

# 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 II***

**FIRST REGULAR SESSION**

**MAY 4, 1981 to JUNE 19, 1981**

**INDEX**

**FIRST SPECIAL SESSION**

**AUGUST 3, 1981**

**INDEX**

**FIRST CONFIRMATION SESSION**

**AUGUST 28, 1981**

**INDEX**

**SECOND SPECIAL SESSION**

**SEPTEMBER 25, 1981**

**INDEX**

**THIRD SPECIAL SESSION**

**DECEMBER 9, 1981**

**INDEX**

**HOUSE**

Wednesday, May 6, 1981

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

Prayer by the Reverend David Bean of Waterville Church of God.

The journal of yesterday was read and approved.

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

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act Relating to the Calculation of State Average Per Pupil Operating Costs" (S. P. 266) (L. D. 748)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act Relating to the Calculation of State Average Per Pupil Operating Costs and the Basic Education Allocation for Operating Costs" (S. P. 330) (L. D. 960)

Report of the Committee on Transportation reporting "Leave to Withdraw" on RESOLVE, to Designate Certain Parts of Routes 17 and 4 as Scenic Highway (H. P. 107) (L. D. 237)

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Change the Head of Tide on the Penobscot River" (S. P. 186) (L. D. 464)

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:

MAINE ADVISORY COUNCIL ON  
VOCATIONAL EDUCATION  
Box 17

1 Memorial Circle  
Augusta, Maine 04330  
(207) 622-4709

4 May 1981

To the Members of the 110th Legislature:

The Maine Advisory Council on Vocational Education (MACVE) is pleased to forward to the members of the 110th Legislature a copy of its Eleventh Annual Report.

MACVE is a policy advisory body to the State Board of Education. It is mandated by Public Law 94-482, The Educational Amendments of 1976. Each year, the Annual Report is the vehicle which carries MACVE's recommendations to the State Board of Education.

MACVE members are dedicated to helping Maine improve vocational education in order to develop Maine's best natural resource — its people.

Sincerely,  
CHRISTINE-SZIGETI JOHNSON  
Executive Director

Was read and with accompanying report ordered placed on file.

**Special Sentiment Calendar**

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

Recognizing:

Elizabeth S. Hoefler of Phillips, who has been named an alternate in the 1981 National Honor Society Scholarship Program; (H. P. 1422) by Representative Dexter of Kingfield. (Cosponsor: Representative Webster of Farmington)

Lee. G. McLaughlin of Houlton, valedictorian of Houlton High School, class of 1981; (H. P. 1425) by Representative Ingraham of Houlton.

Michael Kramer, for his many contributions to the field of journalism; (H. P. 1426) by Representative Diamond of Bangor. (Cosponsor: Representative Murphy of Kennebunk)

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

**House Reports of Committees  
Leave to Withdraw**

Representative Brown from the Committee on Taxation on Bill "An Act to Increase the Revenue Generated by Power Companies Exporting Electricity" (H. P. 1275) (L. D. 1490) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

**Ought to Pass in New Draft**

Representative Smith from the Committee on Agriculture on Bill "An Act Relating to Frozen Dessert Products" (H. P. 588) (L. D. 666) reporting "Ought to Pass" in New Draft (H. P. 1427) (L. D. 1578)

Report was read and accepted, the New Draft read once and assigned for second reading later in today's session.

Representative Damren from the Committee on Fisheries and Wildlife on Bill "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine" (H. P. 15) (L. D. 9) reporting "Ought to Pass" in New Draft (H. P. 1423) (L. D. 1577)

Report was read and accepted, the New Draft read once and assigned for second reading later in today's session.

**Ought to Pass in New Draft**

Representative Rolde from the Committee on Audit and Program Review on Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (Emergency) (H. P. 89) (L. D. 64) reporting "Ought to Pass" in New Draft (H. P. 1411) (L. D. 1576)

Report was read and accepted, the New Draft read once and assigned for second reading later in today's session.

**Divided Report**

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-297) on Bill "An Act Creating the Maine Clean Indoor Air Act" (H. P. 347) (L. D. 395)

Report was signed by the following members:

Signed:  
Senators:

GILL of Cumberland  
BUSTIN of Kennebec  
HICHENS of York

— of the Senate.

Representatives:

PRESCOTT of Hampden  
BRODEUR of Auburn  
BOYCE of Auburn  
KETOVER of Portland  
RICHARD of Madison  
HOLLOWAY of Edgecomb  
RANDALL of East Machias  
MacBRIDE of Presque Isle  
MANNING of Portland

— of the House.

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

Report was signed by the following member:  
Representative:

McCOLLISTER of Canton

— of the House.

Reports were read.

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

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

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

Mr. McCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: If we had a bill before us asking to double the present tax on tobacco, I might not like it but I could understand it. But at a time when the State Budget is collapsing under the pressures of run-away infla-

tion, at a time when the elderly cannot be given support for services in their own home but instead are forced into rest homes where their only companionship is the lonely and dying people because they cannot afford anything else, we, the Legislature, are considering a reduction in state revenue? After denying these citizens who gave unselfishly of themselves to support a government that created our present give-away society, we now see the 110th considering an L. D. that is aimed at reducing the levying of a luxury tax, some would call it a sin tax. We do this after a host of restaurateurs and innkeepers testified that the request for no smoking areas were practically non-existent. Their statements were that they were in the business of giving people an atmosphere that they wanted when dining out, and if their customers demanded, they would comply with their wishes and give them no smoking areas, but the people aren't asking for it.

We are eliminating the bookmobile because tax dollars are not available to fund it. Who is paying for this tax service? Basically, the young and the old in rural Maine. Can we afford to take another step toward eliminating a \$25 million revenue service? Why? Because it makes a few people uncomfortable? Yet, most smokers will accommodate if a reasonable request is made. From my own experience, I find that the amiable requests run about 50-50 with the offensive, unreasonable and snide remarks that go along with the request to stop smoking.

I asked a gentleman from the airline industry, who was testifying to the fact that no smoking areas were already available in their facilities, if he felt his arguments could receive a fair hearing before a committee who had already badgered, ridiculed and lectured the opponents of this bill in a hearing room that had posted on four walls no-smoking signs? After looking at one direction of our committee to the other, he very meekly said, yes, he thought he could, but he immediately left the witness stand and left the room and that was the last we saw of him.

In a few days, we will be asked to pass a tax on potatoes, yes, potatoes; yet, we are declaring our intent to reduce our tax base by restricting smoking by law rather than social pressure. Either way, it is foolhardy in our present financial condition. But, ladies and gentlemen, this is only the beginning.

As one of the Senators on the Health and Institutional Services Committee said—she won't be satisfied until the sale of tobacco is banned in the State of Maine.

Another legislator on the same committee says he is considering legislation to ban cigarette machines in Maine. We had Prohibition once, and I believe the Maine Legislature was its midwife. Are we to be party of the spawning of another fiasco in social engineering when we cannot heat the homes of our elderly and our needy? When we cannot make books available to our children, when we must resort to levying a tax on potatoes, it is irrational, it is foolhardy, it is financially irresponsible to do anything to disrupt the state's tax base at this time.

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

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

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: Here we go again. I was disappointed today in my good friend from Lincoln, Mr. MacEachern, who usually does the indefinite postponement bit, that he didn't do it. Two months ago, that fine gentleman saw the light. In fact, I guess he had seen too many lights in the past and he quit smoking, but there is always someone to take their place.

Frankly, the gentleman from Canton has left me. I don't know, he has rambled on all the way

around this bill instead of addressing the bill. The bill in its present form is strictly public meetings and public meetings only.

Now, right off the bat, we will start talking about rights, we will talk about the right to smoke. You don't have the right to smoke, it is a privilege, and when that privilege infringes upon the rights of others, it is time that that was modified. This is what this L. D. does, it modifies.

Let's talk about the handicapped. We have laws now allowing the handicapped access to public meetings. Is there anyone here who would vote against that?

Have you ever seen anyone suffering from emphysema, watched them climb the stairs here, watched them walk down the hall? Are you going to deny people like that a right to go to a public meeting which concerns them, supported, perhaps, by their tax dollars? If you are, you vote for indefinite postponement. Frankly, I can't see how anyone here in this body could do that.

