

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

Monday, May 11, 1981

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

Prayer by the Reverend Daniel Hirschy of the Grace Baptist Church, Waterville.

The members stood at attention during the playing of the National Anthem by the Medomak Valley High School Band.

The journal of the previous session was read and approved.

The SPEAKER: Will the Sergeant-at-Arms please escort the gentlewoman from South Portland, Ms. Benoit, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Ms. Benoit assumed the Chair as Speaker pro tem and Speaker Martin retired from the hall.

Papers from the Senate

The following Communication:

The Senate of Maine
Augusta

May 8, 1981

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

The Senate today voted to Adhere to its former action whereby it accepted the Minority Ought Not to Pass Report on Bill, "An Act to Create a Maine Film Board", (H.P. 1209) (L.D. 1424).

Respectfully,
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

The Senate of Maine
Augusta

May 8, 1981

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

The Senate today voted to Adhere to its former action whereby Resolve, "Authorizing Gerald Pelletier to Bring Civil Action Against the State of Maine", (H.P. 286) (L.D. 333), Failed of Final Passage.

Sincerely,
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Reports of Committees**Leave to Withdraw**

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill, "An Act to Exempt Family Burying Grounds from Property Tax" (S.P. 149) (L.D. 357)

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill, "An Act to Facilitate and Improve Decision Making by the Board of Environmental Protection" (S.P. 421) (L.D. 1245)

Came from the Senate with the reports read and accepted.

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

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill, "An Act to Further Exempt Certain Benevolent Organizations from the Employment Security Law" (S.P. 253) (L.D. 722)

Report was signed by the following members:

Senators:

SUTTON of Oxford

DUTREMBLE of York
SEWALL of Lincoln

— of the Senate.

Representatives:

MARTIN of Brunswick
TUTTLE of Sanford
BEAULIEU of Portland
BAKER of Portland
McHENRY of Madawaska
HAYDEN of Durham
LAVERRIERE of Biddeford

— 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:

LEWIS of Auburn
FOSTER of Ellsworth

— of the House.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

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

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

The SPEAKER Pro Tem: The gentlewoman from Portland, Mrs. Beaulieu, moves that the House accept the Majority "Ought to Pass" Report in concurrence.

The Chair recognizes the same gentleman.

Mrs. BEAULIEU: Madam Speaker, Ladies and Gentlemen of the House: I wish to point out to you that hopefully in second reader today this bill will be amended to reflect a fiscal note.

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

Miss LEWIS: Madam Speaker, Ladies and Gentlemen of the House: The reason why I signed against this bill is that this bill will cause a loss to the fund of about \$6,000.

We have been speaking in great detail about the unemployment in this body, and we are very well aware of the problems with that fund. We hope that the fund will be cleaned up in a couple of years because of a few measures that we have passed this year. However, because the fund is not yet in sound financial shape, I do not believe that now is the appropriate time to cause any losses to the fund, no matter how small. For that reason, I hope that you do vote against this bill, and I would ask for a division.

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

Mr. McHENRY: Madam Speaker, Ladies and Gentlemen of the House: I do hope that you vote to go along with the majority report on this. I don't think we need a fiscal note, because a fiscal note is only needed when it affects the General Fund. This does not affect the General Fund, it affects the unemployment fund, or the employment fund, whatever you want to call it.

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

Mrs. BEAULIEU: Madam Speaker, Ladies and Gentlemen of the House: I did research the issue of whether or not we needed a fiscal note. Representative McHenry is right, this comes from a dedicated revenue account within the Unemployment Division, and the contention is that there would be an estimated \$6,000 loss in contributions. In my research and in checking with Representative Martin, he indicated we should have a fiscal note. I aim to meet the obligation, and that is the status of why the fiscal note.

The SPEAKER Pro Tem: A vote has been requested. The pending question is on the motion of the gentlewoman from Portland, Mrs. Beau-

lieu, that the Majority "Ought to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 46 having voted in the negative, the motion did prevail.

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

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Include the Term 'Sexual or Affectional Orientation' in the Maine Human Rights Act" (S. P. 331) (L. D. 961)

Report was signed by the following members:

Senator:

DEVOE of Penobscot

— of the Senate.

Representatives:

DRINKWATER of Belfast
REEVES of Newport
O'ROURKE of Camden
JOYCE of Portland
LIVESAY of Brunswick
CARRIER of Westbrook

— of the House.

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

Report was signed by the following members:

Senators:

CONLEY of Cumberland
KERRY of York

— of the Senate.

Representatives:

BENOIT of South Portland
LUND of Augusta
HOBBINS of Saco
SOULE of Westport

— of the House.

