

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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**

Wednesday, April 29, 1981

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

Prayer by Paul Cates of the East Vassalboro Friends Meeting Church.

The journal of yesterday was read and approved.

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

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill, "An Act Concerning Gypsy Moth Suppression" (S. P. 486) (L. D. 1388)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill, "An Act Relating to the Time of Evaluation of Special Education Students under the Education Laws" (S. P. 512) (L. D. 1435)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Concerning the Liability of Land Owners for Recreational or Harvesting Activities on their Land." (S. P. 336) (L. D. 964)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Amend the Personnel Law as it Relates to Certain Policy-making Positions" (S. P. 375) (L. D. 1117)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act Concerning State Contracts for Firms Violating the Maine Human Rights Act" (S. P. 404) (L. D. 1209)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill, "An Act to Encourage the Operation of Vending Facilities in Private Buildings by the Blind" (S. P. 65) (L. D. 92)

Came from the Senate with the Reports read and accepted.

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

**Messages and Documents**

The Following Communication:

STATE OF MAINE

Department of Transportation

Transportation Building

State House Station 16

Augusta, Maine 04333

April 29, 1981

To the Honorable Senate and

House of Representatives  
of the 110th Legislature

In response to a Resolve of the 109th Legislature (L. D. 1128), the Maine Department of Transportation has completed a study of the feasibility to provide additional river crossing capability across the Kennebec River between the City of Bath and Town of Woolwich.

A copy of the report has been transmitted to the leadership of both Houses, the Joint Standing Committee on Transportation, and Cosponsors of the bill. Additional copies of the study are available, upon request, from the Bureau of Planning, Tel. 289-3131.

Sincerely,

GEORGE N. CAMPBELL, JR.

Commissioner of Transportation

Was read and with accompanying Report ordered placed on file.

**Orders**

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

ORDERED, that Representative Merle Nelson of Portland be excused April 30 and May 1 for Legislative Business.

AND BE IT FURTHER ORDERED, that Representative Robert Gillis of Calais be excused April 29, 30 and May 1 for Legislative Business.

AND BE IT FURTHER ORDERED, that Representative Philip F. Peterson of Caribou

be excused April 29, 30, and May 1 for Legislative Business

AND BE IT FURTHER ORDERED, that Representative Leland C. Davis of Monmouth be excused April 29, 30 and May 1 for Legislative Business.

AND BE IT FURTHER ORDERED, that Representative Darryl N. Brown of Livermore Falls be excused April 29, 30 and May 1 for Legislative Business.

**Special Sentiment Calendar**

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

Recognizing:

Mr. & Mrs. Alvin Whitten, of Winter Harbor, who celebrated their 50th Wedding anniversary; (S. P. 584)

Jaye Churchill of Oxford Hills High School, who is included in the 1981 edition of Who's Who in Music; (H. P. 1400) by Representative Bell of Paris. (Cosponsors: Representatives Twitchell of Norway and Senator Sutton of Oxford)

Cheryl Broberg of Oxford Hills High School, who is included in the 1981 edition of Who's Who in Music; (H. P. 1401) by Representative Bell of Paris. (Cosponsors: Representatives Twitchell of Norway and Senator Sutton of Oxford)

Susan Tame of Oxford Hills High School, who is included in the 1981 edition of Who's Who in Music; (H. P. 1402) by Representative Bell of Paris. (Cosponsors: Representative Twitchell of Norway and Senator Sutton of Oxford)

William Dunlop of Mechanic Falls, who, in the highest tradition of Maine seamanship, sailed solo from Portland, Maine, to Falmouth, England, and returned; June - August 1980; (H. P. 1403) by Representative Callahan of Mechanic Falls. (Cosponsor: Representative Boyce of Auburn)

Susan Hammons, of York, State Spelling Bee Champion for 1981; (H. P. 1404) by Representative Rolde of York. (Cosponsor: Senator Hichens of York)

Edna T. Ewen of York, on the occasion of the 100th Anniversary of her birth, May 2, 1981; (H. P. 1405) by Representative Rolde of York. (Cosponsor: Senator Hichens of York)

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

**House Reports of Committees**

**Ought Not to Pass**

Representative Masterman from the Committee on Taxation on Bill "An Act to Equalize Tax Treatment of Health Insurers" (H. P. 689) (L. D. 803) reporting "Ought Not to Pass"

Representative Kilcoyne from the Committee on Taxation on Bill "An Act to Provide Deductions under the State Individual Income Tax for Necessities and to Increase the Corporate Income Tax" (H. P. 1195) (L. D. 1419) reporting "Ought Not to Pass"

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

**Leave to Withdraw**

Representative Mahany from the Committee on Agriculture on Bill "An Act to Establish a Bounty on Coyote" (H. P. 346) (L. D. 394) reporting "Leave to Withdraw" (Representative Michael of Auburn — Abstained)

Representative Mahany from the Committee on Agriculture on Bill "An Act Requiring the Notification of the Specific Location of All Aerial Application of Pesticides Including Herbicides" (H. P. 787) (L. D. 941) reporting "Leave to Withdraw"

Representative Post from the Committee on Taxation on Bill "An Act to Provide a Limited Exemption From Maine Income Taxes on Interest Earned on Accounts in Maine Financial Institutions and on Certain Dividends" (H. P. 86) (L. D. 115) reporting "Leave to Withdraw"

Representative Hayden from the Committee

on Taxation on Bill "An Act to Increase the Veterans Real Property Tax Exemptions" (H. P. 1237) (L. D. 1462) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

**Referred to the Committee on Judiciary**

Representative Conary from the Committee on Agriculture on Bill "An Act to Protect Farmers' Right to Farm" (H. P. 1175) (L. D. 1399) reporting that it be referred to the Committee on Judiciary.

Report was read and accepted and the Bill referred to the Committee on Judiciary and sent up for concurrence.

**Study Report**

**Pursuant to Joint Order H. P. 264**

Representative LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1981 (Emergency) (H. P. 1398) (L. D. 1569) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 264)

Report was read and accepted and the Resolve read once. Under suspension of the rules, the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

**Study Report**

**Pursuant to Joint Order H. P. 264**

Representative Armstrong from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1981 (Emergency) (H. P. 1399) (L. D. 1570) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 264)

Report was read and accepted and the Resolve read once. Under suspension of the rules, the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

**Divided Report**

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-260) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Counties, which have Adopted a Charter with Home Rule Authority Regarding the Office of Sheriff (H. P. 357) (L. D. 405)

Report was signed by the following members:

Senators:

GILL of Cumberland  
VIOLETTE of Aroostook

— of the Senate.

Representatives:

DIAMOND of Bangor  
MASTERTON of Cape Elizabeth  
KANY of Waterville  
LISNIK of Presque Isle  
DILLENBACK of Cumberland  
McGOWAN of Pittsfield  
SMALL of Bath

— of the House.

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

Report was signed by the following members:

Senator:

AULT of Kennebec

— of the Senate.

Representatives:

PARADIS of Augusta  
WEBSTER of Farmington  
BELL of Paris

— of the House.

Reports were read.

On motion of Mrs. Kany of Waterville, the Majority "Ought to Pass" Report was accepted.

The Resolution was read once and assigned for second reading later in the day.

### Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Permit Municipalities to Levy a Sales Tax on Meals and Lodging" (H. P. 1073) (L. D. 1276)

Report was signed by the following members:

Senators:

TEAGUE of Somerset  
WOOD of York  
EMERSON of Penobscot  
— of the Senate.

Representatives:

INGRAHAM of Houlton  
MASTERMAN of Milo  
TWITCHELL of Norway  
DAY of Westbrook  
POST of Owl's Head  
KILCOYNE of Gardiner  
BROWN of Bethel

— of the House.

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

Report was signed by the following members:

Representatives:

KANE of South Portland  
HIGGINS of Portland  
HAYDEN of Durham

— of the House.

Reports were read.

Mrs. Post of Owl's Head moved that the Majority "Ought Not to Pass" Report be accepted.

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

### Divided Report Passed to be Engrossed

Majority Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act Concerning Gifted and Talented Education" (H. P. 837) (L. D. 1003)

Report was signed by the following members:

Senators:

PIERCE of Kennebec  
CLARK of Cumberland  
TROTZKY of Penobscot  
— of the Senate.

Representatives:

MURPHY of Kennebec  
CONNOLLY of Portland  
ROLDE of York  
BROWN of Livermore Falls  
THERIAULT of Fort Kent  
LOCKE of Sebek  
MATTHEWS of Caribou  
GOWEN of Standish  
THOMPSON of South Portland

— of the House.

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

Report was signed by the following member:

Representative:

BROWN of Gorham  
— of the House.

Reports were read.

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

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

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

The Chair recognizes the gentlewoman from Gorham, Ms. Brown.

Ms. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I have written three different speeches on this, as I am the only one signing out "ought not to pass." My speech now is upstairs being typed, so you are going to have to take one of the nastier ones.

As you can see from the Committee Report, I am fighting a losing battle. You will probably say to yourselves, what is wrong with her? I will tell you what is wrong with me; I am looking at this from the taxpayer's point of view and one with old fashion common sense, a rarity up here with some people.

I know that I am fighting the strongest lobbying group up here, but I got a little nauseated at this hearing. Who is a gifted child? Doesn't every parent think his or her child is gifted?

The argument that the other side goes for is that the kids get unruly and bored and become troubled makers because they are so far ahead of others. When my kids gave me trouble, which was very rare, they got punished and were given extra work, so they soon decided that they weren't so bored after all.

Even if we had unlimited resources, which we don't, I wouldn't go for this program. It is an elitist group that usually gets chosen. I say, let the parents pay for it. If parents are unhappy with curriculum used in schools and how it is affecting their children, they are urged to take them out of school and put them in a private or christian school, and many are doing this under great sacrifice. If these affluent kids are so darn smart, let the parents take them out of school and put them in a private school, or whatever.

Education already has taken a large part of our budget, so I feel this is an area which we could absolutely cut back. I am going to ask to have this Bill and all its accompanying papers indefinitely postponed, and I would ask for the yeas and nays.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I saw this bill this morning, and I just made up my speech.

As for the gifted child, more power to them. My kids had to go to school all their lives in a college town, and I have heard that all my life in the college town. It seems that the very poor student and the very smart student always gets the attention. The child who is in the middle, who minds his own business, does his homework, never gives them any problems, never gets his just dues. The other two groups are the ones that they pay attention to.

If the child was given attention, you might be surprised to find some very talented pupils among them. It is like everything else in this country—the poor gets taken care of, so they don't have to worry, the rich, they don't have to worry, they have got the money, but the middleman and the middle student is forgotten and pays for all the other goodies that the other two groups get.

I am with Ms. Brown here. I hope you will not pass this bill.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: With a great deal of reluctance I rise to speak in opposition to my seatmate in the Education Committee, Ms. Brown, who I respect very much.

We have two gifted and talented bills which will appear before you. Many of the arguments that you have heard from the gentlelady from Brunswick and the gentlelady from Gorham pertain to a later bill that will come along. This bill is in recognition of the Governor's program, a summer school program, they meet at Bowdoin in Brunswick, and its purpose is to bring together those very gifted children from areas of the state, especially the rural areas, especially from poor families, who don't have the cultural opportunities that the suburban areas might have or the wealthier parents.

The idea is to bring them together in a two or three week program and give them an accelerated program to build up their confidence because they are different and they do take some abuse back in the local schools. The program is in existence. If I remember the fiscal note, I

think it is either \$35,000 or \$45,000-\$45,000.

So, there is a later bill and there will be some very good arguments for and against that bill. Some of the arguments you have had a preview of today. But this is to continue an existing program whose goal and objective is to reinforce these gifted children from the rural areas and from the poorer families.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: We have had this program at Bowdoin College during the summers, bringing in the students that he is talking about. Is the federal money running out? Is this why we are bringing it back to the State?

The SPEAKER: The gentlewoman from Brunswick, Mrs. Martin, has posed a question through the Chair to anyone who may care to answer.

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

Mr. CONNOLLY: Mr. Speaker, in response to the question, the summer program that this bill would purport to continue is the summer program that was funded by the state in the past at Bowdoin College.

Representative Murphy was off base by \$10,000. The price tag on this bill is not \$45,000, it is \$35,000, and it is to continue that program, that summer program, for 60 kids at Bowdoin College, which was paid for in the past with state funds and will be continued through this bill with state funds. It is not to pick up a program that the federal government has chosen not to fund; that isn't the situation. This program was funded in the past by the state, and this is a continuation of that summer program.

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

Mr. CUNNINGHAM: Mr. Speaker, I would like to pose a question to anybody who might answer. In asking my question, I would like to make it clear that prior to my legislative experience I served on a school board for several years and I always supported programs at the local level for gifted students. It seemed that we always ran out of money, though, before we got around to helping gifted students.

The question that I have is, how does a gifted student qualify for this particular program? This seems to be kind of an elitist program. How does a gifted student qualify for it?

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

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Let me address the question and then I will make some comments.

They are chosen, first of all, by themselves; second of all, by the teachers in the school, by perhaps a parent, by perhaps some record of some academic ability, and they put that all together, and that it how a student is chosen.

Representative Murphy was right on point when he said this is a summer program for less economically advantaged children in this state from rural areas. This is not an elitist bill. This is to allow young people from places like Mt. View High School, Mt. Abram Regional High School, Madawaska High School, Van Buren High School, East Corinth and Mount Desert Island. I have a list of the schools where these 60 children meet to recognize for perhaps the first time in their life that they are not so different, that people do care and that they listen to them. These children will be recognized for their ability to gather together for a short period of time in the summer and bring back what they have learned to the other students in their school. This is why it is the junior year, the summer of their junior year, so they can go back to school.

It has absolutely made a difference in the

lives of these children to come back to the school and share what they have learned. It is not an elitist program. Yes, the well-to-do can move out of their school and go to private schools, these kids can't.

I wish I had the opportunity to show you the economic demographics of these children whose mothers and fathers work in mills and plants, and these are the children that are being allowed that privilege to share their knowledge with other children of the same ability.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The gentlelady from Gorham, Ms. Brown, mentioned a lobby that was pushing for this bill. I didn't notice any lobbyists at the hearing, I noticed there were a lot of parents. And one of the ones that I was most struck by at the hearing was a lady from Auburn. She is a low-income lady and she had two children with her at the hearing. One of those children was retarded and the other one was her son, who is a very precocious young man and could fit into this category called the gifted and talented. Her question was, why can't one of my children, the retarded one, get help and sometimes we will expend up to \$25,000 on one child who is under the category of special education, and the other can't. I couldn't answer that question except by voting for this bill, so I hope you will, too.

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

Mr. BOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the cosponsors of this bill, and I guess I am one of the lobbyist that was at that hearing also. However, I had one little lobbyist do my talking for me, a little gal that came in from the City of Auburn, and I told her, rather than me clutter up the time, I would take the time here on the floor if we ran into any problem with the bill. So, we pulled up a little chair for her and she climbed on top of the chair and addressed the situation quite eloquently at a very young age of a grade school child. These are the kind of children that we are talking about. These are the lobbyists that we had in attendance for this bill.

