

MAINE STATE LEGISLATURE

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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

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HOUSE

Thursday, May 7, 1981

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

Prayer by Father Roger G. Blain of St. Peter's and St. Paul's Church, Lewiston.

The Journal of yesterday was read and approved.

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

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act Proposing an Advisory Referendum Concerning the Dickey-Lincoln Hydroelectric Project" (S. P. 347) (L. D. 990)

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Require Employers with Employee Pension Plans to Provide Status Information on Group Pension Plans upon Request" (S. P. 513) (L. D. 1469)

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act for the Siting, Construction and Financing of Hazardous Waste Treatment, Disposal and Storage Facilities" (S. P. 354) (L. D. 1059)

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Clarify the Law Concerning the Measurement of the One-Year Period Following a Public Utility's Filing for a Rate Increase" (S. P. 255) (L. D. 724)

Came from the Senate with the Reports read and accepted.

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

Non-Concurrent Matter

Bill "An Act Increasing Indebtedness of the Limestone Water and Sewer District" (Emergency) (H. P. 1424) (L. D. 1579) which was passed to be engrossed in the House on May 5, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-177) in non-concurrence.

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

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act to Amend the Maine Consumer Credit Code" (H. P. 394) (L. D. 437) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on April 28, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-241) as amended by Senate Amendment "A" (S-149) thereto in non-concurrence.

In the House: On motion of Mr. Brannigan of Portland, tabled pending further consideration and later today assigned.

Orders

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

ORDERED, that Representative J.P. Normand LaPlante of Sabattus be excused May 7 and 8 for personal reasons.

Special Sentiment Calendar

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

Recognizing:

Ann Catherine Bonis of Millinocket, valedictorian of Stearns High School, class of 1981; (H. P. 1428) by Representative Clark of Millinocket. (Cosponsors: Representative Michaud of East Millinocket and Senator Pray of Penobscot)

Sarah McGowan of Millinocket, co-salutatorian of Stearns High School, class of 1981; (H.

P. 1429) by Representative Clark of Millinocket. (Cosponsors: Representative Michaud of East Millinocket and Senator Pray of Penobscot)

Susan Janes of Millinocket, co-salutatorian of Stearns High School Class of 1981; (H. P. 1430) by Representative Clark of Millinocket. (Cosponsors: Representative Michaud of East Millinocket and Senator Pray of Penobscot)

Donna Small, daughter of Mr. and Mrs. Donald Small of Poland, who was an award winner in the Elementary Education Ecology Poem and Poster Program; (H. P. 1432) by Representative Callahan of Mechanic Falls.

The citizens of Stratton and Eustis for their dedication and long standing commitment to establish a sawmill in their community; (H. P. 1433) by Representative Dexter of Kingfield. (Cosponsor: Senator Redmond of Somerset)

Laura Gowan, President of the National Scoliosis Foundation, for her tireless efforts in educating the public about scoliosis and other spinal abnormalities; (H.P. 1434) by Representative Prescott of Hampden. (Cosponsors: Senators Gill of Cumberland, Trotzky of Penobscot and Representative Aloupis of Bangor.)

David M. Nadeau, Jean F. Moroney, Catherine A. Chabot, Julie A McCallum, Elaine B. Theriault, Robert P. DeRoche, Lonnie Michaud, Brian D. Belanger, Cecile R. Cote and Kim A. Horr, who were chosen the top 10 students in Sanford High Schools' 1981 graduating class; (H.P. 1436) by Representative Tuttle of Sanford. (Cosponsors: Senator Wood of York, Representatives Paul of Sanford and Ridley of Shapleigh.)

The Presque Isle High School Shipmates Playhouse cast, winners of the 1981 State Drama Festival; (H.P. 1437) by Representative MacBride of Presque Isle. (Cosponsors: Representative Lisnik of Presque Isle and Senator McBreairey of Aroostook.)

The Stratton Lumber Company, for its achievement and great contribution to the advancement of wood processing in the State of Maine. (S.P. 594)

In Memory of:

Joseph Adler, a prominent Sanford citizen and newspaperman known for his many charitable works; (H.P. 1438) by Representative Tuttle of Sanford. (Cosponsors: Senator Wood of York, Representatives Paul of Sanford and Ridley of Shapleigh.)

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

**House Reports of Committees
Ought Not to Pass**

Representative Twitchell from the Committee on Taxation on Bill "An Act to Tax Guzzlers" (H.P. 1220) (L.D. 1444) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Prorate the Excise Tax on Automobiles and Other Vehicles" (H.P. 690) (L.D. 804) reporting "Ought Not to Pass"

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

Leave to Withdraw

Representative Gwadosky from the Committee on Business Legislation on Bill "An Act to Establish a Third-party Prescription Program Act" (H.P. 901) (L.D. 1068) reporting "Leave to Withdraw"

Representative Twitchell from the Committee on Taxation on Bill "An Act Concerning the Payment of Taxes on Watercraft in the Municipality where the Boat is Located" (H.P. 1099) (L.D. 1294) reporting "Leave to Withdraw"

Representative Paul from the Committee on Fisheries and Wildlife on Bill "An Act Restricting a Section of the Union River in Ellsworth to Fly Fishing Only" (H.P. 842) (L.D. 1008) reporting "Leave to Withdraw"

Representative Livesay from the Committee on Judiciary on Bill "An Act to Assure the Rights of Mentally Retarded Persons to Family Style Living Units" (H.P. 1366) (L.D. 1551) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Representative Strout from the Committee on Transportation on Bill "An Act to Provide Reciprocal Fees and Charges for Trucks from Other States" (Emergency) (H.P. 991) reporting "Ought to Pass" in New Draft (H.P. 1439) (L.D. 1581)

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

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

Representative Curtis from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1981 (Emergency) (H.P. 1435) (L.D. 1580) reporting "Ought to Pass" pursuant to Joint Order (H.P. 264)

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

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Abolish the Trapping of Bear" (H. P. 553) (L. D. 629)

Report was signed by the following members:

Senators:

REDMOND of Somerset
USHER of Cumberland

— of the Senate.

Representatives:

MacEACHERN of Lincoln
CLARK of Millinocket
CONNERS of Franklin
JACQUES of Waterville
PAUL of Sanford
DAMREN of Belgrade
SMITH of Island Falls
ERWIN of Rumford
PETERSON of Caribou
GILLIS of Calais

— of the House.

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

Report was signed by the following member:

Senator:

HICHENS of York

— of the Senate.

Reports were read.

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

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

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves that the Majority "Ought Not to Pass" Report be accepted.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: I realize that this is a rather hopeless case. I won't belabor it for too long a period of time, but I do want to say a few things. This is my bill.

The State of Maine is the only state in the country that currently allows the trapping of bears for any purposes other than for dealing with nuisances or research purposes. Last year, there were fewer than 25 bears trapped in the State of Maine. I think that since we have declared the bear to be a big game animal, I think we owe it a certain amount of respect and the idea of trapping big game animals really offends me. I think it is inappropriate for us to continue this practice and that is the reason

why I put in this bill.

I hope you will consider going against this overwhelming report of the Committee on Fisheries and Wildlife and go with the bears. We have allowed them to be hunted. I think perhaps we ought to say, if we going to going to allow the hunting to continue, we are not going to allow for the further trapping of bears. And since so few of them are actually being trapped, you are really not going to have a very major impact at all on the people who are trapping bears.

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

A vote of the House was taken.

Whereupon, Mrs. Martin of Brunswick requested a roll call vote.

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

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

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: The Fisheries and Wildlife Committee, in studying this bill, gave it very serious consideration, and in view of the committee's willingness to go along with the wiping out with the spring bear hunt, we requested the spring bear hunt this year because of the financial impact it would have on the camp owners, but after this year the spring bear hunt it out.

We are concerned about the bear population here in the State of Maine, and whether it is 24 or 2400 bears trapped during the year, that has no impact on this bill whatsoever. This a time-honored hunt that has gone on for years. The trappers are using every means available to trap the bears in a humane manner. There is nothing wrong with this bill, and I believe that the trappers should be allowed to continue with their trapping season.

I ask you to support the "Ought to Pass" report.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question through the Chair to the gentleman from Calais, Mr. Gillis. He said that the spring bear season is out. Is it true, though, that there is another bill coming down that would reestablish a spring bear season?

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

Mr. MacEACHERN: Mr. Speaker, I would like to take care of the rumor that has been flying around here for the last two days. We have another bear bill coming along. It was written some months ago and I am the sponsor of it. At that time, we still had a spring bear hunt, and there is a provision in the original bill to provide for that spring bear hunt, but it is being amended out by the committee, and the version that we will get on the floor of the House will not have spring bear hunt in it—I repeat, will not have spring bear hunt in it.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: When I was speaking a few months ago, I asked you to support the "ought to pass" report. I correct myself—please support the "ought not to pass" report.

In the event a spring bear bill comes along, I, for one, will fight it to the hilt. I don't believe in spring bear hunting. I never have and I never will. I went along with this season because of the impact on the camp owners, but if one does

come along, this is one member of the Fisheries and Wildlife Committee, along with Representative MacEachern, that will fight it.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I just have one word to say. The way they are going now, killing these bears, there won't be any left for anyone to kill later on, and we are the only state that has it so far. Do they want to abolish them completely? It is not our own people who are doing it, it is outsiders, the outsiders who killed all theirs and now they want to come in here with their money to kill ours, and our natural resources are going down the drain.

Please vote "ought not to pass".

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: Years ago they had a bounty on bears. When they had the bounty on bear, they were paying a bounty on about 2,000 bear a year. They found it was too expensive and unnecessary, so they made bear a game animal. Today, they are taking 1,000 to 1,200 bear and we are worried about it, of course, because we want to keep the game animal. If you don't allow them to take the bear, they are going to be quite a nuisance, and they can really be a nuisance, so I hope you will vote "ought not to pass" on this bill.

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

Mr. JACKSON: Mr. Speaker, I would like to address a question. Could someone describe how you humanely trap a bear?

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Armstrong, Austin, Bell, Bordeaux, Boyce, Brannigan, Brown, D.; Brown, K.L.; Carroll, Carter, Chonko, Clark, Connors, Cunningham, Damren, Davis, Day, Drinkwater, Erwin, Gavett, Gillis, Higgins, L.M.; Hobbins, Hunter, Ingraham, Jordan, Kelleher, Kilcoyne, Laverriere, Lewis, Lisnik, Locke, Lund, MacBride, MacEachern, Mahany, Masterman, Matthews, McHenry, McKean, Michael, Michaud, Mitchell, E. H.; Moholland, Nelson, A.; Norton, Paradis, E.; Paul, Perkins, Peterson, Prescott, Roberts, Salsbury, Smith, C.B.; Soulas, Soule, Stevenson, Strout, Swazey, Theriault, Treadwell, Twitchell, Vose, Walker, Webster.

NAY — Aloupis, Baker, Beaulieu, Benoit, Berube, Boisvert, Brenerman, Brodeur, Brown, A.; Cahill, Callahan, Cox, Crowley, Curtis, Davies, Dexter, Diamond, G. W.; Diamond, J. N.; Dillenback, Fitzgerald, Foster, Fowlie, Gowen, Gwadodsky, Hall, Hanson, Hickey, Higgins, H. C.; Holloway, Huber, Hutchings, Jackson, Jalbert, Joyce, Kany, Ketter, Kiesman, Lancaster, Livesay, Macomber, Manning, Martin A.; Masterton, McGowan, McPherson, McSweeney, Mitchell, J.; Murphy, Nadeau, Nelson, M.; O'Rourke, Paradis, P.; Pearson, Perry, Post, Pouliot, Racine, Randall, Reeves, J.; Richard, Ridley, Rolde, Sherburne, Small, Smith, C.W.; Studley, Tarbell, Telow, Thompson, Tuttle, Wentworth, Weymouth.

ABSENT — Carrier, Conary, Connolly, Dudley, Hayden, Jacques, Kane, LaPlante, Martin, H.C.; McCollister, Reeves, P.; Stover, The Speaker.

Yes, 65; No, 72; Absent, 13; Vacant, 1.

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

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Under suspension of the rules, the Bill was

read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Divided Report

Seven Members from the Committee on Judiciary on Bill "An Act to Protect Privacy in Divorce and Child Custody Actions" (H.P. 864) (L.D. 1025) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-308)

Report was signed by the following members:

Senators:

CONLEY of Cumberland
KERRY of York

— of the Senate.

Representatives:

BENOIT of South Portland
JOYCE of Portland
O'ROURKE of Camden
SOULE of Westport
HOBBINS of Saco

— of the House.

Four Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-309)

Report was signed by the following members:

Senator:

DEVOE of Penobscot

— of the Senate.

Representatives:

LIVESAY of Brunswick
DRINKWATER of Belfast
LUND of Augusta

— of the House.

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

Report was signed by the following members:

Representatives

REEVES of Newport
CARRIER of Westbrook

— of the House.

Reports were read.

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

Mr. HOBBINS: Mr. Speaker, I move acceptance of Report A, "Ought to Pass; as amended by Committee Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Livesay.

Mr. LIVESAY: Mr. Speaker and Members of the House: Let me make a pitch for Report B. I advocate this report not because it is the apparent compromise but because this, in my opinion, is the best alternative. The problem this legislation seeks to address is the sensitivity of issues touched upon in divorce and custody and the embarrassment that these open hearings can sometimes create, and I am sympathetic to this problem, but Report A, the majority report, solves the problem by stripping the judge of all discretions. If the party's two attorneys requested a hearing in chambers, away from the public, they get it. Report B simply leaves discretion with the judge. That is the only difference between the two reports.

For three reasons, this is the best approach. First, I always thought that a judge ought to control his own courtroom. If he wants to conduct a hearing in chambers, that should be his decision, not the decision of two attorneys. Second, it has long been my opinion that justice is better served by open hearings. Attorneys conduct themselves in a more judicious fashion when the public is there to observe. Third, we are operating in an era of shaken confidence in the judiciary. Closed hearings would do nothing to restore confidence and, in fact, would only generate suspicions.

I would hope that you would vote against Report A, so that we could then adopt Report B.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: This bill originated with the Governor. I agreed to sponsor it. We are both divorced, as I am sure many people in this House are.

What the original bill proposed to do was to allow either party that was going through a divorce suit to request the hearing on the divorce to be held in private, if either one of the two parties requested such. We changed that and we have two committee reports, Report A which says that if both parties are going through a divorce suit or a custody suit, if both parties request that the hearing be held in private, Report A says that the judge 'shall' exclude the public from the court proceedings. Report B says essentially of exactly the same thing, except that it says that the court 'may' for good cause shown, exclude the public from the court proceedings.

I think it is my feeling and the feeling of the people who signed Report A that divorce is not a crime. For those of you who have been to divorce court, you know that you sometimes have to wait oftentimes for other people that are there waiting for their own cases to be heard that are not necessarily divorce cases. So, you have all these people that have absolutely nothing to do with your divorce or custody suit listening. It is like airing your dirty laundry in public.

Divorce is not a crime, it not compared to other hearings that are held in court. I see no reason why these hearings need to be public if both parties wish they not be, and I would ask you to please support Report A.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: I guess I am not exactly arguing today on some scientific data. I am more or less reacting from the gut. We are talking about dissolution of families. We are also talking about dissolution of families with children.

I attended part of the hearing, at least, and testified neither for nor against and raised several questions. One of the questions in relation to children that I asked was, the problem I have with divorce proceedings is that children in custody cases are dealt with after the fact, after the parents have been addressed, the marriage, the divorce action is addressed by the court, and children are only addressed after the fact. I have some real problems with mandating that divorce proceedings be private because both of the parents request it.

I do generally favor Report B over Report A, but I even have problems with that.

It seems to me there is a case that should be made for confidentiality rather than automatically granted. I see that somehow putting everything behind closed doors is somehow putting what is generally a public marriage behind closed doors also.

I don't think, in relation to families with children, that courts necessarily have expertise in which is "the best interest of the child." What I would like to have seen, and I introduced a bill in the last session but because of logistical problems with implementation, is counseling for children to be done to assess the ability to arrive at child care and custody when divorce cases are being made, being heard.

I think that one of the problems that I have with divorce proceedings in general is, who is the best advocate for the child. In the divorce proceedings as such, the judge has the responsibility of judging on the merits of the case of the divorce action and also to represent the child. I have some problems with that. Although I think there is nothing wrong with the judge's legal ability to make decisions, I kind of hesitate, in cases where children are involved, to put everything behind closed doors.

For those reasons, I am going to oppose Report A at this time and hope you would do so

also.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: The good gentleman from Auburn, Mr. Brodeur, has stated to you that his concern is the fact that children are considered after the fact and not before the fact. In my short period of practicing law, I have had several instances where the testimony of that child has been needed, believe it or not, at a divorce proceeding in order to determine in a contested matter custody.

It is unfortunate in our society that we have seen a breakdown and that divorce is prevalent.

As the good gentlelady from South Portland has mentioned, divorce is not a crime. Unfortunately, I think it is the end result of a disease that affects our society.

My concern is for a situation where people will be humiliated, looked down upon, which I think exists sometimes when you have a situation where a courtroom is packed.

Because of the overload in the court system in the state, we find that divorces, in most cases, are scheduled early in the morning, right before the criminal docket is called. And because of our breakdown in our society, we find sometimes seven or eight matters before the court scheduled that early in the morning. Many of these matters run up to the time when the criminal docket is called, and the poor woman or the poor man who is going through a traumatic experience in their life, something they never expected when they entered into that union, that contract, between those two individuals, they are going through this situation and they find themselves in the midst of an open courtroom with individuals who have no interest at all in their lives listening to what has been a breakdown in their relationship, which is of a very personal nature.

In the case of having an open courtroom for child custody cases, there are times when young children do not open up because they are scared because of the formality of the situation involved in a heated custody dispute. Sometimes there is alleged child abuse involved which has been talked about and which that individual child might refuse to mention, or other personal matters involving that relationship with either parent.

I think in a situation where both parents consent, that matter could be taken care of in chambers or in privacy, a relaxed atmosphere, but there is a court, of course, in effect, but not that disinterested individual sitting out there in the courtroom and sometimes that busy-body who wants to tell what he heard in court.

I realize this is a very sensitive area, but I hope you will today accept Report A. I think it is a step in the right direction of bringing, if I may use the word, dignity, dignity to a situation which has been very humiliating for many individuals.

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

Mr. HAYDEN: Mr. Speaker and Members of the House: I am going to urge you to reject Report A, that is the report that makes it a requirement that if both parties in a divorce, both the husband and the wife, elect to have the hearing out of the eyes of the public, then that shall be ordered, and I urge you to support, at the very least, Report B, which, as I understand it, presents an option to the judge. If both parties wish this proceeding to be held out of the eyes of the public, then the judge can do this job of deciding if that is in the best interest of the proceeding and the people involved.

I would like to explain to you why it is that I am taking that position. When I first heard about this bill, this bill has gotten a fair amount of publicity, before I was a legislator I heard talk of this bill, and at first reaction it sounded like it made a lot of sense to me. Divorce is a terrible experience that so many of us have to

go through. It sort of lays you out there in the public is the fear you have. If there was some way to get that out of the public eye, it would still be horrible, but maybe it would be a little less so.

I think, unfortunately, any type of legal dispute raises that problem of kind of bearing yourself, bearing something that is important to you that involves personal feelings, and the fear of being exposed to the public is always there. I think that is just one of the unavoidable when things break down and you have to ask a judge to decide.

But the problems that I am worrying about are the problems when you have a divorce where you can't come to an agreement and you have what is called a contested hearing. That is the nightmare situation where you have the hearing and there are usually lawyers on both sides and they ask you about your personal life, if custody is involved, they ask you about your financial life if child support and division of property is involved. Well, this is where the problem comes, if the law would say that both parties request the court to be out of the eyes of the public, then it shall be.

