start in one department and it sets a bad example and before we get out of here the other departments will all be in for their part of the cake. For that reason, I don't want to set a bad example, and I think the young lady from Orono was right on target. She did a very good explaining it to you so there doesn't need anymore said on it. Just be sure you press the right button.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: We hear about having too much money. The problem has been that we have been collecting premium tax and there has been more money down there than there has been need for because the department has been understaffed. Recently, we have gotten the bureau up to what it should be and therefore, the monies which were there have been used up and now that we are somewhere near where we should be as far as staff is concerned, we do need there funds to have the type of regulation that would protect all the consumers.

I might further point out that it is not only the bureau, and this has been pointed other times, but it is the bureau, it is the insurance community who want this regulation. It they didn't want it, it would be another thing, but they know it is needed to give the consumer what he needs when he buys insurance policies.

So, I hope we will go along with Mr. Brannigan this morning.

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

A vote of the House was taken.

Mr. Brannigan of Portland requested a roll call.

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

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

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

ROLL CALL

YEA—Aloupis, Armstrong, Baker, Bell, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Cahill, Callahan, Carrier, Carroll, Chonko, Clark, Conary, Connolly, Cox,

Crowley, Damren, Davies, Davis, Diamond, G.W.; Diamond, J.N.; Dillenback, Erwin, Fitzgerald, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Huber, Ingraham, Jackson, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, LaPlante, Laverriere, Lisnik, Livesay, Locke, Lund, MacEachern, Macomber, Mahany, Martin, A.; Masterton, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Small, Smith, C.B.; Soulas, Soule, Strout, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Walker, Wentworth, Weymouth, The Speaker.

NAY—Austin, Berube, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Connors, Cunningham, Curtis, Day, Drinkwater, Dudley, Foster, Gavett, Holloway, Hunter, Hutchings, Jacques, Jordan, Lancaster, Lewis, MacBride, Masterman, Matthews, McKean, Nelson, A.; Nelson, M.; O'Rourke, Paradis, E.; Peterson, Randall, Reeves, J.; Salsbury, Sherburne, Smith, C.W.; Stevenson, Stover, Studley, Tarbell, Treadwell, Webster.

ABSENT—Beaulieu, Carter, Dexter, Jalburt, Leighton, Manning, Martin, H.C.; McCollister, Nadeau, Swazey.

Yes, 101; No 40; Absent, 10.

The SPEAKER: One hundred and one having voted in the affirmative and forty in the negative, with ten being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

(Off Record Remarks)

On motion of Mr. Gwadosky of Fairfield.
Recessed until five o'clock in the afternoon.

After Recess 5:00 P.M.

The House was called to order by the Speaker.

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

Bill, "An Act to Exempt Certain Signs from the Billboard Law" (S.P. 378) (L.D. 1136)

Tabled—April 27 by Representative Richard of Madison.

Pending—Adoption of Committee Amendment "A" (S-119)

On motion of Mr. Brannigan of Portland, retabled pending adoption of Committee Amendment "A" and specially assigned for Thursday, April 30.

The Chair laid before the House the fourth 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 27 by Representative Kelleher of Bangor.

Pending—Passage to be Enacted.

On motion of Mr. Kelleher of Bangor, retabled pending to be enacted and tomorrow assigned.

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

Bill, "An Act to Provide for Enforcement Inspections under the Minimum Wage Rate on Construction Projects Law." (H.P. 432) (L.D. 479)

Tabled—April 27 by Representative Kelleher of Bangor.

Pending—Motion of the same gentleman to Reconsider Acceptance of Minority "Ought Not to Pass" Report.

Mr. Higgins of Scarborough requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I think there is a very good reason why we should reconsider our action on this particular bill, and I would like to outline for you why I think we should reconsider.

There are many laws that this state is charged with enforcing. We are charged with enforcing criminal laws as well as labor laws. In order to enforce some of our criminal laws, it is necessary that we sometimes allocate money in order to do the job.

I really feel very strongly that when we are talking about labor law that we provide the means whereby labor law can be enforced.

Very often in the area of drug enforcement, the police will conduct raids in order to deal with the culprits and we pay for it, okay? Now we turn to the issue of labor law, enforcing the state's Davis-Bacon Act, an expenditure of some \$9,000. Suddenly, we get very tight fisted with the money we want to shell out to enforce the labor law. This money simply goes to pay to help somebody travel around to do a little bit of spot checking to see of the laws are enforced.

The point I wish to lease with you is this—if we are serious about our criminal laws, and I know this body is, we appropriate the money to enforce criminal law, we should be willing to do the same for labor law, and that is why I feel we ought to reconsider and vote on the bill.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: We reviewed the arguments on this bill last Tuesday and how this bill is already being enforced. This morning, the Speaker of the House gave us all a word of advice on how we can cut our time in this session, and we could do that by not arguing needlessly on bills that are automatically going to be killed.

I would remind you that all three Senators on the Labor Committee voted against this bill. I would also remind you that this bill was not part of the Governor's budget package, and therefore it probably will not fair very well on the Appropriations Committee.

I think we all made the right decision last Tuesday when we voted on that bill. I hope you will stick to that decision that you made so that we can end this needless debate.

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

Mr. BAKER: Mr. Speaker and Members of the House: I am afraid that I have to disagree with the good gentleman from Auburn. It isn't needless debate. I don't care if three Sen-

ators signed "ought not to pass" or not. I think they erred in their judgement. And I don't particularly care if the Governor left it out of his package, because there are a lot of things that the Governor left out of his package that I think ought to be in there that are not. I think it is very wrong to suddenly make this an issue that the Governor has taken a position on when we all know that he hasn't.