I was talking with a good friend of mine about a month ago, talking about how bad it was to walk down the streets of Portland because the air is so polluted. I did support a program to address that problem.

The gentleman from Canton said this would restrict cigarette sales. Maybe that would be a good thing. Do you realize how many people suffer from lung diseases related to smoking? About 18 billion anyway.

My neighbor who died recently, a World War II veteran, disabled, he died of lung cancer. A few days before he died, I was talking with him and he said, Ed, you push this bill, it is a good bill. All the time he was telling me this, he was puffing on a weed.

This is a good bill and I hope you people will support it today.

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

Mr. GILLIS: Mr. Speaker, I would like to pose a question through the Chair. On the definition of public place, is he referring to just the items in Section 2 of the bill, or is he referring to restaurants and so forth?

The SPEAKER: The gentleman from Calais, Mr. Gillis, 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 and Members of the House: In answer to the gentleman's question, public place has been amended out of the bill, so that no longer applies. We are just talking about public meetings.

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

A vote of the House was taken.

16 having voted in the affirmative and 93 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mrs. Prescott of Hampden, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-297) was read by the Clerk and adopted and the bill assigned for second reading later in the day.

#### Divided Report

##### Later Today Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill, "An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances" (H. P. 742) (L. D. 880)

Report was signed by the following members:

Senators:

CONLEY of Cumberland  
KERRY of York

— of the Senate.

#### Representatives:

JOYCE of Portland  
LUND of Augusta  
SOULE of Westbrook  
HOBBINS of Saco  
LIVESAY of Brunswick  
BENOIT of South Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-300) on same Bill.

Report was signed by the following members:

Senator:

DEVOE of Penobscot

— of the Senate.

#### Representatives:

DRINKWATER of Belfast  
REEVES of Newport  
CARRIER of Westbrook  
O'ROURKE of Camden

— of the House.

Reports were read.

On motion of Ms. Benoit of South Portland, tabled pending acceptance of either Report and later today assigned.

#### Divided Report

##### Later Today Assigned

Majority Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill, "An Act to Provide a Referendum to Abolish Bounty Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies" (H. P. 1040) (L. D. 1259)

Report was signed by the following members:

Senators:

AULT of Kennebec  
PERKINS of Hancock

— of the Senate.

#### Representatives:

RIDLEY of Shapleigh  
STOVER of West Bath  
PARADIS of Old Town  
McHENRY of Madawaska  
CURTIS of Waldoboro  
ARMSTRONG of Wilton

— of the House.

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

Report was signed by the following members:

Senator:

CHARENTE of Androscoggin

— of the Senate.

#### Representatives:

LaPLANTE of Sabattus  
WENTWORTH of Wells  
SWAZEY of Bucksport  
ROBERTS of Buxton

— of the House.

Reports were read.

On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of either Report and later today assigned.

#### Consent Calendar

##### First Day

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

(H. P. 1387) (L. D. 1564) RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law — Committee on Taxation reporting "Ought to Pass"

No objections being noted, this item was ordered to appear on the Consent Calendar later in today's session under the listing of Second Day.

#### Consent Calendar

##### Second Day

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

(H. P. 976) (L. D. 1164) Bill, "An Act to Establish Restrictive Covenants for Property Affected by Hazardous Waste" (C. "A" H-301)

(H. P. 840) (L. D. 1006) Bill, "An Act to Provide Free Fishing Licences to Mentally Retarded and Chronically Mentally Ill Persons" (C. "A" H-302)

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

#### Passed to Be Engrossed

Bill, "An Act to Provide a Right-of-way to Pedestrians Against Drivers Entering Private Ways" (S. P. 457) (L. D. 1305)

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

#### Second Reader

##### Later Today Assigned

Bill, "An Act to Bring the Maine Traveler Information Services Act into Conformity with the United States Constitution" (S. P. 427) (L. D. 1249) (Emergency) (C. "A" S-121)

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

On motion of Mr. Higgins of Scarborough, tabled pending passage to be engrossed as amended and later today assigned.

#### Orders of the Day

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

Bill, "An Act to Permit Persons 15 years of Age and Older to Work until 10 P. M." (H. P. 877) (L. D. 1046)

Tabled — May 5 (Till Later Today) by Representative Beaulieu of Portland.

Pending — Passage to be Engrossed.

Mrs. Beaulieu of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-288) was read by the Clerk and adopted.

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

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

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

Tabled — May 4 by Representative Brannigan of Portland.

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending adoption of Committee Amendment "A" and later today assigned.

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

House Divided Report — Majority (7) "Ought to Pass" — Minority (5) "Ought Not to Pass" — Committee on Agriculture on Bill, "An Act to Coordinate Agriculture and Energy Related Activities in State Government" (H. P. 648) (L. D. 753)

Tabled — May 4 by Representative Mahany of Easton.

Pending — Motion of the same gentleman to Accept the Majority "Ought to Pass" Report.

On motion of Mr. Mahany of Easton, tabled pending the motion of the same gentleman to accept the Majority "Ought to Pass" Report and later today assigned.

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

Bill, "An Act Providing Collective Bargaining Rights to Legislative Employees" (H. P. 323) (L. D. 384)

Tabled — May 5 by Representative Diamond of Windham.

Pending — Passage to be Engrossed.

On motion of Mr. Davies of Orono, tabled pending passage to be engrossed and later

today assigned.

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

Bill, "An Act to Provide for Municipal Development of Energy Resources" (H. P. 1150) (L. D. 1398) (C. "A" H-285)

Tabled — May 5 by Representative Diamond of Windham.

Pending — Passage to be Engrossed.

On motion of Mrs. Post of Owl's Head, tabled pending passage to be engrossed and later today assigned.

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

Bill, "An Act to Facilitate the Leasing of Existing Subsidized Housing Units" (H. P. 809) (L. D. 970)

Tabled — May 5 by Representative Kelleher of Bangor.

Pending — Passage to be Engrossed.

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

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

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 — May 5 by Representative Brown of Livermore Falls.

Pending — Motion of the same gentleman to Indefinitely Postpone House Amendment "A" (H-266)

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

Mr. BRODEUR: Mr. Speaker, Members of the House: I would ask for a division first.

Yesterday noontime, the Androscoggin County delegation met and the motion to oppose the amendment was defeated; therefore, the Androscoggin County delegation voted in favor of supporting this amendment. Yesterday, the gentleman from Lewiston, Mr. Jalbert, graciously withdrew his motion to indefinitely postpone and went along with the majority of the delegation. I would hope that this legislature will defeat the motion to indefinitely postpone this amendment.

I would like to explain a little bit why this comes up now. The report of the delegation to the Local and County Government Committee was given before this issue was brought up to the county, at least the full delegation. The full delegation was not aware of one condition that existed, and that was a contract between Auburn and the county of Androscoggin for the Bureau of Civil Emergency Preparedness where Auburn provides the location, the Auburn Fire Department, for the Bureau of Civil Emergency Preparedness and the county commissioners, who will provide services to the city of Auburn. The contract was not made aware of to the whole delegation and the delegation, when it became aware of, moved to amend the county budget. That information was still not available to the whole delegation, even at the time the county budget was being reported out of committee and therefore was not done in committee.

The present situation, if it continues to exist without this amendment, may lead the county commissioners to be in breach of contract and this amendment has the full support of the county commissioners.

I would hope that the majority of the delegation would be supported on this amendment and vote no on indefinite postponement.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I realize that this is not the best time of day to debate an issue when everybody is cleaning off their desks and getting ready for the picture. However, it is probably as good a time as any to debate this issue. We are dealing with one county's budget. An-

droscoggin County's budget this morning. I would like you to keep that in mind. We in the legislature have a method of dealing with budgets and I think all of you know what that is. There is some dissatisfaction with that method but, nonetheless, it is the method that we all have selected and chosen repeatedly to deal with county budgets before this legislature, and surprisingly enough, it works, as many other things in our cumbersome process do.