Suppose you get a situation where both parties don't have a lawyer, and let's suppose for a second that it is the woman, and I am saying that because I think after it has been my experience in divorces, if a woman has no professional experience, if she is coming into the divorce without the kind of equipment to deal with this contest that her spouse is, already there is a disadvantage. Suppose she doesn't have an attorney and her spouse is saying, listen, we are going to make some concessions here, but the one thing I want is not to have this hearing in public. Well, then that becomes a bargaining chip that can be played as a way of trying to settle this divorce. There, a good judge, a judge who is doing his job, he is going to have the option to recognize this as something that is not going to produce some more just result but is going to produce an uneven, unfair result.

I think if we make a change in this law, and I am very reluctant under any circumstances to close the courts, we should be very cautious when we do it. We do that already sometimes in juvenile proceedings, there the courts are closed to the public in certain proceedings, and the reason is to protect the juvenile. I think maybe there is a reason for that.

Maybe there is a reason for closing the courts in divorce proceedings too, because that is a special kind of proceeding, but anytime that we take this sensitive and often difficult to manage system of justice and put a command on a judge, don't allow him to use his discretion, in that rare case where somebody is really being taken advantage of by a rule that was designed with the best of intentions, we are going to run into real trouble. For that reason, I would urge you to vote against a rule that would command the judge to order the closed court if the parties elect and at least give the judicial system a chance to do its job and look into it and see if these particular circumstances allow that and as I understand it, that is Report B.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker and Members of the House: I will speak against Report A and in favor of Report B. Divorce is not a pleasant experience. I think there are many of us who know that. It is one of the most difficult things for a family to go through, no matter which member of the family is involved. However, I do not believe that we should completely eliminate the public interest in divorce proceedings. I think if we adopt the word 'shall', we have taken discretion away from the judge, we have put it in the hands of lawyers who may or may not be thinking about what is good for us as the public to know. We should know what grounds are for divorce, how judges handle divorce

hearings, what dispositions are made or what kind of cases that should not be done apart from the public.

I think Report B allows the judge to make the decision whenever he thinks there is good reason to hold the proceedings in private, and if he decides that there is no good reason or, indeed, that the public interest is better served by having whatever the problem is in the public arena, then we should allow him that discretion. Therefore, I urge you to defeat Report A and support Report B.

The SPEAKER: The Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 1025 I think has been discussed very fairly here today, and I think that you understand that the difference between the two bills is essentially the word 'shall' and the word 'may.'

I just want to clarify a couple of things and clear up a couple of misunderstandings that I perceived in the discussion this morning.

First of all, neither bill will close the records of a divorce case or a custody case. The records remain open to public scrutiny, and I feel in that sense that Ms. Lund's objections are unfounded in that the public can review the records, they know the grounds, they know the reasons for the judge's decision.

What we are talking about is one of the most intimate moments in a person's life being spread before the public in an uncontested matter. I can't emphasize enough that what we are talking about here is a situation where both parties agree.

Mr. Hayden has mentioned the situation where a contested matter may be well benefited by a public hearing, and I would submit in that situation that both parties are going to be represented by counsel and I can't imagine a contested matter going by agreement before a private hearing.

It is a special kind of hearing, it has been compared with a juvenile hearing, and one of the reasons a juvenile hearing is held in private is so that the evidence that is heard by the court does not go outside the courtroom so it doesn't hurt the reputation of the juvenile. I think that is one of the prime benefits here.

Where both parties agree, they can disclose these facts, which may have a great impact on their future lives, in a private situation. I urge you to protect this right of privacy by adopting Report A, which gives them this right of privacy.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that Report A be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Tarbell of Bangor requested a roll call vote.

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

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

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Today, we are voting on a measure, Report A is a mandatory 'shall'; Report B is a permissive, discretionary 'may.' That is the question. I would urge you to oppose Report A, which is the pending motion, so that we might adopt and vote on Report B, which is 'may.' I have handled many divorce cases and child custody cases in my few years of practice, and in most instances there are few people, if any, who are interested in sitting in a courtroom during a contested case, let alone an uncontested case, and listening to the issues at

hand in a particular hearing. In those cases where there might be people that is unwarranted for them to even have any interest whatsoever to be involved in sitting in the courtroom, that are outsiders, that are strangers to the proceedings, I think if we accept Report B and the discretion to the court, to the attorneys representing the parties and to the husband and the wife, that that is sufficient at this point in time to protect the privacy and the rights of the parties and the children that might be involved in either a divorce or a custody hearing.

We are entering into a fairly sensitive area, we are entering into an area where the legislature is dictating, if you go with 'shall,' which is Report A, in closed hearing. I think Representative Hayden has probably raised the best point that I have heard on the floor of the House in this debate, and that is, what happens if one party, say the husband is represented by legal counsel and the wife has no lawyer, what happens if the husband and his counsel are able to unwittingly persuade the wife as part of their negotiations for property settlement, child custody, child support in the grounds for a divorce, unwittingly persuade her, without counsel, that this is something that we want. It may not be in the best interest of one of the parties, particularly if they weren't represented by counsel. The judge, however, is a mediator and arbitrator, of justice and he, or she, will look out, whoever is presiding on the bench, will generally look out for the interest of justice, particularly if one of the parties does not have legal counsel. In this case it might be the wife, but if we bind the hands of the judge and say we are going to require this, then you do not give the full flexibility and latitude to a judge to serve as the mediator and the arbitrator of both sides in the interest of justice. A wife, without counsel, may not know and may not understand that she could object to a closure in the hearing. There may be reasons for the court to be open, it might be in her best interest. There may be reasons that the husband, in this case, wants it closed and desperately wants it closed, which may not be in the wife's best interest.

I don't think that we can sit here on the floor of the House and prejudge the fine points of the kinds of cases that may arise throughout our state, whether it is in the District Courts or the Superior Courts, because they are varied and very diversified. I just don't think that we can make that judgment sitting here in this hall.

I do think that if we put the power and the discretion in the hands of the parties' if it is a contested hearing, in the judge's chambers with counsel, and explain to the judge that the parties both agree they would like that hearing closed in the interest of privacy, the judges are going to do that. But I think we ought to be very wary before we bind those hands of the judge in those instances where it might not be in the best interest of one of the parties and where we would want the judge to look out for the interest of fair and equitable proceedings.

I don't think this is a major bill. I don't think the difference between the two reports is all that significant to blow this kind of issue out of proportion, but I do think that we could step lightly and gently into this new arena with a 'may,' discretion in the hands of the court and the parties; let's see how it works. If it works out well, then we have done justice with our bill; but if it does not go far enough, then we can come back in here and change a simple word, but I do think it makes sense for us to tread very lightly as we enter this new area.

I would urge you to vote no and then let's vote yes on the next report. Then let's enact this bill and let's try it out.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I really had no idea that this argument or this debate would go on this long. I

think Mr. Tarbell started out properly; this is a very sensitive issue and I feel very strongly about it. Divorce itself is very sensitive, it is very personal and can be very traumatic. At best, it is unpleasant. It is difficult enough to have to go through the trying experience of a divorce with or without children. There has been a lot of reference to children in this debate and that is not always so, there are not always children involved in divorce.

One of the arguments that Representative Tarbell and my good friend Representative Hayden have referred to is the argument of a woman, perhaps, or a man not being represented. If that is the case, I wish one of them would tell me who is going to help them by making it public? Is someone going to come out of the audience and come up and help them? I don't understand that argument at all and I don't think we are living in the dark ages. Divorce, unfortunately, is prevalent in our society. People are aware of the procedures, they do know how to get divorced. They are counseled. I would imagine that there are very few people that do not have a lawyer when they go through a divorce.

Another argument, what is the public interest? What interest does the public have in my divorce and the Governor's divorce and anyone else here that has been divorced? What interest is that to anybody? It is personal, that experience is very personal. I don't feel that I need to share — I did have to share, unfortunately, but I would like to have had the option at the time to agree with my ex, or spouse at the time, that I did not want to have that hearing in public.

We do mandate private hearings. We mandate them for juveniles in certain cases, so this is not something new. Please accept Report A.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: There seems to be a defect in both reports when you stop and look at it. Report A really gives the option to the parties who are arguing, it gives the option to the attorneys or the parties to argue and decide whether or not they will go into court in a private proceeding. Report B apparently gives some discretion to the judge.

I think, as the lady from South Portland has already mentioned, we already have situations where private hearings are mandated. Those situations are the juvenile situation. Why don't we go all the way today and give nobody discretion so the lawyers can use this as a bargaining chip, as was pointed out by the gentleman from Durham, on the one hand, or the judge can have discretion. Why don't we go all the way and say that in this particular type of adult proceedings, as opposed to a juvenile proceeding, this will definitely be a closed proceeding, then nobody has any choice. This is the way it is going to be. Anytime that you go to a divorce court, the proceeding itself is closed.

As far as the records are concerned, maintaining open court records, I can see where that is necessary, but as far as the proceedings are concerned, these are private situations, close them to the public just as we do in juvenile situations. I think perhaps what we should do, I don't care which report we accept now. I would hope that if it goes to second reader, some kind of an amendment would be presented which would definitely do the job once and for all and we don't have all these arguments everytime somebody goes to divorce court.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I am against Report A, but I just want to correct one thing here. I have seen many divorces, but I have never yet seen where the wife was not represented at the expense of the husband. I can assure that when there are proceedings for divorce, I would say

80 percent of the time it is the wife asking for the divorce and the husband has to pay for the two lawyers, the majority of the time.

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

Mr. HAYDEN: Mr. Speaker, Ladies and Gentlemen of the House: What we are talking here in deciding this "shall" and "may", we are talking about a very small percentage of cases. If the law were changed to allow a judge, when both parties want to have their case private, to at least use his discretion to see if there are any extenuating circumstances, to see if it is a child custody matter where there should be other members of the public involved, to see if this issue has been used as a bargaining chip in negotiation, that would be the rarest of cases. But what we are doing by putting in the easy out, by just making this a straight command, what we are doing is taking away the power of that person whose job it is to judge a very sensitive situation and making that decision for him without us knowing anything about the particular case they have before them. Invariably, that is a mistake and I think it would come back to haunt us, not in every case, but in those rare cases that you and I may never hear about. For that reason, again, I would urge you to vote against the mandatory Report A.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Saco, Mr. Hobbs, that the House accept the "Ought to Pass" Report A. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brenerman, Brown, A.; Carroll, Chonko, Clark, Connolly, Cox, Crowley, Cunningham, Davies, Diamond, G.W.; Diamond, J.N.; Dudley, Fitzgerald, Gavett, Gowen, Gwadosky, Hall, Hanson, Higgins, H.C.; Hobbins, Hutchings, Jalbert, Joyce, Kany, Kelleher, Ketover, Laverriere, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Masterton, Matthews, McGowan, McKean, McPherson, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perry, Post, Prescott, Racine, Reeves, P.; Richard, Rolde, Smith, C.W.; Soulas, Soule, Swazey, Theriault, Thompson, Twitchell, Vose, Webster, Wentworth. The Speaker.

NAY—Armstrong, Austin, Bell, Bordeaux, Brodeur, Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Conary, Connors, Curtis, Damren Davis, Day, Dexter, Dillenback, Drinkwater, Erwin, Foster, Fowlie, Gillis, Hayden, Hickey, Higgins, L.M.; Holloway, Huber, Hunter, Ingraham, Jackson, Jordan, Kiesman, Kilcoyne, Lancaster, Lewis, Livesay, Lund, Masterman, McHenry, Michael, Nelson, A.; Perkins, Peterson, Pouliot, Randall, Reeves, J.; Ridley, Roberts, Salisbury, Sherburne, Small, Smith, C.B.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Tuttle, Walker, Weymouth.

ABSENT—Jacques, Kane, LaPlante, Martin, H.C.; McCollister.

Yes, 81; No, 64; Absent, 5.

The SPEAKER: Eighty-one having voted in the affirmative and sixty-four in the negative, with five being absent, Report A is accepted.

The Bill read once. Committee Amendment "A" (H-308) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-315) on Bill "An Act to Require Alcoholism Treatment Benefits in Health Insurance Policies" (H.P. 591) (L.D. 669).

Report was signed by the following members:

Senators:

SUTTON of Oxford
SEWALL of Lincoln

— of the Senate.

Representatives:

GAVETT of Orono
JACKSON of Yarmouth
GWADOSKY of Fairfield
BRANNIGAN of Portland
POULIOT of Lewiston
TELOW of Lewiston
PERKINS of Brooksville

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-316) on same Bill.

Report was signed by the following members:

Senator:

CLARK of Cumberland

— of the Senate.

Representatives:

RACINE of Biddeford
FITZGERALD of Waterville
MARTIN of Van Buren

— of the House.

Reports were read.

On motion of Mr. Brannigan of Portland, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-315) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-317) on Bill "An Act Relating to the Public Utilities Commission Officials' and Employees' Compensation" (H.P. 577) (L.D. 657).

Report was signed by the following members:

Senators:

GILL of Cumberland
VIOLETTE of Aroostook
AULT of Kennebec

— of the Senate.

Representatives:

BELL of Paris
DIAMOND of Bangor
KANY of Waterville
MASTERTON of Cape Elizabeth
MCGOWAN of Pittsfield
LISNIK of Presque Isle
SMALL of Bath
DILLENBACK of Cumberland
PARADIS of Augusta

— 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:

WEBSTER of Farmington

— of the House.

Reports were read.

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

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

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today as the lone star, the lone signer of the "Ought Not to Pass" Report. I would like to explain briefly why I am so strongly opposed to this legislation.

I should explain what this legislation would do. What we are going to do is give a raise to the Public Utilities' commissioners, and I would have to say that I have nothing against giving the Public Utilities' commissioners a raise, but I do oppose this piece of legislation. Currently, the members of the Public Utilities

Commission have a frozen salary. The members make \$27,000; from \$18,000 to \$27,000 for the members. That was two years ago, and I believe that we shouldn't give them the raise.

This legislation will unfreeze the frozen salaries, and briefly what it is going to do, for those of you who aren't familiar with this legislation, with the amendment it will increase Public Utilities members from \$27,000 to \$29,000 the first year. I have nothing against giving the commissioners and the chairman a raise. We will give the chairman from \$32,000 to \$34,000.

My problem with this legislation is that under this law the members of the Public Utilities Commission will get a guaranteed anniversary date raise of approximately \$2,000 a year. What will happen is that the commissioners will receive at the end of eight years \$42,577 a year. The chairman will be receiving after seven years \$48,214, and I believe that if the commissioners deserve a raise, they should come to the legislature and should not be guaranteed a raise every year, and if we pass this legislation, that is what we are going to do.

Mr. Speaker I would request a division.

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

Mr. DAVIES: Mr. Speaker and Members of the House: The Public Utilities Commission, especially the Public Utilities commissioners, are an easy group, to kick around. They happen to sit in a very controversial spot, and no matter what they do, there is always someone who disagrees with the decision that they have rendered, but that is the position that we have directed them to be in, we have made them controversial by the responsibilities we have given them.

In the process of restructuring the personnel laws of the state two years ago, those commissioners and four of their senior staff, who are responsible for major policy-making decisions in relation to the commission, and their effect on the lives of each and every one of us and all of our constituents, were locked into a situation where the commissioners, once they are appointed, are locked into a salary for seven years. Now, if the inflation rate, if it is 12 percent, and I think it is higher than that, over the course of seven years that inflation rate will make a \$30,000 salary worth \$15,000. That is what you are doing to people who have as much influence over the affairs of the State of Maine as any individual, notwithstanding the Governor.

It is real easy to stand here and say, well, I am going to go against that because I don't like the Public Utilities Commission. There have been plenty of times when I have said, well, darn it, I would really like to do something to stick them because they made a decision that I don't like. But the fact of the matter is, that is what they are supposed to do. If they made decision that we would all like, probably the utilities would cease to exist. If they made decisions that the utilities all liked, we couldn't afford to pay the bills. So they are stuck in the situation where they have to make some balancing, and we don't always like what they do, but probably none of us would like to sit in their spot and have to make those same kind of controversial decisions knowing full well that when you took that job you had no chance of getting a salary increase for seven years. If you were offered that kind of opportunity in private enterprise, you would shake your head no, you would have nothing to do with that.

But even more important than those three commissioners are the four senior staff members, those individuals who are responsible for directing the operations of the staff, where it is very difficult to get qualified, competent individuals. We have been fortunate to get some people who fill that bill, who are qualified and competent. We have already lost one of those four individuals in the last six months because he simply cannot afford to continue living on the salary that has been fixed into law. These

individuals are in salary schedules that no one else is in, there is no provision for them to advance in that, so they are locked in place.

Whether you like them or you dislike them, I think it is only fair that we say that they be entitled to the same kind of rights of having their salaries reviewed and increased as other state employees, no more and no less.

What Mr. Webster said about them getting \$2,000 raises is true in the first year, but it is untrue that they are going to be getting \$2,000 raises each of the next seven years. The fact of the matter is, they are going to be put into a schedule along with other state employees, and as other state employees are now advanced, they, too, will be advanced. If other state employees are not advanced, then they won't be either. So, it is only fair and reasonable that they be given this opportunity. We are not doing anything special for them other than saying they are going to be treated in the same equitable fashion that we treat other state employees.

I urge you to reject the motion of Mr. Webster and go along with the Majority "Ought to Pass" Report.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: It is with a great deal of pleasure that I stand this morning to support my good friend, the lone star from Farmington, Mr. Webster.

I have said many times that it takes a great deal of courage for one person on any committee to be the lone signer of a report. How many times have we in this body watched such a proceeding in the House, or even take a majority report, a unanimous report, have it set aside, have it questioned and finally have it defeated once we find out what the bill really does and what the bill really says? I commend him for it and I support him in his actions.

I have to consider some of the remarks that my friend from Orono, Mr. Davies, said. I have to smile a little bit because my friend, Mr. Davies, referred to how much fun it is for others to kick around members of the PUC.

He made reference to the salary of \$27,000 for the kind of work that they do and whether an individual such as the Public Utilities Commissioner would ever consider going into private practice for that kind of salary. I would ask every member of this body to reflect on your own salary, \$7,000 every two years. Could you go into private enterprise or would you go into private enterprise for the stipend of \$7,000 for two years? I doubt that. Why do you serve then? You serve because of a public commitment, and I think those are the kinds of individuals that we are looking for in government.

Public Utilities commissioners are not just state employees. They are commissioners who have been appointed to perform a public service. They are proud to do so, and sometimes, yes, they serve at a salary less than what they would receive if they worked in the private sector; nonetheless, this is a decision that they make at the time that they are appointed.

Inflation is one of the most serious problems facing this state and this nation. This is the kind of thing that makes inflation continue at the rapid rate that it is going, and this is the kind of thing that makes inflation so very difficult to come back, when we build in these kinds of guaranteed raises to public servants and, yes, we are all public servants, as are appointed individuals. Those people know what the job is, they know what it pays, just as we knew what it is and we know what it pays.

I hope you support Mr. Webster in his plea this morning, and I hope that you vote against the Majority "Ought to Pass" Report.

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

Mrs. KANY: Mr. Speaker and Members of the House: I did want to set the record straight. There could be a \$2,000 a year raise if people

did serve for a period throughout the nine-step range. I just wanted to make certain that everybody did understand that and that we have accurate information before us to make decisions. But I want to point out that right now the salaries of our commissioners are \$32,000 for the chairman and \$27,102 for the other members. This is way below the New England average. The New England average is \$41,000 for chairmen of public utility commissions, \$37,000 for regular members, and even New Hampshire, which has a reputation of being much stingier than we, pays \$42,900 to all their commissioners. Vermont, also much smaller population, pays \$35,500 to its chairman, and so on. In other words, raising that salary \$2,000, to just \$29,000 for members and \$34,000 for the Chairman, is hardly out of line for the responsibility we put on these people.

