

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

Friday, May 8, 1981

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

Prayer by Father Thomas Joyce of St. Mary's Catholic Church, Augusta.

The journal of yesterday was read and approved.

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

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Provide Equal Access to Justice for Small Business" (S. P. 467) (L. D. 1323)

Came from the Senate with the Report read and accepted.

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

Orders

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

ORDERED, that Representative Warren F. Studley of Berwick be excused the week of May 11 through 15 for personal reasons.

Special Sentiment Calendar

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

Recognizing:

Those senior high school students, who are recipients of the DAR Good Citizenship Award, selected by faculty and fellow seniors, for excellence in leadership, service, dependability and patriotism;

Marilyn Burton, language arts teacher, Southern Aroostook Community School District, who has been awarded the 1981 Honor medal of the Maine Teachers Association; (H. P. 1442) by Representative Smith of Island Falls. (Cosponsor: Senator Carpenter of Aroostook)

Norm Palmer of Bangor, who is retiring after 25 years of coaching and dedication to the youth of the greater Bangor area; (H. P. 1444) by Representative Diamond of Bangor. (Cosponsors: Representatives Kelleher of Bangor, Aloupis of Bangor and Tarbell of Bangor)

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

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

Representative Day from the Committee on Taxation on Bill "An Act to Repeal the Confidentiality Provisions of the Real Estate Transfer Tax Law" (H. P. 675) (L. D. 779) reporting "Ought Not to Pass"

Representative Brown from the Committee on Taxation on Bill "An Act to Amend the Motor Vehicle Excise Tax Law to Provide for Certain Reimbursements" (H. P. 1025) (L. D. 1235) reporting "Ought Not to Pass"

Representative Kilcoyne from the Committee on Taxation on Bill "An Act to Conform the Existing Sales Tax Exemption for 750 Kilowatts of Electricity to Patterns of Usage" (H. P. 1239) (L. D. 1464) reporting "Ought Not to Pass"

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

Leave to Withdraw

Representative Perry from the Committee on Aging, Retirement and Veterans on Bill "An Act Concerning Cost-of-Living Increase for Retirees under the State Retirement System" (H. P. 771) (L. D. 916) reporting "Leave to Withdraw"

Representative Paradis from the Committee on State Government on Bill "An Act Creating a Division of Records Management Services

within the Department of Finance and Administration" (H. P. 1367) (L. D. 1553) reporting "Leave to Withdraw"

Representative Brannigan from the Committee on Business Legislation on Bill "An Act Creating a Priority Concerning Certain Claims of the Maine Insurance Guaranty Association" (H. P. 916) (L. D. 1082) reporting "Leave to Withdraw"

Representative Beaulieu from the Committee on Labor on Bill "An Act to Provide for the Protection of the Pension Rights of Injured Maine Workers" (H. P. 1146) (L. D. 1368) reporting "Leave to Withdraw"

Representative Paul from the Committee on Fisheries and Wildlife on Bill "An Act to Prohibit the Importing of Certain Species of Live Fish and to Establish Penalties for such Importation" (H. P. 1310) (L. D. 1518) reporting "Leave to Withdraw"

Representative Clark from the Committee on Fisheries and Wildlife on Bill "An Act Relating to Bear Hunting" (H. P. 1037) (L. D. 1256) reporting "Leave to Withdraw"

Representative Gwadodsky from the Committee on Business Legislation on Bill "An Act to Reduce the Cost of Workers' Compensation Rates to Maine Employers" (H. P. 1188) (L. D. 1412) reporting "Leave to Withdraw"

Representative Dexter from the Committee on Energy and Natural Resources on Bill "An Act to Establish an Environmental Licensing Fund in Order to Expedite the Processing of Applications Filed with the Department of Environmental Protection" (H. P. 1364) (L. D. 1549) reporting "Leave to Withdraw"

Representative Hall from the Committee on Energy and Natural Resources on Bill "An Act to Create the Nuclear Activity Consent Law" (H. P. 1121) (L. D. 1338) reporting "Leave to Withdraw"

Representative Austin from the Committee on Energy and Natural Resources on Bill "An Act to Restrict Importation of Hazardous and Radioactive Waste" (H. P. 1315) (L. D. 1519) reporting "Leave to Withdraw"

Representative Michaud from the Committee on Energy and Natural Resources on Bill "An Act to Permit Applicants for Waste Discharge Licenses and Air Emission Licenses to Request Hearings Therefore Before the Board of Environmental Protection" (H. P. 634) (L. D. 715) reporting "Leave to Withdraw"

Representative Carrier from the Committee on Judiciary on Bill "An Act to Prohibit Housing Discrimination Against Families with Children" (H. P. 1233) (L. D. 1458) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Representative Brannigan from the Committee on Business Legislation on Bill "An Act Relating to the Regulation of Business Practices between Motor Vehicle Manufacturers, Distributors and Dealers" (H. P. 735) (L. D. 873) reporting "Ought to Pass" in New Draft (H. P. 1441) (L. D. 1584)

Report was read and accepted, the New Draft read once and assigned for second reading on Monday, May 11.

Ought to Pass in New Draft

Representative Pearson from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government for the Fiscal Years Ending June 30, 1982, and June 30, 1983" (Emergency) (H. P. 229) (L. D. 218) reporting "Ought to Pass" in New Draft (H. P. 1440) (L. D. 1583)

Report was read and accepted, the New Draft read once and assigned for second reading on Monday, May 11.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-338) on Bill "An Act Relating to Bail Commissioners" (H. P. 1271) (L. D. 1486)

Report was signed by the following members:

Senators:

CONLEY of Cumberland
KERRY of York

— of the Senate.

Representatives:

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

— of the House.

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

Report was signed by the following members:

Senator:

DEVOE of Penobscot

— of the Senate.

Representatives:

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

— 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 the Majority "Ought to Pass" Report.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I would request a division. I would also like a brief explanation on how this bill operates.

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 Saco, Mr. Hobbins.

Mr. HOBBINS: Mr. Speaker, Men and Women of the House: This bill was presented to the Judiciary Committee in order to address the issue of bail and bail commissioners.

As you know, when an individual is arrested for an offense or violation of the law, if it is in the criminal statutes or it involves Title 29, involved with motor vehicles, if the person is arrested, it requires, under the present law, that a bail commissioner bail an individual before that person, in fact, can be released from the law enforcement authorities.

The bill before you is an attempt to improve the existing system. If you look at L. D. 1486 and the committee amendment, H-338, you will see that this bill attempts to ensure that the detaining authorities notify a bail commissioner or judge whenever anyone is arrested for a bailable offense. In a lot of instances, an individual can sit there, having been charged now, not been found guilty but charged with an offense, and that individual can sit in jail for a long period of time, in some instances, until a bail commissioner can be found and the bail commissioner then would determine whether or not to release that individual either on personal recognizance or require some type of cash bail.

This particular bill addresses a situation which can occur where an individual might be indigent, might not have any money, might be in an area which is unfamiliar to him, might not have any friends to call in order to get what is known as a bail fee. A bail commissioner is entitled to a \$15 fee if that person is called in the nighttime, and a \$10 fee if that person is called in order to bail an individual during the daytime. In a lot of instances, if that individual doesn't have that \$10 or \$15, he or she can be de-

tained in the county jail, if it is on a weekend, sometimes for the whole weekend.

As you know, after going through our budgetary process with counties, you will note that the sheriff budget and the jail budget has increased dramatically in the last few years. If that individual has been arrested and cannot afford to pay the \$15 bail fee, there are instances where that individual will stay overnight, maybe one night, two nights, sometimes up to a whole weekend, because that person does not have the 15% for the bail fee. As you can see, at an average cost per day of, we will say \$30, it costs the county a lot of money. In most instances, the person will be determined later on, is released on personal recognizance, that person will guarantee that he or she would be present, once called upon, to appear before the judge at a later time for arraignment.