I hate to be oppressive this afternoon but I am afraid I am going to be. I will tell you this when it comes to the budget, we are going to deal with the part of the budget that allocates money to enforce the criminal law, to pay for the state police so they can go around and do what they have to do, I am going to raise a big stink about it. I really don't want to, but I am going to.

I think this body sometimes has given the labor laws too trivial a treatment. Let's face up to the facts. If you don't like the law, and there are people on our Labor Committee that don't like the Davis-Bacon Act, why don't they try to work for the repeal of that. I am pretty sure that is on their agenda.

The fact of the matter is, that is the law and I think we ought to enforce it.

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

Mr. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: This bill requests Mr. Speaker and Members of the House: \$9700 for enforcement of the minimum wage rate for construction workers. This is a fairly modest request, and I hope that you will vote to reconsider and send it on to the other body and perhaps they will also see fit to let this lie on the Appropriations Table and take its chances with all the other bills that ask for money.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brenerman, Brodeur, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Davies, Diamond, J.N.; Erwin, Fitzgerald, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lisnik, Locke, MacEachern, Macomber, Mahany, Martin, A.; McGowan, McHenry, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nelson, M.; Paradis, P.; Pearson, Perry, Post, Pouliot, Prescott, Reeves, P.; Rolde, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Twitchell, Vose, Webster, The Speaker.

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

ABSENT—Connors, Diamond, G.W.; Fowlie, Holloway, Jalbert, LaPlante, Laverriere, Leighton, Manning, Martin, H.C.; McCollister, Nadeau, Richard, Strout, Tuttle.

Yes, 64; No, 72; Absent, 15.

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

Sent to the Senate.

The following papers appearing on Supplement No. 11 were taken up out of order by unanimous consent:

Consent Calendar

Second Day

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

(H. P. 701) (L. D. 826) Bill "An Act to Provide 75% Reimbursement to a Municipality for General Assistance Costs" (C. "A" H-246)

(H. P. 918) (L. D. 1089) Bill "An Act Covering Cost-of-Living Increases for Teachers"

(H. P. 1145) (L. D. 1367) Bill "An Act to Separate the Funding of Old System Teachers in the Maine State Retirement System"

(H. P. 1363) (L. D. 1548) Bill "An Act to Extend the Deadline for the Enactment of Legislation Concerning Education Allocations, Appropriations and Rates" (Emergency)

(H. P. 1362) (L. D. 1547) Bill "An Act to Make Allocations from the Regulatory Fund, Public Utilities Commission, for the Fiscal Years Ending June 30, 1982 and June 30, 1983" (Emergency)

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

(H. P. 1361) (L. D. 1546) RESOLVE, to Authorize Expenditure of Certain Federal Funds for New or Expanded Programs (Emergency)

On the objection of Mrs. Huber of Falmouth, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Resolve read once and assigned for second reading tomorrow.

(H. P. 1087) (L. D. 1296) Bill "An Act to Appropriate Funds to Support Regional Ride Share Programs" (C. "A" H-249)

(H. P. 867) (L. D. 1036) Bill "An Act to Exempt State Mandated Revolving Fund Accounts at the Maine State Museum from the State Cost Allocation Program" (C. "A" H-247)

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

(H. P. 909) (L. D. 1075) Bill "An Act to Authorize a School Nursing Health Coordinator in the Department of Educational and Cultural Services" (C. "A" H-248)

On the objection of Mr. Racine of Biddeford, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-248) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(S. P. 484) (L. D. 1386) Bill "An Act to Include Health Education for the General Public as a Medical Education Program Conducted by the Board of Registration in Medicine"

(S. P. 487) (L. D. 1389) Bill "An Act Concerning Approval of Graduate Educational Programs by the Board of Registration in Medicine"

(S. P. 506) (L. D. 1433) Bill "An Act to Provide the Supreme Judicial Court with Rule-making Authority over Court Records and Certain Abandoned Property"

(S. P. 443) (L. D. 1281) Bill "An Act to Amend Certain Aspects of Post-Conviction Review" (C. "A" S-126)

(S. P. 507) (L. D. 1434) Bill "An Act Concerning the Investigative Authority of the Attorney General and Related Provision" (C. "A" S-127)

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

The following papers appearing on Supplement No. 12 were taken up out of order by

unanimous consent:

Leave to Withdraw

Report of the Committee on Agriculture reporting "Leave to Withdraw" on Bill "An Act to Select Maine Potato Seed Board Personnel" (S. P. 409) (L. D. 1212)

Came from the Senate with the Report read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act to Allow Reasonable Attorney's Fees as a Remedy in Actions under the Maine Human Rights Act" (S. P. 221) (L. D. 608) reporting "Ought to Pass" in New Draft under new Title Bill "An Act to Amend the Maine Human Rights Act" (S. P. 579) (L. D. 1555)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Transportation reporting "ought to pass" as amended by Committee Amendment "A" (S-130) on Bill "An Act to Provide a One Month Grace Period for Expired Motor Vehicle Registrations" (S. P. 356) (L. D. 1031)

Report was signed by the following members:

Senators:

EMERSON of Penobscot

O'LEARY of Oxford

USHER of Cumberland

— of the Senate.

Representatives:

FOWLIE of Rockland

MACOMBER of South Portland

MOHOLLAND of Princeton

REEVES of Pittston

— of the House.

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

Report was signed by the following members:

Representatives:

HUTCHINGS of Lincolnville

McKEAN of Limestone

STROUT of Corinth

McPHERSON of Eliot

CARROLL of Limerick

HUNTER of Benton

— 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-130)

In the House: Reports were read.