I, along with many other people in the state have perhaps criticized our structure and from time to time criticized their decisions, but certainly we expect a lot of them. For that responsibility, let us not deny them this miniscule raise.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I don't think we should consider the argument of payment to the Public Utilities Commission as an argument this morning. There is a very great difference between state employees and members of the Public Utilities Commission. They do serve in a very sensitive position and they serve a term of seven years. They serve in a confidential position. They are not regular state employees and I object to a mechanism that is going to be put into law to guarantee an increased wage for the commission. I have nothing against the commission as individuals. I just think it is a poor step for this House to be binding future legislatures into dealing with pay increases, whether the pay is high or low. If the Governor of this state feels that the Commissioners are not paid properly, he has an option to ask the legislature for a salary increase, but I think Mr. Webster is on the right path, we should not put this into law. It would be a mistake to do it just for good business practical purposes. They are not average state employees. It is not fair to even try to bring them into the argument that we should consider their salary increases because they are average, they are not average.

I would hope this House would reject the Majority Report and kill this bill.

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

Mrs. KANY: Mr. Speaker and Members of the House: I wanted to correct an inaccuracy spoken by Representative Kelleher. Representative Kelleher said that the Governor could set a new salary for the Public Utilities Commissioners, and under our law, that is not possible. Only at the beginning of their seven-year terms can the Governor set that wage, and that is one of the things we are trying to correct in this 12 to 1 "Ought to Pass" Report.

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

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the Majority "Ought to Pass" Report on this bill this morning. It was brought out at the public hearing that the Public Utilities Commission is about as popular as a polecat at a picnic, and I believe that is very true. They cannot make a right decision. They recently came out with a decision against a rate increase for the telephone company which would save the state \$2,500,000. That might help defeat Representative Brown's argument on fighting inflation.

I am very fortunate to serve on both the Public Utilities Committee and the State Government Committee, and I have found that the Public Utilities Committee has been very in-

formative to me in regards to this bill. I think it would be very easy for us to go home today and say we denied the PUC some additional money, but you must realize that these people are doing battle with \$150.00 an hour regulatory lawyers from Washington. If you think that you are helping the people by not giving them a raise, I think you are doing the wrong thing. I really think that these people need this money. We have got to do it in the best interest of the ratepayers of this state.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I do not want to give this House the impression that I am against the salary increase for the Public Utilities Commission. I served on the PUC Committee in this House for eight years, I chaired it for four years, and I can appreciate all the hard and laborious work that they do down there. But I am not going to be hoodwinked to accept a financial proposal which I think is an error of judgment for this House to accept. I don't want anyone to get the wrong impression and I don't want to be misunderstood that I am against a salary raise for these people, but I am not going to take a sleigh ride on a piece of legislation that should be killed in this House this morning.

If the Governor of this state or the Representative from Pittsfield or the legislator from Waterville or any of the rest of you want salary increases, you can submit a bill just like any of the rest of us at the beginning of a session. If the Governor of this state, and in the executive department, if he wants to put an increase in, he has that opportunity and he can do it right now, because he can introduce a bill any time he wants to. You can't do it and I can't do it, but to accept this proposition that is before us this morning is in poor judgment.

Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed. I would request the yeas and nays.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I do not want to prolong this. I am beginning to have doubts about my own thoughts here when I oppose Mr. Kelleher and support Mr. Davies. However, I will say this. We did study this very carefully and I personally think that the PUC is the most important thing we have in the state of Maine. You may not agree with them, but they have the most difficult job of anyone, whether it is on the telephone rates, the power rates or any utility that you have to pay for.

We in the Portland Water District ask for a rate increase probably every two years and we have to go out and hire professionals from Boston and other places to prepare these rate increases. There is a tremendous amount of paper work and analysis that has to go into this. I am not so concerned about the people who are serving today, I am concerned about the next appointments that come along. We want the very best people that we can find to serve in that capacity.

I hope you will support the Majority Report.

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

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

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

Miss BELL: Mr. Speaker and Members of the House: Originally, I had some serious doubts about this piece of legislation, and in talking to members of both parties on the PUC Committee, I came to appreciate the fact that the PUC Commissioners and staff merited

some type of a raise.

I had some concerns about the proposed fee in the original piece of legislation. Mr. Webster and I proposed several alternatives. We talked about keeping the freeze on, we talked about a very limited increase. If you will look at the bill, you will see that we have amended it from \$37,800 to \$34,444, a \$2,000 raise.

I sympathize with some of Representative Kelleher's comments. I originally was not in favor of a raise also. Talking to both members of the committee and people who serve and are aware of the work done in the PUC, I went along with the majority of the report.

I would hope you would not indefinitely postpone this legislation. I think that many members of this House feel that they merit some type of a raise. If we are to propose a freeze, I would not be opposed to that, but I think if we indefinitely postpone this piece of legislation, we certainly aren't being responsible at this time.

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

Mr. LISNIK: Mr. Speaker and Members of the House: I would like to correct something that Representative Kelleher said, and I am reading from the statutes, it says the Governor is authorized to adjust the salaries of the following state officials within the salary range indicated here only at the time of appointment of the official, and we are talking about the PUC.

Mrs. Kany has gone over these schedules and I just want to emphasize again that presently our chairman is making \$32,000, that is \$7,000 below the average; members making \$27,000, that is \$10,000 below the average.

Representative Webster said that within seven years our chairman is going to be making \$42,000; well, in New Hampshire they are making over that today.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to the debate all morning on this bill. I was very happy to sign the Majority Report on this bill, a nearly unanimous report, except for the gentleman from Farmington, Mr. Webster.

I think it is important for us to look at one aspect of this bill that the opponents of this bill do not wish to bring out. It is that these people here have the final say in setting rate structures for what we pay for electricity, what we pay for water and our other public utilities. Will we take in this House this morning, this day, the easy way out, the most expedient, the most popular way out and say we are going to save the taxpayers a few thousand dollars over the course of the next few years, or will we take the most important step, the most intelligent step, and say that when we have a public utility commission member making \$13 or \$15 an hour looking out for the public interest and, on the other side of the table, advocating a rate increase, a cost, an additional cost, an inflationary cost to the consumer, and he is being paid \$150 an hour, \$125 an hour on the average, and we will pay for that fee in the new rate structures that are approved? We can take the easy step, we can take the most popular step and go on the record and say that we deny those people who have to vote for those increases and have to look at all those documents and inches of testimony, feet of testimony, we can save a few dollars and we can pass it on to the consumer and make them pay in the long run.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to say that I am not opposed to giving the Public Utilities Commission a raise. I do know that the Governor or any legislator here could put a bill in to give them a raise next session, or perhaps the Governor could do it tomorrow if he so chooses.

My opposition to this legislature, I am going to read it to you. Under Section 4 it says, contrary to what Mr. Davies has mentioned: "A Guaranteed Raise: Each official shall receive a one-step increase in his salary on the annual anniversary date of his appointment." I don't think that we should be guaranteeing anybody a one-step increase automatically.

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

ROLL CALL

YEA—Armstrong, Austin, Baker, Beaulieu, Berube, Boyce, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connors, Connolly, Cunningham, Damren, Davis, Dexter, Drinkwater, Dudley, Foster, Gavett, Gillis, Hanson, Holloway, Hunter, Hutchings, Ingraham, Jackson, Joyce, Kelleher, Kilcoyne, Lancaster, Laverriere, Lewis, Livesay, Locke, MacBride, Mahany, Martin, A.; Masterman, McPherson, McSweeney, Michaud, Murphy, Nelson, A.; Norton, Paradis, E.; Peterson, Pouliot, Racine, Randall, Reeves, J.; Reeves, P.; Ridley, Roberts, Salsbury, Sherburne, Smith, C.W.; Soule, Stevenson, Stover, Strout, Studley, Telow, Treadwell, Tuttle, Walker, Webster, Wentworth.

NAY—Aloupis, Bell, Benoit, Boisvert, Bordeaux, Brannigan, Brennerman, Cahill, Cox, Crowley, Curtis, Davies, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Erwin, Fitzgerald, Fowle, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Huber, Jalbert, Jordan, Kane, Kany, Ketter, Kiesman, Lisnik, Lund, MacEachern, Macomber, Manning, Masterton, Matthews, McGowan, McHenry, McKean, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; O'Rourke, Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Prescott, Richard, Rolde, Small, Smith, C.B., Soulas, Swazey, Tarbell, Theriault, Thompson, Twitshell, Vose, Weymouth, The Speaker.

ABSENT—Jacques, LaPlante, Martin, H.C.; McCollister.

Yes, 75; No, 71; Absent, 4; Vacant, 1.

The SPEAKER: Seventy-five having voted in the affirmative and seventy-one in the negative, with four being absent, the motion does prevail.

Sent up for concurrence.

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

(Off Record Remarks)

On motion of Mr. Jalbert of Lewiston, Recessed until four-thirty in the afternoon.

After Recess

The House was called to order by the Speaker.

Divided Report

Later Today Assigned

Seven Members of the Committee on Labor on Bill "An Act to Provide for an Offset For Holiday Pay under the Employment Security Law" (H. P. 879) (L. D. 1048) report in Report "A" that the same "Ought Not to Pass"

Report was signed by the following mem-

bers:
Senator:

DUTREMBLE of York

— of the Senate.

Representatives:

McHENRY of Madawaska

BAKER of Portland

MARTIN of Brunswick

HAYDEN of Durham

BEAULIEU of Portland

LAVERRIERE of Biddeford

— of the House.

Five Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass"

Report was signed by the following members:

Senators:

SEWALL of Lincoln

SUTTON of Oxford

— of the Senate.

Representatives:

FOSTER of Ellsworth

LEWIS of Auburn

DAMREN of Belgrade

— of the House.

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-313)

Report was signed by the following member:
Representative:

TUTTLE of Sanford

— of the House.

Reports were read.

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

Mrs. BEAULIEU: Mr. Speaker, I move acceptance of the Majority "Ought Not to Pass" Report A.

Whereupon, Mr. Higgins of Scarborough requested a roll call vote.

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

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

Thereupon, on motion of Mr. Higgins of Scarborough, tabled pending the motion of Mrs. Beaulieu of Portland to accept Report A and later today assigned.

Consent Calendar

First Day

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

(H. P. 235) (L. D. 271) Bill "An Act to Amend the Waldoboro Sewer District Charter" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-311)

(H. P. 1041) (L. D. 1260) Bill "An Act to Amend the Charters of the Mars Hill Utility District and the Rumford Water District" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-310)

(H. P. 999) (L. D. 1197) Bill "An Act to Increase Certain Fees under the Funeral Directors and Embalmers Law" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-314)

(H. P. 1009) (L. D. 1205) Bill "An Act Concerning Review of Fees for Providers under the Medical Assistance Program" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-322)

(H. P. 995) (L. D. 1183) Bill "An Act to Allow the Board of Environmental Protection to Authorize and Pay for Oil Spill Damage Studies" — Committee on Energy and Natural Re-

sources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-321)

(H.P. 946) (L.D. 1122) Bill, "An Act to Amend an Existing Law Pertaining to Conversion of Seasonal Residences in Shoreland Areas" — Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-320)

(H.P. 1386) (L.D. 1563) RESOLVE, Reimbursing the Town of Madison under the Maine Tree Growth Tax Law — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-318)

No objections being noted, these items were ordered to appear on the Consent Calendar of May 8, 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. 947) (L.D. 1123) Bill, "An Act to Eliminate the Disincentive for Aid to Families with Dependent Children Recipients to Find Employment" (C. "A" H-306)

On the objection of Miss Brown of Bethel, was removed from the Consent Calendar.

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

Miss BROWN: Mr. Speaker, could I have a very brief explanation of the bill for the record?

The SPEAKER: The gentlewoman from Bethel, Miss Brown, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. BEAULIEU: Mr. Speaker and Members of the House: I will speak on this as a co-sponsor, or the sponsor of this bill. What we attempted to do was try to get the Department of Human Services to entertain the idea of what happens to women who tend to be on aid to dependent children, what happens to them when they go to work.

We introduced a bill for mass education purposes and at the same time to point out that there really is a genuine problem when a mother with children on that kind of assistance, what happens to her when she does go to work.

At some point in time at a meeting in Portland, we had the Department of Human Services who came in and showed us the budget of one mother who was home with her two children and did not work and the other budget was the budget of a mother with two children who was working 27½ hours a week, a part-time worker at minimum wage. The end result was that the mother who went to work wound up losing money.

Back in 1975, a law was changed, or the formula was changed, and that proved, in our opinion, to become a disincentive for some reason of the AFDC mothers to go to work, because the end result is that they are better off staying home.

We raised the issue through legislation, brought it before the Appropriations Committee, asking the department to look at several methods of computing the allocation for these working parents. The end result, and I don't have the amendment before me, is that the Appropriations Committee apparently seemed to put credibility into the factor that it does serve as a disincentive, and I believe the amendment is simply over the summer and to come back with appropriate recommendations as to how they are going to fund and assist in stopping this vicious circle of disenfranchising the people who really do want to go to work and wind up getting hurt because they choose to.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A"

(H-306) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Tabled and Assigned

(S.P. 476) (L.D. 1359) Bill, "An Act to Authorize the Extension of Old Orchard Pier"

On the objection of Mr. Hobbins of Saco, was removed from the Consent Calendar.

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

(S.P. 370) (L.D. 1112) Bill, "An Act Concerning the Transfer of Funds from One Appropriation to Another Appropriation" (C. "A" S-163)

(S.P. 188) (L.D. 490) Bill, "An Act Relating to the Employment of Minors and Overtime Pay" (C. "A" S-162)

(S.P. 542) (L.D. 1513) Bill, "An Act to Amend the Maine Nonprofit Corporation Act" (C. "A" S-166)

There being no objections at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence in concurrence.

Second Reader

Tabled and Assigned

Bill, "An Act to Coordinate Agriculture and Energy Related Activities in State Government" (H.P. 648) (L.D. 753)

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

On motion of Mr. Sherburne of Dexter, tabled pending passage to be engrossed and tomorrow assigned.

Passed to Be Engrossed Amended Bill

Bill, "An Act to Amend the Maine Consumer Credit Code" (S.P. 172) (L.D. 422) (S. "A" S-171 to C. "A" S-167)

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

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

Passed to Be Engrossed

Bill "An Act to Provide Reciprocal Fees and Charges for Trucks from other States" (Emergency) (H. P. 1439) (L. D. 1581)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1981 (Emergency) (H. P. 1435) (L. D. 1580)

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

Amended Bills

Bill "An Act to Protect Privacy in Divorce and Child Custody Actions" (H. P. 864) (L. D. 1025) (C. "A" H-308)

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.

Bill "An Act to Require Alcoholism Treatment Benefits in Health Insurance Policies" (H. P. 591) (L. D. 669) (C. "A" H-315)

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, Ladies and Gentlemen of the House: This morning when this bill came up, it went pretty fast. There were two committee amendments, I believe, on this particular bill. There was one committee amendment that would authorize alcohol treatment in a physician's office, and this was the other report that came out, the minority report. This morning, I wanted to make sure

that the body was made aware that there were two committee reports, one which would expand the services to permit treatment in a physician's office or in a psychologist's office.

Committee Amendment "B", the Statement of Fact reads: "The purpose of this amendment is to require that coverage for alcoholism treatment be provided in group health insurance policies unless the applicant specifically waives such coverage and to require the services rendered by licensed physicians and psychologists in their own office also to be reimbursed under this coverage."

The reason why I approve of this amendment is the fact that there are a lot of cases where if an individual is suffering from this disease, he would rather be treated in a physician's office, and a lot of this pertains to preventive medicine, because by the time an alcoholic goes to be treated in a hospital, it is a little bit too late, he has to go through the course, and this is why I felt that the insurance company should offer — it is a mandated option, basically, and should give the individuals an opportunity to buy this coverage if the group so decided.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: Representative Racine from Biddeford has explained—if people would like to find this report, it is in your printed calendar, Page 6 today, 6-11. We accepted in first reader this morning the "ought to pass" report, Committee Amendment "A".

This is a mandated option by which if any group wishes to purchase an alcohol treatment plan, it must be made available to them by Blue Cross-Blue Shield or other insurance companies. The plan that we accepted this morning would deal with just those licensed facilities that have plans, people go there, they are experts and licensed, experts as best anyone can be, in the area of alcohol treatment.

Plan B, the minority report, which Mr. Racine has just spoken of, takes that and includes doctors' offices and psychologists' offices which are not necessarily licensed, not necessarily expert in the area of alcohol treatment, and as much as I would like to see those covered, I felt, and a majority of the committee felt, that that would be, first of all, unwieldy; secondly, and most importantly, it would be too expensive. I am afraid that package would become so expensive that no industry and no union would choose to purchase it.

Right now, Blue Cross-Blue Shield is optional, since last November, providing a package for groups of 50 or more. Now they would have to provide one for any group. So, it would be very important, I think, it is important to alcohol treatment facilities, that we keep with Report A so that it is within the class reach of any industry or any union or any benefit group that wants it. So I would encourage us to go along with the choice that we chose this morning, Committee Amendment "A".

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: In view of the additional information that was provided this afternoon on this particular bill, I would like to move that we reconsider adoption of Report A and give us an opportunity to vote on the other report.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: Naturally, I was very pleased with the vote this morning and would ask that we not reconsider our action, and I would ask for a division.

The SPEAKER: The Chair would advise the gentleman from Biddeford, Mr. Racine that the motion to reconsider adoption of Committee Amendment "A" is not in order at this time.

Thereupon, the Bill was passed to be en-

grossed as amended and sent up for concurrence.

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

Passed to Be Enacted Emergency Measure

An Act to Amend the Charter of the Kennebunk Light and Power District. (H. P. 951) (L. D. 1127) (S. "A" S-160)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. 124 having voted in favor of same and none against, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Abolish the Position of Elected County Treasurer in Penobscot County and Replace it with an Appointed Treasurer (S. P. 43) (L. D. 44) (C. "A" S-159)

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

An Act to Establish Truck Volume Labeling for Certain Wood By-Products (H. P. 832) (L. D. 999) (S. "A" S-164)

An Act Relating to Unfair Wage Agreements under Employment Practices Law (H. P. 915) (L. D. 1081) (C. "A" H-264)

An Act Relating to the Clarification, Consistency and Improved Administration of the Employment Security Law (H. P. 950) (L. D. 1126) (H. "A" H-279)

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 Revise the State Personnel System (H. P. 1395) (L. D. 1566) (S. "A" S-161; H. "B" H-270)

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

The SPEAKER: This Bill affecting the confirmation process, under Section 8, Part First, Article V of the Maine Constitution requires an affirmative vote of two-thirds of the members present and voting. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

115 having voted in the affirmative and none in the negative, the Bill is passed to be enacted, signed by the Speaker and sent to the Senate.

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

Non-Concurrent Matter

Bill "An Act Concerning Appointed Chief Administrative Officers of Local Districts under the Maine State Retirement Laws" (H. P. 418) (L. D. 465) which was passed to be engrossed as amended by Committee Amendment "A" (H-289) in the House on May 5, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-178) and Committee Amendment "A" (H-289) in non-concurrence.

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

Non-Concurrent Matter

RESOLVE, Authorizing Gerald Pelletier to Bring Civil Action Against the State of Maine (H. P. 286) (L. D. 333) (C. "A" H-237) which was finally passed in the House on May 5, 1981.

Came from the Senate, Failing of Final Passage, in non-concurrence.