In this bill and in this House, we have addressed such matters as furloughs for county jails, prison reform, the deadly force bill and all the other problems that we have on our streets, in our cities, in our towns right now. With this bill, possibly we can address some of the solutions to these problems with our youth of tomorrow and our future leaders of this state in this body right here. That is all we are asking.

These children can't afford the private schools, they don't have the money for the situation. Let's give them the education and the assistance that they deserve to live up to our motto on our flag — "Dirigo, We Lead."

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 gentlewoman from Gorham, Ms. Brown, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, I ask permission to pair my vote with the gentleman from Livermore Falls, Mr. Brown. If he were here and voting, he would be voting no; I would be voting

yes.

#### ROLL CALL

YEA — Armstrong, Bordeaux, Brown, A.; Brown, K.L.; Cahill, Carroll, Carter, Conary, Conners, Crowley, Curtis, Day, Dexter, Gavett, Holloway, Hunter, Hutchings, Jackson, Jordan, Kany, Kelleher, Kiesman, Kilcoyne, Lancaster, Martin, A.; McCollister, McGowan, McHenry, McPherson, Nelson, A.; O'Rourke, Paul, Racine, Reeves, J.; Ridley, Roberts, Salisbury, Sherburne, Smith, C.W.; Soulas, Studley, Treadwell, Tuttle, Wentworth.

NAY — Aloupis, Austin, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Callahan, Carrier, Chonko, Clark, Connolly, Cox, Cunningham, Damren, Davies, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Fitzgerald, Foster, Fowlie, Gowen, Gwadosky, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Huber, Ingraham, Jalbert, Joyce, Ketover, LaPlante, Laverriere, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Masterton, Masterton, Matthews, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nelson, M.; Norton, Paradis, E.; Paradis, P.; Pearson, Perkins, Perry, Post, Pouliot, Prescott, Randall, Reeves, P.; Richard, Rolde, Smith, C.B.; Stevenson, Stover, Strout, Swazey, Tarbell, Telow, Theriault, Thompson, Twitchell, Vose, Walker, Webster, Weymouth, The Speaker.

ABSENT — Davis, Dudley, Gillis, Hall, Jacques, Kane, Leighton, Martin, H.C.; McKean, Michael, Nadeau, Peterson, Small, Soule.

PAIRED — Brown, D.; — Lewis.

Yes, 44; No, 91; Absent, 14; Paired, 2.

The SPEAKER: Forty-four having voted in the affirmative and ninety one in the negative, with fourteen being absent and two paired, the motion does not prevail.

Thereupon, on motion of Mr. Connolly of Portland, the Majority "Ought to Pass" Report was accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

The SPEAKER: The Chair would like to note the return of the gentleman from Portland, Mr. Manning, to be added to the list of returnees.

#### Divided Report

Majority Report of the Committee on State Government on Bill "An Act to Revise the State Personnel System" (H. P. 687) (L. D. 801) reporting "Ought to Pass" in New Draft (H. P. 1395) (L. D. 1566)

Report was signed by the following members:

Senators:

VIOLETTE of Aroostook

AULT of Kennebec

GILL of Cumberland

— of the Senate.

Representatives:

KANY of Waterville

DIAMOND of Bangor

SMALL of Bath

McGOWAN of Pittsfield

MASTERTON of Cape Elizabeth

PARADIS of Augusta

LISNIK of Presque Isle

WEBSTER of Farmington

— of the House.

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

Representatives:

BELL of Paris

DILLENBACK of Cumberland

— of the House.

Reports were read.

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

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

The SPEAKER: The gentlewoman from Wa-

terville, Mrs. Kany, moves that the Majority "Ought to Pass" Report be accepted.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: It is unusual for me to come in and speak on a bill with only two opposing it. However, this is to revise the State Personnel Program. This bill deserves a great deal of credit because we have put a tremendous amount of work into it. I think we all went down the rosey path until we got to a point where more or less everybody agreed on all parts of the bill. There are many parts to the bill, and I am only going to address the part of the employee suggestion award program, Section 8, and that bill is on your table today.

This bill will not, in my mind, work under this program. What we tried to do in the committee is, we asked the sponsors if they wouldn't separate this out of the personnel program, because this bill creates an award program. In other words, it isn't going to cost the state, in accordance to this bill, any money. It is a suggestion program where people within the departments make a suggestion, and whatever monies are saved for the state, they will then be awarded up to \$2,000 for their suggestions. Well, as in many instances, there really isn't anybody on our committee that is a real professional person or trained in his department. I certainly have no professional background in personnel. And, as usual, in talking to members of this House you usually come across somebody who is eminently qualified to talk on a subject such as award programs.

This program came from other states that are doing it; Connecticut is the basis for this one. In talking to Russ Day one day about this, who has worked with two large corporations, he said to me, Bob, this bill will not work, you don't have any money in it for it to work. It is going to cause dissension within the ranks of the people that are employed here in the State. You are going to have problems with this bill, and I just felt that it was my duty to bring it to your attention. Perhaps I will add an amendment to it this afternoon, but I certainly would like to have you hear Mr. Day's position on it and use your own judgment.

When you look at the group that is supposed to run this program, Employees Suggestion Award Board, the Employees Suggestion Award Board will be composed of the Commissioner of Finance and Administration, the Commissioner of Personnel and one Commissioner of a state department and two state employees to be appointed by the Governor. They have no idea, no conception, of the amount of work that is going to be involved in this or the amount of money it needs to make it operate. The financial statement on here doesn't say anything. It may cost something, they say.

The attitude in the committee when we suggested separating this was, well, if it isn't good or if it doesn't work, we can amend it. I don't think that is what we are here for, to put bills out that we are going to have to amend or that cause dissension or problems with the state employees. So, I am going to ask Mr. Day if he will speak on this bill for us.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Day.

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: When this came up and talking with Mr. Dillenback, I have had a lot of experience in terms of suggestion systems, going all the way back to 1940-41. They are difficult to administer, they are good if done well, and for about every dollar expended on them you can return about \$4 in savings. That is, of course, if they are done well.

I tried to project what the volume of business might be from a suggestion in the state with 15,000 people. Based on my experience, we probably would have somewhere between 2,500 and 3,000 suggestions a year, which is at the rate of 200 or 250 a month that would have to be

processed. Normally, a suggestion is processed by it coming in on a confidential basis, in a sealed envelope, a number is put on it, copies made for the master file, a copy is sent to the department to investigate it.

The way you handle it is very similar to the way we put bill in here at the House. People have ideas on how to have better government, and that is what a suggestion system is. You put your L. D. in, it has to be researched. About 10 to 20 percent of them that come in you can't read, people cannot express themselves on paper, you have to go back to the person and say, what did you mean, and a lot of research that way. Then, once it gets in the process, you have to have someone who will follow through. The average suggestion takes between four and five months to process, as up here in terms of an L.D., it takes us weeks and months to process in L. D.

Manytimes they get very complex. A simple suggestion put in by somebody, unless carefully researched, can throw a major problem into some other department that you didn't think about, as many of you know in terms of committee work on L. D.'s.

So, it is not a simple process to just say that the Commissioner of Finance and two or three other people are going to rule on suggestions. It is going to take committees within those departments, because when you get down to the nitty-gritty of some of these suggestions, you must have people that understand what it is about and how it would affect their department to do it. In order to do this, you almost have to have an administrator, you have to have an investigator, and you have to have file clerks. Based on what we did in industry, to me it looks like we would probably need somewhere in the area of between four and seven people to keep all this paperwork going and moving, and the administrator would be sort of like our Speaker, he sees that the bills keep moving, and that is part of the job of an administrator of a suggestion system that is going to handle between two, three or four thousand items of paper a year.

One of the major problems with a suggestion system is the fact that many bosses, supervisors, division heads and so forth take a suggestion from their employees as an effort to their way of operating the business, and they being managers, of course, are responsible for the proper fiscal management of that department, and this causes all kinds of problems and another reason why you need an administrator and investigator who act almost as ombudsmen for the employees to see that that suggestion is processed and given a fair shot. If you will read back through the literature, you will find that this is one of the major deterrents to it. Many times department heads and so forth look at something like this as something that the front office sent down for them to take care of, and it is another burden on them and it carries a priority of about 16 in a ratio of 1 to 10, and they think their idea is the best one that came down the pike, they become very demotivated if they don't get a proper shot.

An example of that, and you can't do much about it, we had one person who puts in 41 suggestions before they got one that passed. Well, that would be the same as as legislator coming here and putting in 41 L. D.'s before the committee finally accepted it, and you can imagine what the attitude would be in terms of the process if that goes on too often.

Only about one out of every five suggestions is the kind that would get an award and, of course, everybody that gets turned down, the four that do, tend to look askance at the system if they are not very carefully handled and the explanation as to why it was turned down is not done empathetically. That means that all supervisors need a lot of training in how to explain to a person that their suggestion got killed.

So, all of these things add up to some poten-

tial for problems. If it is done right, the suggestion systems really work, they will pay off. My concern has been that the way it is written in the bill sounds quite simply, easy, but it may cause more problems than it is worth. Therefore, with this bit of background, I am just offering it to you in terms of your thinking as to whether we should embark on this, and if we should, let's try and do it right and put some money in there to set the program up and eventually it will pay off. They do if they are done right.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak very briefly on my position on this bill. I am with the majority "ought to pass," 11 to 2, and I would have to say I very strongly support the housekeeping bill that you have before you.

What I would say is, there was a problem in the committee. Some of us felt that this was an issue that should have been separated. I voted with the majority because I feel that with the amount of work we put into the bill, it should pass.

I would ask you to pass this bill, and when second reading comes, I would hope that the gentleman from Cumberland, Mr. Dillenback, would put in an amendment and we could vote on the issue that the previous gentlemen discussed, the issue dealing with the suggestion award program. I would ask you to support this bill at this time and when second reading comes, we can discuss the issue that the gentlemen have brought up recently here and perhaps amend it.

I would have to say that I would support an amendment if one is presented to eliminate the award section of this bill, because this is a housekeeping bill and we should have this issue aired separately.

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

A vote of the House was taken.

51 having voted in the affirmative and 49 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once and assigned for second reading later in the day.

#### Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Extend the National School Breakfast Program" (H. P. 791) (L. D. 945)

Report was signed by the following members:

Senators:

CLARK of Cumberland  
PIERCE of Kennebec  
TROTZKY of Penobscot  
— of the Senate.

Representatives:

BROWN of Gorham  
MURPHY of Kennebunk  
BROWN of Livermore Falls  
LOCKE of Sebec  
MATTHEWS of Caribou  
THOMPSON of South Portland  
ROLDE of York  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1396) (L. D. 1567)

Report was signed by the following members:

Representatives:

CONNOLLY of Portland  
GOWEN of Standish  
THERIAULT of Fort Kent  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the

gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report in New Draft and would speak to my motion.

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

The gentleman may proceed.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I would call your attention to L. D. 1567 which was passed out on your desks today. This is a new draft of the original bill and it is, in effect, the entire new legislation as amended by the committee.

The legislation in new draft would say that all schools in the state that have 40 percent or more of their student population that come from economically disadvantaged families would be required to have a school breakfast program in that school. Then the committee's new draft goes on to say that since the school breakfast program is paid for entirely with federal funds, that should the federal government reduce the funding or eliminate the funding for the school breakfast program, the Commissioner of Education can then waive the requirement in those schools that do not wish to continue in the school breakfast program. That is an important distinction and it is an important feature that those of us on the committee who support the bill have added in this new draft.

There are approximately 130 schools in this state, school units in the state, to whom this bill would apply if it were passed by this legislature.

In testimony before the committee, there were essentially five reasons that were given to us as to why this bill was necessary, five reasons as to why kids either don't have a breakfast in the morning or don't have a nutritionally sound breakfast in the morning. One of them is because the family is poor. A second reason is because there are great distances, in some cases, that kids have to travel before they get to school, and although they may have had a breakfast before they left home, it is of nutritional value for those kids to be provided a breakfast once they get to school. A third reason is that many parents have to leave their homes early in the morning because of work commitments and are not able to give their children a good breakfast. A fourth reason is that many of the children in the state who do receive a breakfast before they leave for school have a nutritionally deficient breakfast. And the final reason, and this is one of the reasons that you will hear some of the people who are opposed to this bill speak about, is that there are some parents who are inept or are bad parents and this is really parental responsibility and the schools shouldn't be stepping in.

In my opinion, for whatever reason a child doesn't have a breakfast, or a sound breakfast in the morning, is reason enough to pass this bill. This bill, in my opinion, is one of the few pieces of legislation that has come before us that could truly be called a children's bill.

There were three organizations who came to the committee and spoke against this legislation—the Maine School Board Association and the Maine Elementary and Secondary Principals Association. In my opinion, because of the time I have spent on the Education Committee and seen representatives of those organizations come before the Education Committee in my opinion, those two organizations are anti-children to begin with. The third organization that spoke against this was the Department of Education.

In the 109th Legislature, there was another bill that would do essentially what is called for in this legislation. That bill was killed, but the Department of Education said, we recognize that the school breakfast program has a great deal of merit and we will undertake a publicity campaign to urge school districts across the

state to set up a school breakfast program. They went around the state, and as a result of that effort, not one school district in the State of Maine initiated a school breakfast program, which leads me to believe that it won't be done unless somebody, such as this legislature, tells school districts that it has to be done.

The bill, for your information, was supported by the Child Nutrition Project, was supported by the Maine Teachers Association and was supported by the American Legion.

Last night when I got home, there was a newsletter in my mail from Senator Bill Cohen. I think most of you have probably gotten this in the last few days. In that newsletter, he talks about 30-plus amendments that were introduced to effect the Reagan budget in the Senate, and that of those 30-plus amendments that were offered, all were defeated except two, and those two amendments that were adopted in the Senate to effect the Reagan budget in a positive fashion, from my point of view, both dealt with child nutrition programs, and the Reagan Administration accepted those amendments without too much argument.

In my opinion, the Reagan Administration's budget exhibits a tremendous callousness towards the poor and the young in particular, but even that budget and those people who were supporting that budget agreed that there was a certain value in child nutrition programs, and that is what this legislation is about.

I want to publicly commend the sponsor for introducing the bill at this point. He introduced it and said in the committee that it was because of his christian commitment to feed the needy, and in this case we are talking about young children.

I don't understand how people could be against this legislation but obviously, in my own committee, and I have a great deal of respect for the members of my committee, the overwhelming majority of the members of my committee were opposed to this legislation.

Some people asked me to urge the sponsor to take a "leave to withdraw" and that maybe next year something different could happen and maybe we could encourage more school districts to participate and maybe more would. The only thing that is going to change between now and next year is that there are going to be more kids that are going to be hungry. The efforts of the Department of Education in the past year trying to get school districts to comply and the fact that not one school district initiated a new program leads me to believe that that approach is not appropriate.