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

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

The SPEAKER: The gentleman from Limerick, Mr. Carroll, moves that the Minority "Ought Not to Pass" Report be accepted in non-concurrence.

The gentleman may proceed.

Mr. CARROLL: Mr. Speaker and Members of the House: This legislation is going to create some serious problems because there is a \$10 fine in this and our town clerks are performing a service when people do not renew their registration. Manytimes they call us up and remind us that it is due so we can get on the ball and renew our registration. But now we are going to tell them, if you don't remind us, we are going to give you a \$10 reward, because there is a \$10 fine here.

This creates serious problems from the law enforcement point of view, and I don't think

there is any need of this legislation and I hope that you will accept the Minority "Ought Not to Pass" Report.

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

Mr. MACOMBER: Mr. Speaker and Members of the House: This is a divided report. What Mr. Carroll says is true, but there is not a penalty involved in this registration fee unless you do not register your car at the proper time. If you are delinquent as far as registering your car is concerned, then the fine that is applied on this particular bill goes to the municipality, not to the state or to the department.

I think that I would point out that Mr. Carroll has said in his particular community they call the people, the residents of the town, and let them know that today is your birthday or today your registration is running out. It is impossible to do that in a city of ten to fifteen thousand.

I would ask you to vote for the Majority "Ought to Pass" Report.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: My car was due to be registered in February. Well, since we were down here, it seems like I forgot about it. The first weekend that I was home in March, one of the police officers in town happened to think about it. He pointed out to me that my car was no longer registered, it had expired, and he said, if you get a chance, how about stopping at the town office and registering your car. You know, the majority of the law enforcement officers in the State of Maine use pretty good common sense. Once in a while you will run into one that doesn't, but the majority of them are pretty sensible.

Under this bill, when I took my registration up to the town office to register the car, I was automatically guilty and I had to pay an extra \$10, even though the police officer had the common sense to say, well, we know you forgot it because you were down in Augusta and you didn't get a chance, so when you do get a chance, go up and register it. Now, he had common sense, but this bill doesn't, because under the bill I had to pay ten extra bucks. That is why the gentleman from Limerick is perfectly right. This is a sad piece of legislation, its bad. You are guilty when you get up there, but it costs you ten extra bucks. And down here where we are, and we have to stay down here all week, it is easy to forget that registration, especially if you happen to have a couple of vehicles, you know, so think about that the next time you go home and the cop says to you — guess what, you may have forgotten your registration and you go up to the town office and find out it is going to cost you ten extra bucks — think about that.

I hope you go along with the gentleman from Limerick.

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

Mr. MACOMBER: Mr. Speaker and Members of the House: If I could respond briefly. Perhaps the state trooper showed good judgment, but evidently the gentleman from Limestone did not.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: From my district I have a lot of people go to Florida and other places for the winter and they are now returning, and under this bill, when they return their car wouldn't have been registered and when they go into the office to register it they would draw a fine because the car wasn't registered. I think that is a bad bill. I agree with the gentleman from Limerick.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, I would like to pose a question. It is my understanding that the penalty under current law for not registering your car in a timely manner is a criminal penalty, and I wish that could be clarified.

The SPEAKER: The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that the Minority "Ought Not to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

103 having voted in the affirmative and 19 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act to Prohibit Voter Registration on Election Day and 7 Business Days next Prior to Election Day" (S. P. 155) (L. D. 363)

Report was signed by the following members:

Senators:

PRAY of Penobscot

CARPENTER of Aroostook

— of the Senate.

Representatives:

BENOIT of South Portland

ROBERTS of Buxton

NADEAU of Lewiston

DIAMOND of Bangor

BOISVERT of Lewiston

— of the House.

Minority Report of the Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-132) on same Bill.

Report was signed by the following members:

Senator:

PIERCE of Kennebec

— of the Senate.

Representatives:

HANSON of Kennebunkport

CAHILL of Woolwich

WEYMOUTH of West Gardiner

BORDEAUX of Mount Desert

WENTWORTH of Wells

— of the House.

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-132)

In the House: Reports were read.

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

Ms. BENOIT: Mr. Speaker, I would like to pose a parliamentary inquiry. Is L. D. 363 germane based upon Joint Rule 4?

The SPEAKER: This matter will be tabled pending a ruling by the Chair.

Non-Concurrent Matters

Joint Order relative to H. P. 845, L. D. 1011 being recalled from the Governor's desk to the House (H. P. 1370) which was passed in the House on April 21, 1981.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Later Today Assigned

Bill "An Act to Create a Department of Corrections" (S. P. 376) (L. D. 1134) which was passed to be engrossed as amended by Committee Amendment "A" (S-115) as amended by House Amendment "A" (H-224) thereto in the House on April 27, 1981.

Came from the Senate with that body having Adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-115) in non-concurrence.

In the House: On motion of Mrs. Prescott of

Hampden, the House voted to adhere.

On motion of Mr. Kelleher of Bangor, the House reconsidered its action whereby it voted to adhere.

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

Mr. KELLEHER: Mr. Speaker, I just ask a parliamentary inquiry. What are we doing when we adhere?

The SPEAKER: If this body adheres, the other body having adhered, the bill is dead.

On motion of Mr. Kelleher of Bangor, tabled pending the motion of Mrs. Prescott of Hampden to adhere and later today assigned.

Tabled and Assigned

Bill "An Act to Deregulate the Bag Limit and Size Requirements of Striped Bass" (S. P. 369) (L.D. 1088) which was passed to be Enacted in the House on April 21, 1981.

Came from the Senate, Failing of Passage to be Enacted in non-concurrence.