What this bill will do is, it will say that no person may be denied release on personal recognizance or on an unsecured or secured appearance bond on the basis of his inability to pay the bail commissioner's fee.

This particular bill, in its amended form, is endorsed by the Maine Sheriffs Association. It is my hope this morning that you will look at this bill carefully and support the Majority "Ought to Pass" Report.

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

Ms. LUND: Mr. Speaker, Men and Women of the House: I have no problem with the bill up until the last part of it. If you look at the bill, the first section is, I guess, what the good gentleman from Saco has said; however, the last section, Section 4, says that if the accused does not have money to pay the bail commissioner, and that is the \$10 or the \$15 fee, whichever time of day it is, he then may sign a statement that he has no money to pay the bail commissioner and, at that point, the state becomes responsible for paying the bail commissioner to come down, interview the person and to decide whether or not he should leave.

I maintain that this bill should have a fiscal note because there is going to be an expense to the state if people say, gee, I just don't have that \$10 or \$15. It is going to be a hard bill to work. It is going to remove the incentive from the person who is arrested to gather his friends and supporters around him to help him get back to court when his turn comes. I, therefore, oppose the Majority "Ought to Pass" Report.

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

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: When I first read this bill, I had the same objection Ms. Lund has, that in effect what we were doing was making one additional expenditure for a person who had been incarcerated. When I started thinking this over, though, it appears to me that if the person is incarcerated and is unable to pay a bail commissioner, they are going to be staying in jail overnight. In consulting with the people in my county, that is going to cost the county \$25 to \$40, depending upon the circumstances. It seems to me that we are being fiscally wise if we spend \$15 to let them out rather than spending \$25 to \$40 to keep them in overnight.

I think the other objections Mr. Hobbins has already answered. I think it is a good bill and I urge you to support the unanimous report.

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

Mr. HAYDEN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to share with you some statistics I have gathered on this bill and some conversations that I have had today concerning it. I, too, was concerned as a sponsor about the potential costs of having the state come in and pay the modest but, nevertheless, significant fee for a bail commissioner to do his work with an indigent defendant. The average cost to the state for housing somebody in a jail, feeding them is \$38 per night. The

Maine Sheriffs Association, which chairman Hobbins indicated supports the bill, has said that that cost, they said this in their conversation to me today, the President of the association, Sheriff Wright from Somerset County, said to me that that is the minimum cost. Suppose somebody has to be transferred, suppose there is anything irregular, that cost will increase. I am convinced that this is a fiscally responsible bill.

It is also a bill that is just. Right now, we have a situation, and it doesn't happen in every case but it is a serious situation, where people can wait in jail for up to a week for a judge to appear. This is particularly true up country. We have situations where a bail commissioner, unless he can be assured of his fee, may not be willing to appear. If somebody is not entitled to personal recognizance, they don't get it and they sit in jail if they don't have the money. But in those cases where it can be reasonably shown that somebody will appear when he is required to for a hearing before the court, it just makes common sense to me to make sure that our system of bail provides an opportunity for that person to get his hearing. That is the intent of this bill and I think that is exactly what it does.

I will just share with you a conversation I had with Sheriff Wright this morning and I wanted to confirm the fact that he was really in favor of the bill in its amended form. He said, "Look, Chip, the way it is right now, we are feeding these people, we are bedding down these people, we are taking care of these people every inch of the way. We are also paying for welfare costs if they are poor because they can't go out and do anything to support their family." This is going to save us, the counties and the state, thousands of dollars, in his mind, if the bill goes through. I think that is true. It is not going to save the state millions but it may save the state a significant sum and it is simply a just bill.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the explanations in the brief debate thus far on this bill.

I don't have any problem with this bill except the one point that is bothering me, and that is, if somebody is arrested and is taken to the police station and should be released that night or that day, and most of these cases occur at night, and they do not have the \$15 to pay a bail commissioner to be released on their own personal recognizance that night, I can appreciate the desire to let them go to save our county jails or to save our police stations the cost or the hassle and inconvenience of having to put them up overnight until they can find a friend or a member of the family to come up with \$15 to pay the bail commissioner's fee.

My problem with the bill is, what this does, it pushes the costs over onto the district court will come up with the \$15 to pay the bail commissioner's fee if this individual who has been arrested can't pay the \$15. You know and I know that it isn't going to take long to get around this state that if you are arrested and you are taken in and you should be released on personal recognizance, just tell them you don't have \$15 because the district court will pick up your bail commissioner's fee for you. Our judicial branch and our judicial system is having enough problems than to throw this additional cost onto them.

Was there any discussion and consideration of how much money this would be? How many people are picked up and we would have to pay the \$15 and what this could mushroom and balloon into for additional costs for the district court? That is my principal objection to the bill.

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

Mr. HOBBS: Mr. Speaker, Men and

Women of the House: I would like to address the question which was raised by the Assistant Minority Leader. The individual who was bailed will have to appear in court before the district court judge. At that particular time, as in all cases that are of a criminal nature, the court will ask the individual whether or not he or she is indigent and if they are, counsel will be provided. If, in fact, it is determined, if the offense is severe, that that person is not indigent, then the court at that time can determine that accused has sufficient means to pay that fee and that person would be requiring under the provisions of Subsection B of the bill to reimburse the district court for the amount of the commissioner's fee.

I don't see a particular problem with that particular inquiry made at the district court level by the district court judge, and if, in fact, that person is found to have enough money to pay that fee, I am sure the court will extract that money from that individual.

The SPEAKER: The Chair recognizes the gentleman from Newport, Mr. Reeves.

Mr. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I do not wish to continue this debate this morning or keep you here unnecessarily. I do have two problems with this bill. The first one is in Section 2 — if the accused is not release on his personal recognizance or on execution of an unsecured bond, the judge or the bail commissioner must state in writing why release on personal recognizance was not appropriate. I submit to you that this is going to create more paper work and I believe that paper costs money and time.

My second objection to the bill has been expressed a few times previously — that in the case of an indigent, the bail commissioner's fee would be paid by the district court if this prepared, sworn statement by the indigent is accepted; more paper work.

I cannot see any need for this bill. I have no problem with the current bail commissioner setup. As for saving money in county jails or police lockups, I can assure you that there are very few people in this state that are going to remain locked up overnight or for two or three days for a \$10 or \$15 bail commissioner's fee. I can't believe that there are many out there that can't — suppose they don't have but \$5 in their pocket, but with a couple of telephone calls, they can locate a relative or a friend who will be there and have the bail commissioner's fee and this individual is going to be released. I can't believe that the counties are going to save a lot of money and I don't know how much it might cost our district courts.

Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and when the vote is taken, I would ask for the yeas and nays.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I will be very brief. I think Mr. Reeves has given you an excellent reason for voting for this bill. I asked that question — how many are truly unable to pay the bail commissioner, and the answer has consistently been that there are not that many, but those few people that cannot pay it should not be forced to spend the night in jail because they are too poor. That is an excellent reason for voting for the bill.

If there were to be a fiscal note, it would probably be very low, but I believe the reason why there isn't one is because it will be offset by the lack of funds that will be needed to keep that person in jail overnight.

As far as Section 2, that, to, is not terribly important. It may be to others, the other section that Mr. Reeves objected to, and perhaps if it is very important to other people that it not be in there, we could let this bill go to second reading and that could be amended out.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to ask you not to vote for indefinite postponement of this bill. This is a bill that is long overdue. This is a bill that is needed. If there were only one person inconvenienced, it would be too many.