In the House: On motion of Mr. Cox of Brewer, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Providing Collective Bargaining Rights to Legislative Employees" (H. P. 323) (L. D. 384) on which Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-251) Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by House Amendment "A" (H-303) in the House on May 6, 1981.

Came from the Senate with that Body having Adhered to its previous action whereby Report "C" "Ought to Pass" as amended by Committee Amendment "B" (H-252) report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-252) in non-concurrence.

In the House:

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

Mr. BAKER: Mr. Speaker, I move that we adhere.

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

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

Whereupon, Mrs. Beaulieu of Portland requested a roll call vote.

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

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

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

Mr. DAVIES: Mr. Speaker and Members of the House: I will make this short and sweet. Right to work is worse than nothing at all. I would rather have nothing at all, I would rather adhere.

The SPEAKER: The pending question is on the motion of the gentlewoman from Auburn, Miss Lewis, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, D.; Cahill, Callahan, Canary, Connors, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Foster, Fowlie, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livesay, MacBride, Masterman, Masterton, McPherson, Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Perkins, Peterson, Randall, Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Twitchell, Walker, Webster, Wentworth, Weymouth.

NAY — Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.L.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald Gowen, Wadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Joyce, Kane, Kany, Ketover, Kilcoyne, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Matthews, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Paradis, P.; Paul, Pearson, Perry, Pouliot, Prescott, Racine, Reeves, J.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soulas, Soule, Swazey, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT — Carrier, Cunningham, Dexter, Dudley, Jacques, Jalbert, Kelleher, LaPlante, Laverriere, Lund, Martin, H.C.; McCollister, Post, Reeves, P.; Strout.

Yes, 61; No, 74; Absent, 15; Vacant 1.

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

Thereupon, on motion of Mr. Baker of Portland, the House voted to adhere.

Consent Calendar First Day

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

(S. P. 397) (L. D. 1190) Bill "An Act to Require that Industry Wide Taxes be Levied only after Referendum Approval of the Persons who would be Required to Pay the Tax"—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-169)

(S. P. 485) (L. D. 1387) Bill "An Act to Provide for Identifying Natural, Nonimitation Food Products Sold in the State"—Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-174)

(S. P. 382) (L. D. 1140) Bill "An Act to Increase the Compensation Paid to Judges and Justices"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-176)

(S. P. 259) (L. D. 741) Bill "An Act Withdrawing School Administrative District No. 62 from Participation in Vocational Region No. 10"—Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-175)

(S. P. 402) (L. D. 1194) Bill "An Act to Ensure that the Provision for the Arbitration of Classification and Allocation Determinations in State Employee Collective Bargaining Agreements is not Inconsistent with the Personnel Law"—Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-173)

No objections being noted the above items were ordered to appear on the Consent Calendar of May 8, under listing of the Second Day.

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

Bill "An Act to Create a Maine Groundfish Association" (H. P. 1443) (Presented by Representative Fowlie of Rockland) (Cosponsors: Senator Brown of Washington, Representatives Post of Owl's Head and Hanson of Kennebunkport) (Governor's Bill)

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

By unanimous consent, ordered sent forthwith to the Senate.

Enactors Passed to Be Enacted

An Act to Amend the Criminal Code and Related Criminal Laws. (S. P. 444) (L. D. 1282) (C. "A" S-155)

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.

Orders of the Day

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

HOUSE DIVIDED REPORT—Majority (8) "Ought Not to Pass"—Minority (5) "Ought to Pass"—Committee on Local and County Government on Bill "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies" (H. P. 1040) (L. D. 1259)

Tabled—May 6 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending—Acceptance of either Report.

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

Mr. SWAZEY: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report. Whereupon, Mr. Higgins of Scarborough requested a roll call.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, this is my bill. County government had, for as long as I have been a member of this august body, and that, incidentally, goes back a few years, county government has been treated like an unwanted child. I suspect the reason this is so is because county government really isn't a government at all. Webster's Dictionary defines government as follows: "The political function of policy-making as distinguished from the administration of policy decisions." In other words, county government, according to this definition, should have the right of self-determination, but this very basic element is missing or absent under our form of county government.

County government cannot do anything unless specifically authorized by this legislature. County officials are merely administrators under an extended form of state government. Our beliefs in a strong municipal form of government will preclude or prevent county government from being anything other than what it is today.

I don't have to remind you about all the problems that we have experienced with county government, and I don't intend to, the frustrations of trying to cope with it, its unresponsiveness, inadequate accountability and so on.

Many attempts to improve county government operations in the past years have ended up in failure. The most recent attempt at granting county government the right of self-determination was soundly defeated in five or six counties that held a referendum on county charter commissions. Only one county was successful, and I understand that that was only by a very slim margin of 24 votes.

The assumption made by some people that our citizens wanted county charter commissions were way off mark. Let us stop assuming, let us for once stop acting like ostriches with our heads buried in the sand. Let us for once ask the citizens of this great State of Maine just what they want to do with county government. And that, ladies and gentlemen, is all that L. D. 1259 does; it is an opinion. If the answer is positive, then it will be up to this Legislature to proceed and transfer the current functions of county government to the appropriate state or municipal departments or agencies that it deems so.

Incidentally, the only thing that I can see that would really be abolished if this referendum is successful would be a few county commissioners and perhaps a few treasurers and supporting staff. That in itself could be quite a savings.

If, on the other hand, the answer is negative, then this Legislature ought to dig in and work to make county government more responsive and accountable.

Let us not assume that we know what is good for our citizens, and let us not be afraid to ask for fear that we may not like what they tell us on this proposed referendum. In our truest sense of democracy, let the people decide.

I took the time to do a little research on this subject. It seems that over the past years many attempts were made to reform county government. I found study after study in the library downstairs. One goes as far back as 1952, with a reorganization proposal of county government prepared by Dr. Edward F. Dow of the University of Maine of the Legislative Research Committee. Many of the recommendations of this report have, over the ensuing years, been implemented. There were seven of them, and let me quote directly from the document some of

the recommendations.

"Judges of probate should be appointed. They are presently the only elected judges in Maine. Registers of Probate and Clerks of Court should be appointed by the courts. County Attorneys should be replaced by appointed district attorneys. Municipal and trial justice courts should be replaced by district courts. Registers of Deeds should be appointed. Sheriffs, county commissioners and county treasurers should be abolished. Jail should be integrated with the state penal system and supplemented by a jail farm."

As I went through this, I am sure you recall which ones have been eliminated, and I could go through a list of county officials that were in existence at the time, but I don't think that is necessary. The most recent of these changes, as you recall, involves full-time district attorneys, and most of the changes that have been made over the past years have been the transferring of these various county functions to directly under state government, where they rightfully belong.

Let me take one more minute of your time and let me again quote directly from Dr. Dow's report, and see what this doctor had to say about county government over 28 years ago.

"Counties in Maine have followed the New England pattern, never as active as in other parts of the country. Their functions have tended to shrink until they have reached a point where they are top-heavy with elected officials and clerks, and their functions are concentrated around the administration of justice and the recording of deeds."

"These matters are essential but not local. Counties act as state administrative agencies carrying out state laws. They enact no policies nor do they carry out any local mandates."

All of the so-called reforms that have been carried out over the past years have been conducted on a piecemeal basis without any direct input from the citizens. I firmly believe that the time has come to seek their advice. I think we ought to find out just what direction the citizens and taxpayers of this State want us to follow, and we can only do this if we rise to the challenge and vote to accept the "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: I hate to rise today to speak in opposition to my good friend, Representative Carter, but I spent four years on the Local and County Government Committee here, and the year before I arrived, I came here in the 108th, in the 107th they had a study and I assume there were many studies before that.

Over the period of the next four years, we worked on the study, and out of that we finally came upon in the 109th with a bill called the "Charter Bill." It is true that there was only one county that adopted a charter, and it is true, I believe, that it was a close vote, but it was something new after all these years. We don't know how that county is coming yet. They are working on it, and I think that after all these years and all these studies and all of the work that has been put into it, we should be patient and let it have its growing pains. We will see how Cumberland come out, and somebody is going to be here, it may not be us, we will probably be here in the next session of the 110th, somebody is going to be here in the 111th, but if they move it along, and I think they are, we will be knowing before long how the thing works. Hopefully, it will work out well.

The so-called Charter Commission Bill allows the municipalities and county and voters to vote on what they want to do. I think altogether there are three different votes involved, and it comes to the Legislature to ratify. When we were working on this thing, we had something happen that never happened before, I guess, everybody seemed to think it

didn't, we had Maine Municipal, we had the Maine County Commissioners Association, we had the Governor's Office representative all working in our work sessions, not only working in our work sessions but worked constructively, and this came out.

I sympathize with Representative Carter. I have had this same feeling manytimes but I think we have gone this far, had this many studies, done this much work, let's at least give it a chance. I hope when the opportunity comes to vote, that you will vote for the "ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Shapleigh, Mr. Ridley.

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the Minority Report "Ought to Pass."

I would be the first to admit that county government needs reform. I have thought that maybe abolishing county government might be in order, but I really think that with reform, maybe county government can work and better serve the needs and wants of the people.

It is a long ways from York County to Aroostook County and, by the same token, the wants and needs of the people vary greatly.

County government, cumbersome as it is at the present time, does give, to a great extent, local control and more direct say as to the policies and expenditures, much more so than if they were under state control.

There are several bills in the works to improve the present system of county government, and I believe they should be given a chance before this body.

County government is a child of the legislature but, even so, there is a lot of local level that goes into the making of the budget which is eventually presented to this body to act on. With some badly needed reform, it could work even better, reflecting the wants and needs of the local area.

In closing, I might just add that if you have a sore finger, you don't cut your arm off.

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

Mr. BAKER: Mr. Speaker, I would like to pose a question. What would happen if Cumberland County were to adopt a self-government and adopt a charter and then if this referendum were to pass abolishing county government, where would that leave Cumberland County?

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

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

Mr. CARTER: Mr. Speaker, in answer to the good gentleman's question from Portland, I think that decision would be up to the legislature if this referendum is accepted by the people. In other words, the legislature could do what it saw fit with it.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this bill. As you have heard the other speakers mention, I believe it was seven counties that voted on the county charter bill, six of them defeated it, and I believe it was Cumberland County that passed it. I think Cumberland County would like the opportunity to see if this county charter business will work, as would all the state.

Representative Carter came out with the comment, let's stop acting like an ostrich and burying our heads in the sand. I think that if we would just leave county government alone and let them operate as they should be able to operate, without the interference from the legislature or the state government, we would see a much finer level of county government. It would let the people in the separate counties give the county commissioners the responsibility, and supposedly the authority, to conduct county business, but the legislature here can't keep harping away at that responsibility, that

is exactly what has been going on here during the three terms I have been here. It seems that every session we have a half a dozen or more bills in that chip away at county government. Well, if you are giving them the responsibility, let's give them the authority and leave them alone.

Representative Carter also made the comment, why not keep county government, give them the authority to operate as they should be able to, and I am sure we can make it far more efficient than some members see it now.

In closing, I can't go back to Washington County and tell my people that I supported a bill that is going to wipe out their county government. County government, to me, is a buffer between the municipal and state governments, and the farther we can keep the municipalities away from state government, the better. I think county government serves a good purpose there.

The people in the various counties have put their trust in their elected officials, and I think we should leave it there.

If you will take a look at the bill, L. D. 1259, what does that bill tell you? That bill tells you nothing but there is going to be a referendum, they want a referendum held to see if we can abolish county government. There is no assurance of what is going to take place after county government is abolished. Where are your taxes going? Are you going to pay more taxes to the state? What about the elected officials down there? Are they going to become political pawns? Are they going to be elected or appointed officials? God knows, we have got enough appointed officials running around. Why not let the people down there do the selecting through electing our officials there. Let's leave it as it is.

I implore you to vote against the "Ought to Pass" report.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: As Representative Gillis has already stated, this bill as presented here does not supply all the necessary information. The question as it would appear on the referendum would give the voters a choice of either keeping or abolishing county government. It does not say what the ramifications of their actions would be, it does not say where the money would come from to pay for the increased costs of the state taking over the various services. The General Fund already has its commitments, so where would we get these funds from to support new agencies at the state level? The state has already indicated informally that it rejects the taking over of the jails.

I might add that presently the Local and County Government Committee has several bills dealing with county government reform. We are making efforts to clean up the budget process, to clean up some of the internal conflicts that exist now in county government. Many of you, I am certain, will be voting in favor of this motion because of bad experiences you have had with your county budgets. I understand the struggle has often been to keep these costs down. If it is still your goal to keep the cost down, it is important that you overlook your displeasure with the budget process and look at the long run and vote against the pending motion.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: Each year we receive our municipal tax bill which is broken down into three categories, the town or city, school and an ever-increasing figure for the county, tremendous costs borne by the local property taxpayer, because that is who pays for county government.

Many of us in this chamber represent shire towns or shire cities, who must carry an even greater load, the loss of taxes and property,

while providing ever-increasing costly services to that tax exempt property.

County government, over the last few years, has become a hollow shell. The legislature has cut back services, but what remains somehow continues to grow at an even faster rate than the municipal budgets. A very learned person said — county government should wither away. I would hope today, by voting for the "ought to pass," we could give it a little further shove.

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

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

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Lancaster.

Mr. LANCASTER: Mr. Speaker, Ladies and Gentlemen of the House: I am probably as close to county government as anybody in this body. I am married to a county commissioner. Our relations haven't been quite the same since I voted against the collective bargaining bill for county employees, but at my age it really doesn't make that much difference.

Years ago, when I was an undergraduate at the University of Maine, I had the privilege of taking that course from Dr. Dow on local, state and county government, and I agree with what he told me one day. He said, Cecil, that form of government should have gone out with the bustle. I am in full accord. There is a lot of waste and duplication in county government. In fact, let's take York County for an example. I think our leadership is very weak. We haven't yet received our audit. We have not yet been able to submit a budget to be approved.

If we should abolish county government and turn the agencies over to the state or the local municipalities, I think we would increase efficiency and economy.

I did have a prepared speech ready for today it was stolen by a county commissioner this morning and she is headed for Kittery. So I am a little bit handicapped right now, she is one up on me. I know that many of you who know me realize that I am married to a practical joker, and I just pray to God that some of it doesn't rub off onto me.

I thank you very much, and I am in full support of Representative Carter from Winslow.

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

Mr. HALL: Mr. Speaker and Members of the House: One of the hardest tasks that I had when I became a legislator was to try to learn the mechanics of county government. That was just seven years ago, and our budget at that time was \$234,000 for the little county of Piscataquis. If left alone, as Mr. Gillis said, that year they would have wanted \$279,000. Each year that we have had the budget, in spite of the cost-sharing that they have been getting, this year it is costing the taxpayers in my county \$349,000.85. The total budget, after we pared it down, is now down to \$566,000. What about taxes? I think that answers a lot of it.

What we have is an overlapping of many of the services that are performed by the state and local areas. What I hope to do this summer when I go back home, one of the first things I have told the people there that want to continue with county government is to have meetings with them, tell them what county government has been, what it is now and what we expect it to be in the future.

Most of the people in my area have been very much against county government, particularly the ones in Wellington and the little towns, and when you get up around the county seat itself, they are thicker than flies, the people that work in there and get help, but the people in my area, back in Monson and Shirley and Wellington,

they have never had but very little help from the county.

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

Mr. GILLIS: Mr. Speaker, very briefly. The comments made as to why the budgets are growing in the counties. I can give you two very good reasons—food stamps for one, the court subsidy for another. I can give you the figures from Washington County, you judge your own figures in your county. Washington County is paying in the area of \$42,000 in subsidy to support the court system. Washington County is paying in nearly \$50,000 in administrative costs. Washington County is one of the smallest populated counties in the state. If I told you what Cumberland County is paying in for court subsidies, you would flip—I want to see you flip. They are paying in nearly \$300,000, Cumberland County alone. That is why your budgets are going up.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I think if you want to debate on the bill, I am one that did say—well, I will reverse myself, it was a unanimous "ought not to pass" and I did reverse myself to give us a chance to have a debate on this and I don't think I should be shut out.

I honestly don't believe that we should pass this bill and send it out to referendum, because the people right now are in a mood where anything that we put out, I assure you, if we put out, and I would also be willing to vote to put out to abolish the House of Representatives, and I bet you that the people might just vote for it, but I don't say that is a good idea. Therefore, I hope we will vote no on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bucksport, Mr. Swazey, that the Minority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bell, Benoit, Boisvert, Brennerman, Brodeur, Brown, K.L.; Calahan, Carroll, Carter, Clark, Conary, Cox, Crowley, Davies, Davis, Dillenback, Erwin, Fitzgerald, Fowlie, Gavett, Gwadosky, Hall, Hanson, Hayden, Hickey, Hobbins, Huber, Hunter, Jackson, Joyce, Kany, Ketover, Kiesman, Kilcoyne, Lancaster, Lewis, Locke, MacEachern, Mahany, Manning, Martin, A.; McGowan, McKean, McPherson, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Pouliot, Prescott, Racine, Richard, Roberts, Smith, C.B.; Smith, C.W.; Soulas, Studley, Swazey, Tarbell, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Wentworth, Weymouth, The Speaker.

NAY — Armstrong, Baker, Beaulieu, Berube, Bordeaux, Boyce, Brannigan, Brown, A.; Brown, D.; Cahill, Chonko, Connors, Connolly, Curtis, Damren, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Drinkwater, Foster, Gillis, Gowen, Higgins, H.C.; Higgins, L.M.; Holloway, Hutchings, Ingraham, Jordan, Kane, Lisnik, Livesay, MacBride, Macomber, Masterman, Masterton, Matthews, McHenry, McSweeney, Michael, O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Post, Randall, Reeves, J.; Ridley, Rolde, Salisbury, Sherburne, Small, Soule, Stevenson, Stover, Telow, Vose, Walker, Webster.

ABSENT — Carrier, Cunningham, Dudley, Jacques, Jalbert, Kelleher, LaPlante, Laverrier, Lund, Martin, H.C.; McCollister, Reeves, P.; Strout.

Yes, 77; No, 60; Absent, 13; Vacant, 1.

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

Thereupon, the Bill was read once. Under suspension of the rules, the Bill was read the

second time, passed to be engrossed and sent up for concurrence.

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

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

Tabled—May 5 (Till Later Today) by Representative Higgins of Scarborough.

Pending—Passage to be Engrossed.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to debate this bill today. Obviously, since I am the cosponsor, I don't have any intention of trying to hold the bill up or kill it or play games with it, but I just want the House to be aware of a situation that is going to come to us in reference to the billboard bill, and that pertains to off-premise signs for businesses that happen to not be on the main drag, on the main road. Under this particular law, the way it is drafted now, everyone who owns a business will be allowed so many off-premise signs of a like description and a like size and a like color, and I think if you talk to the people back home, especially those of you who are in rural areas, you will find that they are somewhat disturbed about this predicament that they are going to be in once this bill is enacted and it is carried out.

Now, there is some lead time before the whole bill, if it is deemed constitutional by the federal courts, there will be some time for us to take corrective action, I hope, before we get a great public outcry. But I think you are going to find that there are some problems in that one area specifically.

I know the Committee on Business Legislation is not interested in amending the bill and there is a great deal of support for trying to get the bill through clean so that it can be judged by the Supreme Court as to whether or not it is constitutional. The Speaker has informed me that he feels an amendment that I have talked about is not germane to the bill. That is fine.

I want you to be aware that what it is coming down the road, we will have to deal with it at some point in time, and I do think it is unfair for those businesses who do not happen to be on Route 1, in my particular area of the state anyway, that they are not going to be allowed to have a sign of their choice off premise. If you happen to be on Route 1, you can have all the on-premise signs you want and any kind of description you want. It is a discriminatory sort of drafting in this bill, and I want you to be aware of it, and that is the reason why I have had it tabled for the last day, because I think you ought to be aware of it and I did want to check it out with the committee before it went to enactment.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-121) in concurrence.