In the House: On motion of Mr. Hanson of Kennebunkport, tabled pending further consideration and tomorrow assigned.

The following papers appearing on Supplement No. 13 were taken up out of order by unanimous consent:

Consent Calendar

First Day

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

(H.P. 926) (L.D. 1097) Bill "An Act Concerning Property Deposited with Museums and Historical Societies"—Committee on State Government reporting "Ought to Pass"

(H.P. 1265) (L.D. 1480) Bill "An Act to Make more Equitable the Computation of the Spruce Budworm Pre-project Excise Tax" (Emergency)—Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 1118) (L.D. 1335) Bill "An Act to Amend the Incorporation of the Town of Poland School District" (Emergency)—Committee on Education reporting "Ought to Pass"

(H.P. 14) (L.D. 8) Bill "An Act to Simplify the Due Process Requirements of Special Education"—Committee on Education reporting "Ought to Pass"

(H.P. 975) (L.D. 1163) Bill "An Act to Permit Open Burning of Brush and Demolish Debris"—Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 997) (L.D. 1196) Bill "An Act to Appropriate Funds to Upgrade Facilities of the Maine Center for the Blind"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-255)

(H.P. 453) (L.D. 500) Bill "An Act to Amend the Eligibility Age for Preschool Handicapped Children"—Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-256)

(S.P. 411) (L.D. 1215) Bill "An Act Relating to Pharmaceutical Services Provided at Rural Health Centers"—Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-133)

(S.P. 390) (L.D. 1148) Bill "An Act to Make Revenue Losses, Due to Tax Credits, Exemptions and Deductions, Part of the Budget Document"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-131)

(S.P. 201) (L.D. 568) Bill "An Act to Provide Funds for the Provision of the State Cost Sharing of Telecommunication Typewriters for the Hearing Impaired"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 343) (L.D. 391) Bill "An Act to Clarify and Amend the Investment Provisions of the Maine Insurance Code"—Committee on Busi-

ness Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-259)

(H.P. 719) (L.D. 851) Bill "An Act to Amend the Maine Consumer Credit Code to Increase the Availability of First Mortgage Residential Loan Funds"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-257)

(H.P. 718) (L.D. 850) Bill "An Act Amending the Used Car Information Act" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-258)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 29, under listing of Second Day.

The following papers appearing on Supplement No. 14 were taken up out of order by unanimous consent:

Leave to Withdraw

Representative Connolly from the Committee on Education on Bill "An Act Concerning the Computation of the State's Share of Operating Cost for Local School Administrative Units" (H.P. 1034) (L.D. 1269) reporting "Leave to Withdraw"

Representative Theriault from the Committee on Education on Bill "An Act Requiring Disclosure of Hiring Policies for Public Schools" (H.P. 1089) (L.D. 1286) reporting "Leave to Withdraw"

Representative Kiesman from the Committee on Energy and Natural Resources on Bill "An Act Concerning Disposal of Material by Certain Waste Disposal Systems" (H.P. 1229) (L.D. 1448) reporting "Leave to Withdraw"

Representative Hall from the Committee on Energy and Natural Resources on Bill "An Act to Require Insulation Standards for New Electrically Heated Buildings" (H.P. 1179) (L.D. 1403) reporting "Leave to Withdraw"

Representative Hall from the Committee on Energy and Natural Resources on Bill "An Act to Encourage Neighborhood Volunteer Programs to Keep Homes Warm" (H.P. 1036) (L.D. 1255)

Representative Dillenback from the Committee on State Government on Bill "An Act to Expand the Forms of Deferred Compensation under the Deferred Compensation Plan" (H.P. 1033) (L.D. 1252) reporting "Leave to Withdraw"

Representative Paradis from the Committee on State Government on Bill "An Act to Include the Cost of Child Care or Day Care under the Laws Covering Reimbursement of Expenses to Citizens Serving on Boards and Commissions of the State" (H.P. 905) (L.D. 1072) reporting "Leave to Withdraw"

Representative Paradis from the Committee on State Government on Bill "An Act to Establish Fairer and more Equitable Funding Considerations by the Maine State Commission on the Arts and the Humanities to Well-Established Nonprofessional Community Theaters" (H.P. 1072) (L.D. 1275) reporting "Leave to Withdraw"

Representative Day from the Committee on Taxation on Bill "An Act to Provide a Trade-in Credit for the Sales Tax on Campers and Camper Bodies" (H.P. 389) (L.D. 432) reporting "Leave to Withdraw"

Representative Hayden from the Committee on Taxation on Bill "An Act to Repeal the Sales Tax on Fuel Oil and to Enact in its Place an Excise Tax on Fuel Consumed in Industrial and Manufacturing Establishments" (H.P. 691) (L.D. 805) reporting "Leave to Withdraw"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Repeal the Sales Tax on Text Books and to Require a Sales Tax on Magazines" (H.P. 1098) (L.D. 1293) reporting "Leave to Withdraw"

Representative Kane from the Committee on Taxation on Bill "An Act to Provide a Property Tax Exemption for Persons 70 Years of Age or

Older" (H.P. 785) (L.D. 930) reporting "Leave to Withdraw"

Representative Day from the Committee on Taxation on Bill "An Act to Grant a Sales and Use Tax Exemption for Wind Energy Equipment" (H.P. 191) (L.D. 204) reporting "Leave to Withdraw"

Representative Ingraham from the Committee on Taxation on Bill "An Act Concerning the Collection of Personal Property Tax on Objects which Require a Permit Prior to their Being Moved" (H.P. 583) (L.D. 663) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