Those jails are not nice. Over my 27 years of locking people up, it would bother me especially on those long weekends. Yes, those people who drink a little and get involved with the law because of their association with sneaky Pete, it is rather sad when you have them in a cell and you ask if you can call for the bail commissioner. You know, we were fortunate in Portland, we had a few bail commissioners that didn't want people locked up if they didn't have the money and they would never charge them.

Situations like this, situations that exist now, people can be locked up in those dingy cells over the weekend and when the reporter walks down the street one block and leaves the blotter at the county jail and puts in the paper the next day that that subject has been arrested on a certain charge, his name has been used, his family must suffer and yet the due process has not yet begun.

When he gets to court and has his due process, has his day in court, if the judge finds him not guilty, the damage has already been done because he has made the newspaper, which, in most cases, is worse than the sentence.

I ask you to consider these people. There are a lot of them, believe me. They have their \$5 drinking money when they start off at six o'clock Saturday night and they don't have that \$15 bail money. I think you have to give them some consideration. These are really our beloved outcasts, and this is a reasonable bill, I don't think that it will hurt anybody. It will just show those people out there today that we are a legislature with warm hearts and understanding the problems of the less fortunate out there.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that we indefinitely postpone this bill. I live on a border town and the people from Canada, if they ever had a sniff of this, they would always be brode when our police put them in jail. They would say, let the state of Maine pay for it.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I hope after due consideration you support the motion to indefinitely postpone.

I didn't have anybody call me and say, hey, look Chip, do this on this bill or do that on the bill. In the first place, my name isn't Chip, and I don't need their advice. This is not a good bill. My feeling that way is probably a little different than the viewpoint of other people. Whoever got caught is in there for a reason, for breaking the law, and I don't think that we should get involved in encouraging them to go out and break the law again and reward them by paying his bail commissioner's bill. That is the reason why I am against this bill.

The fact is, we do not condemn our beloved outcasts, we help them out in every way we can. The trouble is, we have too many bills in here so that after the enforcement officers and patrolmen and state troopers and everybody else works themselves to death in order to get a conviction or even arrest somebody, and trying to do their job properly, then when you get them in there, we give them all kinds of mechanics for these outcasts to get out of there. I think they should stay overnight. This is probably one of the best places they will ever stay overnight. You leave them out there and they will end up down on the waterfront in Portland. You can go there every night and see them down there. I think that we should pay real good attention. Once you get them in there, keep them in there.

As far as \$15 is concerned, you can sign under

this indigent thing that they mention and probably get out of there anyway. But the fact is, ladies and gentlemen, if I break the law, keep me in there and give me a good rest for the night and the next morning, the starch that I had the night before from being half drunk and everything else will be gone and I will know what is going on.

I submit to you that this is not a good bill, that you should support the motion to indefinitely postpone, and let's stop all this bleeding hearts about the people who break the law and really poke it to them.

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

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

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I think that I have one sentence that I left out and you will all understand it. In our way of government, a man is innocent until proven guilty, and he doesn't get that due process until he appears in court.

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

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Chonko, Conary, Connors, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Fowlie, Gavett, Gillis, Hanson, Hickey, Higgins, L.M.; Hunter, Ingraham, Jackson, Jordan, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Laverriere, Lisnik, Lund, MacBride, MacEachern, Mahany, Masterman, Masterton, Matthews, McHenry, McKean, McPherson, Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paul, Perkins, Perry, Peterson, Post, Pouliot, Randall, Reeves, J.; Ridley, Roberts, Salsbury, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Treadwell, Twitchell, Vose, Webster, Wentworth, Weymouth.

NAY—Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Carroll, Clark, Connolly, Cox, Crowley, Curtis, Davies, Diamond, G.W.; Diamond, J.N.; Fitzgerald, Gowen, Gwadosky, Hayden, Hobins, Holloway, Hutchings, Joyce, Kane, Kany, Lewis, Livesay, Locke, Macomber, Manning, Martin, A.; McCollister, McGowan, McSweeney, Michael, Michaud, Mitchell, E.H.; Moholland, Nadeau, Nelson, M.; Paradis, P.; Pearson, Prescott, Racine, Richard, Rolde, Smith, C.B.; Soulas, Soule, Theriault, Thompson, Tuttle, Mr. Speaker.

ABSENT—Cunningham, Higgins, H.C.; Jacques, Jalbert, LaPlante, Martin, H.C.; Mitchell, J.; Reeves, P.; Sherburne.

Yes, 83; No, 58; Absent, 9; Vacant, 1.

The SPEAKER: Eighty-three having voted in the affirmative and fifty-eight in the negative, with nine being absent, the motion does prevail.

Sent up for concurrence.

Consent Calendar

First Day

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

(H.P. 998) (L.D. 1221) Bill "An Act to Simplify the Requirements for the Granting of Permission to Additional Institutions to Use

Established Satellite Facilities" (Emergency)—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-327)

(H.P. 1254) (L.D. 1478) Bill "An Act to Diversify Maine's Participation in the Eastern States Exposition"—Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-325)

(H.P. 715) (L.D. 840) RESOLVE, Authorizing the Governor to Convey by Sale to the Passamaquoddy Tribe and Penobscot Nation the State's Interest in Certain Buildings now Located within the Indian Reservations—Committee on State Government reporting "Ought to Pass"

No objections being noted, these items were ordered to appear on the Consent Calendar of May 11, under the listing of Second Day.

(H.P. 1161) (L.D. 1393) Bill "An Act to Revise the Property Tax Law"—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-330)

On the objection of Mr. Connors of Franklin, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the bill read once. Committee Amendment "A" was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

(H.P. 1100) (L.D. 1297) Bill "An Act for the Assessment of Watercraft"—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-331)

(H.P. 848) (L.D. 1035) Bill "An Act to Clarify the Procedure for Waiver of Unemployment Compensation Benefit Overpayments"—Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-332)

(H.P. 974) (L.D. 1162) Bill "An Act to Amend the Campaign Reporting Law"—Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-334)

(H.P. 560) (L.D. 634) Bill "An Act Relating to and Increasing the Appropriation of Funds for Assistant District Attorney's"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-335)

No objections being noted, these items were ordered to appear on the Consent Calendar of May 11, under the listing of Second Day.

(H.P. 218) (L.D. 255) Bill "An Act to Provide a Special Muzzle-loading Hunting Season"—Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-333)

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

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" was read by the Clerk and adopted and the bill assigned for second reading the next legislative day.

(H.P. 717) (L.D. 849) Bill "An Act Pertaining to Willful Killing and Injuring of Police Dogs and to Licensing Fees for Police Dogs"—Committee on Legal Affairs reporting "Ought to Pass"

(H.P. 707) (L.D. 832) Bill "An Act to Amend the Maine Unfair Trade Practices Laws"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-337)

No objections being noted these items were ordered to appear on the Consent Calendar of May 11 under the listing of Second Day.

Consent Calendar

Second Day

In accordance with House Rule 49, the fol-

lowing items appeared on the Consent Calendar for the Second 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" (C. "A" S-169)

(S.P. 485) (L.D. 1387) Bill "An Act to Provide for Identifying Natural, Nonimitation Food Products Sold in the State" (C. "A" S-174)

No objections being noted at the end of the Second Legislative Day, the above items were considered passed to be engrossed as amended in concurrence.