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

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

Tabled — May 6 (Till Later Today) by Representative Mitchell of Vassalboro.

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

Mr. Richard of Madison offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-250) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: The billboard law, as presently written, ends up being very restrictive, entails the purchase of costly signs and

also calls for a \$30 annual license fee for each of the signs erected. This includes directional signs which are used for farmstands and businesses which are directing people to their places of business which are located away from main highways.

However, the same restrictions, cost factors and annual \$30 license fees are not charged to those businesses which are located along main highways. This amendment and the exemption, while still maintaining most of the restrictions, nevertheless does take away the need for such costly signs, also takes away the \$30 annual license fee for each of the signs erected and, therefore, makes it in a much better position for those businesses which are located away from main highways.

As Mr. Higgins mentioned, any businesses located along main highways are not involved in the same restrictions, cost factors and annual fees.

In fairness to the many farmstands and markets which are located away from main highways, I ask that you adopt this amendment.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: In some ways reluctantly, but I must oppose this extension of the exemption.

The Business Legislation Committee has been wrestling with this whole problem for many years, long before I was there, wrestling with it last year and has wrestled with it again this year. There is a very delicate balance to be drawn between what is billboards and what are directional signs and so forth, and it has been very difficult to draw the line where it has been constitutional, not constitutional. It has been very difficult to know when to make exemptions and when not to make exemptions.

At the present time, it is very important, I think, and the majority of the committee thinks, very important to be very careful in making any changes at this time. Thanks to Mr. Higgins and his cosponsorship of that bill, we have just passed the bill that will make it possible for us to continue the billboard law and continue to work with it, bring it into conformity with federal court decisions.

Originally, the bill allowed an exemption for agricultural signs. Two years ago, the Business Legislation Committee took that away, and this year we reconsidered it and we are putting it back in, and that is the bill we are talking about today.

The reason we took it away, I understand, I was there but there were many people there more experienced than I, was a fear of what might happen down the road, what was happening in Vermont. People were putting it back in, and that is the bill we are talking about today.

The reason we took it away, I understand, I was there but there were many people there more experienced than I, was a fear of what might happen down the road, what was happening in Vermont. People were putting up huge signs dealing with motels and other things and in the corner saying — strawberries grown, or Strawberry Hill Farm — they were misusing it in Vermont. They weren't misusing it in Maine, haven't misused it in Maine, so we say why not put it back in.

There is a good reason in our state for having exemptions for agricultural purposes, we have had them before, we can probably make a case for agricultural exemptions. We have to be very careful in making exemptions because of certain equal protection clauses, so we are, and that is the bill before us that we are recommending, Committee Amendment "A" to make some exemptions or allow an exemption for seasonal agricultural signs.

However, Mr. Richard, and we understand the need, people want to have more, is asking us to put in the word "seasonal" and making seasonal a reasonable period. Well, this can extend out and extend out. And we have battled

this in the committee, we have discussed it, we agonized over it, because really, the committee does want to be more liberal in these areas but we are still very concerned. So, it could be nine months, people sell apples almost all year, people sell other things, so we feel that it will not be seasonal, really.

Also, in using the word "primarily harvested" means that more and more things can be sold at these stands, and we are just concerned that it is too much of an expansion, and all these things were considered by the committee and it was a unanimous committee report that we reported out this way. Therefore, I would ask you defeat this House Amendment "A".

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I can only echo what has just been said. I guess if you want to attack the billboard bill, and there are some very powerful interests here who would like to see the bill repealed, would like to continue to put up the liquor signs and the large signs, and I guess if you want to do that, you can address this kind of thing, but it is very hard to structure these amendments, and you will see others coming in, in such a way that they may not carry over into other areas.

We are involved in a court case. We just passed a very important bill which deals with that, and I think that we should leave it as it is. We have tried to set it up so that we make something for the agricultural area, but the problem is, you get into definitions like "a reasonable period of time after," and that appears in both of these amendments. There is going to be a real problem in how you define that.

We went to lunch the other day in Monmouth, we saw an apple operation where they can hold apples over two years if they really want to. So, there really is no season; what you are doing is opening it up completely, and if you are going to open it up completely, then you have got to open it up all down the line. It is very hard to draw these lines and there are going to be a lot of people there who would like to get in.

I would point out to you that the billboard law is perhaps beginning the pinch a little bit. They started up at the northern end of the state and are working down into heavily populated areas. I guess this is the time, if you have a commitment to the general concept of the law, to stay with it, to not let it be diluted, and we will address it when we get the court challenges out of the way, but I certainly hope we don't give the people who are challenging it in court anymore of a ladder to stand on.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I think from listening to the gentleman from Yarmouth, Mr. Jackson, and the gentleman from Portland, Mr. Brannigan, you can understand that the members of the committee were not united in any way or fashion on this particular House Amendment.

We are talking about an exemption to the billboard law, and there will be one or two possible House Amendments that will try to be put on this today.

I am supportive of the amendment that Mr. Richard has just explained to you. When your billboard law was passed originally, it included an exemption for agricultural roadside farms, this type of thing is what we are talking about. Last year, the 109th Legislature took off that exemption, basically because of the reasons Mr. Brannigan has explained to you. They were having a problem in Vermont. There was no problem in Maine, but they decided that this was preventive medicine and they would take off. I guess there is nothing wrong with that, but I am a little concerned about some of the small businesses in my town, like you may be concerned about some of the small businesses

in your town.

All Mr. Richard's amendment does is define seasonal. It says "seasonal includes a reasonable period of time after the harvest for which produce is refrigerated and continue to be sold." He has a constituent, I have a constituent, who continues to sell apples after May 2. I don't think that is too much to ask.

I apologize for disagreeing with the members of my committee on this particular point. We are concerned about the billboard law in general, the first bill that we talked about, the major bill, the bill to conform our law with recent court decisions, and I concur with Mr. Higgins more than anything else, but all this is requiring is that we give a little hand to the agricultural people. I don't think that is an awful lot to ask for, and I think it is perhaps the least we can do, so I would encourage you at this time to support the motion to adopt House Amendment "A".

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

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you today not a very happy person. Legislative Research told me that the amendment that I was going to present to this bill had to contain, and I liked it, the amendment that is before you today. The Speaker has just informed me that if I support this amendment, which I believe in, then I cannot offer my amendment, which delights me.

The SPEAKER: Let me explain to you the problem, whoever created it, it was not the Chair.

House Amendment "A", which is the amendment of the gentleman from Madison, Mr. Richard, it should be very easy for the members to decide what they want to do. House Amendment "A" contains two exemptions; House Amendment "B", that the gentlewoman from Bethel, Miss Brown, has had three exemptions, two the same as the gentleman, the campgrounds, should have done that by simply having House Amendment "B" with one exemption.

Miss BROWN: Mr. Speaker, Legislative Research drew up the amendment and told me that that was not the way to go about doing it.

The SPEAKER: What the gentlewoman should do is simply oppose the amendment, and if that is defeated, if House Amendment "A" is defeated, then she will be in a position to offer House Amendment "B".

The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker, I will defer to Miss Brown. I withdraw my House Amendment "A" to Committee Amendment "A".

Thereupon, Miss Brown of Bethel offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-253) was read by the Clerk.

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

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: In the wisdom of the Business Legislation Committee, in the committee amendment that they are offering to you, they have allowed seasonal agriculture businesses that sell only their own products to put up their own signs, which means that they do not have to buy state off-premise directional signs. That means that if an apple grower would like to sell maple syrup and he doesn't make the maple syrup, he can't sell it unless he buys the state signs and has those in directional signs.

But my amendment says that if he is selling agricultural products raised and harvested primarily on the premises, then he will be allowed to have this exemption.

Another example is, a lot of these places will sell their farm products but they don't make cider. Their neighbor or somebody on the street makes cider and they want to sell it. If

we don't adopt this amendment, then they are not going to be allowed to do it unless they buy the state directional signs.

The second thing the bill does is, campground facilities that are open six months or less a year are allowed to use their own directional signs without buying state signs.

In my area and in a lot of rural Maine, we have a lot of small, independent campground owners which pay sales tax and they provide a service for the tourism and they do a lot of things for the state. We are telling them that they have to spend \$120 for directional signs, plus spend the fee every year for maintenance and upkeep of these signs on top of that. I don't personally feel that it is necessary and I hope that you can support my amendment before us now today.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I have to oppose this amendment the same as I did the other one. We have the same fuzzy language, "seasonal includes a reasonable period of time," which could be year round. It extends out into campgrounds. I agree that they have a problem. The campgrounds are an even more questionable area if you are trying to consider businesses against cigarettes and liquor than agriculture. A clearer line could be drawn on agriculture than campgrounds, so we even run a greater danger with this amendment.

I would ask for a division on it, and I hope you will defeat the amendment.

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

Mr. BRANNIGAN: I, too, have the same concerns and would just point out that as far as fair and equal treatment, once you get into campgrounds, you are getting into the whole recreational area and gives more food for others to come against the whole billboard law. Therefore, I urge you to keep this as clean as possible at this time and urge you to vote against adoption of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker and Members of the House: Just briefly, I would like to thank the gentleman for yielding to the lady from Bethel, because I am very much interested in her amendment because it covers a problem that we have, campgrounds.

We live in quite a rural area and as the people who are camping are going through, without the proper signs there is no way to get them in, and some areas are feeling it real bad.

All I can say is, I would encourage you to vote for this amendment. It will help a lot of poor people that are trying desperately to make a living at home with their own campgrounds.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Just a clarification, I would personally be opposed to this particular amendment because I don't feel that this is the time to be including campgrounds. I will be joining Mr. Jackson and Mr. Brannigan and urging you to defeat this. The billboard law is still in litigation, there are several areas that we are concerned about jeopardizing with the bill by allowing this type of exemption, so I would urge you to oppose the adoption of House Amendment "B".

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

Mr. BRANNIGAN: Mr. Speaker, I move the indefinite postponement of House Amendment "B" to Committee Amendment "A" and would request a roll call.

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

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Once again, very briefly, two things; it is for agricultural situations

where they primarily grow the products right there on the premise; seasonal to include a reasonable period of time after the harvest; and for small campground owners that are open six months or less a year.

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

Mrs. MITCHELL: Mr. Speaker, I would like to pose a question through the Chair to anyone who may care to answer.

Under current law, can seasonal roadside produce stands or seasonal campgrounds buy directional signs from the state?

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker and Members of the House: Yes, those signs are available. They are approximately \$120 plus seasonal upkeep on those signs, which is an additional fee on top of that.

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 Portland, Mr. Brannigan, that House Amendment "B" to Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Carter, Clark, Connolly, Cox, Davies, Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gavett, Gowen, Gwadosky, Higgins, H.C.; Hobbins, Huber, Jackson, Kane, Ketover, Locke, Lund, MacEachern, Mahany, Manning, Martin, A.; McGowan, McPherson, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Paradis, P.; Perkins, Perry, Post, Pouliot, Prescott, Roberts, Rolde, Soule, Stover, Telow, Thompson, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Crowley, Curtis, Damren, Davis, Day, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Foster, Hall, Hanson, Hickey, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jordan, Kany, Kiesman, Kilcoyne, Lancaster, Lewis, Lisnik, Livesay, MacBride, Macomber, Masterton, Masterton, Matthews, McHenry, McKean, Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paul, Pearson, Peterson, Racine, Randall, Reeves, J.; Richard, Ridley, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Stevenson, Studley, Swazey, Tarbell, Theriault, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth.

ABSENT — Boyce, Carrier, Carroll, Chonko, Cunningham, Dudley, Gillis, Hayden, Jacques, Jalbert, Joyce, Kelleher, LaPlante, Laverriere, Martin, H.C.; McCollister, McSweeney, Reeves, P.; Strout.

VACANT — Leighton

Yes, 54; No, 77; Absent, 19; Vacant 1.

The SPEAKER: Fifty-four having voted in the affirmative and seventy-seven in the negative, with nineteen being absent, the motion does not prevail.

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

Committee Amendment "A" as amended by

House Amendment "B" thereto was adopted in non-concurrence and the Bill assigned for Second Reading tomorrow.

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

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

Tabled—May 6 (Till Later Today) by Representative Post of Owl's Head.

Pending—Passage to be Engrossed.

Mrs. Post of Owl's Head offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-326) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: What this bill essentially does is clarify the fact that the property tax exemptions and other types of tax exemptions that will be available to the energy facilities will be those that are available under present law, not those that are owned by municipal corporations when the facilities or the land are within their own boundaries, therefore, there will be no need for reimbursement because of the constitutional amendment and no need for a fiscal note.

Thereupon, House Amendment "A" was 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 Fifth item of Unfinished Business:

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

Tabled—May 6 (Till Later Today) by Representative Kelleher of Bangor.

Pending—Passage to be Engrossed.

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

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

SENATE DIVIDED REPORT—Majority (8) "Ought Not to Pass"—Minority (5) "Ought to Pass"—Committee on State Government on Bill "An Act to Reduce the Length of the Maine Legislative Session" (S. P. 436) (L. D. 1265)—In Senate, Passed to be Engrossed on April 30.

Tabled—May 5 by Representative Kany of Waterville.

Pending—Acceptance of either Report.

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

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

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

Mr. TARBELL: Mr. Speaker, I would request a division on that and I would urge the members of the House to vote against this motion to accept the "Ought Not to Pass" Report. I think this is a good bill and one that we ought to discuss a little bit. I understand that we have some members on the floor that would like to debate and discuss it and I will yield to them at this time.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to pose a question to the Speaker. How many more days do we have left in the legislative session?

The SPEAKER: The Chair would advise the gentleman that we are in our 81st day.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: That means that if this were enacted, we would have gotten through the legislative session yesterday and with the newest statistics that I could come up

with, that is of May 1st, we would have had still something like 523 bills in committee if as many bills had been submitted in the next session as there were in this one.

Everybody in here has been working on committees and most everybody has had some difficulty getting all of the work done and we have spent a lot of time, sometimes "only" working in work sessions in committees, trying to get the material through this body. Some people would say, I suppose, that you could argue that we ought to have fewer bills introduced, and that may be true. I think some people in here do introduce too many bills, but I would ask anybody that would make that argument following me, how would you control that constitutionally? I don't believe that you could limit anybody on the number of bills that they could submit constitutionally.

You know, we are supposed to be a deliberative body here, we are supposed to be slow, we are supposed to be careful, we are supposed to be efficient. I think we are supposed to have a situation in this legislature where it is difficult to pass bills, more difficult to pass bills than it is to kill them; it takes time.

We have already, in my legislative career, extended a number of times beyond the limit that we have now, which is 100 days. I don't see how anybody who is responsible could argue that we could have a shorter session and do better work.

For those of you who are freshman, who have never been through this process before, I am going to tell you, and I think everybody in here who has ever been here before will verify it, the log jam is about to happen. In the next 10 or 15 days this session, you are going to see more legislation going across your desks, more amendments piled up, unfilled because there is not time, than you will ever care to want to deal with. It is bad enough when we are doing it in 100 days; it would be, I think, ridiculous in 80.

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

Mr. TARBELL: Mr. Speaker, I would like to pose a question through the Chair to any member of the House who cares to answer. The question is does anybody on the floor of the House have any idea when this bill first came into this House and how many days it has been tabled, sitting on the table?

The SPEAKER: The gentleman can answer that himself.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am one of those freshmen that have appeared here today and I think this is an ideal time for this bill. I haven't been through the experience that you people have been through in past time, but a limitation of time, people always seem to get their work done within that period of time. It is amazing that every other state except one in New England can get through their work in less time than the State of Maine. I am sure if there were a limitation of time, we could limit the bills in this House, especially if your payment ceased. I have been here just long enough to ask, why do we have all these bills? And I am opposed to many of the bills that are here, and I am not going to take an awful lot of time this evening because I am tired like the rest of you, but I would love to be going home this Friday as termination of this session. I will tell you, before we get done and if I am here, we are going to have a bill in here every year to cut down the session and I think we can do it. I think we can cut down the bills. I think it is great to have a little debate on it, but it is something that we should work on.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: I will extremely brief. I want to get out and play softball.

Mr. Dillenback is right in saying that it would be wonderful if we could end the session after 80 days, and on paper it certainly seems as though we could do it. However, practically speaking, it is impossible.

I think it is very important to point out, though, that at the public hearing we held, the sponsor of this bill made it pretty clear that he didn't really see that an 80 day session would be realistic unless we went through some major changes in the system that we already have. The changes he suggested were limiting the number of bills we could introduce, limiting the amount of input the public could have in public hearings and the entire legislative process, a number of changes which, on their own, are worth debate regardless of how you feel about it, but certainly taking an approach of starting with the bottom line, limiting the amount of time we have to work on this, certainly is not the approach we should take.

If we want to make changes in our system and speed it up, I think we should start at the end, work at looking at the way we introduce legislation, look at the way it is handled, look at the way we conduct our public hearings, but let's not take the bottom line and take away the only ability that we have to thoroughly look at the bills that are introduced here and do so in a somewhat reasonable manner.

I would ask that you all support the Majority Report.

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

Miss BELL: Mr. Speaker, Ladies and Gentlemen of the House: This certainly is not a popular topic in this body at this time. We are all suffering under a time crunch and our schedule is getting increasingly difficult.

When I am campaigning, there was an increasing frustration with not only government but also with lawmakers in the numbers and types of legislation that was being proposed. Halfway through this session, we had a press release where we had 70 bills passed into law; we hadn't heard half the bill sat that point. Many people in my district asked me what we were doing up here.

There have been a number of bills in State Government this session. One is to abolish the second session and one is to decrease the size of the House. There were a number of suggestions and ways to streamline. This might not be the vehicle, but the concept is there, that we need a smaller, more efficient government.

Even though the sponsor of this legislation suggested a number of different improvements, we did not take the time to study them and make appropriate recommendations. Some of those were in discussion of trying to find a number of sponsors to cooperate rather than institute a number of different bills.

Regardless of what the suggestions were he had some interesting data. Rhode Island is out in 60 days, they have more people than we do. Vermont adjourned last week. The savings to the state government would be \$185,000 for the first session and \$93,000 for the second session. We are looking at a number of ways to cut. Perhaps we can streamline our process. I think this bill is worthy of debate to put us in the right framework.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I know that this is a very attractive item and I know it is politically attractive because, as the gentlelady just said, we go out and campaign and we have all kinds of people saying to us, reduce government, reduce government and let's get the government off our backs and this kind of thing, but let me tell you something, the state's business is expanding, it is not reducing and it is important. We can see in the bills that come before us in the next 19 days that it will verify that fact.

I would ask you think about responsible gov-

ernment and a responsible amount of time to deal with that, because that is very, very important to us and especially the people that we represent. So I for one, in this corner, as one Representative from Windham, hope that we will, indeed, vote for responsible government and keep it at 100 days.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't think anyone here is trying to indicate that by voting, I would hope not anyway because I am not, I hope that by voting for a bill like this, it isn't going to be portrayed that perhaps we here are in favor of less responsible government or that we seem to indicate that what we do here is somehow less important than those people who feel that we need to be here 100 days. I don't view it that way at all. I guess I feel like if we had 100 days, 120 days or 60 days, we would, kind of just like the hot air that is in this room sometimes, fill the gap. No matter how many days we had, we would be here in session.

What brought this to my attention, and it was long before I knew about this bill, is that I happened to be talking with somebody from the Florida Legislature and they indicated to me that they were only in session 60 days, 60 legislative days for the state of Florida. Others here have already indicated that we, other than Massachusetts, are in the longest of anybody. I don't think that we should take any great pride in that, but apparently that is the way it is right now. I don't think the 100 days is so really important as the work we do in between the 100 days. I guess the point I am trying to make is, there must be a way in which we can deal with the people's business in a responsible, effective and respectable manner without having to be here for 100 days.