The following papers appearing on Supplement No. 15 were taken up out of order by unanimous consent:

Ought Not to Pass

Representative Benoit from the Committee on Election Laws on Bill "An Act to Amend the Campaign Reporting Law" (H.P. 1149) (L.D. 1371) reporting "Ought Not to Pass"

Representative Cahill from the Committee on Election Laws on Bill "An Act to Insure the Establishment of Clear Standards by the Commission on Governmental Ethics and Election Practices and to Amend the Penalty Provisions for Late Filing" (H.P. 856) (L.D. 1019) reporting "Ought Not to Pass"

Representative Brown from the Committee on Education on Bill "An Act Relating to Class Size in Elementary Grades 1-3" (H.P. 243) (L.D. 277) reporting "Ought Not to Pass"

Representative Masterton from the Committee on State Government on Bill "An Act to Abolish the Office of Energy Resources" (H.P. 1134) (L.D. 1332) reporting "Ought Not to Pass"

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

The following papers appearing on Supplement No. 17 were taken up out of order by unanimous consent:

Ought to Pass as Amended

Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "S" (S-134) on Bill "An Act to Amend the Laws Relating to Group and Blanket Health Insurance" (S.P. 360) (L.D. 1060)

Comes from the Senate with the Report read and Accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-134) as amended by Senate Amendment "A" (S-139) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-134) was read by the Clerk.

Senate Amendment "A" to Committee Amendment "A" (S-139) 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 tomorrow.

Bill "An Act to Facilitate the Development of Hazardous Waste Management Facilities" (H.P. 1397) (Presented by Representative Kany of Waterville) (Cosponsors: Senator Trafton of Androscoggin and Representative Kiesman of Fryeburg) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

Was referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

The following papers appearing on Supplement No. 18 were taken up out of order by unanimous consent:

Divided Report Tabled and Assigned

Nine Members of the Committee on Labor on Bill "An Act Providing Collective Bargaining Rights to Legislative Employees" (H.P. 323) (L.D. 384) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-251)

Report was signed by the following members:

Senator:

DUTREMBLE of York

—of the Senate.

Representatives:

BAKER of Portland
TUTTLE of Sanford
MARTIN of Brunswick
McHENRY of Madawaska
BEAULIEU of Portland
HAYDEN of Durham
FOSTER of Ellsworth
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:

Sensors:

SEWALL of Lincoln
SUTTON of Oxford

—of the Senate.

Representative:

LEWIS of Auburn

—of the House.

One member of the same Committee on same Bill reports in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-252)

Report was signed by the following member:

Representative:

LEIGHTON of Harrison

—of the House.

Reports were read.

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

Mrs. BEAULIEU: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report and would like to speak briefly.

The SPEAKER: The gentlewoman from Portland, Mrs. Beaulieu, moves that Report A be accepted.

The gentlewoman may proceed.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: This concludes, I hope once and for all, all collective bargaining rights and issues for the people of our state who serve in the public sector. I think the only thing I am sad about concerning this bill is that they are going to have to negotiate with the Legislative Council.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: We are all very familiar with all the arguments that have to do with collective bargaining. You will notice that you may vote no in two ways: you may either vote no against collective bargaining totally, or you may vote no in order to then move Report C to have a truly good collective bargaining bill.

At this time, I will request a roll call and hope that you will vote no with me.

On motion of Mr. Davies of Orono, tabled pending the motion of Mrs. Beaulieu of Portland that the "Ought to Pass" Report A be accepted.

The following paper appearing on Supplement No. 19 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act Relating to the Appointment of the Assistant Adjutant General in the Department of Defense" (H. P. 904) (L. D. 1071)

Report was signed by the following members:

Sensors:

AULT of Kennebec
GILL of Cumberland
VIOLETTE of Aroostook

— of the Senate.

Representatives:

DILLENBACK of Cumberland
PARADIS of Augusta
SMALL of Bath
MASTERTON of Cape Elizabeth
DIAMOND of Bangor
KANY of Waterville
WEBSTER of Farmington
McGOWAN of Pittsfield
BELL of Paris

— of the House.

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

Report was signed by the following member: Representative:

LISNIK of Presque Isle

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mr. Kany.

Mrs. KANY: Mr. Speaker, I move acceptance of the 12 to 1 "Ought Not to Pass" Report.

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany, moves that the House accept the Majority "Ought Not to Pass" Report.

The Chair recognizes the gentleman from Fort Kent, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, Men and Women of the House: I urge you to oppose the "ought not to pass" report and I will speak as briefly as I can on why you should oppose this report.

I know that this is not an issue that is really flaring before this body, but it is important to some 3,000 or so of our fellow citizens of this state, and these are the members of the National Guard.

Unless you have been a member of the National Guard, it is extremely difficult to understand all the intricacies of the organization involved, but I will try to point out to you the reason for this bill.

First, I want to make clear that I do not fault General Paul Day, the Commissioner of that department, nor his assistant, General Charles Reed, his deputy, for the condition that I am about to discuss. I think that both General Day and General Reed are real fine gentlemen and that they are victims of the conditions and really not the cause.

The provision of this bill would not become effective until the present holder of the position would resign that position. Now, I want you to understand that I have served in the National Guard a great number of years, and I feel that I can back up what I am about to say.

In the National Guard there are generally two components. There is what we call the Army National Guard and then there is the Air National Guard. The one that I will be addressing primarily today will be the Army National Guard, because this is what the proposed change would affect.