(S.P. 382) (L.D. 1140) Bill "An Act to Increase the Compensation Paid to Judges and Justices" (C. "A" H-176)

On the objection of Mrs. Martin of Brunswick, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-176) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

(S.P. 259) (L.D. 741) Bill "An Act Withdrawing School Administrative District No. 62 from Participation in Vocational Region No. 10" (C. "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" (C. "A" S-173)

(H.P. 235) (L.D. 271) Bill "An Act to Amend the Waldoboro Sewer District Charter" (C. "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" (C. "A" H-310)

(H.P. 999) (L.D. 1197) Bill "An Act to Increase Certain Fees under the Funeral Directors and Embalmers Law" (C. "A" H-314)

(H.P. 1009) (L.D. 1205) Bill "An Act Concerning Review of Fees for Providers under the Medical Assistance Program" (C. "A" H-322)

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

(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" (C. "A" H-321)

On the objection of Mr. Hall of Sangerville, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the bill read once. Committee Amendment "A" (H-321) was read by the Clerk.

Mr. Hall of Sangerville offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-336) was read by the Clerk and adopted.

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

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

(H.P. 946) (L.D. 1122) Bill "An Act to Amend an Existing Law pertaining to Conversion of Seasonal Residences in Shoreland Areas" (C. "A" H-320)

(H.P. 1386) (L.D. 1563) RESOLVE, Reimbursing the Town of Madison under the Maine Tree Growth Tax Law (C. "A" H-318)

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

Passed to Be Engrossed

Bill "An Act to Provide for an Offset For Holiday Pay under the Employment Security Law" (H.P. 879) (L.D. 1048)

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

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: Very often many people get up and apologize for rising. I only apologize for not getting up more often.

When we debated this issue yesterday evening, I am afraid there was lot of confusion, there was a lot of tension, a lot of acrimony thrown about this House floor. I would simply like to point out a few things about this particular piece of legislation, because I would like to clear the air.

The issue of offset or holiday pay on the surface, I think, appears to be rather good. We are all concerned about the unemployment compensation fund. I would like to make a comparison of the cost savings on this bill with another method.

This bill has been reported to save somewhere between \$62,000 or 144,000 from the dedicated unemployment compensation fund. There is a little confusion on that.

The other day, I believe the good gentleman from Scarborough, Mr. Higgins, made references to the fact that there is confusion, that perhaps the suggestion I was offering was designed to confuse the issue and that it did nothing. That, I believe, is simply not true.

A comparison on this particular bill over the defeated amendment would be the following: The defeated committee report did say \$31,720, according to the Legislative Finance Office. There is a difference, I admit, but I believe that it would have accomplished somewhat similar what the sponsor of the bill attempted to do. There would have been a difference. That difference was that an unemployed worker would have gotten a few extra dollars in his or her pocket.

I sincerely believe, ladies and gentleman of the House, and we have a difference of opinion, which is perfectly legitimate, that holiday pay should not be treated the same as earned wages. Holiday pay, in many cases, is a negotiated fringe benefit. In some respects, I am kind of tempted to say that maybe this bill doesn't go far enough because perhaps we should provide an offset for bank interests or winnings from the Maine State Lottery, or inheritance, or compensation from the National Guard, but I won't make that kind of a motion or offer those kinds of amendments.

I guess it displeases me very much that a constant amount of unemployment compensation bills that flow through this body are all aimed at taking something away from the employee, something away from the worker. That displeases me.

We had an opportunity, I believe, to enact something, a compromise that would have been a little bit more equitable, and that was an honest attempt on my part to do that. That issue is no longer before us. The issue now is this particular piece of legislation. I, frankly, am not going to make any motions. I don't know what anyone else is going to do, but I simply had to clear the air and let this body know that I was very sincere and it was an honest move on my part to try to make the situation more equitable from my point of view. That is all I have to say.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker, Men and Women of the House: I have to apologize. Like Mr. Baker, last night I was not prepared to debate this issue. The amendment that was offered unfortunately was defeated. Last night I did pull the bill out and I think that probably in the best interest of the bill, I think today we have to address actually what this bill does.

Essentially, the proposal is to amend Section 1191, Subsections 2 and 3, remuneration payable or received as holiday pay would be deemed to be wages for purposes of the subsections. Under present provisions, individuals who are employed during a holiday week, eligible to receive weekly benefits, or a benefit amount, without any deductions made from the holiday pay. If the proposal were enacted, holiday pay would be included as wages earned during the week, and as such the holiday pay would further reduce the partial benefit amount. An example is provided in the L.D. that it would have on the amount of benefits paid to the claimant.

Suppose a claimant's weekly benefit amount for total unemployment were \$104. The claimant works Monday and Tuesday and receives wages of \$30 per day. Now, Wednesday is a paid holiday for which the claimant also receives \$30. The employer informs the claimant that there is no work for the rest of the week. It is believed that the impact of this L.D. would be focused mainly on the claimant receiving partial benefit, as was brought out yesterday.

The most likely holiday period which individuals might work part of the week and then be laid off for the remaining portion, including holidays, are considered to be such days as the 4th of July, Thanksgiving and Christmas.

The primary effect of this L.D. would reduce the weekly benefit amount for partial unemployment payable to the claimant by the amount of holiday pay received. The amount of holiday pay received by the claimant during the week of unemployment is not known based on the estimated statewide weekly wage. In covered unemployment for 1980, it is estimated it would be \$218.51, assuming a five day week or a 48 hour work week.

Essentially, I feel that if this bill passes, it will not solve the problem it attempts to do. This is what we tried to address last night, and for this reason I hope we—at this time I would like to make the motion that we indefinitely postpone this bill and all its accompanying papers.

The SPEAKER: The gentleman from Sanford, Mr. Tuttle, 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, Ladies and Gentlemen of the House: First, I would ask for a roll call on that motion, then I would hope that you wouldn't go along with it, obviously, since it is my bill. We debated it at great length last night, and I hoped today, after the going around three or four times on the same issue, that we wouldn't have to come back to it again today.

It seems plain enough to me, despite the fact that others here have called it a confusing bill, it really is not. What we are talking about here is eliminating an inequity in the unemployment compensation fund and eliminating what I call an unfairness to other employees who choose to work the holiday, to the employer who has to pay the employee's holiday, to be charged also for his unemployment benefits against his rate, and then to have to pay an additional tax, albeit a small one, for the added responsibility of adding these employees for the time that they are paid. It is also obviously unfair to the fund, and that fund, I might add, we all know is in dire straits as far as finances go.

I would plead with you today to go in opposition to the motion to indefinitely postpone and let's send the bill on its way. I understand the gentleman from Madawaska has a technical amendment that he wishes to offer. I have no problem with that, but it seems to me that we have dealt with this issue pretty straightforward last night. I don't think anything has changed.

We are not talking about employers taking advantage of the system. I know others would like to make you believe that somehow employers are going to turn around and lay off

their employees prior to a holiday so they don't have to pay them. This bill has nothing to do with that at all. If the employer is going to pay the employee for his holiday, he or she is going to get that money, they are going to keep that money and be able to spend it. We went through all this last night.

I hope you go in opposition to the motion.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker, Men and Women of the House: I wasn't going to speak on this twice, but after listening to the gentleman's response on the other side of the aisle—it is always interesting, having been on the Labor Committee, that traditionally we have bills of this nature that come before us. They attempt to solve the problem by complicating the issue even further. I feel that this bill is a prime example of that.

Yesterday, I offered an amendment to this bill that would have struck a compromise for both sides. It was said that it would have watered it down and would have made the legislation ineffective. On the contrary, if the amendment were adopted, it would have addressed the issue of the double-dipping that the bill was supposed to have addressed. It would have deducted one fifth of that person's weekly unemployment benefit while allowing him holiday pay if that was negotiated in the contract prior to the layoff.