I would like to explain to you very briefly what happened in Androscoggin County. A subcommittee of seven members of the total nineteen-member delegation was appointed to deal with the budget and to make recommendations back to the entire delegation. That subcommittee worked very diligently and very hard for two or three months. We worked with the Androscoggin County budget in the spirit of attempting to provide the voters and the citizens of Androscoggin County with a budget that did not represent a tax increase over last year and, ladies and gentlemen, we succeeded.

Just about every department of county government was affected in one way or another. We have been told from time to time by our constituents that county government is getting out of hand, that it needs to be cut back in certain areas, that it needs to be controlled, that growth of county government is getting out of hand, that it needs to be cut back in certain areas, that it needs to be controlled, that growth of county government has to be stopped. Our subcommittee dealt with those issues.

The particular amendment before this body is what I consider to be an example of some real fine and fancy footwork that has taken place after the budget process. Keep in mind, the subcommittee of Androscoggin County's delegation reported out a unanimous budget, something that is unheard of in our county, a unanimous, bipartisan budget to the full delegation. The budget was accepted by the full delegation. Then, as you know, the next step is to go to the Local and County Government Committee. It sailed through that committee with no amendments. Now, after it has gone through that process, the budget is before this body, and now we have an amendment to that budget that would restore a cut that was made to one department.

The cut that is proposed to be restored is to the Bureau of Civil Emergency Preparedness. That bureau in our county is a four-person bureau, one of the largest, if not the largest, in the state. While my remarks do not reflect any derogatory or negative aspects of those members, in fact just the opposite, I think we have a very fine BCEP staff, they have done an excellent job but, ladies and gentlemen, when we start talking about cutting back on government, we can't consider the type of person, the kind of person that holds that position, we have to consider the position and we have to consider the whole budget. This is the process.

Our subcommittee originally proposed cutting the BCEP staff in half, from four members down to two, and throughout our deliberations compromises were made, as are always made, and we removed one of those cuts and restored one person to that budget, bringing it up to three, making a new loss of one person to that department. At that point, everybody was in agreement, and now we have before us an amendment that deals with restoring one person to that particular budget.

We have heard it said this morning that this is all due to something that nobody knew about, a contract between the county and the city of Auburn. We on the subcommittee were aware of that contract and it wasn't really any big deal. If we stay with the budget as it is, unamended, there is no reason under the sun why the contract can't continue. There are those who are saying there will be many problems which will develop, but those are red herrings. I really don't think it is true, in fact, I am sure that it is not.

In fact, there is a little bit of a legal question as to whether or not the county government has the legal authority to contract with another level of government without prior legislative approval.

So, ladies and gentlemen, I guess to finally rap up my remarks, as we deal with county budgets going through this body, we see repeatedly attempts to tack on something at the last end that a particular group of individuals or an individual would like to see added to the budget. I have always held firm and gone with the county budget as it has come through the process. I have never bended to any of your individual wants or your opponent's individual wants on particular amendments, and I would hope you would do the same with respect to Androscoggin County's budget. It is a budget that reflects a good deal of fiscal management, fiscal responsibility, with no tax increase to the people of our county, it is one that is firm, it is solid, and I ask you to indefinitely postpone this amendment.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: First of all, at the outset I would like to apologize for bringing this issue to the floor of the House. It is unfair to ask all of you to make a decision on a particular item in our county budget. However, it is here and we must deal with it.

I was a member of the subcommittee that my good friend Representative Brown mentioned. The subcommittee did work diligently, proposed a budget and unanimously endorsed it after a series of discussions and compromises. I think that was all in very good faith. Then we reported the budget to the total delegation and they approved it. Subsequent to all of that, new information or, probably more accurately, clearer information came in regard to this question of this contractual agreement between BCEP and the city of Auburn. It was my contention that a mistake was made and that a member of the other body circulated a petition to get the required majority signatures to re-submit this item in the budget. In good faith, I simply reevaluated my position and saw that this would be more appropriate action. We are talking a matter of \$5,000 or \$6,000, because BCEP monies are matched 50-50 with the federal government. We are talking a matter of \$5,000 or \$6,000 in a budget of over a million in a county that somehow managed to achieve a no-increase budget over last year and this, obviously, from the figure I mentioned, wouldn't change drastically. I am not quite sure how many counties in this State manage to keep their budget at the same level as they did last year. I think we did an excellent job in that regard.

But the bottom line, ladies and gentlemen of the House, is simply this—the delegation met yesterday as a result of this petition and the reason I signed the petition was to get that delegation meeting. We discussed the issue thoroughly, debated it and took a vote. The motion was made that we would include this item in the budget and that the majority of the delegation would rule and, as happened, Mr. Jalbert would graciously withdraw his motion to indefinitely postpone. The majority vote was to include this item in the budget. I guess historically, traditionally in this House, we more or less go along with the majority of the delegation on these matters, and I would encourage you to do so today.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to apologize to you for bringing our petty problems to the floor of the House, but that seems to be what we have to do to fight for fiscal responsibility. I must concur with my good friend from Livermore Falls, Mr. Brown, in asking for indefinite postponement of this amendment.

This might seem strange to you since I am from the city of Auburn. However, the city of Auburn's contract with BCEP was not legally binding, first of all. Secondly, even with a three-man BCEP department, we ought to be able to provide services to the city of Auburn. All of you are from counties and all of you know that your counties have one, two, sometimes three man BCEP departments. Androscoggin is the only county with four people and there is no reason in this time of cutbacks that we should have such a huge department.

BCEP was keyed to our compromises on our county budget, and people that are breaking their word on that compromise, really I think they should think twice.

The real question right now is, why should the other towns and cities in Androscoggin County have to subsidize the city of Auburn? I also represent the small town of Minot and I know that my people in Minot do not want to be subsidizing any activities for the city of Auburn. I also know that my constituents in Auburn don't particularly feel that BCEP is such a pressing priority that we must have a four-man department rather than a three-man department that certainly can solve any problems that we have.

When this whole amendment was brought to our attention, some of us on the delegation read about it in the newspaper. We were told that everyone had been asked to sign some letter, but several of us read about it in the newspaper, and I wonder if this is really the correct way that we learn about what is going on in our own counties.

We were then told that the amendment would not cause any tax increase. We asked how this could be. They said, they have taken more money from the surplus. In order to hold our line on our original budget, we did take some money from our surplus and we got that surplus as low as we thought was fiscally responsible. It is absolutely irresponsible to go any lower, so I do hope that you will help us to have a responsible and a fair budget in Androscoggin County by voting for indefinite postponement.

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

Mr. BOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, must apologize for Androscoggin County's pettiness and I, too, am from the city of Auburn.

If I may address just a couple of points that were brought out as far as the towns subsidizing the city of Auburn, I don't think anybody subsidizes anybody any more than the two cities of Lewiston and Auburn, who certainly are the largest taxpayers in the county of Androscoggin and nobody is complaining about subsidizing the outer towns with sheriff protection and other things that are distributed to them. That is one of the points. The BCEP actually does help all of the towns in the county through the grantsmanship, through the assistance, the training programs that they give. As far as the number of personnel, fine and dandy, we have four, some of you have three, some of you have one.

A member of this body pointed out to me just a few days ago that Androscoggin County is probably the most productive in the line of BCEP grantsmanship, etc., of any other county in this state, something we are very proud of and something we wish to continue in our town and our county.

As far as the contract being invalid, it was only due to an oversight by the previous county commissioners by not having a letter on file with the AG's office here, and we still do not know whether there may be one on file with the county facilities as yet. So, it is a minor technicality that nobody is really going to die over.

This contract is now in its second renewal state, so it is something that both the city of Auburn and the county have entered into in good faith. As I was talking with our barrister, Representative Hayden, also from Androscog-

gin County, we are talking to some extent about the credibility of Androscoggin County at stake here and rectifying its contracts and holding them up with other municipalities throughout the county. So we do have a lot at stake here, we feel that it is definitely worthwhile.

I want to point out again that twice the majority of the delegation has called for this amendment, once through a written amendment that you all received, signed by the majority of the delegation, and yesterday at a delegation meeting that the Speaker asked that we perform to alleviate this problem we are now presenting to you, the Dean of the House made the motion on the bill and saying if the amendment passed he would go with the majority of the delegation. He did, as you saw, he removed his indefinite postponement. At that point, another person got up and put it right back on again. I am sorry that this happened.