I appeal to your sense of what is right and I urge you to overturn the majority report of my own committee and support the "ought to pass" in new draft report.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. McSweeney.

Mr. MCSWEENEY: Mr. Speaker and Members of the House: Usually I will not go against the Education Committee because I respect them, but this bill, taking the breakfast program away from the children that are needy, is very touching, because breakfast and the nutrition of the young child at this age, people will tell you that breakfast is the most important meal that a child or adult receives and many of us do not go under this plan of eating. So, I will vote with the minority on this bill, and I think it is very important that the rest of the House goes along with the minority report.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I just have a few words to say. A child with a good breakfast makes a better pupil. To some children, that is the only decent meal he receives during the day. It is a child's gift, I will admit, but it is a gift which fills his stomach and makes him function better.

The SPEAKER: The Chair recognizes the

gentleman from Kennebunk, Mr. Murphy.

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I think first, to speak in response to Representative McSweeney, the defeat of this bill does not take away the breakfast program. This bill mandates that program to 130 communities in the State of Maine.

The breakfast program has been available, by local decision, to local schools since the Child Nutrition Act was passed in 1967-68. One hundred and fifty-eight Maine schools now offer the program to 10,000 pupils per day. This mandates for those 130 schools that they must participate. The local communities and school boards are in the best position to know the local needs and it shouldn't be mandated from Augusta.

While the redrafted bill recognizes the uncertainty of federal funding, it states that the commissioner may waive the requirements as federal reimbursement rates are decreased or fail to keep pace with the cost of providing a free breakfast to eligible students—what would be even more appropriate would be 'shall.'

Representative Connolly, the distinguished chairman of our committee, is right in all five arguments in favor of the program, and I think that you will find on the "ought to pass" report most of us agree with those five arguments, but we felt, many of us on the "ought not to pass" report, that the decision should be made locally and we very reluctantly voted "ought not to pass."

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

Mr. HALL: Mr. Speaker and Members of the House: I am always bringing my family into my conversations, it is a big family and perhaps that is why I love to bring it into my conversation.

I have a son who is on the school board in our area, and one thing he told me quite a while ago, if you want to do something to help us out, don't mandate more programs from Augusta. I know this seems strange to you, Mr. Connolly, but he gave me these words of wisdom—let us decide that on our own, don't mandate from Augusta.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker and Members of the House: I think I know how I am going to vote on this bill. Clearly, the issue is the mandation, and when we do vote, I would like to request a roll call. But before we vote, I would like to ask a question to anyone on the committee who may care to answer. I would like to know the extent of the federal funds that are involved in the present breakfast program.

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

Mr. CONNOLLY: Mr. Speaker, in response to the question, I can't give you a dollar figure as to the total amount of federal funds. I can find that out for you if that is what you want to know. All I can tell you is that the total, absolute total cost of this program is paid for with federal funds, and the committee redraft says that if federal funds are reduced or are eliminated altogether, then the commissioner, as Representative Murphy has pointed out, may waive that. And if this bill makes it to second reading, I would accept an amendment that would change that 'may' to 'shall' so that they would automatically be able to get out of the program. I have no problem with that.

But as far as Representative Masterton's question goes, the program is paid for completely with federal funds.

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

Mr. LISNIK: Mr. Speaker, I would like to pose a question through the Chair. Representative Connolly, does this include elementary all the way up to secondary?

The SPEAKER: The gentleman from Presque Isle, Mr. Lisnik, has posed a question

through the Chair to the gentleman from Portland, Mr. Connolly, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. CONNOLLY: Mr. Speaker, in response to the question, this would apply to all elementary and secondary schools where 40 percent or more of the kids are what is called especially needy, come from economically disadvantaged families.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am against this program that mandates to the people back home, I am against any program that does that, as a matter of fact. Actually, I know that a lot of people think they are doing the children a good turn, and I don't want to see hungry children either. I never went to school hungry and I wouldn't want my neighbors' children to either.

But I do think that we are doing a disservice to the children of this state when we feed them at school. I think they should go there for their education and they shouldn't go there for lunch. I have a lot of good reasons, and having grown up and raised children and grandchildren and seen them go to school, and my neighbors', and I see an awful lot of children on the streets that didn't use to be, and I can't think of anything that contributes more to children being on the street, running up and down the road instead of being home, than school lunch.

I would like to make an illustration. I have told a few members of the house as I see it and I must tell the rest of you—back on the farm I raised a few dogs, and if you feed them, they stay home, they come every mealtime to get their chow. I see children the same way. If they get their breakfast home, their dinner home, you see them three times a day and they even sleep there. You send them out on the street to get their lunch, or to school, they end up like the dog, they are tramps all over town, not the whole of them but a good percentage of them, that is where we are getting our trouble today. It starts right there. You can laugh if you want to, but it is a matter of fact, I have watched it very closely. If these children would eat their three meals at home, they will never turn out to be tramps and are not down to the poolroom. So you think you are doing the children a favor but you are actually doing a disservice. You should add another class in school to keep them busy while they are there and try to educate them instead of sending them there to get something to eat.

If they are poor and hungry, we should have a place for that in the town hall or at their house but it shouldn't be the schoolhouse because they end up just like the dogs I have tried to raise, if you don't feed them, they end up on the streets as tramps. That is what you are doing to the children in the state of Maine, that is why we have all the problems of juveniles, that is the biggest reason, there may be others but that is the biggest one, I am sure.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: The only part of this bill I don't like is the fact that it says, 'only the needy.' I believe that all children should receive that breakfast. As long as we maintain the SAD system in this state and transport our children for an hour or an hour and a half to two hours in the morning after their parents have left early to go to work, I believe this breakfast is needed in the schools. If Washington is willing to pay for it, that is fine, and when they don't, I believe we should.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I am not so worried about this particular bill. I am more worried about what is happening here. The fact is, talking about L. D. 945, as you probably noticed



today, you also have another bill which is 1567, which in essence is what the chairman of the committee said was somewhat of an amendment to 945.

What I object to is the conniving, or whatever word you want to use, that is being used here in order to put this amendment through. The fact is that 945 is the original bill and the proper way to have done this would be either in committee put on a Committee Amendment "A" and adding Article C of 1567, but this was not done. Yet, under the rules you could do that in second reading if that is what they want to accomplish, but they didn't choose to it that way. Instead, those chose to circumvent the Majority "Ought Not to Pass" report and I am not against this bill, so it doesn't make any difference to me, and to get a double protection, they put it out in new draft under 1567, which I think is a bad situation to get into. I don't truly, legally and otherwise believe that the Joint Rule, Section 2 allows you to do that, although you have been allowed to do this, and even if it does, it has been done for the purpose of circumventing the "Ought Not to Pass" Report on 945, which actually gives a double shot to the losers of this bill by putting it in this way.

Probably you all know, but for those of you who don't know, here is what will happen. If this House accepts the "Ought Not to Pass" on 945 and it shoves the "Ought Not to Pass" Report, actually the new draft of this bill, 1567, is dead. If that isn't the situation, why is it that if there was a new draft coming out with essentially the same thing as 945, why wasn't 945 taken out when the new draft was put out as a matter of good principles. It would have accomplished the same thing.

That is the reason I stand up today. I don't like the way the bill is being handled, I don't like the way they have used the procedure in order to get a second shot at the bill, and I only suggest to you that if you accept the "Ought Not to Pass" Report, that we have lost a lot of time, we have lost a lot of money printing 1567, which will be useless.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I am afraid that I do not understand in the slightest what Representative Carrier is talking about. This is not an attempt to be devious or to circumvent the rules or to try to get a second shot at anything at all. We decided, those of us in committee who wanted to support the bill, that this Section C we wanted to include in the bill, that if federal funds were withdrawn, then schools shouldn't have to participate in the program. We thought it would make it much easier for everybody to understand it if they had the whole thing right in front of them so they could read it. This is not an attempt to get a second shot at the bill. What you see before you is what we are debating. If we lose it today, it is over, we have lost it. I don't understand what it is that you are trying to say; maybe you could be a little clearer.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: Two things. In the first place, if you wanted the new draft, the only thing in the new draft apparently, looking at it, is Section C, which is not in the regular bill. Is that right? If it is so, why wasn't it put on as a Committee Amendment "A" or put on as personal amendment in second reading. I don't remember what the other part of the question was. If it was a new draft, why didn't you withdraw the old draft?

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

Mr. MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I am in full agreement with the chairman of our committee. At the point that the "Ought Not to Pass" Report began to develop, the chairman approached every member of that report and in-

formed them that he would like to come up with a new draft and he did so with the permission of every member of that committee. I am very sorry that we got sidetracked away from the bill itself, the issue itself, and have started talking about mechanical issues. The chairman, in his decision to go that way, had the full support of every member of that committee.

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

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I would like to see this get to second reading, Mr. Speaker, and hope that an amendment would be offered to limit this from kindergarten to grade 8.

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

Mr. McHENRY: Mr. Speaker, Ladies and gentlemen of the House: I would like to pose a question through the Chair. Can any community today take part in the breakfast program without this L.D.?

The SPEAKER: The gentleman from Madawaska, Mr. McHenry, has posted a question through the Chair to anyone who may respond if they so desire.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: The answer to that question is yes. However, at least 130 school units in the state have not gotten the votes on their school board or school committees to do this and that is why this bill is before you. It can be done if they get the votes of the school committee or the school board.

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

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

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

Mr. BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: Presently, the state has a compulsory education system because we believe that every child should receive an education. But hungry children cannot learn and there are hungry children in Maine schools. In the cases where there are, the children are hungry, they don't learn, at least they don't learn as well as they would if they had a nutritious breakfast. The nutritious breakfast we are talking about includes something like a juice or fruit or milk or cereal or toast or bread of some kind. It is a very simple three or four minute procedure. It is not hard, it has been worked in school systems where they have had it.

If children are hungry in the schools, they don't learn and the reason for being in school is lost. School is reduced from an educational institution to a custodial one. There are also possible health damages for children who go to school hungry. Malnutrition may cause mental retardation. The reason that I am committed to this bill and its concept is because of my Christian commitment. I would like to read a little bit of my basis for that Christian commitment.

I am reading from Matthew 25—"Then the King will say to those in his right hand, come to you whom my Father has blessed; take for your heritage the Kingdom prepared for you since the foundation of the world, for I was hungry and you have given me food; I was thirsty and you have given me drink; then the virtuous will say to him in reply: Lord when did we see you hungry and feed you or thirsty and give you drink? And the King will answer: I tell you solemnly, insofar as you did this to the least of these brothers of mine, you did it to me?"

I would like to comment a little bit on that section in the Bible. That is, it doesn't say you

shall do it except for the case of local control. It says you shall feed the hungry and I guess that is the issue here, whether we are going to feed the hungry, whether we are going to see that the children do learn, or whether our institutions will be for some children just a custodial institution where maybe they are poor and maybe they will stay that way.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I will not quote out of the Bible, but if you feel that your people up home are not getting their breakfast, your children deserve it, and I think it should be your duty to see that they are fed at your home, but don't tell my people that we are going to have to serve them breakfast. We will do it if we feel that we should.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that the House accept the Minority "Ought to Pass" Report.

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

Mrs. PRESCOTT: Mr. Speaker, I would like to pair my vote with the gentleman from Livermore Falls, Mr. Brown. If he were here, he would be voting no and I would be voting yes.

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

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

The SPEAKER: The pending question before that House is on the motion of the gentleman from Portland, Mr. Connolly, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those oppose will vote no.

#### ROLL CALL

YEA—Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Connolly, Cox, Davies, Dexter, Diamond, G.W.; Diamond, J.N.; Fitzgerald, Gowen, Hall, Jalbert, Joyce, Kilcoyne, Lisnik, Lund, Macomber, Martin, A.; McCollister, McGowan, McSweeney, Mitchell, J.; Moholland, Nelson, M.; O'Rourke, Paradis, P.; Reeves, P.; Smith, C.B.; Theriault, Tuttle, Twitchell.

NAY — Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, A.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connors, Crowley, Cunningham, Curtis, Damren, Day, Dillenback, Drinkwater, Dudley, Erwin, Foster, Fowlie, Gavett, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M. Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Kany, Kelleher, Ketover, Kiesman, Lancaster, LaPlante, Laverriere, Lewis, Livesay, Locke, MacBride, Mahany, Manning, Masterman, Masterton, Matthews, McHenry, McKean, McPherson, Michaud, Mitchell, E.H.; Murphy, Nelson, A.; Norton, Paradis, E.; Paul, Pearson, Perkins, Perry, Post, Pouliot, Racine, Randall, Reeves, J.; Richard, Ridley, Roberts, Rolde, Salisbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Thompson, Treadwell, Vose, Walker, Webster, Wentworth, Weymouth.

ABSENT — Gillis, Hobbins, Kane, Leighton, MacEachern, Martin, H.C.; Michael, Nadeau, Peterson, Soule, The Speaker.

PAIRED — Brown, D.; Prescott; Davis-Gwadosky.

Yes, 36; No, 100; Absent, 11; Paired, 4.

The SPEAKER: Thirty-six having voted in the affirmative and one hundred in the negative, with eleven being absent and four paired the motion does not prevail.

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



**First Day**

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

(H.P. 296) (L.D. 326) Bill "An Act to Eliminate the Length Restriction in the Definition of Camper Trailer under the Tax Laws"—Committee on Taxation reporting "Ought to Pass as amended by Committee Amendment 'A' (H-261)

No objections being noted, the above item was ordered to appear on the Consent Calendar of April 30, under listing of Second Day.

**Tabled and Assigned**

(H. P. 832) (L. D. 999) Bill "An Act to Establish Truck Volume Labeling for Certain Wood By-Products"—Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-262)

On the objection of Mr. Mahany of Easton, was removed from the Consent Calendar.

On motion of the same gentleman, tabled pending acceptance of the unanimous Committee Report and tomorrow assigned.

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

(H. P. 926) (L. D. 1097) Bill "An Act Concerning Property Deposited with Museums and Historical Societies"

(H. P. 1265) (L. D. 1480) Bill "An Act to Make more Equitable the Computation of the Spruce Budworm Pre-project Excise Tax." (Emergency)

(H. P. 1118) (L. D. 1335) Bill "An Act to Amend the Incorporation of the Town of Poland School District" (Emergency)

(H. P. 14) (L. D. 8) Bill "An Act to Simplify the Due Process Requirements of Special Education"

(H. P. 975) (L. D. 1163) Bill, "An Act to Permit Open Burning of Brush and Demolition Debris"

(H. P. 997) (L. D. 1196) Bill, "An Act to Appropriate Funds Upgrade Facilities of the Maine Center for the Blind" (C. "A" H-255)

(H. P. 453) (L. D. 500) Bill, "An Act to Amend the Eligibility Age for Preschool Handicapped Children" (C. "A" H-256)

On the objection of Mr. Higgins of Scarborough, was removed Consent Calendar, Second Day.

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

Committee Amendment "A" (H-256) was read by the Clerk and adopted and the Bill assigned for Second Reading later in today's session.