It has also been mentioned that if this bill passed in its present form, it may give an employer an option of paying less money for significant time worked. That is questionable, and I feel that most employers in the state could not or would not use it if the law were passed. So I felt that, assuming by the mood of this legislature to accept a change, without knowing the substance and the base, as this legislation does, some would say that every little bit helps and a piecemeal approach of this nature is needed, but I would respond in saying that it is because of the piecemeal approach that we are in the situation that we are in with the present unemployment fund.

As most of you are aware, there was a bill before us the other day, a bill sponsored by Mr. Swazey of Bucksport, that would have addressed the situation of benefits to the fund in the area of \$18.1 million. Unfortunately, neither side supported it and the bill died.

Assuming that bills of this nature will solve the problem, in my opinion, is ludicrous, and if you think the workers' compensation fund is in difficulty, wait until we come back here in the 111th Legislature, wait and see what this present unemployment fund looks like just because of bills like this. It fragments and dilutes the issue, and because of that, I hope you will indefinitely postpone this bill.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to briefly remind everyone in this body that holiday pay is not mandated by law. It is a fringe benefit. However, when holiday pay is given, it is counted as wages for tax purposes. We are only asking fairness in the system, that it also be counted as wages for the purposes of the unemployment fund.

We have also pointed out that it is only fair to fellow employees who work that day and aren't laid off, that only to make fairness in the system, this should not be allowed to continue.

I do ask you to vote against indefinite postponement.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I want to clarify one thing first. The amendment that the gentleman was talking about, it is as chairman of bills in the second reading, it is not a personal amendment.

The holiday pay is considered wages, but I

assure you, when the employer files for his income tax, the holiday pay is considered a bonus. There is a big difference. I don't think you get the same tax break on a bonus as you do on wages.

I also want to tell the House that if you insist on passing this, I assure you that the organized labor will work their way around it. I, for one, would say, before you ever lay off an employee, we will put in the contract that you pay him all his benefits coming to him before you lay him off. Therefore, we will just walk around it and the poor people that are not represented by labor will have to suffer for it.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I want to respond only to two comments from the gentleman from Sanford, Mr. Tuttle.

Number one, this bill does not fragment the existing law, it makes it consistent, it is as simple as that. If you work a holiday now and you are paid for it by an employer, it is deducted from your unemployment benefits. If you get paid for it by an employer, it is deducted from your unemployment benefits. If you get paid because of an agreement that you have with an employer that he will pay you for a holiday, it is not. The law is inconsistent. The gentleman from Madawaska is indicating to you that may happen. But even if it does, it isn't going to affect the bill either way.

The other comment that I recent somehow is that this bill is going to hurt the integrity of the unemployment fund. Quite the contrary. It should be obvious that if it saves money and it is consistent, it is not bills like this that make the unemployment fund and the laws surrounding it complicated. It is because we aren't consistent.

I would hope you would go against the motion to indefinitely postpone this bill.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: You know how I have been employed as a waitress and worked in the mill and so forth, and I think it would be a great idea if we people here would vote to give these people a gift for the 4th of July and Christmas and Labor Day.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Sanford, Mr. Tuttle, 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—Baker, Beaulieu, Boisvert, Bordeaux, Brannigan, Brennerman, Brodeur, Carrier, Carroll, Chonko, Clark, Connolly, Cox, Davies, Diamond, G. W.; Diamond, J. N.; Erwin, Fitzgerald, Fowlie, Hall, Hayden, Hobbs, Joyce, Kane, Kany, Ketover, Kilcoyne, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Martin, A.; McCollister, McHenry, McSweeney, Michaud, Mitchell, E. H.; Moholland, Nadeau, Norton, Paradis, P.; Paul, Pearson, Perry, Prescott, Rolde, Soule, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Benoit, Berube, Boyce, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Carter, Conary, Connors, Crowley, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Gwadosky, Hanson, Hickey, Higgins, L. M.; Hollo-

way, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kelleher, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Manning, Masterman, Masterton, Matthews, McGowan, McKean, McPherson, Michael, Murphy, Nelson, A.; Nelson, M.; O'Rourke, Paradis, E.; Perkins, Peterson, Post, Pouliot, Racine, Randall, Reeves, J.; Richard, Ridley, Roberts, Salsbury, Small, Smith, C. B.; Smith, C. W.; Soulas, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Treadwell, Twitcheil, Walker, Webster, Wentworth, Weymouth.

ABSENT—Cunningham, Higgins, H. C.; Jacques, Jalbert, LaPlante, Martin, H. C.; Mitchell, J.; Reeves, P.; Sherburne.

Yes, 54; No, 87; Absent, 9; Vacant, 1.

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

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

House Amendment "A" (H-343) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

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

Mr. HIGGINS: Mr. Speaker, having voted on the prevailing side whereby this Bill was passed to be engrossed, I move we reconsider our action and hope you will vote against me.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, moves that we reconsider our action whereby this Bill was passed to be engrossed as amended. All those in favor will say yes, those opposed will say no.

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

Amended Bills

Bill "An Act to Eliminate the Disincentive for Aid to Families with Dependent Children Recipients to Find Employment" (H. P. 947) (L. D. 1123) (C. "A" H-306)

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) (C. "A" H-300)

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

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

Finally Passed Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Law and Constitutional Provisions Relating to Consolidating Initiative and Referendum Elections to Dates of the Next General Election (H. P. 1112) (L. D. 1317) (C. "A" H-283)

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

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

Mrs. KANY: Mr. Speaker and Members of the House: Before we enact this constitutional amendment, I have been asked to speak to it. I remember that Representative Morton always used to ask that constitutional amendments be spoken to on the floor of the House so that people definitely will understand the seriousness of amending the Constitution. It was asked yesterday if I would explain this particular amendment.

Last session, we substantially changed our Constitution regarding the people's legislative power. We outlined a direct initiative and the people's veto and we consolidated the election date, something that everyone throughout the state, almost, seemed to be quite pleased with. But something had not come up and it is being addressed in this particular constitutional

amendment.

What we are doing, really, is to limit the time in which a signature is valid. In other words, under our constitutional language today, there could be a signature which was placed on a petition 20 or 30 years ago and that signature would still be valid unless we do amend the Constitution. So we basically have inserted language which would say the date each signature was made should be written next to the signature on the petition, and no signature older than one year from the written date on the petition shall be valid.

I hope that we do enact this constitutional amendment today.

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

MR. HIGGINS: Mr. Speaker, I would like to pose two questions, if I could, to the good chairwoman. Number one, are the dates going to have to be placed next to each individual signature, or is it going to be once it is filed at the clerk's office?

My second question is, how will this affect, if at all, the other constitutional amendment which we changed recently relative to having our referendum questions in a statewide municipal election? Will there be any problem time-wise in having those done within a year from the date?

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

MRS. KANY: Mr. Speaker and Members of the House: There will be no effect whatsoever on the other provisions that we changed in the Constitution regarding initiative and the people's veto. So, it will not affect dates whatsoever regarding statewide elections.

The date and the length of time will be directly related to individual signatures and will not be on the petition itself. As I mentioned earlier, the date each signature was made shall be written next to the signature on the petition, so it is that which would be invalid after a period of one year. For instance, if you had many signatures on a petition and some of them were less than one year old, they would not be invalid.

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

MR. MCCOLLISTER: Mr. Speaker, I would like to direct a question. How will this affect present petition drives? Signatures that have been taken for the last year and not yet presented?

THE SPEAKER: The gentleman from Canton, Mr. McCollister, has posed a question through the Chair to the gentlewoman from Waterville, Mrs. Kany, who may answer if she so desires.