I would hope that you would vote with the majority of the Androscoggin delegation and defeat the indefinite postponement and please let us have our budget so we can get down to the tasks that are at hand.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: We all go through our county budgets and we all know how long it takes to go through a county budget, and if you people accept one amendment on the floor of this House, I assure you that you will see hundreds of them. If you want to debate each one of them, you just go right ahead. I think the proper motion would have been to recommit, but if they want to debate each and every amendment, let's do it, but I hope you are ready for a lot more.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I want to apologize for speaking on Androscoggin County because Androscoggin is very unique and everybody knows it.

The letter that came down for the majority of the delegation, the process that we have in the Local and County Government Committee, had the letter been there before the bill went to Legislative Research, the Local and County Government Committee would have inserted it into the budget without any debate on it, because we did the same thing with Oxford County. They came in just prior to the bill coming out of Legislative Research, they came in with an amendment with the majority of the delegation, signatures of eight, and we tacked it right on there and it came up and there were no amendments on the floor.

The process that we in Androscoggin County had to go through, the letter that came down to us came down after the resolve was in Legislative Research. Therefore, I suggested to the sponsor of the letter, who had the majority of the signatures, to amend it on the floor of the House, which is the only process left for anyone who wishes to amend a resolve or a bill.

I also compromised on the subcommittee and agreed to go along with one cut instead of two. Yesterday, I called for a meeting of the Androscoggin County delegation, we went through about 40 minutes of debate and toward the end, the majority of the delegation, not only the majority, but everyone agreed that whatever the vote came out of that committee meeting we had yesterday, that the majority would follow. I told them that even though I compromised in subcommittee, that as chairman of the delegation also, I would follow the wish of the majority. So everyone agreed when we took a vote yesterday that the majority would prevail.

I would hope today that we would end this debate. We know the process, the majority of the delegation has voted for it. I will support the majority because of the indication that we took yesterday that we did agree that the majority would rule, and I hope that you will sup-

port the bill as amended, and I ask for a roll call.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, just to clear up a couple of things. Some reference has been made to the delegation meeting that was held yesterday and that a vote was taken and the majority should rule. I would point out to this body that the Androscoggin County delegation is made up of 19 members, some of whom weren't there, and only eight people voted in favor of this amendment. That hardly is a mandate to me.

There are no sacred cows when it comes to budget cuts, and BCEP certainly isn't one of those. Just look at your own county situations. How many BCEP staff members do you have two, one, half, part-time? We have four. We are attempting to be fiscally responsible.

Finally, comments were made relative to grantsmanship and the ability of this organization to obtain federal funding. Well, in case you haven't been listening, in Washington there aren't going to be that many federal grants floating around anymore, and I think probably that is a good thing. We don't necessarily need them, they aren't always all that great, and besides that, three people can do the job. If there are grants to be gotten, I am sure that those three people will be able to do the work, the necessary work to get them.

Ladies and gentlemen, this is going to establish a very dangerous precedent if we pass this amendment. I urge you, please pass the indefinite postponement and let's get on and pass out the Androscoggin County budget.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Members of the York County delegation will tell you that when we went over our county budget, I put in a motion to get rid of Civil Defense entirely, and that is my basic feeling. But my basic feeling is, also, that we have a tradition in this House of going along with the majority of people on a county budget. I don't want to get into the mess in Androscoggin County and I suggest that we go ahead and vote on this.

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

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

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

#### ROLL CALL

YEA—Aloupis, Armstrong, Beaulieu, Bell, Berube, Boisvert, Bordeaux, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Hickey, Higgins, L. M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kelleher, Kiesman, Kilcoyne, Laverriere, Lewis, Lund, MacBride, Martin, A.; Masterman, Masterton, Matthews, McColister, McHenry, McKean, McPherson, McSweeney, Murphy, Nelson, A.; Nelson, M.; Norton, Paradis, E.; Peterson, Racine, Randall, Salsbury, Sherburne, Small, Smith, C. W.; Soulas, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Treadwell, Walker, Wentworth, Weymouth.

NAY—Baker, Benoit, Boyce, Brannigan, Brennerman, Brodeur, Callahan, Carroll, Carter, Chonko, Clark, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J. N.; Drinkwater,

Erwin, Fitzgerald, Gwadosky, Hall, Hayden, Higgins, H. C.; Hobbins, Jacques, Joyce, Kane, Kany, Ketover, Lancaster, LaPlante, Lisnik, Livesay, MacEachern, Macomber, Mahany, Manning, McGowan, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Paradis, P.; Pearson, Perkins, Perry, Post, Pouliot, Prescott, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C. B.; Soule, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, The Speaker.

ABSENT: Austin, Carrier, Connolly, Fowlie, Jalbert, Leighton, Locke, Martin, H. C.; O'Rourke, Paul.

Yes, 74; No, 67; Absent, 9; Vacant, 1.

The SPEAKER: Seventy-four having voted in the affirmative and sixty-seven in the negative, with nine being absent and one vacant, the motion does prevail.

Thereupon, the Bill was passed to be engrossed 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 matter 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. O'Rourke of Camden.  
Recessed until four-thirty in the afternoon.

#### After Recess

The House was called to order by the Speaker.

At this point, the rules were suspended to allow members to remove their jackets.

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

#### Passed to Be Enacted Emergency Measure

An Act to Amend the Maine Consumer Credit Code to Increase the Availability of First Mortgage Residential Loan Funds. (H.P. 719) (L.D. 851) (C. "A" H-257)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act to Require that Services Performed by Chiropractors be Offered as Optional Coverage under all Group Health Insurance Policies and Group Health Care Contracts (S.P. 329) (L.D. 959) (H. "A" H-275 to C. "A" S-136)

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

An Act to Increase the Number of Signatures Required to Initiate Rule-making Proceedings under the Maine Administrative Procedure Act. (S.P. 522) (L.D. 1452) (C. "A" S-142)

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

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

Mr. KELLEHER: Mr. Speaker, I would like to ask any member of the State Government Committee, what is the reason for this bill being in now and what is the difference in the

number of signatures that are required now and the difference of signatures that will be required under this bill?

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

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

Mrs. KANY: Mr. Speaker and Members of the House: There are a number of bills about the Administrative Procedures Act, in particularly the rule-making authority, before this body. This is the single bill that dealt with a modification of an existing rule as opposed to putting forth a new rule. It is for that reason that it is here before you as a single entity. You will be getting the others shortly.

This particular bill would limit the persons who could seek to modify an existing rule to voters within the State of Maine. Right now the law just reads "persons." So anyone, a pile of people could come in from New Hampshire or anywhere else in the country, or people who are not Americans, and they could seek to modify our rules. So we definitely wanted to change that so they would be registered voters in the State of Maine.

Secondly, it is 100 people now who can basically force a new rule-making proceeding for an existing rule, and that figure would be up—the suggestion in the bill itself was 500, but our committee did not see fit to go that high. We did not believe it was necessary to go that high, so it was a much more moderate figure, I think it was 150 that we decided was a reasonable figure.

I would like to point out that if any person has a problem with an existing rule, they can write to an agency and ask them to begin rule-making proceedings. The agency can either begin those new rule-making proceedings or they must, in writing, say why they decided not to do so.

I would hope that this would be a reasonable bill, and I would hope it would go on to enactment.

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

An Act to Increase the Minimum Base Salary for Executive Administrative or Professional Employees (H.P. 430) (L.D. 477)

An Act to Clarify the Duties of the Register of Deeds (H.P. 766) (L.D. 936) (S. "A" S-156 to C. "A" H-217; H. "A" H-228)

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

An Act to Establish an Agricultural Exemption from Workers' Compensation for Certain Wood Lot Operations (H.P. 937) (L.D. 1107) (C. "A" H-264)

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

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clarify something. I am afraid that the state might be in the position that we were in a couple of years ago when a farmer came back and said that we had exempted them from workers' comp and therefore he wasn't liable to suit. I just want to make sure that the farmers know that if they do not have sufficient coverage, they will be liable to suit. That is the point I wanted to make, and also that I am sure that liability insurance for all our farmers is going to go up because of this bill. But the farmers, as I understand it, are all for this bill—very well. I just wanted to make sure that they know they will be able to be sued.