(S. P. 411) (L. D. 1215) Bill "An Act Relating to Pharmaceutical Services Provided at Rural Health Centers" (C. "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" (C. "A" S-131)

(S. P. 201) (L. D. 568) Bill "An Act to Provide Funds for the Provision of the State Sharing of Telecommunication Typewriters for the Hearing Impaired"

(H. P. 343) (L. D. 391) Bill "An Act to Clarify and Amend the Investment Provisions of the Maine Insurance Code (C. "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" (Emergency) (C. "A" H-257)

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 send up for concurrence.

(H. P. 718) (L. D. 850) Bill "An Act Relating to the Used Car Information Act" (C. "A" H-258)

On the objection of Mr. Higgins of Scarborough, was removed from the Consent Calendar, Second Day.

Thereupon, the Report was accepted and the Bill assigned for second reading later in today's session.

**Second Reader****Later Today Assigned**

Bill "An Act to Amend the Maine Human Rights Act" (S. P. 579) (L. D. 1555)

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

On motion of Ms. Benoit of South Portland, tabled pending passage to be engrossed and later today assigned.

**Second Reader****Later Today Assigned**

Bill "An Act Relating to Burial Expenses for Veterans" (H. P. 1104) (L. D. 1309)

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

On motion of Mrs. Nelson of Portland, tabled pending passage to be engrossed and later today assigned.

**Second Reader****Later Today Assigned**

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

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

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

Mrs. HUBER: Mr. Speaker, Members of the House: I don't know how many of you have had the opportunity to look at L.D. 1546, which was report out of the Appropriations Committee unanimous "Ought to Pass" but there are a couple questions I have about it before we send it on its way.

It is an allocation act, and those provide for the approval of the legislature for the state spending federal monies only, it is my understanding. However, if you look at the bill, on Page 2 you will notice that there are funds being made available to three areas of state government, the Department of Environmental Protection, the Department of Education and Cultural Services and the Department of Conservation. The purposes for these funds are outlined here, I guess I would say, but I was a little curious as to why there wasn't any figure, any valid figure, put on this bill and I did investigate a little further and found out that the Department of Environmental Protection funds, for instance, will go towards some aspect of the Safe Water Drinking Act for a period of one year in the amount of just under \$27,000.

The second category, that of the Department of Educational and Cultural Services will go toward, a total of \$278,379, for what I believe is a one-year evaluation of migrant children.

The third amount of \$527,638 will be given to the Department of Conservation to do a nuclear waste storage study in the State of Maine.

I guess I would appreciate it if someone on the committee could perhaps outline exactly what these funds are to be used for. I am particularly intrigued by the migrant children study, because I am not aware of a tremendous problem in the State of Maine in that area, and I would ask the Chair, I don't know how often we have these allocation bills, frankly, and I think the statute that requires it is a fairly recent one, it does seem to me that there should be a fiscal note on this bill and I would so ask the Chair.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Huber, has posed a question to the Chair. The Chair would advise the gentlewoman that the Chair has no information which would lead the Chair to believe that a fiscal note is required.

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

Mrs. HUBER: Mr. Speaker, I realize that there are federal monies, albeit we sent them there in the first place, but perhaps the chairman of the committee that dealt with this bill might be able to deal with that question in greater detail. It does seem to me, as we well know, many federal programs, once started with so-called federal monies, then become the ultimate responsibility of the state. For that reason, it seems to me, it would be helpful, if not necessary, to put a fiscal note on a bill of this type.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Huber, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: In response to Representative Huber's question, I guess that particular kind of a question has never cropped up before on a bill such as this. I don't know if she asked the other chairman of the committee the same question or not, but I really don't know exactly whether or not a bill that deals with the allocation of federal funds entirely has to have a fiscal note, in that it doesn't affect the state funds. It is an intriguing question and really one I don't have an answer to, and I shall get and answer for it. I would have had an answer for it had she asked me that before now so that I could have delivered it to her personally or on the floor of the House.

However, let me go into some of the other questions that she has. She said she was particularly interested in one aspect of this particular bill that dealt with funding from the federal government to the Department of Educational and Cultural Services dealing with migrant children. One if the authorizations sought in this particular bill, which, by the way, this legislature, passed a law that said all the federal expenditures had to go through us a year ago, is for \$238,379 from the United States Office of Education to determine that feasibility of national evaluation of migrant children. Now \$238,000 sounds like a lot of money coming to Maine, but what is happening is this—the Department of Education in Washington has picked six states, Florida, which, of course, has a lot of migrant people, Texas and California, Maine, Massachusetts and Mississippi, and they want to set up a pilot project to determine whether or not migrant children are really being educated as well as they should be and also to effectuate some kind of a good method of transferring their records from place to place to see that these children are taken care of.

All of the money that will serve all of those six states are included in this one authorization. In other words, Maine isn't going to see \$238,000 for its migrant children. It is going to see all of the money for all of the six states because they have to funnel it through one agency and we are the ones that they have chosen. The agency that they are going to be dealing with is located here in Augusta and it will coordinate the activities of six state coordinators and whatever else they need in order to make that particular program go.

The SPEAKER: In further response to the question posed by the gentlewoman from Falmouth, Mrs. Huber, the Chair further understands the question. If the question is whether or not a fiscal note is required when federal funds are affected or whether or not Joint Rule 20 requires that there be comment, the Chair would answer in the negative. Joint Rule 20 deals with state revenues or state appropriations. On motion of Mr. Jackson of Yarmouth, tabled pending passage to be engrossed and later today assigned.

**Passed to Be Engrossed  
Amended Bills**

Bill "An Act to Authorize a School Nursing

Health Coordinator in the Department of Educational and Cultural Services" (H. P. 909) (L. D. 1075) (C. "A" H-248)

Bill "An Act to Amend the Laws Relating to Group and Blanket Health Insurance" (S. P. 360) (L. D. 1060) (S. "A" S-139 to C. "A" S-134)

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

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

#### Orders of the Day

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT—Majority (12) "Ought to Pass" as Amended by Committee Amendment "A" (S-123)—Minority (1) "Ought Not to Pass" — Committee on Fisheries and Wildlife on Bill, "An Act to Provide for a Special Hunting Season on Bear during the 2nd Week in November" (S. P. 52) (L. D. 61)—In Senate, Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-123) on April 21.

Tabled—April 27 (Till Later Today) by Mr. Martin of Eagle Lake.

Pending—Ruling of the Chair on Germaneness of Committee Amendment "A" (S-123)

The SPEAKER: The Chair would rule that Committee Amendment "A" is germane.

Thereupon, on motion of Mr. MacEachern of Lincoln, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-123) was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended in concurrence.

By unanimous consent, ordered sent forthwith.

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

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

Tabled—April 28 (Till Later Today) by Representative Benoit of South Portland.

Pending—Adoption of Committee Amendment "A" (H-235)

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: This amendment is to L.D. 192, and I just briefly wanted to tell you, so you wouldn't think I was trying to sneak something through, that this was a unanimous "ought to pass" report. Deputy Secretary of State Jim Henderson thought that perhaps it should be written in a different way, a better way, so it would be in place in the statutes in several different sections.

Thereupon, Ms. Benoit of South Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-254) was read by the Clerk and adopted.

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

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

#### (Off Record Remarks)

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

Bill, "An Act Promoting the Availability of Health Care Services" (S. P. 303) (L. D. 847) (S. "A" S-109 to C. "A" S-105)

Tabled—April 27 by Representative Prescott of Hampden.

Pending—Motion of Representative Berube of Lewiston to Reconsider Adoption of Committee Amendment "A" (S-105) as Amended by Senate Amendment "A" (S-109) thereto.

Thereupon, the House reconsidered its action whereby Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted. On motion of Mr. Berube of Lewiston, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" to Committee Amendment "A" was adopted.

Mrs. Berube of Lewiston offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-263) was read by the Clerk.

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

Mrs. BERUBE: Mr. Speaker, Members of the House: To explain the amendment, it does two things. It lists the names of the laws involved, and I understand there was a technical omission and the amendment corrects that. That is all it does, really.

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

On motion of Mrs. Berube of Lewiston, Senate Amendment "A" to Committee Amendment "A" was indefinitely postponed in non-concurrence.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if some of the proponents of this measure, as amended, could explain what the bill does now do as amended by the House Amendment?

The SPEAKER: The gentlewoman from Hampden, Mrs. Prescott, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, the bill does exactly what it did when it was first presented. This merely clarifies a question that was raised because in the bill, Public Law 92, etc., was not listed, nor the law of the Certificate of Need. It does exactly what was discussed the other day.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I really don't see any need for this bill. I am really wondering why we do have the bill before us and what the intent of the legislation is. To me, it is unnecessary legislation. It is too broad even as it is amended. I don't really know what it intends to do. I look at the title, and the title ways that it is "An Act Promoting the Availability of Health Care Services," but I am not exactly sure how it does promote the availability of these services.

I look at the Statement of Fact, and I see that it says that because of the size of the state and the distribution of its population and is in the best interest of the state to have services of health care practitioners available on a wide geographical basis, that is an exact reason for not needing the bill, which is the reason for the need as stated in the Statement of Fact.

I look at the legislation and I still do not understand what it means by "health care professional." The health care professionals that are licensed in this state are licensed by the Board of Registration in Medicine, not by the Department of Human Services. The department has nothing to do with the licensing and the registration of health care professionals in the State of Maine. So I really don't understand what is meant by that definition since the department has no authority.

I know that there is a concern that we will be

restricted where doctors and dentists and veterinarians and optometrists are going to be located in the State of Maine. We are not restricting at the present time, there is no law that does that, there is no proposed law, there is no rule, no directive and no regulatory policy which tells a physician or a dentist or a veterinarian where they must practice in the State of Maine. They can practice where they choose and they can practice in whatever specialty they choose to practice in, so I don't see the necessity for this legislation.

Now, there is some concern from some people that perhaps the Department of Human Services will begin to restrict and will begin to say where dentists and doctors can go in this state. That isn't happening. The proponents of this measure at the public hearing admitted it didn't happen now, it is not happening, but it might happen in the future, it may be necessary for this legislation to pass. This is what we were told by the proponents of this measure at the public hearing.

But those some proponents come before our committee frequently, and they also say consistently when they want to kill a bill—if it ain't broken, don't fix it. Well, I submit to you, ladies and gentlemen, that there is nothing broken and that they ought to take their own advice. There is nothing here now restricting where professionals can go in the state. This is unnecessary regulation, it is not needed, and I, Mr. Speaker, would ask for a roll call on the passage of this bill.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: I am delighted a roll call has been requested because I was rising to request one myself.

I am surprised that the gentlewoman from Hampden has already forgotten the explanations that were given, and I won't go into that because I am sure that most of us remember.

She did say a key phrase—at the present time it is not done. But last year, if you recall, there was a health plan manual, I think it was 469 pages long—health plans are implemented by rules and regulations of a bureaucracy. There is a new one out which is a little over 200 pages, I guess, and on one of the pages it states very clearly that their objectives, and it is No. 8.81, to assess the current and future supply of primary medical care physicians, including active and inactive physicians and so forth.

It is very clear that this is in the program as one of their objectives and their goals. This is merely a bill which will not hurt anyone but which will help at least the people who are going to school now to study to be dermatologists or whatever, if we don't have a rule and regulation to preclude them from practicing in their home community, I think we need this bill.

Further, there is the old law that we so often forget here, the law of supply and demand, and if there are too many physicians in a community, pretty soon he or she may not be able to practice and will leave, so I think that would take care of itself.

I would ask that you support the bill and vote yes to accept the amendment.

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

Mrs. PRESCOTT: Mr. Speaker, I would like to move indefinite postponement of this Bill and all its accompanying papers.

The SPEAKER: The Chair would advise the gentlewoman that the motion at this time is not in order.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think the good gentlewoman from Hampden, in her remarks, probably gave us the reason why we should support Mrs. Berube's amendment, and more important than that, to support the bill to

guarantee that there will be no ceiling.

We all know, all of us in this House know, that there is no existing law to prohibit that. That is why the gentlelady and a few others in this House argued last week, just so that it wouldn't happen, to assure the good gentlelady from Hampden that it won't happen, and not to run a red flag up so that someone over in the Department of Human Services might take it as a hint for it to happen. So let's not accept the good gentlelady's real deep concerns, because if you have them in terms of limiting the pre-professional health care people, I suggest you support Mrs. Berube's motion and it won't happen.

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

Mrs. PRESCOTT: Mr. Speaker, I withdraw my request for a roll call at this time.

Thereupon, Committee Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to now move indefinite postponement of this Bill and all its accompanying papers and to simply say that if you vote with me, you are voting to retain the state health planning process that we have established in this state, and if the department of anyone else comes forward with any rules, there is a procedure that you can follow to void that rule, and if anyone proposes a law, we certainly know how to repeal them here in the legislature.

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

Mrs. MARTIN: Mr. Speaker and Members of the House: Knowing Mrs. Berube, she would not have had a bill printed of this magnitude if there was no concern, and there is concern on the matter.

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

Mr. McHENRY: Mr. Speaker, I would like to ask a question through the Chair. If this L.D. were to pass, are we saying that the students we spent money on to go to college would then be free to practice wherever they wish outside the State of Maine?

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

The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, the present students who are paid for under a state program are under contract, so that contract would prevail, as an answer to the gentleman's question.

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

Mr. KELLEHER: Mr. Speaker, just to further answer the good gentleman's question from Madawaska, it doesn't have anything to do with this particular bill.

The SPEAKER: The pending question is on the motion of the gentlewoman from Hampden, Mrs. Prescott, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER: 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 gentlewoman from Hampden, Mrs. Prescott, that this bill and all its accom-

panying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Baker, Beaulieu, Benoit, Brannigan, Brodeur, Connolly, Cox, Davies, Diamond, J.N.; Ketover, MacEachern, Manning, McColister, Mitchell, J.; Moholland, Prescott, Richard, Thompson.

NAY—Aloupis, Armstrong, Austin, Bell, Berube, Boisvert, Bordeaux, Boyce, Brenerman, Brown, A.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connors, Crowley, Cunningham, Curtis, Damren, Day, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Fowle, Gavett, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jalbert Jordan Joyce, Kany, Kelleher, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, Macomber, Mahany, Martin, A.; Masterman, Masterton, Matthews, McGowan, McHenry, McKean, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Murphy, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul Pearson, Perkins, Perry, Post, Pouliot, Racine Randall, Reeves, J.; Reeves, P.; Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth.

ABSENT—Brown, D.; Davis, Gillis, Kane, Leighton, Martin, H.C.; Nadeau, Peterson, Soulas.

Yes, 18; No, 123; Absent, 9.

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

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

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

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

Tabled—April 27 by Representative LaPlante of Sabattus.

Pending—Acceptance of the Committee Report.

Thereupon, the Report was accepted, the Resolve read once and assigned for second reading later in the day.