The objective of this legislation is to earmark a general officer position for a part-time National Guardsman. What is a part-time National Guardsman versus a full-time National Guardsman? I am going to try to explain that to you. A part-time National Guardsman is an individual who will attend training on weekends and will attend training two weeks every year in addition to the qualifying training that this person might have to sustain, such as going to the basic course to qualify that particular individual into his basic military occupational specialty. A full-time National Guardsman is an individual that works for the National Guard on a day-to-day basis, most of them in a civilian capacity. This is the distinction between the two. The part-time goes to drill on weekends and the full-time work for the National Guard on a full-time basis.

Potentially there are two general officer slots in the state on the Army side. Both positions are presently held by full-time employees of the National Guard. What this does is, it bars the part-time individual from ever attaining that rank, although he might have served with distinction, he might have served in important positions, command positions up to that point. When it comes to the highest positions in this state, they are barred from holding those positions unless they become full-time members of the National Guard, a full-time employee of the National Guard is what I should say. Consequently, we are losing some of our best potential officers to hold these high positions because they are going to the full-timers.

Now, just to illustrate, it was brought out during the hearing that these positions could eventually be occupied by the part-time national guardsmen, but what I want to say about this is, for the last 20 years that I can remember, I know that it is longer than 20 but I am not sure of the number so I will 20 years to be sure of my position, no guardsman has ever occupied that position. Consequently, for that period of time these officers were barred from holding these high positions and they were saved for the full-timers.

Some of the reasons why the part-timer cannot become a full-timer is, if the individual under consideration is good enough to be considered for that position, it also means that the counterpart in the civilian sector, this particular individual also holds an equally important position. The individual might be a lawyer, might be a doctor, might be a teacher, might be any of the professions. Consequently, they are not interested in leaving their positions to become full-time.

What makes this so strange is that the part-time comprises only 10 percent of the force, they comprise 10 percent of the total force. Here is how they control the rank, this 10 percent — on the Army side, they control 100 percent of the General officer positions, they control 71 percent of the Colonels and 56 percent of the Lieutenant Colonels. Consequently, the truly outstanding part-time officer falls by the wayside and more often than not loses the opportunity to an individual that might have been no more than a bureaucrat throughout his whole career.

Just to illustrate the other side of this thing, on the Air side, I mentioned there were two sides, on the Air side of the issue, the full-time control only 50 percent of the General Officer slots; in other words, if you are on the Air side, you could be a part-timer and hold one of the General positions and they hold also 50 percent of the Colonels and 28 percent of the Lieutenant Colonels, which is quite a change from the Army side.

Now, the bureaucrats, the bureaucracy, testified against this bill, and I am sure you can see why they did. Some of the opposition that they had to this bill and some of the arguments that were used I will reiterate to you here and explain as best I can why they are not valid.

One of the first things they said was that the job was too large for part-timers, that a part-timer could not really keep up with the demands of the position. Well, here is what I say to this — in this state on the Air side, there are two Generals that are part-timers holding those positions. Are they saying that those Air officers are unqualified to hold their positions? Essentially that is what they are saying, but I know better than that. I know that these people are very good people, they control large inventories of aircrafts and other equipment worth a lot of money. They control highly technical people like pilots, there are part-timers and they are doing a good job of it. In addition to that, they fly on a daily basis missions for the active Air Force, they trust these officers to do those chores, but on the other side, we don't trust the Army officer to do the same job, so

this was not, I thought, a very valid argument on their part.

In addition to this, 28 states have their Deputy Adjutant General for the Air part time. They have part-time officers holding these positions. Fourteen states have the Army Deputy part time also, and most of those have both sides part time, so it is not something that is impossible. The potential is there, it is just a matter of wanting to do it.

In addition to this, we are one of the smallest states troop-wise, and we say that we can't do it. We have some states that have divisions, a division would have 15,000 individuals and in the whole state here, including Air and Army, we have fewer than 5,000, and those people in these other states are controlling it and doing a good job of it but we say we can't do it.

I have a couple of individuals that found out about this legislation and wrote to me and here is what one of them said: "As I understand the bill being considered, the Maine Military Code would be changed to provide the Assistant Adjutant General would be selected from individuals qualified for federal recognition the grade of Brigadier General and the position would not be a full-time state or federal position. This move is long overdue and should be supported by this committee and the legislature." This letter was sent to the Chairperson of the committee.

I had another similar letter from someone that knows the score. This individual here is a retired Colonel and has been around in the Pentagon for a number of years and at the highest level of the National Guard Bureau in Washington and he knows what he is talking about, and I had a similar letter from another individual.

So, I want you to understand that this is not just a hairbrain idea, something that just happened on the spur of the moment. It is something that has been in the wind for some time, some states have done it and I am just hoping that this state will do the same thing and give an equal opportunity to some of our people which are not getting this equal opportunity.

Another argument that was used by the bureaucracy was that occasionally, once in awhile, the Adjutant General has to leave the state for something or other or might be sick or whatever the reason and there would no one to take over the duties of the department in case the primary commissioner was not there. If you were familiar with that organization, they are stacked at least five deep, and I would like to say that about five years ago, an additional assistant was provided for the commissioner. The primary responsibility of that assistant is to carry on the day-to-day activities in those states where they have a part-time Deputy Adjutant General, which we don't have in this state and what I am trying to get to right now, equal opportunity for some of our officers.

One of the duties of this individual that I just mentioned to you, this assistant, on his position description it says that this individual will perform all other duties that might be assigned, and that includes all of them, there is just no limit to them.

In addition, this bill would provide a savings of some \$25,000 to the state. To me, this is significant. By the way, I am a member of the town council in my town and I also, like all of you, serve on the county level of government and here at the state level, and so far the only evidence of a cutback that I have seen in spending and in stopping happened in my own town. We cut our police force by 20 percent, we cut our highway crews by 60 percent. We were able to do that because we are going to put some of our roads to contract but, still, there was a considerable amount of savings, and the bottom line of these cuts is that we still maintain the same service.