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

An Act Relating to Burial Expenses for Veterans (H.P. 1104) (L.D. 1309) (H. "A" H-268)

An Act to Raise Survivors' Benefits in the Maine State Retirement System (S.P. 464) (L.D. 1320) (C. "A" S-152)

An Act to Clarify that the Contract Bar Rule does not Apply to Unit Clarification Proceedings under the State Employee Labor Relations Act (H.P. 1253) (L.D. 1477)

An Act to Amend the Spruce Budworm Suppression Laws (H.P. 1334) (L.D. 1530) (C. "A" H-267)

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

Mr. NADEAU: Mr. Speaker, is the House in possession of Resolve for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1981, House Paper 1358, L.D. 1540?

The SPEAKER: The Chair would answer in the affirmative, having been held at the request of the gentleman from Lewiston, Mr. Nadeau.

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

Mr. JALBERT: Mr. Speaker, I move that we reconsider whereby we passed this bill to be engrossed.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that we reconsider our action whereby this Bill was passed to be engrossed.

The gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to hoorah, I am just going to state my position. I was vehemently opposed to not taking one person off this program. We had a meeting yesterday, and here is the motion that I made, and I will quote verbatim—last week you voted with me on this thing. When we had the meeting, I addressed the chairman of the delegation, I looked at the gentleman from Auburn, Mr. Brodeur, and I said to him, I will make a motion now that we indefinitely postpone your amendment. If I win, I expect you to withdraw your amendment—he is nodding yes; that was the understanding. If I lose, I will join the majority. The majority was 8 to 6, and on that level, it committed me, nobody else, to keep my word. Others are joining with me, I can assure you of that.

I thank you for what you did last week, but the position now has changed as far as I am concerned. It has nothing to do with party, it has nothing to do with Auburn or the county or this man. I am just sorry to take up so much of your time.

On that level, Mr. Speaker, so I can have a motion made later on, because then I would not be able to make that motion because I would not be on the prevailing side because I was not here, but then a motion will be made, if you people are kind enough to follow my light and go along and let us reconsider whereby this bill was engrossed, the motion will then be made to reconsider whereby the amendment failed of passage. When that motion is passed, if you are kind enough to pass it, I will get up and make a motion that the amendment pass, which will put things in order, and we will be through with this thing concerning Androscoggin County and Lewiston.

We have many things to do, I don't think we ought to debate it too long, at least I don't want to. I have given you my position, I am going to keep my word to the very end.

Mr. Speaker, when the vote is taken, I ask for a roll call, because a roll call is going to be asked for later on anyway, and I ask you people to go along with my motion to reconsider whereby this bill was passed to be engrossed.



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

Mr. BROWN: Mr. Speaker and Members of the House: I will be very brief. We wasted a half hour of this House's time this morning debating a county amendment to a county budget. This House acted very wisely in voting to indefinitely postpone an amendment that came in after the fact. It was a substantial vote this morning, you made your wishes loud and clear, and your wish is simply this—this House is no place to undo or tamper with a county budget that has gone through the proper motions. This one has and I ask for your support, to vote against the reconsideration motion so that we can get this issue over and done with.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House reconsider its action whereby this Resolve was passed to be engrossed. All those in favor will vote yes; those opposed will vote no.

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

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

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, I would like to pair my vote with Representative McCollister of Canton. If he were here, he would be voting nay and I would be voting yea.

#### ROLL CALL

YEA — Baker, Beaulieu, Benoit, Boyce, Brannigan, Brenerman, Brodeur, Callahan, Carroll, Carter, Clark, Connolly, Cox, Davies, Diamond, J. N.; Erwin, Fitzgerald, Hall, Hayden, Hickey, Higgins, H. C.; Huber, Jalbert, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lancaster, Lisnik, MacEachern, Mahany, Manning, McGowan, McKean, McSweeney, Michael, Michaud, Mitchell, E. H.; Moholland, Nadeau, Nelson, M.; Paradis, P.; Paul, Pearson, Perkins, Perry, Pouliot, Prescott, Reeves, P.; Richard, Ridley, Roberts, Smith, C. B.; Soulas, Soule, Strout, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Berube, Boisvert, Bordeaux, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Conary, Connors, Cunningham, Curtis, Damren, Day, Dexter, Dillenback, Foster, Gavett, Gowen, Gwadosky, Higgins, L. M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Joyce, Kiesman, Lewis, Livesay, Locke, MacBride, Masterman, Masterton, Matthews, McHenry, McPherson, Mitchell, J.; Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Peterson, Racine, Randall, Reeves, J.; Salsbury, Sherburne, Small, Stevenson, Stover, Studley, Swazey, Tarbell, Treadwell, Walker, Wentworth, Weymouth.

ABSENT — Carrier, Chonko, Davis, Diamond, G. W.; Drinkwater, Dudley, Fowlie, Hanson, Hobbins, Jacques, LaPlante, Laverriere, Lund, Martin, A.; Martin, H. C.; Post, Rolde, Smith, C. W.

PAIRED — Crowley-McCollister; Gillis-Macomber.

VACANT — Leighton.

Yes, 65; No, 63; Absent, 18; Paired, 4; Vacant, 1.

The SPEAKER: Sixty-five having voted in the affirmative and sixty-three in the negative,

with eighteen being absent and four paired, the motion does prevail.

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

Mrs. BEAULIEU: Mr. Speaker, having voted on the prevailing side, I move we reconsider our action whereby House Amendment "A" was indefinitely postponed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I appreciate the vote of confidence that was given a couple of minutes ago. I thank the gentlewoman from Portland for making the motion that I couldn't make.

I now move that this amendment receive passage.

Mrs. Berube of Lewiston 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. 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 Portland, Mrs. Beaulieu, that the House reconsider its action whereby House Amendment "A" was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

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

Mr. MACOMBER: Mr. Speaker, I would like to pair my vote with the gentleman from Calais, Mr. Gillis. If he were here, he would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, I would like to pair my vote again with Representative McCollister of Canton. If he were here, he would be voting nay; I would be voting yea.

#### ROLL CALL

YEA — Baker, Beaulieu, Benoit, Boyce, Brannigan, Brenerman, Brodeur, Carroll, Carter, Clark, Connolly, Cox, Davies, Diamond, J. N.; Erwin, Fitzgerald, Hall, Hayden, Hickey, Higgins, H. C.; Huber, Jalbert, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lancaster, Lisnik, MacEachern, Mahany, Manning, McGowan, McKean, Michael, Michaud, Mitchell, E. H.; Moholland, Nadeau, Nelson, M.; Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Pouliot, Prescott, Reeves, P.; Richard, Ridley, Roberts, Smith, C. B.; Soulas, Soule, Strout, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, Mr. Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Berube, Boisvert, Bordeaux, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Conary, Connors, Cunningham, Curtis, Damren, Day, Dexter, Dillenback, Foster, Gavett, Gowen, Gwadosky, Higgins, L. M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Joyce, Kiesman, Lewis, Livesay, Locke, Lund, MacBride, Masterman, Masterton, Matthews, McHenry, McPherson, McSweeney, Mitchell, J.; Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Peterson, Racine, Randall, Reeves, J.; Salsbury, Sherburne, Small, Stevenson, Stover, Studley, Swazey, Tarbell, Treadwell, Walker, Wentworth, Weymouth.

ABSENT — Carrier, Chonko, Davis, Diamond, G. W.; Drinkwater, Dudley, Fowlie, Hanson, Hobbins, Jacques, LaPlante, Laverriere, Martin, A.; Martin, H. C.; Rolde, Smith, C. W.

PAIRED — Crowley-McCollister; Gillis-Macomber.

Yes, 64; No, 66; Absent, 16; Paired, 4; Vacant, 1.

The SPEAKER: Sixty-four having voted in

the affirmative and sixty-six in the negative, with sixteen being absent and four paired, the motion did not prevail.

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

Mr. JALBERT: Mr. Speaker, you win some; you lose some. I move that the bill be engrossed again.

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

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

#### Passed to Be Engrossed

Bill "An Act Relating to Frozen Dessert Products" (H. P. 1427) (L. D. 1578)

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

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

Mr. RACINE: Mr. Speaker and Members of the House: Before we pass this bill to be engrossed, I would like to pose a question through the Chair. Would somebody explain what this bill does and the requirement for having this bill?