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

MRS. KANY: Mr. Speaker, if this constitutional amendment is first adopted by us and then adopted by the voters next November, then, at that time, it would be going into effect.

THE SPEAKER: The pending question is on final passage. This being a Constitutional Amendment, a two-thirds vote of the House is necessary. All those in favor of this Resolution being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

120 having voted in the affirmative and 3 having voted in the negative, the Resolution was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act to Regulate Motorized Bicycles (H. P. 906) (L. D. 1073) (C. "A" H-287)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of same and nine against, and ac-

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

Passed to Be Enacted

An Act to Make Changes in the Kennebec Water District Charter (S. P. 207) (L. D. 572) (H. "A" H-296 to C. "A" S-153)

An Act Promoting the Availability of Health Care Services (S. P. 303) (L. D. 847) (H. "A" H-263 to C. "A" S-105)

An Act to Provide a One Month Grace Period for Expired Motor Vehicle Registrations (S. P. 356) (L. D. 1031) (H. "A" H-298)

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.

Failed of Enactment

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

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

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

MR. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: So we won't make a mistake on this, first of all I am going to ask for a roll call on this matter. Second of all, I think we are getting ourselves into an area that we didn't mean to get ourselves into.

I know the other day we talked about an automobile stopped out in the roadway, which would be subject to a rear end accident. What we didn't think about was the longer type driveways where it's over one car length from the street to the sidewalk. I think you will find in that particular case, you are controlling the traffic operation of a vehicle on private property. I just don't think that we can legally do that.

Right now, you cannot legally cause a vehicle to even be registered if it is only on private property. Once that vehicle comes off that street, it is then on private property.

This is a problem, but I think the biggest problem I have with this bill is that I am not sure what a 'sidewalk' is. If you will take a look at the bill, and this is engrossed and ready for enactment, it is spelled 'sidewalk'. Seeing as how I am not sure what a sidewalk is, I don't think we want to put this thing out to the public. It is a bad bill.

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 passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Brodeur, Carroll, Clark, Cox, Day, Diamond, G. W., Fitzgerald, Fowlie, Hayden, Hickey, Hobbins, Jackson, Kany, Kilcoyne, McPherson, Mitchell, E. H., Nelson, M., Post, Soule, Twitchell, Walker.

NAY—Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brown, A., Brown, D., Brown, K. L., Cahill, Callahan, Carrier, Carter, Chonko, Conary, Connors, Crowley, Curtis, Davies, Davis, Dexter, Diamond, J. N., Dillenback, Drinkwater, Dudley, Erwin, Foster, Gavett, Gowen, Gwadosky, Hall, Hanson, Higgins, L. M., Holloway, Huber, Hunter, Hutchings, Ingraham, Jordan, Joyce, Kelleher, Ketover, Kiesman, Lancaster, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Martin, A., Masterman, Masterton, Matthews, McCollister, McGowan, McHenry, McKean,

McSweeney, Michael, Michaud, Moholland, Murphy, Nadeau, Nelson, A., Norton, O'Rourke, Paradis, E., Paradis, P., Paul, Pearson, Perkins, Perry, Peterson, Pouliot, Prescott, Racine, Randall, Reeves, J., Ridley, Roberts, Salsbury, Small, Smith, C. B., Smith, C. W., Soulas, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Webster, Wentworth.

ABSENT—Connolly, Cunningham, Damren, Gillis, Higgins, H. C., Jacques, Jalbert, Kane, LaPlante, Laverriere, Manning, Martin, H. C., Mitchell, J., Reeves, P., Richard, Rolde, Sherburne, Vose, The Speaker.

Yes, 21; No, 109; Absent, 20; Vacant, 1.

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

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

MR. MCKEAN: Mr. Speaker, I would move reconsideration and hope you all vote against me.

THE SPEAKER: The gentleman from Limestone, Mr. McKean, moves that the House reconsider its action whereby this bill failed of passage to be enacted. All those in favor will say yes; those opposed will say no.

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

Sent to the Senate.

An Act to Repeal the Double Affirmation Rule Under the Employment Security Law. (H. P. 411) (L. D. 450)

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

An Act Relating to Injured State Workers. (H. P. 765) (L. D. 902)

An Act to Limit Liability Regarding Donations to Food Banks. (H. P. 1010) (L. D. 1206) (C. "A" H-278)

An Act to Enable Continuation of the Highway Safety Defense Driver Program through an Increase in Student Registration Fees. (H. P. 1353) (L. D. 1539)

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

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

Leave to Withdraw

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act Repealing Formulas for Adjusting Below and Above Average Per Pupil Operating Costs used in Computing the State-local Allocation" (S. P. 59) (L. D. 85)

Came from the Senate with the Report read and accepted.

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

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Counties, which have Adopted a Charter, with Home Rule Authority Regarding the Office of Sheriff (H. P. 357) (L. D. 405) on which Majority "Ought to Pass" as amended by Committee Amendment "A" (H-260) Report of the Committee on State Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-260) in the House on May 5, 1981.

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

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

The following papers appearing on Supple-

ment No. 3 were taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-170) on Bill "An Act to Provide Loans for Family Farms" (S. P. 470) (L. D. 1326)

Report was signed by the following members:

Senators:

HICHENS of York
SHUTE of Waldo
WOOD of York

—of the Senate.

Representatives:

McCOLLISTER of Canton
LOCKE of Sebec
MICHAEL of Auburn
LISNIK of Presque Isle
SMITH of Island Falls
MAHANY of Easton
SHERBURNE of Dexter
CALLAHAN of Mechanic Falls

—of the House.

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

Report was signed by the following members:

Representatives:

CONARY of Oakland
NELSON of New Sweden

—of the House.

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

In the House: Reports were read.

On motion of Mr. Mahany of Easton, the Majority "Ought to Pass" Report was accepted in non-concurrence and the Bill read once. Committee Amendment "A" (S-170) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Curtail the Practice of Plea Bargaining" (S. P. 515) (L. D. 1437)

Report was signed by the following members:

Senators:

DEVOE of Penobscot
KERRY of York

— of the Senate.

Representatives:

REEVES of Newport
DRINKWATER of Belfast
HOBBINS of Saco
SOULE of Westport
LIVESAY of Brunswick
BENOIT of South Portland
LUND of Augusta
O'ROURKE of Camden

— of the House.

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

Report was signed by the following members:

Senator:

CONLEY of Cumberland

— of the Senate.

Representatives:

CARRIER of Westbrook
JOYCE of Portland

— of the House.

Came from the Senate the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

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

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

On motion of Mr. Joyce of Portland, tabled pending the motion of Mr. Hobbins of Saco to accept the Majority Report in concurrence and specially assigned for Monday, May 11.

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

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act to Permit the Use of the Drug Dimethyl Sulfoxide for Human Consumption" (S. P. 389) (L. D. 1147)

Report was signed by the following members:

Senators:

BUSTIN of Kennebec
GILL of Cumberland
HICHENS of York

— of the Senate.

Representatives:

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

— of the House.

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

Report was signed by the following member:

Representative:

McCOLLISTER of Canton

— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

On motion of Mrs. Prescott of Hampden, the Majority "Ought Not to Pass" Report was accepted in concurrence.

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

Consent Calendar First Day

(S. P. 403) (L. D. 1208) Bill "An Act to Authorize Revenue Bond Financing for the Agricultural and Fishing Industries"—Committee on State Government reporting "Ought to Pass" (S. P. 481) (L. D. 1364) Bill "An Act to Amend the Definition of Home Improvement Note Set Forth in the Maine Housing Authorities Act"—Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-180)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 11, under listing of Second Day.