Here is an opportunity for us to set the example and not hurt us one bit. As a matter of fact, it is going to help. I want you to realize that this a bill for you and I and those that might become

members of a unit and it is certainly not for the bureaucrats in Augusta.

I would like to ask for a division.

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

Mr. DIAMOND: Mr. Speaker, Members of the House: Very briefly, my good friend from Fort Kent, Representative Theriault, has gone over quite extensively the meat of the bill that he has proposed. He has done a lot of homework and I commend him on that. The proposal is very good on paper and the committee looked at it and spent a lot of time on it but, practically speaking, it was the majority vote of the committee, 12 to 1, that it was not a practical proposal.

The job we are talking about, making a part-time job, is that of the head of the military bureau of the state, the head of which oversees over 700 state and federal employees both full and parttime. Heading that bureau overseeing a budget of approximately \$2 million a year. It is quite a big job.

The position is big for anyone, it is open to anyone, as I know Representative Theriault wants to see, but the only condition for that job is that the person who accepts it, who is named and accepted, and accepts the job, go from the part-time ranks that they have so chosen to a full-time position. I think with a budget of \$2 million and a staff of over 700, that requires full-time treatment.

Again, I would ask you to support the motion which is to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Waterville, Mrs. Kany, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 32 in the negative, the motion did prevail.

Sent up for concurrence.

The following paper appearing on Supplement No. 20 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought Not to Pass" on Bill "An Act Relating to Burial Expenses for Veterans" (H. P. 1104) (L. D. 1309)

Report was signed by the following members:

Senators:

TEAGUE of Somerset
BROWN of Washington
COLLINS of Knox

— of the Senate.

Representatives:

NELSON of Portland
CROWLEY of Stockton Springs
ARMSTRONG of Wilton
PARADIS of Old Town
STEVENSON of Unity
WALKER of Skowhegan
RICHARD of Madison
THERIAULT of Fort Kent

— of the House.

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

Report was signed by the following members:

Representatives:

PERRY of Mexico
HICKEY of Augusta

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Nelson.

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

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to kind of have a little explanation on this if I may. First of all, since money is coming from the federal government and it is being split up into a couple of different pockets, what was the cost to state government on this and why, actually, wasn't this bill more favorably reported?

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this bill is to provide veterans who are buried in the Maine State Cemetery with enough allowance to cover the fee that the families are now having to pay. It is around a \$100 for a liner for the grave if they are buried in the Maine Veterans Cemetery. Currently, if a veteran dies in our state and is eligible under the federal veterans administration, they receive a \$150 burial fee allowance, and if that veteran who is deceased is buried in a private cemetery somewhere in our state, the family uses the \$150 they receive towards the burial costs. However, if that veteran is eligible to be buried in our state cemetery, our veterans cemetery and is buried there, the state takes the \$150, not the family and the families currently must come up with an additional \$100 out of their own pockets to pay for a grave liner that is required by law to go in the grave.

So what this bill would do is say, if the deceased veteran is going to be buried in our state veterans cemetery, the state will reimburse the family for the \$100 more or less for the burial liner and any balance of the \$150 federal veterans administration burial allowance would go to the state cemetery itself.

The bill itself as constituted, and was pointed out in the public hearing before the committee, is extremely poorly drafted. The language of the bill literally could involve the State Veterans Administration in the funeral business and the burial business.

If we defeat the motion pending before us, which is the Majority "Ought Not to Pass" Report, which I urge you to do, then I would offer an amendment tomorrow on this measure. It is my understanding that the reason that the majority of the members on the committee decided not to opt for helping out the veterans' families with \$100 for burial grave liner is that they feel they are receiving enough already by letting them bury their veterans deceased in the state cemetery. I happen to disagree, I would like us to have an opportunity to amend this, as I was hoping the committee was going to do. I would be willing to offer tomorrow if you will vote against the pending motion.

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

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: The situation is this, this is a pilot allowance, this is an allowance for a burial plot.

Now, the Veterans Administration contributes about \$300 for burial, and a couple of years ago they added this \$150 for a plot allowance. This goes to the veteran's family or executor if the veteran is buried anywhere in his hometown. When they issued this \$150, they allowed the states involved, if they supplied the cemetery, to apply to have this come back to them as reimbursement, which the State of Maine did. This goes into the General Fund, which seems fair enough since the veterans who are buried here, their families are subsidized to the extent of an average of \$250. In other words, if I am buried in Skowhegan, the average plot, say, is \$400, and perpetual care, and my family gets \$150 back, whereas, if I am buried here, that is free.

As Representative Tarbell said, there are some extra problems inasmuch as this would put the Veterans Service Bureau into the mortuary business. They are going to have to supply liners, this is what the bill is for, and the liner isn't \$100, it is \$130, and they have also got

to get heavy equipment to lower vaults, if they are chosen, into the grave.

So, all in all, since these veterans are receiving still a subsidy, or their families are receiving a subsidy of approximately \$250 by allowing their burial in the state cemetery, most of us felt that this should stay right where it is.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Portland, Mrs. Nelson, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. McKean of Limestone requested a roll call vote.