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

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

Mr. MAHANY: Mr. Speaker and Members of the House: What this bill really does, it is just to clarify some certain products that have pretty much disappeared. It is a housekeeping bill for the Department of Agriculture.

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

#### Second Readers

##### Tabled and Assigned

Bill "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine" (H. P. 1423) (L. D. 1577)

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

On motion of Mr. McHenry of Madawaska, tabled pending passage to be engrossed and tomorrow assigned.

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (Emergency) (H. P. 1411) (L. D. 1576)

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

On motion of Mr. McHenry of Madawaska, tabled pending passage to be engrossed and tomorrow assigned.

#### Amended Bill

Bill "An Act Creating the Maine Clean Indoor Air Act" (H. P. 347) (L. D. 395) (C. "A" H-297)

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. 4 were taken up out of order by unanimous consent:

#### Leave to Withdraw

Representative Carroll from the Committee on Transportation on Bill "An Act Concerning Registration of Motorcycles which are Returned to the Seller because of Defect" (H. P. 441) (L. D. 488) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

#### Consent Calendar

##### Second Day

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



(H. P. 1387) (L. D. 1564) RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (Emergency)

There being no objections at the end of the Second Legislative Day, the House Paper was passed to be engrossed and sent up for concurrence.

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

The following communication:  
**The Senate of Maine**  
**Augusta**

May 6, 1981

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

The Senate today voted to Adhere to its former action whereby it accepted the Minority Ought Not to Pass Report on Bill, "An Act to Require Persons Being Licensed to Hunt for the First Time to Have Completed a Gun Safety Course." (H. P. 871) (L. D. 1040)

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**

May 6, 1981

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

The Senate today voted to Adhere on Bill, "An Act Providing Collective Bargaining Rights to Judicial Employees", (H. P. 823) (L. D. 979).

Respectfully,  
S/MAY M. ROSS

Secretary of the Senate.

The Communication was read and ordered placed on file.

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

#### **Consent Calendar** **First Day**

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

(H. P. 947) (L. D. 1123) Bill "An Act to Eliminate the Disincentive for Aid to Families with Dependent Children Recipients to Find Employment"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-306)

(S. P. 476) (L. D. 1359) Bill "An Act to Authorize the Extension of Old Orchard Pier"—Committee on Local and County Government reporting "Ought Not to Pass"

(S. P. 370) (L. D. 1112) Bill "An Act Concerning the Transfer of Funds from One Appropriation to Another Appropriation"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-163)

(S. P. 188) (L. D. 490) Bill "An Act Relating to the Employment of Minors and Overtime Pay"—Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-162)

(S. P. 542) (L. D. 1513) Bill "An Act to Amend the Maine Nonprofit Corporation Act"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-166)

No objections having been noted, the above

items were ordered to appear on the Consent Calendar of May 7, under listing of the Second Day.

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

Bill "An Act to Amend the Definition of State Employee under the State Employees Labor Relations Act" (H. P. 1431) (Presented by Representative Kane of South Portland) (Cosponsor: Senator Dutremble of York) (Governor's Bill)

Was referred to the Committee on Labor, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### **Ought Not to Pass**

Representative Connolly from the Committee on Education on Bill "An Act to Pay School Subsidies on a Sliding Percentage Scale" (H. P. 654) (L. D. 757) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 22 and sent to the Senate.

#### **Leave to Withdraw**

Representative Wentworth from the Committee on Election Laws on Bill "An Act Concerning Registration and Enrollment of Voters" (H. P. 657) (L. D. 760) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence

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

#### **Ought to Pass as Amended** **Tabled and Assigned**

Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-143) on Bill "An Act to Clarify the Definition of Commercial Applicator in the Maine Pesticides Control Act of 1975" (S. P. 373) (L. D. 1115)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-143) as amended by Senate Amendment "A" (S-172) thereto.

In the House, the Report was read.

On motion of Mr. Mahany of Easton, tabled pending acceptance of the committee report and specially assigned for Friday, May 8.

#### **Ought to Pass as Amended**

Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-167) on Bill "An Act to Amend the Maine Consumer Credit Code" (S. P. 172) (L. D. 422)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-167) as amended by Senate Amendment "A" (S-171) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-167) was read by the Clerk.

Senate Amendment "A" to Committee Amendment "A" (S-171) was read by the Clerk and adopted in concurrence.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence.

The bill was assigned for second reading tomorrow.

#### **Divided Report**

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-154) on Bill "An Act to Provide for Legislative Review of Agency Rules" (S. P. 505) (L. D.

1432)

Report was signed by the following members:

Signed:

Senator:

GILL of Cumberland

— of the Senate.

Representatives:

LISNIK of Presque Isle

DIAMOND of Bangor

KANY of Waterville

MASTERTON of Cape Elizabeth

PARADIS of Augusta

SMALL of Bath

McGOWAN of Pittsfield

— of the House.

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

Report was signed by the following members:

Signed:

Senators:

AULT of Kennebec

VIOLETTE of Aroostook

— of the Senate.

Representatives:

WEBSTER of Farmington

DILLENBACK of Cumberland

BELL of Paris

— of the House.

Came from the Senate with the Bill and Papers Indefinitely Postponed.

In the House: Reports were read.

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

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

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany, moves that the House accept the Majority "Ought to Pass" Report in non-concurrence.

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

Mr. HIGGINS: Mr. Speaker, maybe the gentlelady from Waterville would like to explain to the House why we ought to accept the "Ought to Pass" report.

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

Mrs. KANY: Mr. Speaker and Members of the House: This is one more Administrative Procedures Act which will appear before you, and this, too, addresses something which no other bill did address. It really has to do with trying to help address a problem before it exists. It actually would allow the co-chairman of a committee or their designee to appear at a rule-making proceeding, and I think particularly of last year when our committee worked so very hard on a consent resolution bill sponsored by Representative Kelleher, and we refined this and we weighed and we balanced and we came up with what we thought was an excellent piece of legislation. We knew that the Maine State Housing Authority really was not all that happy with our final refinement, so a couple of us decided we were going to attend the rule-making proceedings, and by attending them, we were really able to eliminate many, many problems that otherwise might have existed, and this simply is a statement that the co-chairman or their designee can attend and that their expenses would be paid for that.

It is to encourage the elimination of many, many problems and much litigation. I hope you will accept the "ought to pass" report.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I was not prepared to speak on this today. I am a little surprised it is here, but as I recall, the great objection we had to this bill is that there is no fiscal statement on this bill. Can you imagine somebody coming down from Aroostook County for three days to attend a hearing and receiving their travel expenses, so that makes

it four days.

We feel that it is too expensive and here we are trying to cut down the costs of government, and for us to spend this amount of money to attend these rule-making procedures, and how many committees do we have in this Legislature? Think of the number of people who would be traveling back and forth.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I voted for this bill, I think it is a good bill. I mentioned to the House Chairman of the State Government Committee, Mrs. Kany from Waterville, that in order to cut down on the expenses, I would be willing to come over from my home, which is only a mile away, to attend the hearings, and she wouldn't have to send Representative Lisnik from Presque Isle, and incur savings to the state that way.

But seriously speaking, this is a bill that is aimed to improve our jurisdiction over proposed rules. This bill is for each and every one of us. If we want to vote against the bill, it is within our powers. If we want to have a closer rein, tighter rein on rules that are promulgated that affect the L. D.'s which come out of our committees, the jurisdiction of departments that come within the writ of our committees, we ought to vote for that bill.

I think it has a very minor fiscal impact on our budget. It could be done very, very well. In fact, it was debated within our committee that the chairman could ask a legislative assistant to attend the hearing in his or her place. He wouldn't even need a Representative or a Senator, but at least there would be somebody there from the legislative branch of government sitting in on the hearing and finding out what they are doing with our L. D.'s and how they are interpreting them, that is all.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The remarks from my young friend from Augusta, at least somebody would be there from the committee to represent the legislature, but I have been around a long time, young man, and I know what that word "somebody" means. Somebody means thousands and thousands of dollars.