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

HOUSE DIVIDED REPORT—Majority (8) "Ought Not to Pass"—Committee on Labor on Bill, "An Act to Repeal the Double Affirmation Rule under the Employment Security Law" (H. P. 411) (L. D. 450)

Tabled—April 27 by Representative Beaulieu of Portland.

Pending—Acceptance of either Report.

On motion of Mrs. Beaulieu of Portland, re-tabled pending acceptance of either Report and tomorrow assigned.

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 28 by Representative Kelleher of Bangor.

Pending—Passage to be Enacted.

On motion of Mr. Kelleher of Bangor, re-tabled pending passage to be enacted and later today assigned.

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

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

—In House, Passed to be Enacted on April 21.

—In Senate, Failed of Passage to be Enacted in non-concurrence.

Tabled—April 28 by Representative Hanson of Kennebunkport.

Pending—Further Consideration.

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

Mr. FOWLE: Mr. Speaker, I move that the House adhere.

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

Mrs. NELSON: Mr. Speaker, I would hope that the House would not adhere and I move that we recede and concur, and I would like to speak to my motion.

The SPEAKER: The gentlewoman from Portland, Mrs. Nelson, moves that the House recede and concur.

The gentlewoman may proceed.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I am not much of a fisherwoman, although one day I did catch 250 pounds of cod outside of Monhegan Island.

I do serve on the Marine Resources Committee, and as a member of that committee I signed this bill out "ought not to pass" and I would like to tell you a little fish story about the striped bass.

The striped bass was originally a landlocked creature that was deposited in salt water during the glacial period over 15,000 years ago and it adapted extremely well and multiplied even to the point that the early colonists spread them and used the proceeds to build the first schools.

Indians salted them down for a winter food supply. They were so plentiful that the early settlers used them for fertilizer until 1639 when the Massachusetts Bay Colony ordered the practice stopped.

Stripers never lost their affinity for their land of origin and stayed within three miles of the coast. They are much hardier, they are hardy and coping creatures.

Back in 1879, some small fingerlings were transported by rail to the west coast and placed in San Francisco Bay area. They multiplied and even the west coast now has a reasonable striped population.

Now, they move out along the entire coast but with greater concentrations between Massachusetts and North Carolina.

The females become sexually mature at age six and the males at age two. The comment has been made that catching the small fish in Maine is destructive. Bass travel in schools and are susceptible to being caught by rod and reel in quantities of 100 plus. These are young, immature females with the males, because young males after spawning do not leave the spawning grounds.

Why does this need protection? Because the stock is being depleted. There are two major reasons for this. First, the population of the bays, which are the nurseries of 99 percent of our bass, they are terribly polluted, the second is simply over fishing.

There are more sports fishermen yearly with better equipment on their boats to fish that consequently seven times the bass are caught by recreational anglers yearly as by commercial fisheries. The catch has gone down dramatically. In 1973, 15 million pounds were caught; in 1976, 6½ million pounds were caught; and in 1979, 3½ million pounds were

caught.

This legislation before you is bad legislation. This bill simply asks that in the name of fairness and conservation this bill be killed.

I would like to read to you the statement from Commissioner Apollonio. It is short and I won't prolong this any longer. "The Department of Marine Resources is opposed to this bill as written because of the principle that it seems to make an artificial and arbitrary distinction among the species that the Department of Marine Resources may or may not regulate. We do not understand the logic of that distinction which is explicit in this bill. If the Department of Marine Resources authority to regulate striped bass is to be removed, then also there is more clear reason that other authorities to regulate other species must too be removed. The basic issue is to decide whether the Department of Marine Resources is to have regulatory authority. If it is the intent of the legislature to grant the Department of Marine Resources such authority, then this bill is contradictory to it."

I urge you to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, may I have the original committee report read, please?

Thereupon, the Committee Report was read by the Clerk.

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

Mrs. HUBER: Mr. Speaker, Members of the House: I will be brief because I think Representative Nelson has given you the statistics, but I do want to emphasize that the catch has gone down since 1973 from 15 million pounds to, in 1979, 3½ million pounds. For those of you who hunt other species, that would be a pretty alarming statistic if we were talking about deer perhaps.

I would further bring to your attention, I think it was mentioned in earlier debate, why should we regulate when other states aren't? I have received information that tells me that all the states that have the species, the striped bass, in fact, the only state that doesn't have a minimum size limit is the State of Maine. In fact, Massachusetts, just last week, I believe, or two weeks ago, passed a bag limit.

Other states recognize the endangered nature of the species and I think Maine should too, and I frankly don't want to have to deal with this issue every year on the floor of the House as we do with some other regulations. I would prefer to leave it to the experts and I think with their assistance we could keep the species healthy and flourishing in the Maine waters, and I hope that you will vote to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Hanson.

Mr. HANSON: Mr. Speaker, Ladies and Gentlemen of the House: Sorry I have to stand up today and debate this issue. I know the Speaker got a little tongue twisted. I think the strippers are starting to run the other way, been at this since December. I am glad to see that one of my committee persons got up and spoke against the bill, but she wasn't at the hearings or at any of the public hearings, as a matter of fact.

To give you some facts and figures, there are more fish this year in the Chesapeake Bay than there has been in some time. Hal Wyman, who they quote as an expert, wrote this letter dated February 20, 1981. "Dear Bob: Good to hear from you. The small strippers you mentioned were plentiful here in Massachusetts last Spring, then vanished, obviously headed for Maine. They are now back in Chesapeake Bay and present reports from there indicate that this 1978 year class is one of the best in a good number of years. However, they are clobbering the fish commercially in the Chesapeake Bay, the master point, ladies and gentlemen. "Outside interest has been lobbying hard, along with

a few in the state, so that Maine will come up with the strictest regulations on striped bass around the Atlantic seacoast so that these bass can go back into the areas where they are commercially netting and killing them."

Statistic fact: They say that the female comes here, true. The male very seldom comes up here, but in Chesapeake Bay, they have a 10 to 12 inch limit on netting. The reason for that is because the males start sperming at roughly 10 to 12 inches, so they give them one change, then they kill them off. It takes eight to ten males for one female. What they are asking for is, once more, as I said, for us here to put on these regulations so they can go back. I am asking for a division.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Portland, Mrs. Nelson, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 23 having voted in the affirmative and 79 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Fowlie of Rockland, the House voted to adhere.

#### Bill Held

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

—In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-246) on April 28.

HELD at the request of Representative Brennerman of Portland.

On motion of Mr. Brennerman of Portland, the House reconsidered its action whereby the Bill was passed to be engrossed.

On motion of the same gentleman, tabled pending to be engrossed and specially assigned for Friday, May 1.

On motion of Mr. MacEachern of Lincoln, the House reconsidered its action of earlier in the day whereby Bill "An Act to Provide for a Closed Season on Black Bear from the First Monday Following Thanksgiving to September 1st" (H. P. 455) (L. D. 502) was passed to be engrossed as amended by Committee Amendment "A" (H-236)

On Motion of the same gentleman, tabled pending passed, to be engrossed as amended and later today assigned.

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT—Majority (7) "Ought Not to Pass"—Minority (6) "Ought to Pass" as Amended by Committee Amendment "A" (S-132)—Committee on Election Laws on Bill, "An Act to Prohibit Voter Registration on Election Day and the 7 Business Days Next Prior to Election Day" (S. P. 155) (L. D. 363)

—In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (S-132)

Tabled—April 28 by Mr. Martin of Eagle Lake.

Pending—Ruling of the Chair on Germaneness of the Bill Under Joint Rule 4.

Ms. Benoit of South Portland requested permission to withdraw her request for a ruling on germaneness under Joint Rule 4, which was granted.

The SPEAKER: The Chair Recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, I would like to move indefinite postponement of this Bill. I am a cosponsor and we have already defeated one bill, and in the interest of saving time, I move the indefinite postponement of this one.

Thereupon, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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 and also thirty minutes after the House adjourned for the day, 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. Fowlie of Rockland, Recessed until four-thirty in the afternoon.

#### After Recess

4:30 p.m.

The House was called to order by the Speaker.

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

HOUSE DIVIDED REPORT — Report "A" (9) "Ought to Pass" as Amended by Committee Amendment "A" (H-251) Report "B" (3) "Ought Not to Pass" Report "C" (1) "Ought to Pass" as Amended by Committee Amendment "B" (H-252) — Committee on Labor on Bill, "An Act Providing Collective Bargaining Rights to Legislative Employees" (H. P. 323) (L. D. 384)

Tabled—April 28 by Representative Davies of Orono.

Pending—Motion of Representative Beaulieu of Portland to Accept Report "A" "Ought to Pass" as Amended by Committee Amendment "A" (H-251) (Roll Call Ordered)

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: We are all familiar with these collective bargaining issues. You will notice that you have three reports, to pass collective bargaining, to not pass collective bargaining or to pass collective bargaining with a right-to-work amendment. I do hope that you will vote no, and I will request a roll call at this time.

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

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

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

Mrs. BEAULIEU: Mr. Speaker, I will ask for a roll call on that last motion. I am not in favor of indefinite postponement. The majority of the committee considered the employees here as legitimate public servants. They are the last group of public servants who should be considered for collective bargaining rights. A lot of thought has been put into not only the drafting of the bill but the rationale behind it.

I ask you not to indefinitely postpone this bill, and I reaffirm my request for a roll call.

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 Chair recognizes the gentleman from Portland, Mr. Baker.

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: Well, the moment of truth has arrived. I don't believe I heard properly from the right-hand corner — I heard correct, thank you. Could I ask the Chair what the motion is?

The SPEAKER: The gentleman may speak

for or against the bill at this time.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would defeat the motion in front of us, which is to indefinitely postpone this bill and all its accompanying papers. The idea is that these are the only people who are left that are not receiving bargaining rights, and this is hitting close to home because we are dealing with legislative employees which we would like to have ourselves say we are going to tell them what to do. This is the idea, we don't want to get out of the politics of it. Let them bargain for their rights.

Presently, as you know, these employees come to the Legislative Council, and every time I have looked at it, when they have asked for a raise they get it. Why? Automatic, believe it or not, that is the way it is. The way I see it, why don't you give them the right to bargain. What are we afraid of? That is only a right that if they so wish to use it, they can; if they do not wish to be represented collectively, that is their wish also and they can do it either way.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: As I started to say, I guess the moment of truth has arrived. A friend of mine is an old organizer for the United Auto Workers and, by the way, this is a true story. He used to work very closely with the late Walter Ruther. He once said there was a time when he finally had his differences with Ruther because there was a time when the staff of the United Auto Workers decided that it wanted to organize and collectively bargain with the United Auto Workers' leadership. Ruther's response was, according to my friend — they don't need a union, they are all one big happy family and that is what this whole episode kind of reminds me of.

You know, it is kind of interesting, because you might think that this is a rather unusual piece of legislation, but I would like to point out to you that it isn't because there are some states that do have their employees of the legislature covered in their state collective bargaining laws, so this isn't an unusual piece of legislation.

I think it is time for us all to face up to the moment of truth and grant the people that work for us the same rights we have been granting to everybody else all along.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I want to clarify one thing, and that is the full-time legislative employees. This has nothing to do with the employees that the Speaker of the House wishes to have, a personal secretary, or the Senate President would have, a personal secretary, and they would have that job forever due to bargaining. This has nothing to do with it. It is the full-time, regular legislative employees who are employed and stay here year-around.

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

#### ROLL CALL

YEA — Aloupis, Austin, Bell, Bordeaux, Brown, K. L.; Cahill, Callahan, Carrier, Carroll, Carter, Conary, Connors, Cunningham, Curtis, Damren, Day, Dexter, Diamond, G. W.; Dillenback, Drinkwater, Dudley, Fowlie, Gavett, Hall, Hanson, Higgins, L. M.; Holloway, Huber, Hutchings, Ingraham, Jackson, Jalbert, Jordan, Kelleher, Kiesman, Lancaster, Lewis, Livesay, Locke, Lund, MacBride, Mahany, Manning, Masterman, Masterton, Matthews, McCollister, McPherson, Michael, Murphy, Nelson, A.; O'Rourke, Paradis, E.;

Paul, Pearson, Perkins, Pouliot, Reeves, J.; Salsbury, Sherburne, Small, Smith, C. W.; Stevenson, Strout, Studley, Tarbell, Telow, Treadwell, Twitchell, Walker, Webster, Wentworth, The Speaker.

NAY — Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, J. N.; Erwin, Fitzgerald, Foster, Gowen, Gwadosky, Hayden, Hickey, Higgins, H. C.; Hobbins, Jacques, Joyce, Kane, Kany, Ketover, Kilcoyne, Lisnik, MacEachern, Macomber, Martin, A.; McGowan, McHenry, McKean, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nelson, M.; Norton, Paradis, P.; Perry, Post, Prescott, Racine, Randall, Reeves, P.; Richard, Rolde, Smith, C. B.; Soulas, Soule, Theriault, Thompson, Tuttle, Vose, Weymouth.

ABSENT — Armstrong, Brown, A.; Brown, D.; Davis, Gillis, Hunter, LaPlante, Laverriere, Leighton, Martin, H. C.; McSweeney, Nadeau, Peterson, Ridley, Roberts, Stover, Swazey.

Yes, 73; No, 61; Absent, 17.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-one in the negative, with seventeen being absent, the motion does prevail.

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

Mr. JALBERT: Mr. Speaker, having been on the prevailing side, I now move that we reconsider our action whereby this bill was indefinitely postponed and I would like to ask a question and then speak to my motion if I may.

The question is this, and I think the gentleman from Portland, Mr. Baker, talked about this being the moment of truth, I would like to have a moment of enlightenment. I want to know if I voted right or not.

If my motion to reconsider did prevail, is it the intention of the nine people on the committee, who voted to pass this bill, to have a Report A, which has nine members signing "ought to pass" — is it their intention to have that report accepted? I would like to have that question answered.

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

The Chair recognizes the gentleman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, yes, indeed, the Majority "Ought to Pass" Report.

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

Mr. JALBERT: Mr. Speaker, that takes away a great deal of the confusion. The hour is getting late and it is going to get later. I think we know now what we would be voting on. I do hope that you vote to reconsider. If you vote to reconsider, then the motion that is presently on the calendar will be made by the gentleman from Portland, Mrs. Beaulieu, to accept Report A. Consequently, I hope you vote to reconsider and I ask for 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. 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 Lewiston, Mr. Jalbert, that the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Beaulieu, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Clark, Connolly, Cox, Crowley, Davies, Diamond, J. N.; Erwin, Fitzgerald, Foster, Fowlie, Gowen, Gwadosky, Hall, Hayden,

Hickey, Higgins, H. C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lisnik, Locke, MacEachern, Martin, A.; McGowan, McHenry, McKean, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nelson, M.; Norton, Paradis, P.; Paul, Perry, Post, Prescott, Racine, Randall, Reeves, P.; Richard, Rolde, Smith, C. B.; Soulas, Soule, Theriault, Thompson, Tuttle, Vose.