(H. P. 912) (L. D. 1078) Bill "An Act Authorizing and Directing the Bureau of Mental Health to Enhance and Protect the Rights of Recipients of Mental Health Services"—Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-339)

On the objection of Mr. Brodeur of Auburn, was removed from the Consent Calendar.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: The reason I took this off is just to say that this bill authorizes the Bureau of Mental Health to promulgate rules for the rights of recipients of mental health services. It is a unanimous committee report. The rules will have to be accepted by the Committee on Health and Institutional Services before they are implemented, and I would just like to say that if members of the legislature should be the ones doing that, they ought to amend the bill in that form.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-339) was read by the Clerk and adopted and the Bill assigned for second reading the next

legislative day.

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

Passed to Be Enacted

An Act to Regulate the Taking of Mahogany Quahogs (H. P. 17) (L. D. 11) (C. "A" H-281)

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 tabled and today assigned matter:

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

—In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (S-143) as Amended by Senate Amendment "A" (S-172) thereto.

Tabled—May 6 by Representative Mahany of Easton.

Pending—Acceptance of the Committee Report.

On motion of Mr. Mahany of Easton, retabled pending acceptance of the Committee Report and specially assigned for Monday, May 11.

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

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

Tabled—May 7 by Representative Hobbins of Saco.

Pending—Acceptance of Committee Report.

Thereupon, the Report was accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed in concurrence.

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

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

Tabled—May 7 by Representative Sherburne of Dexter.

Pending—Passage to be Engrossed.

On motion of Mr. Michael of Auburn, tabled pending passage to be engrossed and specially assigned for Tuesday, May 12.

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

Bill "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine" (H. P. 1423) (L. D. 1577) (H. "A" H-312)

Tabled—May 7 by Representative Diamond of Windham.

Pending—Passage to be Engrossed.

Mr. MacEachern of Lincoln offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-340) was read by the Clerk and adopted.

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

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

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) (H. "B" H-319)

Tabled—May 7 by Representative Berube of Lewiston.

Pending—Adoption of House Amendment "A" (H-307)

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

Mrs. BERUBE: Mr. Speaker and Members

of the House: Although the sunset report has been out since January and the revised draft, which is basically the same thing, has been out for one week, there apparently seems to be some concerns still raised and a lot of people are saying they don't know what is in the bill, so I will ask that perhaps someone would table it for one legislative day only and hopefully, this weekend, those of you who have some valid concerns and questions can contact members of the committee who will be delighted to give you the true facts.

Thereupon, on motion of Mr. Diamond of Windham, tabled pending adoption of House Amendment "A" and specially assigned for Monday, May 11.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, is the House in possession of House Paper 1040, L. D. 1259, 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?"

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

Mr. ARMSTRONG: Mr. Speaker, I move that we reconsider our action whereby this Bill was passed to be engrossed on May 7 and I would further move that this item be tabled for two legislative days.

Whereupon, Mr. Carter of Winslow requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Wilton, Mr. Armstrong, that this be tabled for two legislative days pending his motion to reconsider. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 57 having voted in the negative, the motion did not prevail.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: We had a very good debate on this bill yesterday. Nothing has come to my attention that is drastically wrong with the bill other than what I stated yesterday, and I would hope that you would vote against the motion to reconsider so we can send this bill on its way.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, Men and Women of the House: I know this is late in the week and late in the day, so I hoped what I had to say could have been postponed until the first of the week.

My reasons for holding this bill are several. First of all, I was one of the signers of the Majority "Ought Not to Pass" Report. Secondly, I have to admit that I am an unabashed supporter of county government and as such I felt that I must speak on this bill. I also believe that some of you good people here in the Legislature might be willing to reconsider your vote of yesterday when you consider some of the possible ramifications of this L. D. if enacted and passed into law.

Some of the proponents of this bill will argue that the bill doesn't do anything, it is just an opinion poll. My reply is that I think the Legislature has something better to do than conduct public opinion polls by a statewide referendum.

Also, I would object that this particular poll singles out counties. I believe it was brought out yesterday, why don't we also poll the public and ask them if they favor the abolishment of the State Legislature, how about state government, how about abolishing state income tax, state sales taxes? How about asking the public if they want to abolish the federal government, the national Congress, the Internal Revenue

Service? Many such polls might produce surprising results.

I would further have to insist that this L. D. does not stipulate cost nor options, cannot produce an informed and educated response in the voters. To get an educated response, the L. D., in my opinion, should be amended to include a fiscal note that states that the option, state agencies taking over county government functions, will, by anyone's best guess, cost more money, so that the voter can make his choice with the knowledge of what he as a taxpayer can expect to be charged for.

Earl Weaver, a baseball coach, I think it was, said that he had an awful lot of good hitters, an awful lot of good catchers and good fielders, good pitchers and good umpires, and he would have a heck of a team if he could just get them down out of the grandstands and onto the field.

We can do it better, the state can do it better. Certainly, one of the premises of this L. D. is that the state can do it better. I will not take the time to debate that issue, but do we really want to give up our county seats and have the state take over our registry of deeds, our registry of probate, our sheriff departments and our courthouses? This, I submit, is the only logical conclusion of this L. D. The real reason why I would urge all my friends here in the Legislature to defeat this bill is the real loss of local control as the state continues to take over county government functions and the undeniable fact that if we are, in fact, concerned about costs, this is not the way to go.

Let me give you just one example, and I have many but I will keep it to one. For instance, compare county sheriffs' salaries with those of other law enforcement officials. County sheriffs, at the present time, average \$14,700 per year statewide. Municipal police chiefs average \$18,140. State troopers average \$16,400; state corporals, \$17,900, state police sergeants \$19,600. When the state takes over the function of running the sheriff departments, I am sure that there is going to have to be a significant salary adjustment just in that one area.

The same differentials usually hold true in comparing other county salaries with state salaries at all levels. So what you can do, you can take your present county budgets that you are so dissatisfied with and just the first year tack on 25 to 30 percent more just to bring the salaries in line when the state takes over these functions, even if they keep the same people.

Consider the loss of local control. Much of the map of Maine north of the I-95 corridor contains unincorporated townships and plantations, and the county commissioners do, in fact, serve as a board of selectmen to these people.

Take the case of Maudie Frickett, this is a true case but I have used Maudie's name maybe in vain here. Maudie is alive and well and she lives on the East Kennebagos Mountain Road, which is a gravel road, in Langtown, Langtown, for those of you who don't know it, is located in the woods between Rangeley and Stratton in North Franklin County. Usually about this time of the year, or a little earlier in April, the road goes to pot, so Maudie gets into her pickup truck, drives to Farmington, where the county seat is in Franklin County, either on the second or the fourth Tuesday of the month to meet with the county commissioners to complain about a big mud hole in her road. When Maudie gets there, the commissioners, at least in our county, will know who she is, where she lives, probably who her father and her grandfather were, and they will probably even know where the mud hole is in the road that she is complaining about. They also know that if the county doesn't fix her road, Maudie will be there at the next meeting to find out why it wasn't fixed and raise some Cain about it. Within a day or two after her visit, the mud hole will be filled with a couple loads of gravel.

Under this bill, poor Maudie will find herself

dealing with a commissioner by the name of Campbell in the Maine DOT. My guess is that chances are good that Maudie would probably end up talking with at least 75 people at the DOT building down here before she could find someone who would even know where Langtown is, much less the East Kennebagos Mountain Road.

We are, in fact, talking about the loss of local control and local services to thousands of people in rural Maine. Thus, good people and friends here in the 110th Legislature, I realize nobody owes me a vote, which I am glad of and I don't think I owe anybody else one, but I would urge you to support my motion to reconsider this L. D. and then I will further ask that you vote for the Majority "Ought Not to Pass" Report.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be very brief. I know the hour is late and we all want to go home.