As was said before, the log jam is about to come along, and for those of you who haven't been here, some 50-odd of you who are freshmen, you know, it is kind of a hassle, there is no question about it. I guess I happen to feel that there must be a way in which that can be eliminated and yet we can deal with the business of the people effectively.

For example, Monday of this week, I happened to save my calendar and I was as guilty as anybody for tabling issues and items on the calendar, but we tabled two non-concurrent matters, we tabled an enactor, we tabled six bills that were already tabled. On the supplement, we tabled every item but one and we adjourned. I am not trying to find fault necessarily with the people who felt that those bills ought to be tabled, but I think the point is that we spent a legislative day on something that was unnecessary in my opinion. I guess I just feel that if we could save \$200,000 or if we could save \$50,000, we would be a lot further ahead of the game.

I am sorry that the gentleman from Lewiston is not here today, because this originally was his bill and he had asked me to cosponsor it with him. I had agreed, but for some reason he decided against it. I just happen to feel that unless we take the initiative ourselves and place in law the 80 days, we are going to be here for 100 days every single session whether we want to or not.

Any of you who have read some of the Portland editorials in the paper, you know that they criticized us for putting something in law that they felt we should just be able to be here forever, for as long as we wanted to be here, there should not be any statutory limit. I disagree with that because I think if we had 150 days, we would be here 150 days. I think if we put 80 days into law, we would be here 80 days, we might not get out in April or May. I am not trying to imply that we would be out in April or May, what I am trying to say is, we are wasting legislative days when we all don't necessarily have to be here. That is why I am going to vote against the motion today and vote in favor of

this bill, and I hope you might consider doing likewise.

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for the hour but I have been stunned at some of the comments that I have heard. I have been hearing comments to say that this is not irresponsible. I would like to know how you came up with the number 80? Why not 70? Why not 65? It seems to me if there is a genuine interest in reform, you would look at why you say these other states have these days. I think if you went a little further, you would tell the rest of the House that they have their sessions after they have completed the hearing process, and not simultaneously, at least in most of them. That makes a big difference.

I am also surprised to hear the other corner saying that we have been tabling because we aren't working. That is certainly not true. The people that I see here, I think they work until they are exhausted, so the tabling motions are valid. They are because people are attempting to work out compromises, they are attempting to clean up the laws and it seems to me that we make enough mistakes in the time that we have without trying to ramble and rush through and pass laws even worse than that.

Another interesting thing, we talk about limiting bills. Well, that probably is something that we would like to do, but there was a member of this body, who has now moved to the other end of the hall and she always made a very interesting speech when we started to talk about limiting bills; she said, "you might not like to deal with them but this is the people's court, they have no other access to their government except by you." It seems to me that when you start tampering with that process, you had better take another hard look at the people's court.

The final thing I am interested in is supposed to be a savings, I see it as a 20 percent pay raise for legislators because we get the same pay and we get 20 days off.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I was interested in the preceding comments by the gentlelady from Vassalboro, who talked about this as the people's court. When each of us goes home at the end of this session and our constituents ask us what we did to limit the growth of government in the state of Maine, the best thing that we could tell them, the thing that they want to hear, is that we cut down the number of legislative days from 100 to 80 in the first session; from 50 to 40 in the second year.

I had a very interesting talk yesterday with my good friend from Enfield, Mr. Dudley. He has been here a long time, as you know. He was here before the monstrosity to the west of us was built; he was here before state government expanded across the river; he was here before state government bought up many of the nice homes around the capitol area, and my good friend, Jim Dudley said to me, do you think the people in the state of Maine are any better off now than they were then? Vote against the pending motion and for the bill.

Miss Bell of Paris requested a roll call.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Some people have used the argument of cost in referring to the legislative process. If you took in Legislative Research, Legislative Finance, all the aides upstairs, the other body, the House and all of our costs, it is less than 7/10th of one percent in the entire state budget. So, I think that is a ridiculous argument to use on cost. I think the people who send us down here expect us to do the work.

I had the opportunity, along with Representa-

tive Garsoe a year or so ago, to go to the Florida legislature, which Representative Higgins referred to. Well, people, you should see it. The Speaker of the House's office down there is as big as the chamber at the other end of the hall. Everybody has a phone at their desk connected to their secretary in their own office. Hearings are held before the bills are heard on the floor of the House, that is how they do it. You want to change how we operate, that is one thing but, we need time, we need time in order to do an intelligent job in conducting the people's business.

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 gentlewoman from Waterville, Mrs. Kany, that the House accept the Majority "Ought Not to Pass." Report in non-concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brenerman, Bordeur, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Curtis, Damren, Davies, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Joyce, Kane, Kany, Ketover, Kilcoyne, Lancaster, Lisnik, Livesay, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Martin, A.; Masterman, Matthews, McGowan, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Norton, Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Pouliot, Prescott, Racine, Reeves, J.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soulas, Soule, Stevenson, Stover, Swazey, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Webster, Wentworth, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Conners, Davis, Day, Dexter, Dillenback, Foster, Gavett, Hanson, Higgins, L.M.; Huber, Hunter, Ingraham, Jackson, Jordan, Kiesman, Lewis, MacBride, Masterton, McHenry, McPherson, Nelson, A.; Nelson, M.; Paradis, E.; Peterson, Randall, Salsbury, Sherburne, Small, Smith, C.W.; Studley, Tarbell, Walker, Weymouth.

ABSENT — Carrier, Cunningham, Dudley, Hutchings, Jacques, Jalbert, Kelleher, LaPlante, Laverriere, Martin, H.C.; McCollister, O'Rourke, Reeves, P.; Strout.

VACANT — Leighton.

Yes, 92; No, 44; Absent, 14; Vacant, 1.

The SPEAKER: Ninety-two having voted in the affirmative and forty-four in the negative, with fourteen being absent, the Majority "Ought Not to Pass" Report is accepted in non-concurrence.

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

RESOLVE, Providing for Revision to the Land Use Regulation Commission's Land Use Handbook, Section 6 "Erosion Control on Logging Jobs" (H. P. 454) (L. D. 501)

—In the House, Insisted on Passage to be Engrossed and asked for a Committee of Conference on April 27.

—In Senate, Adhered to Passage to be Engrossed as Amended by Committee Amendment "A" (H-198) in non-concurrence.

Tabled—May 5 by Representative Hall of

Sangerville.

Pending—Further Consideration.

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

Mr. HALL: Mr. Speaker, I move that this item be tabled for two Legislative Days.

Mr. Higgins of Scarborough requested a roll call.

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

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

The SPEAKER: The pending question before the House is on motion of Mr. Hall of Sangerville that this Bill be tabled pending further consideration and especially assigned for Monday, May 11. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Beaulieu, Bell, Benoit, Boisvert, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K.L.; Carroll, Carter, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gwadodsky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Hobbins, Huber, Joyce, Kane, Kany, Ketover, Kiesman, Kilcoyne, Lisnik, Livesay, Locke, MacEachern, Macomber, Mahany, Manning, Matthews, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Pouliot, Prescott, Racine, Reeves, J.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soulas, Soule, Swazey, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bordeaux, Boyce, Brown, D.; Cahill, Callahan, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Higgins, L.M.; Holloway, Hunter, Ingraham, Jackson, Jordan, Lancaster, Lewis, Lund, MacBride, Masterman, Masterton, McPherson, Nelson, A.; Paradis, E.; Peterson, Randall, Salisbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Studley, Tarbell, Treadwell, Weymouth.

ABSENT — Carrier, Chonko, Cunningham, Dudley, Hutchings, Jacques, Jalbert, Kelleher, LaPlante, Laverriere, Martin, A.; Martin H. C.; McCollister, O'Rourke, Reeves, P.; Strout.

VACANT — Leighton.

Yes, 86; No, 48; Absent, 16; Vacant 1.

The SPEAKER: Eighty-six having voted in the affirmative and forty-eight in the negative, with sixteen being absent, the motion to table for two legislative days does prevail.

SENATE REPORT—"Ought to Pass" in New Draft: (S. P. 582) (L. D. 1558)—Committee on Agriculture on Bill "An Act to Reimburse Owners of Livestock, Poultry or Beehives which are Destroyed or Damaged by Dogs or Wild Animals" (S. P. 110) (L. D. 239) Tabled—May 5 by Representative Mahany of Easton.

Pending—Acceptance of Committee Report.

Thereupon, the Report was accepted and the New Draft read once. Senate Amendment "A" (S-157) was read by the Clerk.

Mr. Rolde of York offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

House Amendment "A" to Senate Amendment "A" (H-323) was read by the Clerk.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The amendment, if you don't have it before you, very simply in the Statement of Fact says: "This amendment re-

moves language allowing the Commissioner of Agriculture to use funds received from dog licensing to promote animal husbandry until December 31, 1983."

It apparently was the intent of the committee not to allow the commissioner to continue to use these dog licensing funds for the promotion of animal husbandry and that this matter would be taken care of in the Part II Budget, so I hope you will go along with the amendment.

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

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mrs. Damren.

Mrs. DAMREN: Mr. Speaker, I would like to move the indefinite postponement of Senate Amendment "A" as amended by House Amendment "A".

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say a few words on this. I know you are probably saying, why is he rising on a bill that has something to do with agriculture? Well, I will tell you why.

We dealt with this issue last session of the Legislature on the Audit and Program Review Committee, on which I also serve besides Labor. What we had recommended at the time was that we did not keep the subsidy for wild animal damage done to certain livestock. This is what we agreed on in Audit and Program Review.

We eventually came to a compromise on our committee. We tried to set up some kind of a fund that would help with sheep, and apparently the information we got from the lobbyist had been very confusing for us.

Basically, this amendment deals with the dog licensing fund being used to pay for damage done to livestock by wild animals. The argument that has been made is why should people who put money into the dog licensing fund have to pay for damage done to livestock by wild animals.

What has happened with the dog licensing fund? It is in debt to the General Fund somewhere in the neighborhood of \$70,000. I think, I am not sure. I had the facts and figures with me on a scrap of paper and it is buried on my desk. But it is my understanding that if the amendment from the unmentionable body is not a part of this bill, the dog licensing fund will not be able to pay off its debt to the General Fund. That is why I think it is very important that we keep the amendment from the other body on this bill.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: Part of this bill, I guess you could say, is mine, although I believe it is probably a committee bill at this point in time. But I did submit a piece of legislation. We had a lot of sheep growers not only in my community but they got up a petition as far away as Fort Fairfield and sent them to me. They are having a tremendous problem with dogs killing sheep and also coyotes killing sheep. I don't know about the sheep owners outside of my area, but the ones in my area can certainly tell the difference, they don't have to have a game warden to tell them. They know whether it is a coyote or a dog that did it because they work altogether different.

They asked to have this put in. They were here in fairly large numbers for the hearing. There was another bill by a Senator on the Agriculture Committee. They did take the two bills and put them together. I understand they came back to the other body and there was an amendment put on.

I do hope that we can help these farmers somehow for their dog damage and we will take care of the coyote damage some other way later on down the road. I hope that something can be done, and if we can't find anything, perhaps we could table it until

tomorrow. I am willing to do the legwork to see where we can.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Lancaster.

Mr. LANCASTER: Mr. Speaker, Ladies and Gentlemen of the House: There were three bills originally. I was also the sponsor of one, along with cosponsor Neil Rolde. What the bill did, all of the monies taken in from the dog licensing fees would be used in the Department of Animal Welfare.

Now, for seven years I have been on the advisory board for the Division of Animal Welfare, and we felt that whatever monies did come into the dog licensing fund should definitely be used for the Division of Animal Welfare.

The Senate Amendment does help take care of the damages to sheep. Any of the sheep that are damaged by dogs will be reimbursed from this fund. If they are damaged by bear or wild animals, it would have to come from elsewhere.

I have spent a lot of time on that bill today. I have talked to the Senator in the other body who submitted this Senate Amendment "A", and he agrees with this House Amendment "A" that Mr. Rolde has presented. I have also contacted the Senate chairman and the House chairman of the Committee on Agriculture, and I have been over the Department of Agriculture, and there is no problem in regard to these two amendments. We need both amendments, and I urge you to vote against the indefinite postponement of Senate Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mrs. Damren.

Mrs. DAMREN: Mr. Speaker and Members of the House: I think the real problem comes in the removal of 7, 8 and 9. I also feel that perhaps the dog licenses should not pay for wild animal damage, but they make no provision whatever for payment of wild animal damage.

In New Hampshire, two departments handle this: the Agriculture Department handles the dog damage and the Fish and Wildlife handles the wild animal damage. I think we should consider some of these sheep—they have lost as many as 50 lambs to the coyotes. We must have some way to reimburse them if we want the sheep growers to continue to grow in this state.

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

Mr. SHERBURNE: Mr. Speaker and Members of the House: This bill took a lot of time in our committee. Over the years, which was new information to me, dog licenses have been used in animal husbandry, to promote animal husbandry, and people who pay dog licenses didn't feel this was right, but it has been done over the years.

We also found that the boarding of stray dogs was costly about \$18,000 a year. We worked on this part of the bill in several different ways, we tried several different approaches to it, and finally we decided to cut down on the time that dogs are kept in kennels, stray dogs are kept in kennels, by two days. The law has said that they had to be kept 10 days and we cut it down to 8 days. This brings in another \$38,000, saves us \$38,000. By doing this, we felt that we could put the funds in animal husbandry with a sunset law for January 1983, and also on damage to wild animals.

So, where the fund was in the red, by revising the time that the dogs are boarded in the kennels, this brings the fund into the black so that there will be money enough to handle this damage.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Belgrade, Mrs. Damren, that Senate Amendment "A" as amended by House Amendment "A" thereto be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

32 having voted in the affirmative and 77 having voted in the negative, the motion did not

prevail.

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

Under suspension of the rules, the New Draft was read the second time, passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The Chair laid before the House the fourth item of Unfinished Business.

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

Tabled — May 6 by Representative McHenry of Madawaska.

Pending — Passage to be Engrossed.

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

House Amendment "A" (H-312) was read by the Clerk and adopted.

Thereupon, on motion of Mr. Diamond of Windham, tabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the fifth item of Unfinished Business.

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)

Tabled — May 6 by Representative McHenry of Madawaska.

Pending — Passage to be Engrossed.

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

House Amendment "B" (H-319) was read by the Clerk and adopted.

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

House Amendment "A" (H-307) was read by the Clerk.

On motion of Mrs. Berube of Lewiston, tabled pending adoption of House Amendment "A" and tomorrow assigned.

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

Bill, "An Act to Create a Maine Film Board" (H. P. 1209) (L. D. 1424)

— In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-284) on May 5.

— In Senate, Minority "Ought to Pass" Report Accepted

Tabled — May 6 by Representative Kany of Waterville.

Pending — Further Consideration.

On motion of Mrs. Kany of Waterville, the House voted to Insist.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" as Amended by Committee Amendment "A" (H-300) — Committee on Judiciary 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)

Tabled — May 6 by Representative Benoit of South Portland.

Pending — Acceptance of Either Report.

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

Mr. HOBBS: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be very brief. The background of this bill is that our community and surrounding communities were experiencing or have been experiencing over the past few years an increase in vandalism in our towns and cities. It got so intense that a hundred people circulated a petition in my town, directed the petition towards the judge of the

local district court encouraging that he take some stiffer action in dealing with some of these juvenile offenders.

The result of that was, the judge agreed to meet with the subcommittee of the petitioners, we did so, had a good discussion with the judge, and a number of recommendations came out of that meeting. The bill before you was one of these recommendations.

If you will look at the bill just briefly, look at the amendment in particular, and you will see two major changes. First of all, the amended portion of the bill extends the public hearings in juvenile crimes to a second offense, we are talking second offense now, we are talking about opening up the proceedings following an arrest, but we are talking about a second offense only. I think that that is a very reasonable kind of compromise that the committee came to.

The second major change extends the crimes to Class D crimes; Classes A, B and C crimes are now open to the public. This would extend that statute, extend that to include Class D crimes. Let me just explain to you what some Class D crimes are: Stealing drugs, as an example, illegal possession of hypodermic apparatus, forgery under \$1,000, possession of certain schedule Y drugs, theft by deception.

Ladies and gentlemen, the pendulum clearly has swung too far in the area of juvenile crime. This bill is not aimed at unfair treatment of juveniles, it is not aimed at juveniles and trying to treat them in an unfair posture at all, it is only trying to deal with the problem that we have in trying to deal with it in an effective fashion.

Also, I think more importantly than that, this bill is aimed at the parents. I think that this bill, if it passes, will give the parents quite a good deal more authority or will put them on notice that they are going to start having to be responsible for some of their juveniles' actions, and I see this bill as a means for doing that.

Ladies and gentlemen, the people want this bill to pass. I have had more correspondence on this piece of legislation than any other piece since I have been down here. I encourage you very strongly to vote against the pending motion so that we can go ahead and accept the minority report.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I am so used to being on the minority side, I moved the wrong motion. It came out of routineness.

I withdraw my motion, Mr. Speaker, for the acceptance of the Minority Report.

Mr. HOBBS: Mr. Speaker, I now move that we accept the Majority "Ought Not to Pass" Report.

Mr. Brown of Livermore Falls requested a roll call.

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

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

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief, I promise you, because I am rather upset by my good friend sitting in front of me. I have tried to give him guidance when he visited our committee. I try to guide him daily, but for him to want to get a bill through that will publish the names of juveniles, I just can't understand, because he should realize by now, in three days it is going to be Mother's Day. You know, this is the first Mother's bill that we have had in this House this season.

Yes, there were people that voted the wrong way on this bill in committee but, believe me, the people with warm blood in this House will support the motion of my good chairman from Saco.

I was in the field of law enforcement for 27 years, handled a lot of juveniles and, believe me, they are difficult to handle once you make that initial arrest. So much so that law enforcement over the years has a history of not booking juveniles—let's straighten them out.

You know, if this wasn't a Mother's bill, it would be a pumpkin bill. It would want to be able to pick up your daily newspaper and run down the names of the juveniles arrested for stealing that pumpkin. They would have to go to school, have to go to church, the younger brothers and sisters would have avoided their friends. This is such an atrocious bill that it would upset me for at least a week, and I don't want to be upset on Mothers' Day, so kind of watch my light on this one.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I rise in defense of this measure today. The Committee Amendment that comes out of the Judiciary Committee with a Minority "Ought to Pass" Report which has watered down the bill considerably. It says that if there is a juvenile offender, who has already been convicted of a juvenile offense which has a status of at least a Class D offense or higher, then, on a second case or a fourth case, after they have already had one bite of the apple and they have already been adjudicated and convicted, that in those subsequent cases that are at least of Class D or higher crimes, that juvenile proceeding may be open to the public.

Usually, and most of us know this that have been dealing with the Juvenile Code, it takes a few offenses before the juvenile is ever brought to the courthouse for a prosecution, a formal prosecution, and an adjudication of guilty. So, this measure that is before us would presuppose that that juvenile has been through all of those previous cases, has finally been brought to justice and adjudicated on a Class D crime, found guilty, and then has come back again with at least a Class D crime or higher for a second time, and at that time it can be open to the public.

It is fairly moderate and watered down and it really singles out the juvenile offenders that are perpetual offenders and recidivists.

We had in here several weeks ago a measure dealing with the use of deadly force, and the kinds of classifications of crimes that we were talking about, many of which, particularly when that bill initially came in here, dealt with the same class of offenses that this bill is discussing and talking about. I would like to read a couple of Class D offenses to you: Assault, criminal threatening, criminal trespass, acquiring drugs by deception, criminal mischief — criminal mischief was one of those crimes that we were talking about with that other bill — possession of hypodermic apparatus, false public alarms, terrorizing and there actually is almost an entire list in the index of our Criminal Code that goes on with Class D offenses. So this measure catches the perpetual offender that is coming in on the second formal proceeding for adjudication, and presupposes many, usually, prior to that, so I think it is a fairly moderate bill and a fair one.