NAY — Aloupis, Austin, Bell, Bordeaux, Brown, K. L.; Cahill, Callahan, Carrier, Carroll, Carter, Conary, Connors, Cunningham, Curtis, Damren, Day, Dexter, Diamond, G. W.; Dillenback, Drinkwater, Gavett, Hanson, Higgins, L. M.; Holloway, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Mahany, Manning, Masterman, Masterton, Matthews, McCollister, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Pouliot, Reeves, J.; Salsbury, Sherburne, Small, Smith, C. W.; Stevenson, Strout, Studley, Tarbell, Telow, Treadwell, Twitchell, Walker, Webster, Wentworth, Weymouth, The Speaker.

ABSENT — Armstrong, Benoit, Brown, A.; Brown, D.; Chonko, Davis, Dudley, Gillis, Huber, Hunter, LaPlante, Laverriere, Leighton, Macomber, Martin, H. C.; McSweeney, Nadeau, Pearson, Peterson, Ridley, Roberts, Stover, Swazey.

Yes, 64; No, 64; Absent, 23.

The SPEAKER: Sixty-four having voted in the affirmative and sixty-four in the negative, with twenty-three being absent, the motion does not prevail.

Sent up for concurrence.

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

SENATE DIVIDED REPORT—Majority (8) "Ought to be Adopted"—Minority (5) "Ought Not to be Adopted"—Committee on State Government 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)

Tabled—April 28, by Representative Kany of Waterville.

Pending—Motion of the same gentlewoman to Accept the Majority "Ought to be Adopted" Report.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I would just like to go briefly through the Resolution. It is L. D. 617 and it is a Joint Resolution to Ratify an Amendment to the Federal Constitution to Provide for Representation of the District of Columbia in the Congress. There are actually four sections of the Article.

Section 1: For purposes of representation in the Congress, election of the President and Vice President in Article 5 of this Constitution, the district constituting the seat of government of the United States shall be treated as though it were a state.

Section 2: The exercise of the rights and powers considered under this Article shall be by the people of the district constituting the seat of government, and it shall be provided by the Congress.

Section 3: The 23rd Article of Amendment to the Constitution of the United States is hereby repealed.

Section 4: The Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three fourths of the several states within seven years from the date of its submission.

That is it, ladies and gentlemen, and just a few words. What is amazing, really, is that voting representation in Congress has been denied for so long to American citizens who happen to reside in our Nation's Capital. How would you and I like that? It would be as if we did not allow the citizens who happen to live in



Maine's Capital, as if we denied Augusta people voting representation in our state legislature.

The citizens residing in our Nation's Capital are without a vote for those who make the very laws under which they, along with us, are asked to live.

I hope you go along with our majority (8 to 5) recommendation for adoption of this amendment to the United States Constitution.

Thereupon, the Joint Resolution was adopted in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Maine Human Rights Act" (S. P. 579) (L. D. 1555) which was tabled earlier in the day pending passage to be engrossed.

Thereupon, the Bill was passed to be engrossed in concurrence.

The Chair laid before the House the following matter:

Bill "An Act Relating to Burial Expenses for Veterans" (H. P. 1104) (L. D. 1309) which was tabled earlier in the day pending passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence. (Later reconsidered).

The Chair laid before the House the following matter:

Resolve, to Authorize Expenditure of Certain Federal Funds for New or Expanded Programs (Emergency) (H. P. 1361) (L. D. 1546) which was tabled earlier in the day pending passage to be engrossed.

On motion of Mr. Pearson of Old Town, retabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Provide for a Closed Season on Black Bear from the First Monday Following Thanksgiving to September 1st" (H. P. 455) (L. D. 502) (C. "A" H-236) which was tabled earlier in the day pending passage to be engrossed as amended.

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

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to briefly explain why L. D. 502 was tabled this morning. In our lengthy work session on this bill, our legislative assistant advised us that there was a minor technical conflict between this bill and the Spring emergency bear bill in that they amend the same section of the laws. We have contacted that legislative assistant this afternoon, and he assures us that this can be amended in the errors bill next session.

There seems to be some feeling in both bodies that there is hanky-panky being played with this bill, and I am here now to say that there never has been, there is not now and there never will be any hanky-panky in the passage of this bill.

This bill is an unanimous "ought to pass" committee report. We hope it will be sent on its way, along with the other bill, and that they will be finally enacted in both bodies to correct a very serious situation.

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

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

#### Passed to Be Engrossed

Bill "An Act to Revise the State Personnel System" (H. P. 1395) (L. D. 1566)

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

Mr. Dillenback of Cumberland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-265) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: We do not have that amendment in this row, and I am wondering if someone could please read that amendment?

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: This is a very simple amendment. I amend the bill by striking out all of Section 8 and further amend the bill by renumbering the sections to read consecutively.

The Statement of Fact—This amendment deletes Section 8 of the bill which authorizes an employee suggestion and award program.

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

Miss BELL: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1566 is a new draft and it is revising the Personnel System. The State Government Committee has spent the last two years making those revisions.

My opposition to this bill was due to Section 8. I agree with the amendment that is on the floor at this time. It would delete the employee reward program.

Basically, my concerns here were raised when Representative Day came before our committee talking about aspects of the programs. I hope that you would go along with this amendment and I would encourage this bill to proceed.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I move indefinite postponement of this amendment.

Two weeks ago, we had a unanimous "ought to pass" report on our major revision to the Personnel System, and following that time, two members of our committee decided that they wished to amend the employee suggestion award program. We did allow ample opportunity for amendments to that portion of the bill and they were not offered at that time.

At this time, while I am on my feet, I would like to just basically go through some of the more important portions of this bill. It really was a result of two years' work. We did call in people from all over the country. We heard from the U.S. Office of Personnel Management and took into consideration all that was offered to us by many states, the National Conference of State Legislatures, Council of State Governments and so on, and we came up with a bill addressing our entire personnel system and it really is a very major revision. I am happy to say.

Our personnel law was put into place prior to the advent of collective bargaining, and some functions just grew or had to be performed, and they just kind of grew outside of our personnel law, for instance, and we have some unnecessary boards, some boards that are no longer needed, and we have really consolidated and revised our law.

This is basically ending up by hammering out and working so hard, we really, basically, have developed, I believe, a fine consensus on our personnel system. So within the bill, and it was just printed and put on desks this morning, L. D. 1566, we have done a number of things. We have taken out some unconstitutional language regarding the not being able to hire out-of-state individuals.

In addition, we have gotten rid of the State Employees Appeals Board, and the few functions left to that we have given to a new State Personnel Board which now exists and whose duties have been lessened, as we have gotten a commissioner of a department.

We have also changed the way in which we could choose and appoint that commissioner,

and we have, indeed, decided to have that commissioner serve at the pleasure of the Governor. So, if someone is not working out that well in that position, the Governor could, indeed, let go or change positions for that person.

Personnel is a very important function, as you know. We have over 11,000 employees in this state. It is very important. They deliver the services which we all provide for here in the State Legislature, and I would certainly hope that you would go along with this very thoroughly, thoughtfully considered bill and that you would go along with the state employee suggestion award program as well which the amendment is attempting to take out of that bill.

This is something that came about—many people have heard about such programs largely through the National Conference of State Legislatures and looking at Tennessee's program. This particular program is patterned on Tennessee, a very successful program basically, because instead of appropriating additional monies to reward employees for positive suggestions, it would, in fact, pay people up to \$2,000, or the 10 percent of the savings that they have suggested in a particular program from the appropriation that the legislature had appropriated. So, there is no additional cost. I think it is an incentive to our state employees, a morale boosting, productivity move. And whereas it may not be perfect, we will be asking for this new program to report back to the State Government Committee, and we will certainly be looking in the future for refinements to it, as we do for everything else.

Please go along with the indefinite postponement of this amendment.

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

Miss BELL: Mr. Speaker and Members of the House: Again, I applaud the work of the committee on the major portion of this legislation. I am opposed to the addition of the new employee award program which is in this piece of legislation.

There are two other bills in State Government which have not been scheduled for a hearing. I agree with the concept, I just don't feel that we spent adequate time in hearing both the pros and cons of the concept. It was my feeling that we needed to look at these more thoroughly.

I ask you to vote against the motion, against indefinite postponement of this amendment.

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

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I didn't speak out on this this morning because I thought the amendment was basically to improve the awards program rather than to kill it.

I would like to point out that Section 8 deals with the employee suggestion award program. This section outlines the purpose of the program. It sets up a board that will govern the proceedings, and it establishes criteria for approval of the awards.

The purpose of the bill is to offer employees an incentive to cut costs in state government. I believe that it is the legislature's obligation to provide them with a vehicle for this purpose.

The success of such a program is always going to be open to some speculation, but I feel that the guidelines are specific enough to encourage positive results. I hope you vote for indefinite postponement.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to delay this any longer because we are going to be here for some time, but you all heard Mr. Day speak today on this program. He is a professional in that field. I am not.

I agree with the lady from Waterville, Mrs. Kany, that the state personnel system that we have here is a good bill with this one exception.



I just want to take out Section 8.

If she thought I could revise this in an afternoon after they worked two years on it, I am not superman, I couldn't possibly do it. As a matter of fact, there is a great deal of work that has to be done on this section. When they tell me that it will create more dissatisfaction in our employee program, unhappiness and not do a decent job, I am not in favor of it and I don't think you should be.

It is not going to kill it, I am in favor of the concept. I think we should have this program, but I think when we have it, let's make it correct and do a good job on it.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to speak on this bill but I heard the horror stories that were told this morning by Mr. Day, and while I worked in the government I was involved in the suggestion program. We didn't run into the difficulties that were mentioned this morning. As an example, it was stated that if we do adopt an employee suggestion program within the state, that it would require four to six full-time employees.

At the last Air Force base where I worked, which happened to be Scott Air Force Base, which was the headquarters for the military air lift command, we had a total of approximately 5,000 employees in addition to the Air Force troops that were stationed at Scott, and we had one full-time clerk that worked on suggestions. There was a committee that was appointed with department heads that would meet approximately one afternoon once a month and that was the suggestion program. There was no problem. The clerk did all of the ground work, leg work, was able to obtain all the information. The committee met, they voted whether or not to accept a suggestion, and if they did, then a cost figure would be placed on the suggestion. There was no problem.

We also found that it was cost effective. Employees had a tendency to put in suggestions to reduce costs and they did this because there was money involved, there were benefits that was derived from this. So I would suggest that you vote to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Day.

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that nobody got the impression from what I said that this is going to be a horror show. Suggestion systems can be good. I hope I have stressed that. Many corporations use them. Mr. Racine gave an example and he mentioned something that was in part my thinking—he said that department heads met once a month. I am pretty sure what he means is—this is what we do in industry—we have a whole series of committees within departments and that the top committee, which is the one that is listed in the original bill, is a sort of review and policy committee.

But this does take a lot of time and the only caution that I make is that I think we should do it, it is cost effective. As I said earlier, for a dollar spent, you get four dollars back. I would like to see it done properly. It does not look like Section 8 as it is written up covers enough of the bases at this point, to satisfy me. Maybe that could be worked out, maybe it can't, but I don't think we ought to throw this thing out, and please don't think that I gave any impression that these things are horror stories, they are not. Some of them are very effective, if well done.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clarify what this bill actually does and it is very simple. It is the cornerstone of this bill which is dealt with in the amendment that Rep-

resentative Bell has proposed. It provides, contrary to what some of the proponents of the amendment say, it does provide for adequate implementation of the board and the process through which they review the proposed suggestions and cutbacks.

In Section 8, it states that the board shall establish the rules and the procedures under which the cost savings suggestions and plans will be implemented and approved and reviewed. It is very clear and it is broad enough to answer the concerns that Representative Day has expressed, and Representative Dillenback and others have expressed.

I think that the bill is a good bill. The cornerstone of this bill is the section that provides for those incentives for cutbacks. It is probably one of the most progressive and positive things we can do in order to clean up state government and motivate our state employees, and I would certainly urge you to support the motion to indefinitely postpone.

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 House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Kany of Waterville 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, 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 Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the majority of the State Government Committee that went along with this bill as it is, complete with Section 8, I want to tell you that when concerns arose in our committee about implementing Section 8, and we heard about Mr. Day and his expertise in this area, we did invite him to address the committee to share his concerns. Actually, I enjoyed his comments very much. I learned something, I think we all did. I considered his remarks to be absolutely non-derogatory to this bill and to Section 8.

I think what we are talking about in Section 8 is a morale builder for our state employees, and that is very important, because with fewer dollars we have to stretch them out more. This kind of program encourages employees to take full responsibility for the efficiency of your state government and their state government. So, I urge you to give them that chance, and go along with the indefinite postponement of this amendment.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Waterville, Mrs. Kany, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Dexter, Diamond, G.W.; Diamond J.N.; Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jalbert, Kane, Kany, Ketover, Lisnik, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Masterton, McGowan, McHenry, McKean, Mitchell, E.H.; Mitchell, J.; Moholland, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, C.B.; Soulas, Soule, Theriault, Thompson, Tuttle, Twitchell, Vose, The Speaker.

NAY — Aloupis, Austin, Bell, Bordeaux,

Boyce, Brown, K.L.; Cahill, Callahan, Carrier, Cohary, Connors, Cunningham, Curtis, Damren, Day, Dillenback, Drinkwater, Dudley, Foster, Gavett, Hanson, Higgins, L.M.; Holloway, Huber, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kelleher, Kiesman, Kilcoyne, Lancaster, Lewis, Live-say, MacBride, Martin, A.; Masterman, Matthews, McCollister, McPherson, Michaud, Murphy, Nelson, A.; Paradis, E.; Perkins, Randall, Reeves, J.; Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Strout, Stud-ley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth.

ABSENT — Armstrong, Brown, A.; Brown, D.; Davis, Gillis, Hunter, LaPlante, Laver-riere, Leighton, Martin, H.C.; McSweeney, Michael, Nadeau, O'Rourke, Peterson, Ridley, Roberts, Stover, Swazey.

Yes, 69; No, 63; Absent 19.

The SPEAKER: Sixty-nine having voted in the affirmative and sixty-three in the negative, with nineteen being absent, the motion to indefinitely postpone House Amendment "A" does prevail.

Mr. McHenry of Madawaska offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-270) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "B" and sent up for concurrence.

#### Second Reader Tabled and Assigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1981 (Emergency) (H.P. 1358) (L.D. 1540)

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

Mr. Brodeur of Auburn offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-266) was read by the Clerk.

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

Mr. BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House:

This represents the wishes of a majority of the delegation from Androscoggin County; 11 out of the 19 members signed the petition that this should be included in the budget, although I realize that one wishes to withdraw, but that still leaves a majority of 10 out of 19.

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

Mr. JALBERT: Mr. Speaker, Members of the House: Because of the hour and because I dislike to get up and oppose a colleague from my area, however, in this instance I must. When we were first founded the delegation, I suggested that we have a subcommittee that would work on the budget. I asked the three officers to name four people to go over the budget. That committee did and they came up with a budget that was satisfactory to the entire membership of the county delegation.