Since 1945, I have gone on one junket in Atlantic City, it was supposed to be a five-day junket. Naturally, the first day, it was my first term. I went out with a book full of papers, this, that and the other, and I was told by the then Clerk of the House, the Honorable Harvey Pease—where are you going? I am going to the meeting. Well, he said, it is all cut and dried, get those books, take them back to your room and go out and enjoy yourself. I did, and that night when I got through enjoying myself, there was a bus in front of my motel that said Portland, Maine. I put my hand in my pocket, I asked the bus driver, will this five dollars allow me to go up to my room pack my luggage and join you, because I live near Portland, Maine? He said, absolutely; for a fine I will wait 15 minutes. Away I went and I came home. I have never gone on a junket since. I wanted to go on one that was supposed to be in Mexico when I was chairman of the Research Committee. But lo and behold, some of my colleagues had done such a job at the next legislative conference that the National Conference wound up in Portland, Maine, so I commuted between Lewiston and Portland—so I lost that trip.

I have been chairman of a subcommittee for four years looking into vocational education, and I am not about to give up that title, you better believe me. I have travelled all over this State, I have not put in one cent for per diem, one cent for travel, one cent for pay or one cent for sleep.

I think this Legislature, hounding away and everything else, cutting off this and cutting off that—let me tell you something, the biggest

spending agency in this State is us. We throw money away like it has gone out of existence, and I think somewhere along the line it had better stop. I am getting a full program ready as to how much money we have spent in the last two or four years, and I know one or two members have left the body, for people who have served on various committees and gone on junkets. This is almost, in my opinion, as bad as the chestnut that I killed, 125 to 11, about two days ago.

It is time for us to stop saying among ourselves that we have no money. Of course we have no money. We spent 15 minutes for about a month at each session which cost \$20,000 to \$25,000 a day. Just think about how much money we have spent this week so far. You even spend money to listen to me yak, and that is not to your credit, I will guarantee you; sometimes, however, I might be right.

This is a very, very bad bill, it reeks to high heaven. This has got a price tag that is unlimited and, Mr. Speaker and members of the House, I move that this bill and all its accompanying papers be indefinitely postponed and I ask for the yeas and nays.

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

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I respectfully disagree with the gentleman from Lewiston. This is not a junket at all, this is the state's work. There is a lot of sentiment in this body that the bureaucrats should be watched to ensure that the intent of the Legislature is carried out. I think that this is a step in the right direction.

I would urge you to support the "Ought to Pass" Report.

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

Miss BELL: Mr. Speaker, Ladies and Gentlemen of the House: A couple of other comments in addition to the costs that we were concerned about in our committee in the Divided Report. Right now before the State Government Committee we have a number of bills dealing with the Administrative Procedures Act. What we are trying to do is make fine-tuned adjustments and refine the process so that we can make the rule-making process more efficient and more in line with the intent of the Legislature.

Another question I think that we need to consider is executive authority and legislative authority. Certainly the number of rules that we promulgate over the course of the year that would warrant trips to Augusta is really questionable in my mind. If we fine tune the process and if the executive does their job properly, we will not have such a conflict as we have had in the past.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: When I asked the question at the beginning, I really didn't know what the bill did and I was sincerely interested in the gentleman's comments. I have found the Committee Amendment that goes with the bill, and I think the gentleman from Lewiston, while he may be stretching the point a little bit when he tries to compare this with junkets, I do feel that the cost on this particular piece of legislation could be phenomenal and if the House and Senate chairman of any committee wants to spend the entire summer down here or touring the state of Maine, this would be a great piece of legislation to help them do it.

I guess my feeling is that if we need an excuse to go around and check on the bureaucrats, perhaps the bureaucrats ought to be expended themselves and that would save us a lot of time and trouble. That would be my answer to the problem. If they are not carrying out the intent of the legislature, then the legislature ought to carry out its own intent with some additional pieces of legislation that perhaps would dispense with some of the bu-

reaucrats.

I hope you will go along with the gentleman's motion today.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the remarks of the gentleman from Scarborough, Mr. Higgins. I am looking upon him now not as a leader of the opposition, I am looking upon him as a very highly respected former member of the Appropriations Committee. I called him up and in no uncertain terms told him what I thought of his candidacy because we needed him in that room. He was that valuable.

I didn't mean to bring out the junkets, I brought them out just on that basis there.

What I am trying to go along with is the very fact that this measure here means this—any chairman gets permission to go to these meetings, whether it is a subcommittee or the full committee, and you know it costs a little money to travel from one end of the state to the other. I am just saying that the cost of this thing is limitless if it is implemented in the wrong fashion.

I am not pointing a finger at anybody. I just have a feeling against legislation like this. I feel very, very strongly about it. I have discussed it with my very dear friend the Speaker of the House, on many occasions. I have discussed it with the leaders of both parties on many occasions. It would astound you if you knew how much money we spend in the state on these programs.

Only yesterday I talked with a young man from Portland, Representative Connolly, Chairman of the Education Committee, and I told him that I would go along with a bill if he wanted me to, provided he left out one section of it because I was taking care of it for free, and he well remembers that. I think that somewhere along the line, you know, we are being criticized and someday, somebody is really going to look into this thing and look into this situation very, very seriously. I am not speaking or in any way pointing fingers at anyone in anger, I just feel very strongly that this is a real, real bad bill.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I just got a note here that reads: "What's up on this one? It sounds like a good idea." It sounds like a good idea to me, too. You and I know that the legislature must have concern over the rules and regulations that are passed by state agencies pursuant to laws that this body and the other body pass. Just the other day we spent what seemed like hours debating the famous babysitting bill which sought to correct regulations that the Department of Human Services drew up that were unacceptable to certain members of this legislature, so we drafted legislation to correct that situation.

I just want you to take a look at S-154, which is the amended version of this bill. Its title is: "An Act to Provide for Legislative Review of Agency Rules." We have another bill in the State Government Committee, at least one other bill, with a very similar title, and that bill would call for legislative committees to review rules and regulations drawn up by the state agencies under the jurisdiction of that legislative committee.

I would like the Energy and Natural Resources Committee to think about what that would entail, the air emission regulations, all the LURC regulations, water quality regulations. That, it seems to me, would take Energy and Natural Resources Committee well into the Fall, which would occasion meetings during the interim when we were not meeting in session. So to me, this bill is a much less expensive way to go if we are concerned about reviewing agency rules.

I do want to clear up one other fact, and that is, we are not talking about per diem, we are talking about actual expenses, what you spend in gas, if you have lunch, if you have to stay overnight, actual expenses, no per diem. That is why I signed onto this bill and that is why I hope you will give it favorable consideration.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: If the Sentiment in here is to kill it, then go ahead and kill it, I might even vote with you, but I will tell you, I think it is really foolish, being penny wise and pound foolish. What about an ounce of prevention? There are many of you who are cosponsors: I have heard a number of you who have spoken today, do you think this is going to compete with your bill that has to do with legislative approval of rules after the fact? We intend to report something out on that too, but this can help cut down costs in the long run as far as litigation, as far as committees coming in and looking at existing rules. I really think you are making a mistake if you vote against this bill.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to take anymore time, but I am glad the lady sitting next to me did mention the amendment and I think you should look at it carefully. After traveling the state roads for 30 years with my company, I know what an expense account is.

This bill says, "your actual expenses," so go ahead, fellas, and spend it.

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

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

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

#### ROLL CALL

YEA—Aloupi, Armstrong, Austin, Beaulieu, Bell, Berube, Bordeaux, Boyce, Brennerman, Brown, A.; Brown, D.; Brown, K.L.; Callahan, Chonko, Conary, Connors, Crowley, Cunningham, Curtis, Damren, Day, Dexter, Dillenback, Foster, Gavett, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Huber, Hunter, Hutchings, Ingraham, Jalbert, Jordan, Joyce, Kelleher, Ketover, Kiesman, Kilcoyne, Lewis, Livesay, Locke, Lund, MacBride, Mahany, Masterman, Matthews, McKean, McPherson, McSweeney, Michaud, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Smith, C.B.; Soule, Stevenson, Stover, Studley, Swazey, Tarbell, Telow, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth. The Speaker.