The good gentleman from Wilton, Mr. Armstrong, makes light of the fact that we are asking the opinion of the taxpayers and citizens of this good state, how they feel about county government. He suggests that we also poll the citizens to see if they want to abolish the legislature. I submit to the good gentleman that if the Legislative Research Committee had hired a firm or an individual to conduct this study to determine the feasibility of doing away with the legislature, and they recommended that it should be done, I guarantee him that I would stand here and offer the same type of referendum for the citizens of the state. This has not been done.

He speaks of loss of local control. Local control is something that I hold very dear to my heart. Those of you who know me know that I serve on a local town council, I have been involved in local affairs for quite a number of years. My dealings with county government have convinced me that there is no such thing as local control when it comes to county government. Even the legislature has a difficult time to control the activities of the county commissioners and county government.

The good gentleman also makes assumptions that I think are quite premature on who is going to take control over whom and how and how expensive it will be. I think this is nothing more than just a smokescreen. I think it is premature. The question, if the referendum is answered in a positive tone by the voters of this state, will be addressed by the legislature, and I would hope that you would all vote against the motion to reconsider.

Mr. Speaker, I ask that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I rise as a supporter of Mr. Armstrong's motion. I was one of those that signed the "ought not to pass" report.

I was in county government for 18 years, and over the period of time that I served, I saw the ballot shorter. Every time they said, "we are taking away an elective office and we are going to improve the system." Well, we saw them take away the clerk of courts, take that off the ballot. I find it is costing just as much to screw up the court system as it ever did. We still have two people in the clerk of court's office, we still have a part-time man serving as clerk of courts that is supposed to take care of both Lincoln and Sagadahoc Counties.

They said, of course, we don't need the county attorney anymore, he is elected by the people here and everybody knows him, so we should get this on a professional basis, so they go to work and they have a district attorney who lives down in Rockland or somewhere and nobody ever sees him. They have a full-time person that he appoints that is supposed to

make sure that they get a lot more law enforcement and more justice than we ever had before, but it is hard for me to see it.

I have also been in public office all my life. I guess I have been running for something since the time I was 25 years old, and I feel that the fact I was elected made me a lot more responsive to the electorate.

I was the tax collector and treasurer of my town for 31 years, and once a year they had a chance to go in and evaluate me, decide whether I was doing a good job or not, and I am sure, because I knew that, I was a little more sympathetic, a little more considerate, more polite, more responsive to their needs, but when we do away with county government, and I would be the first one to tell you that it is not perfect, we are not going to have an elected register of deed, we are going to have a bureaucrat in there, we are not going to have an elected register of probate, we are going to have another bureaucrat. I don't know what they are going to do with the sheriff or how they are going to take care of him, but I suppose he will be appointed too, but now we have got one person, we can go in there and we can talk to him, because every two years he is going to have to go before the electorate and be evaluated by the people. The result is, we can go in there, he will listen to us and oftentimes we can get a response.

As Mr. Armstrong says, we are small counties, most of us are, everybody knows everybody else and the electorate does have some control, as much control over the county commissioners as they do any other elected official. After all, he does have to go before the electorate every four years. If they don't feel he is doing the job he should, they have a right to do it, but the control is in their hands. This way, we are taking it completely out of their hands. I don't see where it is going to improve any of the functions that counties are now conducting. I can see where it might not do as good a job, and, to my mind, we would be ill-advised to do away with county government at this time.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, I voted against letting this go to referendum, but then I thought a few things over and I have decided that I am going to speak and basically oppose reconsideration.

I had a very interesting conversation a few nights ago that I was reminded of. I was talking with a young man who was down here from the neighboring Canadian Province of New Brunswick. We got to talking in a comparison about our two different governments. I asked him the question whether or not, because I was involved with county employee collective bargaining, I said, tell me, do your county employees have collective bargaining in New Brunswick? He replied to me, oh, we did away with counties a long time ago.

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 and 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 Wilton, Mr. Armstrong, that the House reconsider its action whereby this Bill was passed to be engrossed. All those in favor of reconsideration will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, I wish to pair my vote with Representative Damren of Belgrade. She would be voting yes and I would be

voting no.

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

Mr. TARBELL: Mr. Speaker, I request leave of the House to pair with the gentleman from Dexter, Representative Sherburne. If he were here, he would be voting yes; I would be voting no.

ROLL CALL

YEA — Armstrong, Beaulieu, Bell, Bordeaux, Boyce, Brannigan, Brown, A.; Brown, D.; Cahill, Callahan, Carroll, Conners, Curtis, Day, Dexter, Diamond, G.W.; Drinkwater, Dudley, Foster, Gowen, Higgins, L.M.; Holloway, Ingraham, Jordan, Kane, Kiesman, Livesay, Lund, Masterman, Matthews, McCollister, McHenry, Michael, Michaud, Nelson, M.; O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Post, Randall, Reeves, J.; Ridley, Rolde, Salsbury, Small, Soule, Stevenson, Stover, Walker, Webster, Wentworth.

NAY — Aloupis, Austin, Baker, Benoit, Berube, Boisvert, Brenerman, Brodeur, Brown, K.L.; Carrier, Carter, Chonko, Clark, Conary, Connolly, Cox, Crowley, Davies, Davis, Diamond, J.N.; Dillenback, Erwin, Fitzgerald, Fowlie, Gavett, Gwadosky, Hall, Hanson, Hayden, Hickey, Hobbins, Huber, Jackson, Joyce, Kany, Kelleher, Ketover, Killoynne, Lancaster, Lewis, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Masterton, McGowan, McKean, McPherson, McSweeney, Mitchell, E.H.; Moholland, Murphy, Nadeau, Norton, Paradis, P.; Pearson, Perry, Pouliot, Prescott, Racine, Richard, Roberts, Smith, C.B.; Smith, C.W.; Soulas, Swazey, Telow, Theriault, Thompson, Treadwell, Tuttle, Vose, The Speaker.

ABSENT — Cunningham, Gillis, Higgins, H.C.; Hutchings, Jacques, Jalbert, LaPlante, Laverriere, Martin, H.C.; Mitchell, J.; Nelson, A.; Reeves, P.; Strout, Studley, Twitchell.

PAIRED — Damren-Hunter; Sherburne-Tarbell.

Yes, 53; No, 77; Absent, 16; Paired, 4; Vacant, 1.

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

Sent up for concurrence.

(Off Record Remarks)

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

Bill "An Act Establishing a Voluntary Income Protection Program for Shellfish Harvesters" (H. P. 1450) (Presented by Representative Crowley of Stockton Springs) (Cosponsor: Senators Brown of Washington and Perkins of Hancock) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

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

By unanimous consent, ordered sent forthwith to the Senate.

Bill, "An Act to Create an Excise Tax on Mining Companies and to Amend the Statutes on Mining on State Lands." (H. P. 1488) (Presented by Representative Post of Owl's Head) (Cosponsors: Representatives Mitchell of Vassalboro, Masterman of Milo and Senator Violette of Aroostook.) (Governor's Bill)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Provisions Requiring the State to Reimburse Municipalities and Counties for Losses Caused by Property Tax Revenues and Credits Enacted after April 1, 1978 (H. P. 1449) (Presented by Representative Post of Owl's Head) (Cosponsors: Representatives Mitchell and Master-

man of Milo and Senator Violette of Aroostook.) (Governor's Bill)

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Hickey of Augusta, Adjourned until Monday, May 11, at nine-thirty in the morning.