Now, this amendment here that is before you would give some funds to the City of Auburn for Civil Defense. I am not about ready to subsidize a position of that nature in my city, or any other city for that matter. If it is done for one, it should be done for everybody.

The committee, when it first talked about this program, it almost decided on eliminating two people from the budget. This measure would reinstate these position, and after debating and after good arguments presented on both sides, a compromise was arrived at in which they would have only one reduction within the budget.

Penobscot County, which is larger than us, has only one person in that department and we would have three people presently. We had four before but we want to keep it at three people. I think that is where it should be.

I think the position of the delegation here is

somewhat weak. I think this should have been done at the hearing of the county government committee. It was not, we got hit with it here, it doesn't make me that happy and, Mr. Speaker, I move that we indefinitely postpone this amendment.

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

Mr. BOYCE: Mr. Speaker, I would ask for a Division, please.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Brodeur of Auburn 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 Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: Again, just to reiterate what I said before, this amendment does represent the wishes of the majority of the delegation, and from what I understand, this House has traditionally supported the majority of the delegations.

I would hope that you would vote against indefinite postponement of this amendment.

Another condition was raised that wasn't realized by the whole delegation, and that is the county has a contract with the city of Auburn which they have signed, and it seems to me that that contract ought to be honored, and all this would do is put in from the surplus and not from additional tax dollars.

Thereupon, on motion of Mr. McHenry of Madawaska, tabled pending the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "A" be indefinitely postponed and tomorrow assigned. A roll call ordered.

#### Second Reader Indefinitely Postponed

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Counties, which have Adopted a Charter, with Home Rule Authority Regarding the Office of Sheriff (H. P. 357) L. D. 405) (C. "A" H-260)

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

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak very briefly in opposition to this legislation.

Basically, for those of you who don't know what this legislation does, it is going to open the door to our sheriffs being appointed. I would have to rise in opposition to our sheriffs being appointed.

I do not and cannot support a constitutional amendment to do anything such as this. I ask you to leave the sheriffs throughout the state elected and closer to the people. I feel very strongly that history has proven that our founding fathers made few mistakes, and I would ask you not to support this bill.

Further, I move that we indefinitely postpone this legislation and ask for a roll call.

The SPEAKER: The gentleman from Farmington, Mr. Webster, moves that this Resolution be indefinitely postponed.

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I hope that you vote against this motion.

The constitutional amendment before you would not actually abolish the office of sheriff, nor would it require that sheriffs be appointed. What it does do, and the question which would appear on the ballot if we decide to pass this constitutional amendment is, shall the Constitution of Maine be Amended to Enable any County which has Adopted a Home Rule Charter to Provide in this Charter the Method for Selecting the Sheriff and Register of Probate?

Now, as you are aware, the register of probate, by Constitution, is required to be elected, and I haven't heard of too many people who think that is just the way to do it. But will continue to be done that way until an individual county first decided that they want a county charter commission, and then it that county charter commission recommends to the people of the county that a register of probate or a sheriff be appointed, then that would have to be approved by the residents of that county.

I do hope that you do go along with this amendment and allow people in their own counties to have this choice. They could continue to elect those officers if they desired, register of probate and sheriff, but they would have that opportunity—local control, home rule. Why should we tell Cumberland County, for instance, which now does have a charter commission going, why should we tell them how they must choose their officers?

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I know the hour is late, so I will be very brief.

I don't like to speak very often on bills that come out of State Government because we have so many of them, and so many, it seems, are divided reports. But on this particular item, we are venturing into a very new field, county home rule, new charters and this type of thing, and my own county, Kennebec, defeated last November the county home rule and we decided to keep the present system.

Maine may be a very large state geographically, but population-wise the 16 counties possess very few people in each one of them, and I cannot believe that it is good government, that it is safe government, for Hancock County or Sagadahoc County to have a different form of county government than the counties neighboring it.

Frankly, I am very skeptical about having a sheriff who is perhaps appointed in one county and a sheriff who is elected in another county.

This is a new system, I assure you, and most of you know county government far better than I know it and have worked with it far longer than I have worked with county government. Basically, I am opposed to county government. Most people are not aware of the difficulties that are inherent in running county government. They rely on their legislators and on their commissioners, and for that reason I think we should be very careful in changing the modus operandi of any form, of sheriff or county commissioner or register of probate, judge of probate, etc.

In closing, I would say that Robert Frost said something once to the effect—don't take down the fence unless you know first why it was put up. When we have elected sheriffs, before changing that, I want to know why first we all had elected sheriffs.

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

Miss BELL: Mr. Speaker and Members of the House: It is really heartwarming to be on the same side as Representative Paradis from Augusta.

I would hope that you would support the motion to indefinitely postpone this piece of legislation. Before you, you have a bill which would be a constitutional amendment. I am not sure how you feel about that. It would be amending the Constitution in regards to the office of the sheriff and register of probate.

Just in support of an elected position of sheriff, right now I feel that the sheriff is elected by the people and receives a mandate from those people. In areas of the State of Maine where we have a chiefs of police who answer to a board of selectmen, we have conflicts and a rapid turnover. Where we have sheriffs, we have many who have been in office for a number of years and I just think that that is a much better way to go.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: I would just like to clarify this issue, and that seems to be my role today, clarifying things. I have to disagree with my friends, Representative Paradis and Representative Bell, in this bill, I think they have confused the issue and I just would like to make it clear.

This does not take away any provision of electing a sheriff or a register of probate in any county. What it does do is simply this, it gives all counties in the state that have adopted home rule and have accepted the method of going through a charter commission, and that right now is Cumberland County, gives them the tools to consider, just to consider whether or not abolishing the position of sheriff or making it an appointed position and making the position of register of probate an appointed position, giving them that tool just to consider.

If they do consider it and they vote to go along with it, the next step would be to put it out to referendum of the county. It would not be automatically that the sheriff is abolished and now is appointed, or the register of probate. It would give the voters of that county, which in this case is only Cumberland County, the ability to vote on whether or not that change should be made. The voters would have to ratify it. A public hearing would be held prior to that and, again, it would have to be the decision of the charter commission to make that change. That does not mean they are going to make that change. It just says, with all the tools the legislature gave them a couple of years ago, in order to revise their county charter and upgrade or disintegrate their current county government, this could be one more tool which, in my opinion and in the opinion of many members of the committee, was an oversight, it was an error not to include this particular provision.

Again, all this does is really clarify the current provisions and does not change or mandate that any county do away with its sheriff or register of probate.

I hope you support the amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: I hope you will go along with this motion to indefinitely postpone. It is another way to pave the way for doing away with elected officials, and I think we should keep as many elected officials as possible.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker and Members of the House: I hate to admit it, but this is my bill.

The legislature, last session, passed a county reform bill, a bill that would give counties home rule if counties formed charter commissions, if those charters recommended by the commission are passed by the people of the county in referendum.

All this constitutional amendment will do is allow a county with the charter to have complete home rule. You cannot give a county home rule with one hand and with the other take it away.

I happen to live in Cumberland County. We have a charter commission. I happen to be on it. It happens that we are talking about appointed county officials, the department heads.

If you are really going to be fair and square with county government, I think that today you are going to go along with this constitutional amendment and vote down the indefinite postponement motion. Please go along with the bill; it is very important to Cumberland County.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I have worked for both an appointed chief of police and an elected sheriff, and Representative Bell is correct, the elected sheriff does a better job with respect to public policy, and I would hope that you would support the pending motion to indefinitely postpone.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I hate to go against Mrs. Masterton, but I do not believe in it. I believe that it would be another political appointment, and we have plenty of those.

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

Ms. BENOIT: Mr. Speaker, very briefly and to go along with Representative Masterton, Cumberland County is only asking for the option to do this. In response to Representative Curtis, maybe we would like the opportunity to find that out, whether we can hire a sheriff that is competent and perhaps elect one that is just as competent, but we would like that option.

The SPEAKER: A roll call has been requested. 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 Madawaska, Mr. McHenry.

Mr. MCHENRY: Mr. Speaker and Members of the House: I am in favor of indefinite postponement of this L.D., this Resolution, but I will tell you, there are some elected positions that should be done away with, but this is not one of them. I don't think the sheriffs should be answerable to the county commissioners, whereas there are some officers that should be answerable to the county commissioners.

The SPEAKER: The pending question is on the motion of the gentleman from Farmington, Mr. Webster, that this Resolution be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Austin, Bell, Boisvert, Bordeaux, Calahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connors, Crowley, Cunningham, Curtis, Damren, Dexter, Drinkwater, Dudley, Foster, Fowlie, Gwadosky, Hanson, Hayden, Hickey, Higgins, L.M.; Hobbins, Holloway, Ingraham, Jacques, Jordan, Joyce, Kelleher, Kiesman, Kilcoyne, Lewis, Livesay, Locke, MacBride, Macomber, Mahany, Martin, A.; Masterman, Matthews, McCollister, McHenry, McKean, McPherson, Michael, Mitchell, E.H.; Mitchell, J.; Murphy, Nelson, A.; Norton, Paradis, P.; Paul, Perry, Post, Racine, J.; Randall, Reeves, J.; Richard, Salisbury, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Strout, Studley, Telow, Treadwell, Tuttle, Twitchell, Walker, Webster, Wentworth, Weymouth.

NAY—Aloupis, Beaulieu, Benoit, Berube, Boyce, Brannigan, Brennerman, Brodeur, Brown, K.L.; Cahill, Connolly, Cox, Davies, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Erwin, Fitzgerald, Gavett, Gowen, Hall, Higgins, H.C.; Huber, Jackson, Kane, Kany, Ketover, Lancaster, Lisnik, Lund, MacEachern, Manning, Masterton, McGowan, Michaud, Moholland, Nelson, M.; Paradis, E.; Pearson, Perkins, Pouliot, Prescott, Reeves, P.; Rolde, Sherburne, Small, Tarbell, Theriault, Thompson, Vose.

ABSENT—Armstrong, Baker, Brown, A.; Brown, D.; Davis, Gillis, Hunter, Hutchings,

Jalbert, LaPlante, Laverriere, Leighton, Martin, H.C.; McSweeney, Nadeau, O'Rourke, Peterson, Ridley, Roberts, Stover, Swazey.

Yes, 78; No, 51; Absent, 21.

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

Sent up for concurrence.

Bill "An Act to Amend the Eligibility Age for Preschool Handicapped Children" (H. P. 453) (L. D. 500) (C. "A" H-256)

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

The following papers appearing on Supplement No. 2 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. 452) (L. D. 1298) Bill "An Act to Prohibit the Sale and Promotion of Halogenated Hydrocarbons as Septic Tank Cleaners" — Committee on Energy and Natural Resources reporting "Ought to Pass"

(S. P. 453) (L. D. 1299) Bill "An Act to Appropriate Funds to the Maine Geological Survey for Ground Water Aquifer Mapping" — Committee on Energy and Natural Resources reporting "Ought to Pass"

(S. P. 466) (L. D. 1322) Bill "An Act to Provide Final Offer Arbitration for Collective Bargaining in the Potato Industry" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-138)

(S. P. 308) (L. D. 864) Bill "An Act in Support of Regional Library Systems" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-141)

(S. P. 522) (L. D. 1452) Bill "An Act to Increase the Number of Signatures Required to Initiate Rule-making Proceedings under the Maine Administrative Procedure Act" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-142)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 30, under listing of Second Day.

#### Passed to Be Engrossed Amended Bill

Bill "An Act Relating to the Used Car Information Act" (H. P. 718) (L. D. 850) (C. "A" H-258)

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I happened to pick up a committee amendment today on this particular bill, L. D. 850, and I had some serious problems with the way I felt we were addressing the issue of, I guess, the right-to-know on buying used cars.

The present law requires a number of disclosures by used car dealers, and this particular bill changes that. Rather than having to provide the information to the buyer at the time of the sale or having it available to the buyer, now we must provide the information affixed to the car and I assume that means at all times.

If you will look at Committee Amendment "A", which is filing H-258, it says that no dealer may sell, negotiate the sale or offer for sale, or transfer any used motor vehicle unless he affixes to the vehicle a conspicuous written statement containing information required by subsection 2. That is a complete rewrite of the

existing law which now says that he must furnish such person a written statement containing the information before transferring or upon the request of the individual who is buying the car.

Some of the things that this written statement must contain that is affixed to the car is the make, model, model year and any identification or serial numbers of the motor vehicle, and then a dealer must also provide upon request the name of the individual from whom he bought the car himself, which is no real change from the existing law. We also must provide the principal use of the car, whether it was a taxi or rental car, whether it was acquired as a trade-in and all that sort of thing.

The other section says that on this piece of paper that has been affixed to the car that a statement identifying the mechanical defects that are known to the dealer, statement identifying the damage, if any, that the vehicle has sustained and a new statement, something to do with applied warranties, which I haven't been able to quite understand yet. But I think by this time you have the feeling that this affixation perhaps is becoming to be a small book.

I guess I maintain that if an individual is seriously interested in purchasing a used car and the used car dealer has that information available to him and all the prospective buyer has to do is ask for it, it would seem to me that that should be adequate provisions.

I have a friend of mine, who happens to sell used cars in Scarborough, and this may sound like it is perhaps a selfish or parochial issue, but he has maybe six or eight used cars on the lot and probably not one of them is worth more than \$1,000. I think it is ridiculous to make him conform with something like this when the information is available to the purchaser anyway. If I want to go in and buy a used car off him and the same information is available and all I have to do is ask for it, that seems adequate enough without having to post all this information on the car itself.

There has been a lot of verbiage about how we ought to cut red tape and start getting government off our backs. I realize that this committee on Business Legislation, that it is a unanimous report, and it is a good faith effort to deal with an issue that they see as being one of substance. My particular feeling is that perhaps they have erred this time, and I am sorry, but I would like to have a roll call, Mr. Speaker, on passage to be engrossed.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I think as we look at laws that could possibly overregulate our business, I think we ought to take a closer look at the effect of those laws. What I would like to do is read just a few short comments from a local dealer whose honesty and integrity I value. "I am opposed to 850, first of all, because it involves more paper work for us. I just counted the checklist of documents we are forced to prepare now for new vehicle sales going through GMAC, 22 separate documents, I also feel that the window sticker would necessitate considerable extra checking on the vehicle, also probably extra liability on the part of the dealer. This means extra costs to be passed on to the consumer, probably as much as \$100 to \$200. In turn, this would lead to more private sales by owners instead of dealers. This is already one of the larger problems we dealers are facing. Last year, 53 percent of our retail sales did not turn in a vehicle in trade. These private sales, which are estimated by the state to number 130,000 annually, are completed unregulated, not even requiring an inspection sticker."

I am afraid for the dealers that if this bill passes, it will create so much paper work which the dealers must then plaster on to the car, leaving the car covered with paper. You would have to find and read the right form on it to find out the make, model, year and color of

the vehicle.