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

In the House: Reports were read.

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

Mr. CARRIER: Madam Speaker, I move the indefinite postponement of this bill and all its accompanying papers, and when the vote is taken, I ask for a roll call.

The SPEAKER Pro Tem: the gentleman from Westbrook, Mr. Carrier, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. CONNOLLY: Madam Speaker and Members of the House: Representative Carrier goes right to the heart of the matter. He doesn't move to accept either one of the reports and moves for indefinite postponement of the bill.

I would hope that this House, in this legislative session, would not vote to kill this piece of legislation.

As most of you know who have followed this legislation at all, this bill represents an amendment to the State's Human Rights Act that would prohibit discrimination against individuals in the areas of housing, public accommodations or employment. The only issue at hand is that individual's sexual preference. This bill is referred to as the sexual or affectional orientation bill, or, as it is commonly known, the gay rights legislation. It is an amendment, as I have said, to the Human Rights Act.

There are essentially two arguments that are used against this legislation to try to kill it. The first is, and I am sure that you will hear it in debate later on, that homosexuality is immoral, but it is my opinion that it is not the business of the legislature to legislate morality, that morality, like beauty, is in the eye of the beholder and what may be immoral to me may not be immoral to you, and those decisions,

particularly when they don't affect other people, should be left up to each individual's own choice and own conscience.

The second argument that is used against this bill is, if this bill were to pass, that we would be condoning the practice of homosexuality and that that would be of particular detriment when we talk about jobs that deal with children, such as teachers and camp counselors. But there has never been any evidence, concrete evidence, that has ever been presented, whether it be before this legislature or in any other places across the country where this issue has been discussed, that would show that passage of this type of legislation would lead to the corruption of youth or the corruption of children.

The National Council of Churches has endorsed this legislation.

The issue also becomes a difficult one for many people when we talk about it in terms of politics, that it is politically expedient to vote against this kind of legislation, even though many people may feel in their hearts that it is the proper thing to do. And I would just point out that this legislation has been here two times before this year, and never once has it been used as an issue that resulted in the ultimate decision in anybody's political campaign.

I won't say anymore at this point, but I would hope that you would reject the motion of indefinite postponement and support this legislation. I would say that given the report of the committee and the vote in the other body, it has had its best support in this legislative session, and I would hope that the House would vote to support this legislation.

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

Mr. DAVIES: Madam Speaker and Members of the House: I would like to join with my seatmate, Mr. Connolly, in urging you to reject the motion that has been made by Representative Carrier of Westbrook.

This is a touchy issue, one that probably we would like to avoid having to make a decision on because it is controversial, but the fact of the matter is, there is discrimination that is practiced against homosexuals not because of their sexual activity but because of the existence of their homosexual tendencies that has absolutely nothing to do with their relationships with individuals. It denies them the right to get credit, denies them the right to obtain and keep housing, the opportunity to obtain and keep employment if they are able to do the job that they are hired for. I think that that distinction has to be made.

I have in my possession two letters that were written to the gentlewoman from South Portland, Ms. Benoit, and I would like to read both of them into the record because I think they both have something very important to say and they come from very influential individuals that I have a great deal of respect for.

The first comes from the Maine Medical Center of Portland. "Dear Representative Benoit: This letter is in support of the Gay Rights Bill, which I understand you are cosponsoring. You asked me for an opinion regarding any negative influence on children by homosexual teachers. In my judgment, a child is not at risk being the student of a homosexual teacher, provided, of course, that that teacher does not consciously attempt to affect the student's behavior. The latter would be true on the part of any teacher who holds any particular point of view.

"I hope the above is helpful in the consideration of this important piece of legislation. Very truly yours, Alan M. Elkins, M.D., Chief of Psychiatry, Maine Medical Center."

The second comes from the Diocesan Human Relations Services, Inc., and it is signed by Reverend Andrew Siket, Chairman of the Social Legislation Committee, and the particularly important reference to a publication from the Catholic Church, a statement by the Na-

tional Conference of Catholic Bishops in 1976 in a document entitled "To Live in Jesus Christ, A Pastoral Reflection on the Moral Life," Sub-section 2, November 11, 1976. They quote from that: "Some persons find themselves, through no fault of their own, to have a homosexual orientation. Homosexuals, like everyone else, should not suffer from prejudice against their basic human rights. They have a right to respect, friendship and justice. They should have an active role in the Christian community. The Christian community should provide them a special degree of pastoral understanding and care. They have a great need for understanding and consolation."

I think it has become apparent to such groups as this Catholic organization, to members of the professions that deal with homosexuals, that, in fact, half of the problem of homosexuality is the discrimination that is thrust upon them by the straight community as much as any problem they incur from their homosexual tendencies. I think it is important that we as a legislative body make that distinction between their activities and their human rights.