I would urge you to vote no, so that it might give this bill a chance.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I just wanted to bring up a couple more items that is in Class D, and that is unlawful sexual contact, sexual abuse of minors, possession of machine guns. We are not talking about stealing apples and we are not talking about stealing

pumpkins. I encourage you to go against the motion that is on the floor and then support the minority report.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: A commission was formed by the legislature in 1975 to revise the Juvenile Code, and at that time a commission was established of individuals from all walks of life. There were members of law enforcement; in fact, some of the people were a guidance counselor from Millinocket, Maine; there was a child psychiatrist from Portland, Maine; there was the then superintendent of the Maine Youth Center, who is now the Director of Corrections, Donald Allen; there was a District Attorney, Joseph J. Jabar from Kennebec and Somerset County; there was a Chief of Police from Gardiner, Chief William McDonald; there was Judge Arthur Nadeau of the district court; there was John Weldon of Lisbon Falls, Maine Principal's Association; there was Mr. Charles Sharpe, who many of you know, a former sheriff of Cumberland County — I know of several other people involved in this particular committee.

The committee at that time and the commission at that time spent two years revising the Juvenile Code. It came out with a balance. It was the public policy decision of that particular commission and the legislature that enacted the Juvenile Code that we would consider juvenile justice in a different way involving juveniles, as we would involving adults. Rehabilitation was the principal policy behind the system involved with the juvenile justice system in the state of Maine.

At that particular time, when the code was enacted, it got tough in those areas of serious crimes. It opened up to the public for the first time, without any discretion at all for the judge, those offenses which involve Class A, B, and C crimes. It made it easier to bind over a juvenile who committed an offense of A, B or C under our Criminal Code as an adult and would treat that juvenile the same as we treat an adult. It was give and take.

One of the provisions which the commission unanimously decided upon, and which was enacted in this legislature, was to establish a system whereby those individuals who were convicted of Class D and E crimes would be handled in a different manner, taking into consideration the fact that those offenses would not be considered serious offenses.

You heard a couple crimes which are listed under Class D of our Criminal Code, but there are other crimes involved, criminal mischief, and I won't use any more examples because I got killed with my pumpkin example, but criminal mischief can be any type of thing such as putting wax on a window. I suppose I will have people writing letters to the editor saying that I am arguing that that is not a crime. Well, believe it or not, ladies and gentlemen, you look at the definitions under the Criminal Code, those types of offenses, public destruction of property, are crimes.

There is another crime, a Class D crime, which is interfering with government administration, and that is the case where a law enforcement officer comes upon individuals in a parking lot after a football game or basketball game or whatever, the rivalry between Thornton Academy and Biddeford, and there are a couple of kids getting into a fight, a fist fight, one kid from Thornton and one kid from Biddeford. The kid from Thornton, of course, won the fight. A group of kids go over and say, don't arrest my friends, they are just fighting, they are having a problem, they are really friends. The officer at that time, in fact, would be justified that they were interfering with that particular function of that officer and the administration of justice could be charged with the crime, and that would be obstructing government administration. So that would be con-

sidered a Class D offense.

There are different crimes in our code under Class D which I don't consider a serious offense.

I would hope that this legislature would consider the unanimous report of a group of people and the thoughts that went into that particular device which is known as the Juvenile Code.

We did not hear any evidence of what would be prevented under this bill. It is unfortunate that legislation like this has to be considered by the legislature. If we lived in an ideal society, we wouldn't have to worry about children in trouble. With single-parent homes now, I suppose more children are out there, are not attended to by their families and we, too, have some problems. But putting that person's name in the paper and putting a scarlet letter on a lapel of an individual for a minor crime, which will follow that individual when that kid goes to get a summer job or that kid wants to apply to college or that kid wants to go out with that particular fellow's daughter or son, because of that name in the paper, that kid is marked and, unfortunately, he does not get the kind of start that some of those individuals who don't have their names in the paper do.

I would hope that this legislature will not go overboard and would consider that under the present system we have a system under the Juvenile Code where names are publicized, which is a conservative element unlike what we had before 1977, that juveniles who commit A, B and C crimes, not only are the proceedings public but the fact that that person was convicted is public.

I would hope today that we would accept the "Ought Not to Pass" Report.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: My good friend Representative Hobbins is still looking for guidance, because I noticed when he speaks he still looks at that upper right hand window of the chamber, and he must have seen a message, because I heard in his remarks that we have gotten tough in the past few years. As a matter of practical experience, look at your own situations back home and in your districts and ask yourselves if we have really gotten tough. Keep in mind, this amendment deals with the second offense. I have two boys, two juveniles, if they commit a crime the first time, that is a shame, but if they commit a crime the second time, shame on him — vote no.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair.

The SPEAKER: The gentleman may pose his question.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Since we revised the Maine Juvenile Code, have the juvenile offenses in the state of Maine increased or decreased?

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

The Chair recognizes the gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for speaking so late this evening. I do feel that I need to speak briefly to this bill, especially since I heard my name called from the good gentleman from Portland, Mr. Joyce. — I am a mother. I am a mother six times over and I know that I am missing supper with my daughter tonight.

To my mind, one of the most important things about the Juvenile Code, one of the statements in the beginning of the code, and I did not take part in making it up but I have read it, is that whenever possible, we treat a juve-

nile in a fashion that will return him to a productive member of society. We keep him with his family if we possibly can, we keep him in his community, we work with the community resources as hard as we can to get that child turned around before it is too late.

Mr. Tarbell says "more than one crime and he is a perpetual offender." I disagree entirely. I know several children who have taken three or more times and are now out working and producing.

There is a Beatle song which I think you all know, it is called "Give Peace a Chance." Well, I ask you today to give the child a chance and vote to indefinitely postpone this bill.

The SPEAKER: A roll call has been ordered. The pending is on the motion of the gentleman from Saco, Mr. Hobbins, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, J.N.; Erwin, Fitzgerald, Gillis, Gowen, Hall, Hayden, Hickey, Higgins, H.C.; Huber, Joyce, Kane, Kany, Ketover, Kilcoyne, Lisnik, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Masterton, McGowan, McPherson, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Perry, Pouliot, Prescott, Randall, Richard, Rolde, Smith, C.B.; Soulas, Soule, Stover, Swazey, Theriault, Thompson, Webster, The Speaker.

NAY — Alopis, Armstrong, Austin, Bell, Bordeaux, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Carter, Conary, Connors, Curtis, Damm, Davis, Day, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Foster, Gavett, Gwadosky, Higgins, L.M.; Hobbins, Holloway, Hunter, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livesay, MacBride, Masterman, Matthews, McHenry, McKean, McSweeney, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Peterson, Post, Racine, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Studley, Tarbell, Telow, Treadwell, Tuttle, Twitchell, Vose, Walker, Wentworth, Weymouth.

ABSENT — Carrier, Cunningham, Dudley, Fowlie, Hanson, Hutchings, Jacques, Jalbert, Kelleher, LaPlante, Laverriere, Martin, A.; Martin, H.C.; McCollister, Reeves, P.; Strout. Yes, 63; No, 71; Absent, 16; Vacant, 1.

The SPEAKER: Sixty-three having voted in the affirmative and seventy-one in the negative, with sixteen being absent, the motion does not prevail.

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

Mr. TARBELL: Mr. Speaker, I move we accept the Minority "Ought to Pass" Report. Whereupon, Mr. Hobbins of Saco requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Tarbell, that the Minority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 60 having voted in the negative, the motion did prevail.

Thereupon, the Bill read once, Committee Amendment "A" (H-300) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Maine Consumer Credit Code" (H.P. 394) (L.D. 437) which was tabled and later today assigned pending further consideration. (In House — Indefinitely postponed) (In Senate — passed to be engrossed as

amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto)

Mr. Brannigan of Portland moved that the House recede from its action whereby the Bill was indefinitely postponed.

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

Mr. PEARSON: Mr. Speaker and Members of the House: Is this to allow the imposition of a fee on credit cards, is that correct?

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

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

Mr. BRANNIGAN: Mr. Speaker, I am asking that the House recede and then I am going to ask that someone table this because there is an amendment coming that will clarify the Senate Amendment, which was really another report that was before us. I would rather not explain it all this evening; I would be glad to explain it tomorrow.

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

Mr. JACKSON: Mr. Speaker, I am glad that we have had a motion to recede. I would like to strip off the Senate Amendment with your guidance. I would oppose a tabling motion and I think we can put this one to bed tonight.

Mr. Racine of Biddeford requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, that the House recede. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

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

Mr. BRANNIGAN: Mr. Speaker, I move that this be tabled for one legislative day.

Whereupon, Mr. Racine of Biddeford requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, that this be tabled pending his motion to recede and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

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

Mr. PEARSON: Mr. Speaker, if we vote to recede, would we be killing the bill?

The SPEAKER: The Chair would answer in the negative.

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

Mr. BRANNIGAN: Mr. Speaker, but I believe we might be on our way to that.

When this bill came before us the first time, it would allow banks to place a \$15 fee on all credit cards, Visa, Master-Charge and so forth. There were three reports from the Business Legislation Committee, that was the majority one, that is what was accepted. There was a minority report of one which would have allowed credit card fees only on those called convenience users. The third report was "ought not to pass."

Why I have asked to recede is because I want to amend this bill to correct and to perfect the amendment that was placed on this bill in the

Senate. The position of the bill coming from the Senate is this, that those folks who have credit cards who do not use them for credit beyond their 30 days, always pay up, that they will have to pay or could be charged a fee up to \$15.

However, it is not clear now whether people who pay \$5 in interest would still have to pay the \$15 if the bank chose this for the fee. If they paid \$10 in interest, they would still have to pay the full \$15.

The amendment that I am having prepared, which I would like to offer tomorrow if we can get this in a position of receding, is that any amount of interest that is paid on a credit card will be credited toward the next year's fee. If the fee is \$15 and someone pays \$10 in interest in this year, next year they would only have to pay a \$5 fee. I would like to have that placed before this House tomorrow. So I would like to vote to recede and then to table.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I wouldn't be taking up your time this time of night if it wasn't a very important issue that we were on. Receding will not kill the bill. It will allow us to then turn around and accept the Majority Committee Report, 10 members of the committee voted for it, to allow a fee up to \$15 on credit cards. Furthermore, it would allow us to strip off a Senate Amendment, excuse me for the use of this term—a very bad amendment. I want to get that amendment off.

Other amendments may be offered. Personally, I feel they are equally bad, that we should go back to the position that the majority of the committee wanted, and I will go into a little bit of detail on this one and I will try to do it as quickly as possible.

The banks came to the committee, they wanted two things. They wanted a 25 percent interest rate on credit cards and they wanted the right to levy a fee on credit cards. The committee would not give them the 25 percent rate, kept them at 18 percent, but allowed them a fee; 10 members of the committee voted for that.

The bill went on its way through here. We voted against it, we killed it in here. I don't think that was the right move to make, but we did it. It now has come back to us with an amendment on it. The amendment would say that that \$15 fee is forgiven you if you use credit on the credit card. I have a number of objections to this. The first objection is that I feel this is unfair on the prudent card user, the person who uses the card for 30 days, the person who puts the card in his pocket and keeps it there for trips to New York, staying in motels, renting cars, this kind of thing. The immediate thing that is going to happen is, he is subsidizing the credit user if you take it with the amendment from down the hall.

The other thing it does is, it puts the bill not only in this very discriminatory position, puts this in a bad position, but it means that on the original bill, \$15, the banks could go up to that but they couldn't exceed it. If we accept this amendment that is now on the bill, all banks in the State of Maine will go to \$15 because it makes sense for them to do it. They want you to borrow on that card, they want you to borrow on that card as much as you can, they want the interest. This is where they make their money. So they are going to put it right up to \$15 and everybody is going to borrow on their card because they think they are going to beat the system and get the use of the card for free. Then they will borrow a little more and they will get in deeper and deeper that way. What you will have is the cards being used more and more for interest, and I am betting that the next step you will see is a lot more cards being issued, probably sent out wholesale to everybody in the state to get these cards out, because at that point it is very positive for the banks to have as many cards out and as many people

using credit as possible.

What I am asking you to do is recede and then accept the committee amendment, which is the straight \$15, none of this subsidizing or playing games back and forth. That is why we are moving to recede at this point, and by receding you are not killing the bill.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would urge this House not to vote to recede. My information tells me that 50 percent of all the people who have credit cards pay finance charges because they don't pay on time. That is where the banks make their money.

The other 50 percent, those people who don't pay finance charges, one third of those people are inactive, they just simply don't use their cards.

I don't think that anybody should have to pay \$15 for a credit card.

I understand that after all the hearings had taken place in this particular committee, information then came out that said that the banks weren't losing money on the cards and that had not come out before.

I think we should kill this bill, I think we should bury this bill, and then I think we should plant burdocks on it.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: As I see it, the bank charges you, the cardholder, then they charge the store, so I think they are doing all right. I move that we kill this bill.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to repeat what was said, and since we soundly defeated this fee bill about 10 days ago, I think we should vote against the motion to recede and then give me the opportunity to rise and make a motion to adhere and then we can kill this bill.

If you will recall some of the testimony that was given previously, it was that the banks were not in a loss position, and I just want to give you some figures here to prove my point. These figures were provided by the Bankers Association in response to an inquiry that was made by Senator Clark. It is a brief report, it is very easy to understand, but what I would like to point out, it gives us averages, and during the year 1980, the small banks, the average net profit for a small bank in the state was \$459,000; a medium size bank, the net profit for 1980 ranged from \$760,000 to \$865,000; and a large bank, and this figure really floored me, as a matter of fact, I didn't quite believe this was an accurate figure, but the figure is \$3,800,000, and they have the audacity to come up to this body and request that we approve a \$15 service charge. I don't want to go further; I get a little bit excited.

Let's vote on the motion, not to recede and let me get up and kill this thing once and for all.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, that the House recede from its action whereby the Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopous, Armstrong, Austin, Baker, Bell, Benoit, Boisvert, Brannigan, Brown, D.; Brown, K. L.; Cahill, Curtis, Damren, Davis, Day, Diamond, J. N.; Fitzgerald, Foster, Gavett, Gillis, Gowen, Hickey, Higgins, L. M.; Hobbins, Ingraham, Jackson, Kane, Kany, Kilcoyne, Lancaster, Lewis, Livesay, Lund, Masterman, Masterton, McPherson, Michael, Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Paradis, P.; Perkins, Rolde, Salisbury, Small, Soulas, Soule, Stover, Studley, Tarbell, Treadwell, Walker, Wentworth, Weymouth.

NAY — Beaulieu, Berube, Bordeaux, Boyce, Brennerman, Brodeur, Brown, A.; Callahan, Carroll, Carter, Chonko, Clark, Conary, Conners, Connolly, Cox, Crowley, Davies, Dexter, Diamond, G. W.; Dillenback, Drinkwater, Erwin, Gwadosky, Hall, Hayden, Higgins, H. C.; Holloway, Huber, Hunter, Jordan, Joyce, Ketover, Kiesman, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Matthews, McGowan, McHenry, McKean, McSweeney, Michaud, Mitchell, E. H.; Mitchell, J.; Norton, O'Rourke, Paradis, E.; Paul, Pearson, Perry, Peterson, Post, Pouliot, Prescott, Racine, Randall, Reeves, J.; Richard, Ridley, Roberts, Sherburne, Smith, C. B.; Smith, C. W.; Stevenson, Swazey, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, The Speaker.

ABSENT — Carrier, Cunningham, Dudley, Fowlie, Hanson, Hutchings, Jacques, Jalbert, Kelleher, LaPlante, Laverriere, Martin, A.; Martin, H. C.; McCollister, Reeves, P.; Strout. Yes, 56; No, 78; Absent, 16; Vacant, 1.

The SPEAKER: Fifty-six having voted in the affirmative and seventy-eight in the negative, with sixteen being absent, the motion does not prevail.

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

Mr. RACINE: Mr. Speaker, I move that we adhere.

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

Mr. BRANNIGAN: Mr. Speaker, I move that we concur.

The SPEAKER: The gentleman from Portland, Mr. Brannigan, moves that the House concur.

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

Mr. JACKSON: Mr. Speaker, I second the motion to adhere.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, that the House concur. All those in favor will vote yes, those opposed will vote no.

A vote of the House was taken.

39 having voted in the affirmative and 94 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Racine of Biddeford, the House voted to adhere.

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

Mr. CARTER: Mr. Speaker, having voted on the prevailing side, I make a motion we reconsider and I hope you vote against me.

The SPEAKER: The gentleman from Winslow, Mr. Carter, now moves we reconsider our action whereby this body voted to adhere. All those in favor will say yes; those opposed will say no.

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

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT — 7 members reporting in Report A "Ought Not to Pass" — 5 members report in Report B "Ought to Pass" — one member reports in Report C "Ought to Pass" as amended by Committee Amendment "A" (H-313) on Bill "An Act to Provide for an Offset for Holiday Pay under the Employment Security Law" (H. P. 879) (L. D. 1048) was tabled and later today assigned pending the motion of Mrs. Beaulieu of Portland to accept Report A. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the gentlewoman from Ellsworth, Mrs. Foster.

Mrs. FOSTER: Mr. Speaker and Members of the House: If this bill was as complicated as the title, I don't know as I would dare speak on it but, believe me, it is not. We should be out of here very soon, so let's go.

The purpose of the Employment Security Law is to relieve the financial hardship associ-

ated with unemployment by replacing a portion of the wages lost due to unemployment. In other words, if you are on unemployment and you go and you work one day, that day's wages are taken out of your unemployment benefits for that week, because that is how the system works.

Now, holiday pay is not treated that way. If you are on unemployment and you have holiday pay, you are paid for your unemployment benefits plus holiday pay. Holiday pay is considered wages under the state and federal income tax laws, it is considered wages under the state labor laws, and it is considered wages for the purpose of withholding social security taxes. Therefore, it should be considered wages to one receiving unemployment benefits and as such should be deducted from the individual's unemployment compensation benefit in the week the individual is receiving holiday pay, because he is getting the holiday pay from his employer.

It is a strain on the state's unemployment trust fund, a fund heavily indebted to the federal government. Then, if it should be paid, only to compensate for wages lost, if wages have not been lost, then the fund's resources should be reserved for those who have lost wages. Let's stop this double-dipping that now exists in the employment security law and vote for the minority report on this bill.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill has been before this body before, two years ago as a matter of fact and, yes, the bill sounds very attractive. I am sure the gentleman from Scarborough is surely highly motivated and truly concerned that the issue of holiday pay be deductible from any unemployment compensation payments and truly making that payment by employer count as earned wages — very attractive, very neat presentation.

However, we contend, or I contend, since I try to do my homework, that this bill would simply be another tool for some employers, not all, to continue to deny their unemployed workers compensation. For example, when a layoff comes up at a particular plant, whether it is a legitimate layoff or not, and there are illegitimate layoffs, the employer would have a perfect opportunity to not only deny the employee his compensation for that particular week but to save the company maybe a week of payrolls at different times of the year, especially during a holiday week. I think there tends to be at least 10 recognized holidays if you are unionized, and 75 percent of the companies in industry in our state are not, most contracts give you approximately 10 paid holidays as part of your contract.

If the unemployment fund is truly to compensate for wages lost, for heaven's sake, will somebody explain to me why it is that no matter how much your paycheck is when you are working, if you are on unemployment comp, the most you can get is \$104 a week. So don't tell me that the unemployment fund is designed to compensate for lost wages; it is not. These are not wages. Anybody who attempts to bring that argument again is going to get hit with what I just told you constantly, as far as I am concerned.