NAY—Baker, Benoit, Boisvert, Brannigan, Brodeur, Cahill, Carroil, Carter, Clark, Connolly, Cox, Davies, Diamond, J.N.; Erwin, Fitzgerald, Gowen, Holloway, Jackson, Kane, Kany, Lancaster, Lisnik, MacEachern, Macomber, Manning, Masterton, McGowan, McHenry, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Rolde, Small, Soulas, Theriault, Thompson.

ABSENT—Carrier, Davis, Diamond, G.W.; Drinkwater, Dudley, Fowlie, Gillis, Hobbins, Jacques, LaPlante, Laverriere, Martin, A.; Martin, H.C.; McCollister, Randall, Smith, C.W.; Strout.

Yes, 84, No, 49; Absent, 17; Vacant, 1.

The SPEAKER: Eighty-four having voted in the affirmative and forty-nine in the negative, with seventeen being absent, the motion does prevail.

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

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

The SPEAKER: The gentleman from Farmington, Mr. Webster, having voted on the prevailing side, now moves reconsideration whereby this Bill was indefinitely postponed. Those in favor will say yes; those opposed will say no.

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

#### Special Sentiment Calendar

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

Recognizing:

Frank A. Howe, of Cape Elizabeth, Executive Director of the Maine Turnpike Authority; (S.P. 592)

There being no objections, this item was considered passed in concurrence.

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

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Create a Maine Film Board" (H.P. 1209) (L.D. 1424) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-284) Report of the Committee on State Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-284) in the House on May 5, 1981.

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

In the House: On motion of Mrs. Kany of Waterville, tabled pending further consideration and tomorrow assigned.

#### Non-Concurrent Matter

Bill "An Act to Amend the Fee Schedule for the Payment of Appointed Forest Fire Wardens" (H.P. 506) (L.D. 557) which was passed to be engrossed as amended by Committee Amendment "A" (H-282) in the House on May 4, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-168) and Committee Amendment "A" (H-282) in non-concurrence.

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

The Chair laid before the House the following matter:

Divided Report — Bill "An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances" (H.P. 742) (L.D. 880) which was tabled earlier in the day and later today assigned pending acceptance of either Report.

On motion of Ms. Benoit of So. Portland, retabled pending acceptance of either Report and tomorrow assigned.

The Chair laid before the House the following matter:

House Divided Report — Bill "An Act to Coordinate Agriculture and Energy Related Activities in State Government" (H.P. 648) (L.D. 753) which was tabled earlier in the day and later today assigned pending the motion of the gentleman from Easton, Mr. Mahany, that the House accept the Majority "Ought to Pass" Report.

Thereupon, the Majority "Ought to Pass" Report was accepted, the Bill read once and as-

signed for second reading tomorrow.

The Chair laid before the House the following matter:

Bill "An Act Providing Collective Bargaining Rights to Legislative Employees" (H.P. 323) (L.D. 384) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Davies of Orono offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-303) 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: I would like Representative Davies to review this House Amendment with us before we pass on it, thank you.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: I would be pleased to do that. Much of the language that appears in the amendment is very similar to the language that was in the original bill. The primary distinction on the first page of the Amendment 303, at the bottom of the page, Section D, it talks about partisan employee. There was some concern that was raised by a number of individuals when this legislature first became aware of the fact that we might be creating a situation where through collective bargaining we would assure that people who serve in partisan positions would be able to carry on their positions beyond the term of which the person who appointed them was actually serving. For instance, if Representative Higgins was to suddenly be in the majority and found himself in the majority leader's office, he obviously wouldn't want to have the staff of the current majority leader serving him, because he would have some questions whether they were actually serving his interests. I think that is reasonable. Both parties want to know when they hire partisan employees that they are not going to have to be burdened down with the partisan employees from a previous employer. So, the language was put in the bill that defines the partisan employee and says later on in the amendment that people who are determined to be partisan can serve for no longer than the term of office of the person who appoints them. If the Speaker has employed a partisan employee and he should, for some reason, lose that position, the people he had appointed would not be able to negotiate a security arrangement in their contract that would allow them to continue beyond his own term, so that partisan employees are going to stay no longer than the people who have appointed them.

It also clarifies the language dealing with seasonal employees. Currently, state employees who are seasonal are covered by collective bargaining arrangements under provisions that have been promulgated by the Maine Labor Relations Board. This would allow the same type of provisions to cover seasonal employees of the legislature. That would be a bargaining issue, so that if the Legislative Council, which would be the representative of the legislature in bargaining, felt this was inappropriate, they could certainly make those points when they went to the bargaining table and it could be determined in the contract.

I think it clarifies the problem. I think the matter is that we are granting collective bargaining rights to almost every other public employee in the state, except for people who work in the legislative process. Here is an opportunity where we are not voting on faceless individuals, based primarily on principle, but we are voting on allowing people that we know, that we work with every day, to have the same rights as we have given to all other public employees in the state, with the court employees. I think that it is only reasonable that we give them that. We are not going to guarantee them

anything other than the right to participate in the same type of collective bargaining process that other public employees are allowed to have. I don't think this naturally presumes that the legislature has been unfair to these employees, but I think it is always better to have a system that can resolve matters rather than having them blow up in our faces. We have had a couple of near misses with problems with legislative employees this session, and I think that should give us some warning that we need to do something about that problem now before it does blow up in our face.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I guess the one underlying question with this whole piece of legislation, and I think the gentleman from Orono, Mr. Davies, has done a pretty good job in drafting the amendment as I look it over, but I think the underlying question behind the hole piece of legislation is, do legislative employees want to be able to collectively bargain?

I have gotten petitions from judicial employees, I have gotten petitions from county employees and I have yet to have anymore here, and I see them every day, ask me to support this bill. Maybe they figure I wouldn't if they asked me, but no one yet has bothered to and I guess that should be the bottom line. I mean, where are the petitions, where are the people that we see every day coming in here and saying to us, gee, we would like to be able to collectively bargain. I haven't seen it and maybe we are trying to play out a game here and offer them something that is not needed or go on record as being in favor of something that borders on the idea of apple pie and ice cream. I really haven't found any great concern with legislative employees on this issue yet. Probably tomorrow I will, after having said this, but right now I haven't heard any overwhelming concern for it.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: One nice thing is if they are not interested in bargaining collectively, the legislature won't have to bargain with them, but if they should decide that they want to, they ought to be able to have that right just like all other public employees.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from Scarborough, I would invite him to speak to the clerk of one of my committees. I think she would enlighten him on her feelings, particularly in light of some very unfortunate experiences she has had.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would also like to add that maybe if that person would make her or his feelings known to the leadership, they might not have a job tomorrow.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I can respond to Representative Higgins question about where the employees stand, maybe it is because I am around a little longer during the day and I am out in the halls a little bit more and I happen to work with some of these people and I have a committee clerk who has been working under the worst of conditions. She would like the right to be represented and to be able to go to someone when she has a problem. I refuse to believe that anybody, regardless of what position they took on the Labor Committee, put this bill in to play games.

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

Mr. MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: The earlier bills that were before us, judicial employees, county employees, I voted against, but today I plan on voting for this bill. I would like to maybe illuminate a little bit more the comments made by Representative Rolde, which were made to the minority leader, and I would like to make these comments also. They involved a Republican clerk and involved a Republican aide and involved a clash of personalities; especially in this highly charged political atmosphere of this chamber, we need to correct that. For that reason and for the abuse that occurred, I plan on voting for this right to collectively bargain.

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

Mr. HAYDEN: Mr. Speaker, Ladies and Gentlemen of the House: One final point. We have voted in this body to support time and again collectively bargaining with other employees, employees who don't hit quite as close to home as legislative employees do. I think it is very difficult to justify why it is, there shouldn't be collective bargaining for this body when we have approved that same concept for employees who need the same types of protections a little bit farther away from home.

Thereupon, House Amendment "A" was adopted.

Miss Lewis of Auburn requested a division on passage to be engrossed.

The SPEAKER: The Chair will order a vote. The pending question before the House is on passage to be engrossed as amended. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

69 having voted in the affirmative and 43 in the negative, 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. Strout of Corinth.

Adjourned until eight-thirty tomorrow morning.