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

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

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I will try to make this very short and sweet. I certainly appreciate the efforts of the kind gentleman from Bangor. He does have an amendment which he said would help this bill. You know, I think one thing you have all forgotten, there are a lot of veterans sitting right in this House right now. You know the reason that you are here today, that you can sit here and discuss these matters? Because of a lot of people during World War II, the Korean War, the Vietnam War and many of us have been in them. Go out to Togus sometime and take a look at some of those veterans that went through World War II and that is a lot of the ones who are dying at the present time. This isn't a lot to ask for these people, a liner for the grave. Would you rather have that money go into our General Fund, and it is not that much money involved, than to give a liner for the grave of a veteran? He is the reason that you are able to assemble here today like we do in a Democratic society. I can't believe this, I can't believe that we would deny that. Let's at least get this thing where we can take a look at it and put an amendment on it. We didn't even give them a bonus during the Korean War; after the Vietnam War, nothing. And we are asking for a little liner. Ladies and gentlemen, come on, let's give this one a chance; it is for a veteran.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I believe I heard a few moments ago the gentleman from Skowhegan make the comment that the Veteran's Administration and the state are going into the mortuary business. Don't let that fool you one bit. The state is not going into the mortuary business and the Veteran's Administration is there to serve the serviceman, that is what they exist for. That is the only reason for its existence.

The bill at hand here — I can't see any reason why the state or the Veteran's Administration should hesitate in agreeing with this bill, no way — or, as the old saying goes, no way Jose.

The gentleman from Skowhegan made a comment that the state or the VA would have to buy extra equipment to fix the liner into the grave, no way, because the dealer in the liners has the equipment when he delivers it. This is in most cemeteries, I assume that it is the same out here, so I would ask you to give Representative Tarbell the opportunity to submit his amendment tomorrow.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: My biggest concern about this bill is that the veteran who is being buried

in his local community is reimbursed with this \$150. The veteran who is buried in the veterans' cemetery is penalized to that extent and the state takes the \$150 which would go towards his liner. I feel that this is a gross injustice and I hope that you will vote to support the "Ought Not to Pass" Report.

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

Mrs. NELSON: Mr. Speaker, Members of the House: I just wanted to make it clear that there is an appropriation on this bill of \$60,000.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentlewoman from Portland, Mrs. Nelson, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Benoit, Brodeur, Crowley, Damren, Fitzgerald, Gwadosky, Huber, Kany, Lewis, Masterman, Masterton, Michaud, Mitchell, J.; Nelson, A.; Nelson, M.; Paradis, E.; Paradis, P.; Pearson, Perkins, Post, Soule, Stevenson, Stover, Theriault, Thompson, Walker.

NAY—Aloupis, Beaulieu, Bell, Berube, Boisvert, Bordeaux, Boyce, Brennerman, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carroll, Carter, Chonko, Clark, Conary, Connolly, Cox, Cunningham, Curtis, Davies, Davis, Day, Dexter, Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Foster, Gavett, Gillis, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kane, Kelleher, Ketover, Kiesman, Killoyne, Lancaster, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Martin, A.; Matthews, McGowan, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, E.H.; Moholland, Murphy, Norton, O'Rourke, Paul, Perry, Peterson, Pouliot, Prescott, Racine, Randall, Reeves, J.; Reeves, P.; Ridley, Roberts, Rolde, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Studley, Swazey, Tarbell, Telow, Treadwell, Twitchell, Vose, Webster, Weymouth, The Speaker.

ABSENT—Armstrong, Austin, Brannigan, Carrier, Conners, Diamond, G.W.; Fowlie, Gowen, Holloway, Jalbert, LaPlante, Laverriere, Leighton, Manning, Martin, H.C.; McCollister, Nadeau, Richard, Strout, Tuttle, Wentworth.

Yes, 27; No, 103; Absent, 21.

The SPEAKER: Twenty-seven having voted in the affirmative and one hundred and three in the negative with twenty-one being absent, the motion does not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for Second Reading tomorrow.

The following paper from the Senate appearing on Supplement No. 21 was taken up out of order by unanimous consent:

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought to be Adopted" on JOINT RESOLUTION to Ratify an Amendment to the Federal Constitution to Provide for Representation of the District of Columbia in the Congress. (S. P. 230) (L. D. 617)

Report was signed by the following members:

Senator:

VIOLETTE of Aroostook

— of the Senate.

Representatives:

DIAMOND of Bangor

KANY of Waterville

MASTERTON of Cape Elizabeth

McGOWAN of Pittsfield

SMALL of Bath

PARADIS of Augusta

LISNIK of Presque Isle

— of the House.

Minority Report of the same Committee reporting "Ought Not to be Adopted" on same Joint Resolution.

Report was signed by the following members:

Senators:

AULT of Kennebec

GILL of Cumberland

— of the Senate.

Representatives:

WEBSTER of Farmington

BELL of Paris

DILLENBACK of Cumberland

— of the House.

Came from the Senate failing of Adoption.

In the House: Reports were read.

Mrs. Kany of Waterville moves acceptance of the Majority "Ought to be Adopted" Report.

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

The Chair laid before the House the following matter:

Bill "An Act to Create a Department of Corrections" (S. P. 376) (L. D. 1134) which was tabled earlier in the day and later assigned pending the motion of Mrs. Prescott of Hampden to adhere. (In the House, passed to be engrossed as amended by Committee Amendment "A" (S-115) as amended by House Amendment "A" (H-224) thereto. In Senate, adhered to its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-115).

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I was going to make a terrible mistake earlier this afternoon and adhere to this bill, and as a cosponsor of this bill, had I adhered, I would have killed my own bill. I do not wish to do that. I wish to recede and concur.

Thereupon, on motion of Mrs. Prescott of Hampden, the House voted to recede and concur.

(Off Record Remarks)

On motion of Miss Bell of South Paris,
Adjourned until nine-thirty tomorrow morning.