I checked with the Bureau of Labor and ladies and gentlemen, it is very common practice by quite a number of firms in this state, especially around the 4th of July time of year, for many employees to be issued or told — we are taking a week off to retrofit the plant, and the only thing they are issued by their employers is a four-day comp eligibility slip, and their employees are told to go and apply for unemployment comp. Then some of those same businesses come here and cry because their costs are going up and they, themselves, are contributing.

Now, with comp absolutely set at \$104 per week as the maximum, and not everybody gets

the maximum, if a \$25 or \$30 per day holiday pay provision were to be offset, you would deduct that from the \$104, if the man or woman is getting the maximum, and very few people really do, it doesn't leave him a heck of a lot.

Plus, to further complicate that is the fact that we now have a waiting week provision that we just enacted. That employee would really be disenfranchised, and I tell you that I think that is pretty awful, especially when that person is unemployed through no fault of his own or her own.

There is also the further complication that this bill offers nothing to prevent an employer from totally laying off an employee, paying him or her a lump sum of money for all the holiday pay that he or she is entitled to, thus truly preventing any collection of unemployment comp for many weeks, further complicated by the waiting week provision.

Ladies and gentlemen, I say to you that this is a bad bill and I urge that you adopt the motion I made, which is "ought not to pass."

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for having to stand so many times today, but unfortunately, this is my bill and I feel like I ought to try to at least explain a little bit about what it is trying to do. I know perhaps it seems somewhat complicated and probably when you get into the law, that is the way it is designed to be, but I will try to clear it up as best I can.

First of all, I want to answer the argument about who sets the maximum limits of unemployment compensation — and that, obviously, is the legislature, and we are not talking about changing anything at all with the \$104 a week that is the maximum benefit.

What we are trying to do here, in my opinion, is correct an inequity in the unemployment system. Presently, if two individuals work for the same company and both individuals are laid off and one person gets paid for the holiday and the other person should happen to have to work that holiday in order to get paid for it, and they both go in to collect unemployment the day after the holiday, the person who worked the holiday, physically went into the plant, office or wherever it is and physically worked, is penalized. That amount of money that they collect for working is deducted from their benefit amount. The person who did not work is not penalized and they get the bonus of not only getting their unemployment check but the amount that they happen to get paid for the holiday. It is as simple as that.

The gentlelady from Ellsworth, Mrs. Foster, explained to you, and I think it is clear, that the unemployment fund in this state is some \$36 million in the hole, and this is surely a small step, because the estimate we have is, if the bill were enacted, it would save \$67,000. That is a small step. I grant you, but it is a step, and that is based on some conservative data. The same bill as I recall, was in the last time. The fiscal note on it said it would save \$140,000. That is what we are trying to do. I think it is unfair, it is unfair to the employer because the employer is paying the employee for the holiday, he is also paying the added costs in his rating because the employee is collecting unemployment benefits for the day in which he actually did not work but was paid for, all right? Then, I think it is unfair to the other employees in the plant who happen to have to work that holiday in order to collect any money at all.

It surely is a small step, but sometimes if you take a small step, maybe you can help gather a large step somewhere along the way.

The state's fund, any of you who have listened, in addition to the workers' comp problems in the state, there is a great deal of concern about the unemployment fund. I think this makes a small step towards at least helping eliminate an inequity in the system and an unfair-

ness that I think is really unjust to the unemployment fund.

I hope you vote against the motion pending to accept the "ought not to pass" report so we might get to the "ought to pass" report.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain to you just briefly what can happen and what does happen. The people that are laid off during the holidays, that is during Christmas, the majority of the time it is during Christmas, and those that are laid off are the people that you want to employ, they are the young people that are just starting out, the young people who just had kids, building a house, they are the ones that are going to be laid off. People that have job security, 20 years on the job, will not be laid off.

I know my employer for a fact would not want to dock his employees that are laid off. He would pay his Christmas holiday willingly.

I also want to point out that we are talking about employment and unemployment, we are not talking about holiday pay. If that person is drawing unemployment because he is unemployed and he receives a one-day holiday pay because it happens to be December 25th, he is not employed, he is still unemployed. The poor guy may be unemployed for six months and you are saying, well, this is awful, we are not going to give him that big, big check of one day's work. That is awful, we should offset that. I assure you, my employer, for one, would not say that that is right.

I also want to point out and I have asked, how much of a saving, how much will this affect the rate of the employers? Zilch, not at all. It will not affect their rate at all.

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

ROLL CALL

YEA—Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Chonko, Clark, Cox, Crowley, Davies, Diamond, G. W., Diamond, J. N., Erwin, Fitzgerald, Hall, Hayden, Hickey, Higgins, H. C., Hobbins, Joyce, Kane, Kany, Ketover, Kilcoyne, Lisnik, Locke, MacEachern, Macomber, Manning, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E. H., Mitchell, J., Moholland, Nadeau, Norton, Paradis, P., Perkins, Perry, Prescott, Rolde, Smith, C. B., Soule, Swazey, Theriault, Thompson, Tuttle.

NAY—Aloupis, Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, A., Brown, D., Brown, K. L., Cahill, Callahan, Carroll, Carter, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Gwadosky, Higgins, L. M., Holloway, Huber, Hunter, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livey, Lund, MacBride, Mahany, Masterman, Masterton, Matthews, McKean, McPherson, Murphy, Nelson, A., Nelson, M., O'Rourke, Paradis, E., Paul, Pearson, Peterson, Post, Pouliot, Racine, Randall, Reeves, J., Richard, Ridley, Roberts, Salisbury, Sherburne, Small, Smith, C. W., Soulas, Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth.

ABSENT—Carrier, Connolly, Cunningham, Dudley, Fowlie, Hanson, Hutchings, Jacques, Jalbert, Kelleher, LaPlante, Laverriere, Martin, A., Martin, H. C., McCollister, Reeves, P., Strout, The Speaker.

Yes, 53; No, 79; Absent, 18; Vacant, 1.

The SPEAKER: Fifty-three having voted in the affirmative and seventy-nine in the negative with eighteen being absent, the motion to accept the "Ought Not to Pass" Report A does

not prevail.

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

Mr. ROLDE: Mr. Speaker, I move Report C, "Ought to Pass." This would give the gentleman from Sanford, Mr. Tuttle, perhaps an opportunity to offer his amendment, his approach to this bill.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps because the hour is late, everyone seems to be confused, but I don't think I am. It would seem to me at this point in time, if we could defeat the motion to accept Report C, then we could accept the bill as it was drafted, and I haven't heard any real compelling reasons as to why we ought to accept Report C yet.

I don't know, but I think it would be less confusing, if there are problems and people have questions about the bill and what it is going to do, where it is going to come from, let's adopt that, we will take the report today and the bill will be back tomorrow and if somebody wants to raise some questions, we will have another chance to debate the bill tomorrow. I think dancing around here between committee amendments and "ought not to pass" reports is getting a little confusing.

I wish you would vote against the motion to accept Report C and we will take the bill and then if there are questions, they can be addressed tomorrow in amendment.

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: The motion before us right now is to accept Report C. I guess explaining essentially what the bill does, I guess we understand from the debate from both sides—essentially what my amendment is, it strikes a compromise between the argument that on one hand holiday pay is a fringe benefit, not properly subject to deduction. On the other hand, holiday pay should be completely offset by an equivalent reduction in unemployment benefits. The language used here would allow for a pro rata deduction except where holiday pay is a fringe benefit provided through a collective bargaining agreement.

Therefore, I hope that you would support Report C.

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

Mr. TARBELL: Mr. Speaker, I would like to pose a question through the Chair to anyone on the committee.

I pose this question particularly to the sponsor of Report C. Could you give us a hypothetical, and I don't mean to be unduly belaboring this point, but could you explain how it would work? Your particular Report C, how it would work in comparison to the bill if we just accepted the bill?

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

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding of the amendment is that if somebody was presently collecting unemployment benefits, that the holiday pay would not be accumulated on top of that. You could collect one or the other.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I beg your indulgence but I would like to offer a little further explanation if I may since I originally came up with the idea but nobody wanted to listen to me in committee.

How this would work is simply this. It would work on a pro rata basis. If you receive the holiday pay of that particular day, you would lose

that particular day's worth of employment, you see? So you follow what I am saying? There would be a reduction. For example, if I was laid off for one week and December 25 came along and I got my pay for December 25, I would not get my unemployment compensation for that particular day. That is how this particular amendment would seek to work.

The reason why I came up with this particular idea is, after listening to both sides of the argument, I heard one side say this should be treated as wages and I heard another side argue that there are some forms of income that are not necessarily treated as wages when it comes to dealing with the unemployment compensation fund notably bank interest. So, I feel, what the heck, it is only a few extra dollars, so that is why I came up with this idea.

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

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: It "do" get complicated, doesn't it? Let's go back and make it simple again.

If you are on unemployment, you get your full check, you are going to get it. But, if during that week your employer pays you X-number of dollars for a paid holiday, as it is now you are going to get your employment check and that extra day's pay. That is what the employer has got to pay.

This bill does not take that extra day's pay away from you, the employer is going to have to pay that, but it is going to deduct it from your unemployment check, it is, and it is going to make it so that you get what you are supposed to get when you are on unemployment.

I can't go along with any other logic than that, and that is as simple as it is. If your employer does not pay you for the day, the paid holiday, your unemployment check is going to pay you for it. That is how it works.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I find it interesting that if I am going to get paid \$30 for holiday pay and I am only going to get a \$104 for the whole week under unemployment comp, I suggest that something is not exactly right there. I am certainly not going to be getting the pay that I was getting were I employed and I am now unemployed through no fault of my own.

I have cited the examples of how this can and is now being abused and I would like to see some of you call the Bureau of Labor tomorrow and find out just how much of this is going on, how many unscheduled week layoffs are going on in this state right around holiday time.

I find it very interesting that any amount received from the federal government by members of the National Guard or organized reserves, days pay and allowances of any amounts received as a volunteer firefighter or as an elected member of the legislature, isn't that interesting, shall not be deemed wages for the purposes of this subsection.

My opinion right now is a lot of people took a vote and maybe some, a lot of us, did not understand the bill, a lot of us do not understand the amendment either, and maybe we need a little time to really do some homework.

For example, why is it that last session this same bill was going to save our dying fund \$144,000, but this year it is only going to save \$67,000? I can't get anybody in state government, especially in the Finance Office, to resolve that for me. But the issue is still there.

There is potential for abuse, there is no mechanism or language in this bill to prevent an unscrupulous employer from taking advantage of that unemployed employee. There is nothing to prevent someone — oh, the next issue is the waiting week provision, which can make an unemployed employee have to wait as long as a month before he ever sees a dollar to help support him or his family, because that is the only income he is going to have.

Personally, I think the bill stinks and I wish somebody could table this so maybe we all can do some homework tomorrow and do what is right by the good employers and the good employees of this state.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, I move that we table this for one day.

Mr. Higgins of Scarborough requested a division.

The SPEAKER: The pending question before the House is the motion of the gentleman from Caribou, Mr. Peterson, that this Bill be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Clark of Millinocket requested a roll call.

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

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

The SPEAKER: the pending question before the House is on the motion of the gentleman from Caribou, Mr. Peterson, that this Bill be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Carroll, Clark, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gillis, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Joyce, Kane, Kilcoyne, Lisnik, Macomber, Manning, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Peterson, Post, Rolde, Smith, C.B.; Theriault, Thompson, Tuttle, Webster, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carter, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gowen, Higgins, L.M.; Holloway, Huber, Hunter, Ingraham, Jackson, Jordan, Kany, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, MacEachern, Masterman, Masterston, Matthews, McGowan, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Paul, Perkins, Pouliot, Racine, Randall, Reeves, J.; Richard, Ridley, Roberts, Salisbury, Sherburne, Small, Smith, C.W.; Soule, Stevenson, Stover, Studley, Swazey, Tarbell, Telow, Treadwell, Twitchell, Vose, Walker, Wentworth, Weymouth.

ABSENT—Berube, Carrier, Chonko, Connolly, Cunningham, Dudley, Fowlie, Hanson, Hutchings, Jacques, Jalbert, Kelleher, Ketover, LaPlante, Laverriere, Locke, Mahany, Martin, A.; Martin, H.C.; McCollister, Prescott, Reeves, P.; Soulas, Strout.

Yes, 52; No, 74; Absent, 24; Vacant, 1.

The SPEAKER: Fifty-two having voted in the affirmative and seventy-four in the negative, with twenty-four being absent, the motion to table for one legislative day does not prevail.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: As I said before, I understand that the hour is late and we all would like to go home, but I want to thank you for not tabling the bill.

It is not quite as confusing as it might sound. I know that there are a lot of people here who would like to make it sound confusing.

First of all, I indicated earlier in the debate the discrepancy between the \$67,000 that the department says this bill will save and the

\$144,000 that they said it would save last year is based on one thing, and that is, and I talked with the department this afternoon and they indicated to me that the only reason that the difference occurred was simply on the parameters that they used in determining how much the bill would save.

The \$67,000 that they indicated this year was based on three holidays, all right? Last year, or two years ago, they based it on six, eight or ten, something that indicated that it was going to at least double in savings to the fund, all right? The point is, this will save money to the fund.

Second of all, some people are trying to indicate that the employer is going to try to utilize this provision to somehow damage a relationship with an employee. I grant you, that may happen once or twice, but the fact is, we are not taking away the employee's right and his ability to collect holiday pay. If the employer wants to give the employee a \$50 payment for a holiday, he is still going to do it and the employee is going to be able to collect it, take it home with him and spend it. All we are saying with this bill is that that \$50 should be deducted from the unemployment benefit that he or she would get, just the same as if that employee earned it, worked for it, like his cohort who might have to work the holiday or the day after. It is as simply as that.

The amendment in front of you, Report C, guts the bill. They say it is a compromise between one part and another. It is a small compromise at best. We have already compromised it down and I have agreed that \$67,000 is the minimum, but this amendment does virtually nothing but confuse the issue even more. If you want to really do something to help in a small way, defeat the amendment, accept the report. Tomorrow, if you have got a big problem with the bill, if you want to amend, let's put an amendment on a clean bill and let's deal with it that way. Let's not try to taint it with some sort of an amendment that really doesn't do anything but cloud the issue more and just completely gut the entire bill.

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

Mrs. KANY: Mr. Speaker and Members of the House: I am trying to reason this through. As I said, I had not seen this bill until this evening, and I am thinking in terms of three possible situations. One would be that employees receive their holiday pay and that is it. There may be some other employees who receive their holiday pay and apply for unemployment. And thirdly, there are plants in this state that just simply close down, do not pay any holiday pay, and that is it. People just go on unemployment. I guess that is what bothers me. I am concerned that if we pass this bill, what we are going to do is encourage more plant management to decide not to pay holiday pay. We might end up, therefore, with many many more people during that holiday two-week layoff going on unemployment.

I guess one thing that really struck me as wild a few years ago, I was driving in the Lewiston area and I listened to the radio, and the mayor at that time, it doesn't make any difference who it was, came on the radio saying how awful it was, she didn't understand why they had 16½ percent unemployment in the Lewiston-Auburn area. I ran back to wherever I was going and inquired about that, called the Department of Manpower Affairs and, sure enough, really, the unemployment was no higher, it was simply that the plants in the Lewiston area closed and were people were on unemployment.

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

The SPEAKER: The gentleman from Lewiston, Mrs. Kany, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. HIGGINS: Mr. Speaker, I would hope the House wouldn't go along with that. This bill has been around a long time, we gave it a good vote a few minutes ago, and I don't see any reason now to turn around and try to indefinitely postpone the bill.

The issue that the good gentlelady from Waterville talked about has nothing to do with this at all. If employers are going to lay off employees and not pay them holiday pay, this bill doesn't have anything to do with it at all, nothing. That is a decision the employer is going to make. This one only deals with the employer who lays off an employee and then pays him or her holiday pay—that is all, it is as simple as that.

We are trying to cloud the issue, we are trying to make it seem inconclusive, indecisive, it is not, it is simple.

I hope you will vote against that motion today and maybe we will get around to accepting the bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, 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.

45 having voted in the affirmative and 76 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is acceptance of Report C.

The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, I hope that we will vote against Report C so that we could then move to Report B, the report that we all really want, and I think we have seen several votes of confidence on that. For that reason, I will request a roll call on the pending motion.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from York, Mr. Rolde, that the "Ought to Pass" Report C be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Benoit, Brannigan, Brennerman, Brodeur, Clark, Cox, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gillis, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Joyce, Kane, Ketover, MacEachern, Macomber, Manning, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Perry, Richard, Rolde, Smith, C.B.; Soule, Thompson, Tuttle, Vose, Webster, The Speaker.

NAY—Aloupis, Armstrong, Austin, Beaulieu, Bell, Boisvert, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carroll, Carter, Conary, Connors, Crowley, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gowen, Higgins, L.M.; Holloway, Huber, Hunter, Ingraham, Jackson, Jordan, Kany, Kiesman, Kilcoyne, Lancaster, Lewis, Lisnik, Livesay, Lund, MacBride, Masterman, Masterston, Matthews, McGowan, McKean, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Pearson, Perkins, Peterson, Post, Pouliot, Prescott, Racine, Randall, Reeves, J.; Ridley, Roberts, Salisbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Studley, Swazey, Tarbell, Telow, Theriault, Treadwell, Twitchell, Walker, Wentworth, Weymouth.

ABSENT—Berube, Carrier, Chonko, Connolly, Cunningham, Dudley, Fowlie, Hanson,

Hutchings, Jacques, Jalbert, Kelleher, LaPlante, Laverriere, Locke, Mahany, Martin, A.; Martin, H.C.; McCollister, Reeves, P.; Soulas, Strout.

Yes, 47; No, 81; Absent, 22; Vacant, 1.

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

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

Mr. HIGGINS: Mr. Speaker, I move we accept Report B, "Ought to Pass."

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to put everybody on record, so I would ask for a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Scarborough, Mr. Higgins, that Report B accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Benoit, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carroll, Carter, Clark, Conary, Conners, Crowley, Curtis, Damren, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Foster, Gavett, Gillis, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Hunter, Ingraham, Jackson, Jordan, Joyce, Kane, Ketover, Kiesman, Kilcoyne, Lancaster, Lewis, Lisnik, Livesay, Lund, MacBride, Manning, Masterman, Masterton, Matthews, McGowan, McKean, McPherson, McSweeney, Michael, Mitchell, E.H.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Peterson, Post, Pouliot, Racine, Randall, Reeves, J.; Richard, Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soule, Stevenson, Stover, Studley, Swazey, Tarbell, Telow, Thompson, Treadwell, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, The Speaker.

NAY—Baker, Beaulieu, Cox, Davies, Erwin, Fitzgerald, Kany, MacEachern, Macomber, McHenry, Michaud, Mitchell, J.; Perry, Prescott, Theriault, Tuttle.

ABSENT—Berube, Carrier, Chonko, Connolly, Cunningham, Dudley, Fowlie, Gowen, Hanson, Hutchings, Jacques, Jalbert, Kelleher, LaPlante, Laverriere, Locke, Mahany, Martin, A.; Martin, H.C.; McCollister, Reeves, P.; Soulas, Strout.

Yes, 111; No, 16; Absent, 23; Vacant, 1.

The SPEAKER: One hundred and one having voted in the affirmative and sixteen in the negative, with twenty-three being absent, the motion does prevail.

Thereupon, the Bill was read once and assigned for second reading tomorrow.

(Off Record Remarks)

On motion of Mr. Swazey of Bucksport.

Adjourned until twelve-thirty tomorrow afternoon.