I would make a motion that we indefinitely postponed this bill and all its accompanying papers.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: This is both my bill as sponsor and my bill as chairman of the Business Legislation Committee, and I call this a "used car shoppers bill."

It is true that this information is available now, that is the issue. This information has been available since 1975 and I wonder how many of you who purchase used cars know that, that this information is available. It is our experience and the experience of the people we have been dealing with and hearing from through our various state agencies, through our own members of the committee, testimony at our hearings this year and two years ago, that this information act hasn't been working well at all. The reason that it hasn't been working, is that this information that should be available to the shopper, should be available to the buyer, is not passed or given to that shopper or buyer until the very last minute.

I know people who have gone in who know this information act well and have asked for the information and have been told, yes, that is in another office. May I see it? Well, today is Saturday, that office is closed. We had people on our own committee who told me that from reputable dealers they have never gotten this information in the last year. I said, I am sure that you got it. You go back through that pile of papers when you finally changed hands there, I am sure that your dealer probably gave you that information but that person didn't even know he had a right to know who that car was owned by before—call them up and talk to them, that is part of our law. The person didn't know they have a right to know whether that was a taxi or whether that came from someplace where a recent auction was held after a flood or for whatever reasons, good reasons or bad reasons. That information act was passed by this legislature for the people buying used cars which now cost \$3,000, \$4,000, \$5,000, very expensive items. More people are going to be buying used cars; we are asking for nothing new.

Some of the paper work that Mr. Murphy talked about would deal with another part of the law which was taken out, another part of this bill that we took out. That is what the amendment does, it takes that out.

All we are saying is that that information is now available to you and to your constituents who are shoppers for used cars. Instead of getting it at the moment of sale, they will get it right up there where they can look, where they can shop. It is just a plain sticker with that information that they have to type on a little piece of paper and show to you now when they get your check, it will be up there on a sticker, that is all, that is all that is required. No new information, it is just placed differently.

This is an excellent bill, and I ask that you support the unanimous committee report with good sponsorship from both sides of the aisle.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think we have our floor leader surrounded down here with the sponsor and myself and some of the other people who are in support of the bill.

Business Legislation Committee, unanimous report, some used cars might benefit by having stickers all over them so you shouldn't see what was underneath, but this particular bill would only put one small thing, it would just put the information that presently has to be given, it would put it on a sticker on the car. As has been stated, this information is often not given until the money is actually passed. I think that is called a psychological point of

sale, you have already decided to buy the car before you discovered that the whole front end was blown up and rebuilt. So, I urge you not to indefinitely postponement this and to pass this bill.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I understand that there is not going to be necessarily any new information here, but I guess I just object somewhat to the fact that we are going to have to spoon feed people into knowing exactly what is going on. It just makes common sense that if you are going to buy a used car, then you are going to ask questions that makes some sense—like where did the car come from? Was it a taxi, was it a police car? It would only make sense that you are going to ask questions like that. What good dealer, or even if they were a disreputable outfit, what dealer would tell you a falsehood if you asked a question? If they know they have to provide the information to you anyway when you buy the car or upon your request, which you have just done verbally, why should they have to do it with some more paper work and more stuff that is on the car? It just doesn't any sense to me at all.

Just common sense would tell you that if you went in to buy a car, you would ask questions like this. We don't need to have a bunch of papers flopping around over the windshield or something while you are out trying to drive the car around. It just doesn't make any sense to me.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Believe it or not, this bill represents the culmination of about four to six years of legislative work in this body. The bill takes a different tact than previous legislation has taken. I will explain to you the tact that prior legislation took very briefly.

Used cars are the only consumer goods in the state of Maine that are exempt under our consumer laws from the implied warranty of merchantability, the only one. If you buy any consumer good as a consumer citizen in the state of Maine, you are protected and covered under our state laws that we passed years ago in here by the implied warranty of merchantability. What that means is that if you buy a consumer good, new or used, and it doesn't do what is supposed to do because it has an inherent defect, whether or not the owner knew about it who is selling it to you, the dealer or the merchant, then you have a cause of action as a consumer to remedy it. When that law was passed giving consumers in our state uniform implied merchantability warranties, there was one small but major exception, and that was used cars. We have been in here with legislation over the past several years to plug that loophole and require that when you buy a used car, if there are problems underneath with the steering or with the transmission or in the rear end or with the brakes or the radiator has been plugged up to fill up the holes, and the implied warranty of merchantability law doesn't apply and it doesn't do what it was supposed to do, that you as a consumer will have some grounds to remedy that. That piece of legislation is not this bill, that piece of legislation was regarded as being too radical, too extreme, too anti—used car dealer in nature and it has been defeated as a result over the past several years.

This bill does not mandate anything except a disclosure and that the disclosure be conspicuously printed on the vehicle. It permits the used car dealer to weigh and exclude any obligations that he or she may have for implied warranty of merchantability that that vehicle will do what it is supposed to do, and that means operate in a safe and sound manner.

So, this bill is really a compromise. It still permits them to exclude themselves from pro-

viding a warranty of merchantability, the only consumer good in the state that continues to be exempt from our consumer laws. Yet, as the price of automobiles is going up and up and people are having to buy more used cars rather than brand new cars because the interest rates are high and they can't afford them in our market and more and more of our citizens are going to used cars, used cars are becoming more and more important to our citizens, and this adds a little additional protection.

Sure, it is an inconvenience to have to print conspicuously and post on the vehicle the information, but it is a lot more rewarding and compatible for the used car industry that they have that obligation than the obligation to ensure and give a warranty that that vehicle is going to run when they sell it to you. Right now, if you buy that vehicle and it doesn't run, there is not a doggone thing you can do about it.

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

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make one comment. It was my understanding when they sold my car that they said it belonged to a "little elderly old lady who only drove it to church." Now I ask you, ladies and gentlemen, is that a fair statement to make?

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Kennebunk, Mr. Murphy, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Higgins of Scarborough requested a roll call.

The SPEAKER: 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 the motion of the gentleman from Kennebunk, Mr. Murphy, 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—Armstrong, Austin, Bell, Bordeaux, Brown, A.; Brown, K.L.; Callahan, Carter, Conary, Conners, Curtis, Damren, Day, Dexter, Dillenback, Drinkwater, Foster, Hanson, Hickey, Higgins, L.M.; Holloway, Hutchings, Jacques, Jordan, Joyce, Kelleher, Kilcoyne, Lund, Macomber, Martin, A.; Masterton, Murphy, Paradis, E.; Paul, Randall, Reeves, J.; Roberts, Salsbury, Smith, C.W.; Stevenson, Strout, Studley, Treadwell, Webster, Wentworth.

NAY—Aloupis, Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brenerman, Brodeur, Cahill, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Cunningham, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gavett, Gowen, Gwadosky, Hall, Hayden, Higgins, H.C.; Hobbs, Huber, Ingraham, Jackson, Kane, Kany, Ketover, Kiesman, Lancaster, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Mahany, Manning, Masterton, Matthews McCollister, McGowan, McHenry, McKean, McPherson, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nelson, A.; Nelson, M.; Norton, Paradis, P.; Pearson, Perkins, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Rolde, Sherburne, Small, Smith, C.B.; Soulas, Soule, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Walker, Weymouth, The Speaker.

ABSENT—Brown, D.; Carrier, Davis, Dudley, Gillis, Hunter, Jalbert, LaPlante, Laverrerie, Leighton, Martin, H.C.; McSweeney,

Michael, Nadeau, O'Rourke, Peterson, Richard, Ridley, Stover.

Yes, 45; No, 87; Absent, 19.

The SPEAKER: Forty-five having voted in the affirmative and eighty-seven in the negative, with nineteen being absent, the motion does not prevail.

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

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

Bill "An Act to Amend the Charter of the North Yarmouth Water District" (H. P. 1406) (Presented by Representative Jackson of Yarmouth) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act Creating the North Berwick Water District" (Emergency) (H. P. 1407) (Presented by Representative Wentworth of Wells) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Were referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

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

#### Leave to Withdraw

Report of the Committee on Agriculture reporting "Leave to Withdraw" on RESOLVE, Authorizing and Directing the Board of Pesticides Control to Study and Report on Urban Pesticide Usage" (S.P. 256) (L.D. 738)

Came from the Senate with the Report read and Accepted.

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

#### Non-Concurrent Matter

Bill "An Act Relating to the Sale of Alcoholic Beverages on Vessels" (H. P. 1274) (L. D. 1489) which was passed to be engrossed as amended by Committee Amendment "A" (H-238) in the House on April 28, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-238) and Senate Amendment "A" (S-144) in non-concurrence.

In the House: On motion of Mr. Cox or Brewer, the House voted to recede and concur.

#### Non-Concurrent Matter Tabled and Assigned

RESOLVE, Providing for Revision to the Land Use Regulation Commission's Land Use Handbook, Section 6 "Erosion Control on Logging Jobs" (H. P. 454) (L. D. 501) on which the House Insisted on its previous action whereby it accepted the Majority "Ought to Pass" Report of the Committee on Energy and Natural Resources and passed the Bill to be engrossed and asked for a Committee of Conference in the House on April 27, 1981.

Came from the Senate with that Body having Adhered to its previous action whereby it accepted the Minority "Ought to Pass" as amended Report of the Committee on Energy and Natural Resources and passed the Bill to be engrossed as amended by Committee Amendment "A" (H-198) in non-concurrence.

In the House: On motion of Mr. Hall of Sangerville, tabled pending further consideration and specially assigned for Friday, May 1.

#### Special Sentiment Calendar

Recognizing: Thomas S. Squires of Hallowell, upon his retirement May 29, 1981, as director of the State Tax Division of the Bureau of Taxation, after over 35 years of outstanding public service; (S. P. 586)

Macee Turcotte, of Durham Elementary

School, winner of the 1981 Androscoggin county spelling bee championship; (S. P. 585)

No objections being noted, these items were considered passed in concurrence.

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

#### Passed to Be Enacted Emergency Measure

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

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

#### Passed to Be Enacted

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

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

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

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

The following Communication:

The Senate of Maine  
Augusta

April 29, 1981

The Honorable Edwin H. Pert  
Clerk of the House  
110th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the Majority Ought Not to Pass Report on Bill, "An Act to Limit the Storage of Spent Fuel at Nuclear Reactors", (H.P. 1007) L.D. 1203).

Respectfully,  
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

April 29, 1981

The Honorable Edwin H. Pert  
Clerk of the House  
110th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the Minority Ought Not to Pass Report on Bill, "An Act Creating a Student Seat on the University of Maine Board of Trustees", (H.P. 836) (L.D. 1002).

Respectfully,  
S/MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

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

#### Consent Calendar First Day

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

(H.P. 1359) (L.D. 1544) Bill, "An Act to Allow the Export of Wood from Public Lands under Certain Circumstances" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass". No objections being noted, under suspension of the rules, the above item was given Consent Calendar, Second Day, notification, passed to be engrossed and sent up for concurrence.

On motion of Mr. Tarbell of Bangor, the House reconsidered its action of earlier in the day whereby Bill "An Act Relating to Burial Expenses for Veterans," House Paper 1104, L.D. 1309, was passed to be engrossed.

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

House Amendment "A" (H-268) was read by the Clerk.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: This is the amendment that we talked about yesterday. This amendment pertains to the \$150 burial allowance that used to go to the widows of veterans who were to be buried in our State Veterans Cemetery.

Several years ago, the Federal Veterans Administration shifted that \$150 from the widow to the State of Maine, state government. This bill would say that the widows who wanted to have their husbands or wives, who were veterans, buried in the state cemetery could do so, could request that a liner be obtained by the state and the state would provide for the liner.

The way it would work, the state cemetery would contact the company that makes the liners, the liner would be delivered, would be put into the graves and the approximate charge for that, under today's prices, is \$105. So \$45 would be left out of the \$150 and the \$45 would lapse into the General Fund.

The fiscal note, as prepared by our Legislative Finance Office, is on the bill, a little over \$8,000 the first year; \$25,000 the second year. I think this takes care of the problems and the objections that the committee had, and I thank you for your indulgence.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask Representative Tarbell if he checked with the Veterans Bureau on this? Their prediction of the cost of a liner is quite a bit more than what he has estimated here in his bill.

The SPEAKER: The gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to the gentleman from Bangor, Mr. Tarbell, who may answer if he so desires.

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

Mr. TARBELL: That is correct, Representative Hickey. As the bill was originally drafted, it looked as though we were going to have our state cemetery in the burial and funeral business. They were going to buy capital equipment, they were going to do the actual placing of the liner into the grave, the purchasing of the liners in bulk quantities and they would have to store them in a storage house, and that went far beyond the simple purpose of the bill. So, we have amended this in such a manner that this is based on the information received by the Legislative Finance Office. We have restricted and narrowed the state's activity down to simply calling and ordering a liner. The liner company brings it, puts it in, and charges today, under today's price, \$105.

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

Mrs. BEAULIEU: Mr. Speaker, I would like to pose a question to Representative Tarbell. Is the liner mandatory in the veterans cemetery?

The SPEAKER: The gentlewoman from Portland, Mrs. Beaulieu, has posed a question through the Chair to the gentleman from



Bangor, Mr. Tarbell, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. TARBELL: Excellent question—yes, liners are mandatory. The purpose of a liner, and what I mean by a liner is a concrete structure that is on the bottom, sides and top that goes inside the grave to keep the grave subsequently, afterwards, from caving in. You either have to buy a liner, which is concrete and it is less expensive, or you have to buy a vault, which is far more expensive. This bill allows us to buy vaults or liners, but obviously people are going to buy the less expensive, which is a liner, but you have to have it.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I will be brief. I know by normal standards I am not a veteran. I was too young and then too old to ever be in the service, but after a day like this I really feel as if I have been in combat and I feel like a veteran.

We, in the committee, looked at the bill originally and thought it was a poor bill, it needed a lot to make it good and strong and fair. The amendment makes it better, so we will go along with the amendment.

I know that the people here in the House feel very strongly about veterans.

I just wanted to make something clear. Up until now in the statute, you had to have a vault. However, the department regulated that you could have a liner as well as a vault. This amendment now states, in stone, it is a pun on that, that you can have a liner or a vault, and it means that the state will be paying about \$105 for that liner.

And keeping the mood and the feeling of the House, the members of the committee and I say, let's move it right along and good luck to it.

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

Mr. HICKEY: Mr. Speaker, I would like to ask Representative Tarbell, if the liner is more than \$105, who assumes the responsibility for it?

The SPEAKER: The gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to the gentleman from Bangor, Mr. Tarbell, and the Chair recognizes that gentleman.

Mr. TARBELL: Mr. Speaker, the language in the bill would permit you to use up to the \$150. If the liner costs continues to increase up to \$150, you could use that. That is the amount of money that the state receives from the Federal Veterans Administration. If it does go up a little higher, you can use it. Hopefully, at some point in time, if we pass this measure, the state will be able to put this out to bid and out to contract and obtain the liners at even a less expensive price than the \$105.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. MacEachern of Lincoln.  
Adjourned until nine-thirty tomorrow morning.