This bill does not endorse or condone their activities but merely says that if they are doing their job well, if they are not destroying the apartment that they are living in, if they are able to pay their bills and meet the credit obligations that are placed upon them, that they ought not to be discriminated against because of their homosexual tendencies.

As Representative Connolly has said, there has not been a single member of any previous legislature who has voted on this bill, either for it or against it, that has suffered because of that vote. So those of you who say, well, I would like to support the homosexuals in their rights but I am afraid of what the impact is going to be at home, I can tell you that the impact is going to be negligible, that people are not going to react against you because you vote for or against this bill. They are going to be understanding and they are going to be reasonable, and it is not going to rebound to your detriment. So if you have the least feeling in your heart or in your mind that this is a justified piece of legislation, do not fear that by voting for it that you are going to do any political harm to yourself.

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

Mr. HOBBS: Madam Speaker, Men and Women of the House: I find it interesting this morning that we are about to take a vote on a bill which only about six years ago did not have the credibility, if I may use that word, in most people's minds. Well, since that time, if you will look at the report of the Committee on Judiciary, and realizing full well that this body and the other body have overturned twelve to one reports, it is interesting to note that the bill received six out of thirteen signatures in a favorable light.

I think it is also interesting to note that we are ready to take a vote on this particular issue and it appears that no one in this body is going to rise and argue the other point of view, the point of view of why this particular bill should not be passed and why we should not extend to all citizens, regardless of their sexual or affectional orientation, the same protections guaranteed to others on the basis of race, creed, sex or color.

It seems that all of us have been brought up with certain prejudices. Fortunately, my generation, or the end of my generation, does not use the word "colored" anymore, does not use the word "nigger" or use the word "Black". Unfortunately, these inborn prejudices are still existing in our society and a lot of times now, instead of talking about the fact of black or white or religion, we now use sexual preference as something people make jokes about.

It was interesting back about 45 years ago, in fact, not even 45 years ago, we will talk about 15 years ago, there was a resort community in this state that refused to rent or convey prop-

erty to Blacks, Jews, Catholics, and it was right in the deeds — restrictive covenant. It wasn't until the Civil Rights Act of 1964 that this practice was outlawed by the federal government and does not take place anymore.

Many individuals who look at this bill suggest that by passing this legislation, we are condoning homosexuality, that we are saying that it is all right to be gay, I don't look at it that way. We should look at this thing realistically. Whether we like it or not, there is a great percentage in this country that have a sexual orientation or affectional orientation which is different than most people and which we consider acceptable.

This bill does nothing more than to state that we shall not discriminate in the areas of employment, housing, public accommodations and credit, as we do to other citizens.

I would hope that all of us today would look closely at this bill and not think about those cute phrases that we use sometimes or the stereotypes we use in society, because I think that is very inappropriate at this time and age in our country. I think it is inappropriate when we talk about human rights to exclude from any statute those individuals who might be a little different from us. I urge you to reject the pending motion.

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

Mr. JORDAN: Madam Speaker, Ladies and Gentlemen of the House: I have learned a new term since coming, sexual orientation. I am opposed to this legislation but I think I know what the term means.

I used to raise dairy goats for quite a few years. In fact, I had blue ribbon winners in the Saanen Breed. Now, young bucks come into their sexual powers very early, about six months old, and their sexual orientation at that time is toward anything that moves. Young bucks, to be sure, usually are penned away from the does because of this reason, a dog, a cat, a person, in fact, just about anything that moves. I had one buck that was sexually orientated toward a wheelbarrow, believe it or not, but they learn fast. By the time they are a year old, they have sexual orientation completely straightened out and they are sexually oriented only toward does and they know what it is all about, make no mistake.

I have also worked on dairy farms and we kept the yearlings and the two year old heifers in a separate pasture. About the time they came to maturity, the bellowing and the jumping and the gymnastics that followed, you know something about that perhaps if you come from the country. Their sexual orientation was toward anything that moved, too. In fact, I know of one unsuspecting young fellow who was in the pasture feeding grain and the sexual orientation of one heifer had him down in the flat without him knowing it but, you know, you turn a young bull into that same pasture and the sexual orientation was always toward him. He knew what to do too, and the heifers kept him busy. If the lower creatures of this fair earth can understand sexual orientation so thoroughly when they come to maturity, what a pity it is that we, the so-called higher creatures of this human race, can't straighten it out.

I don't think we need this kind of legislation at all. Let the natural laws of this earth take their place, they will, anyway, ultimately.

Some of you will probably say that I don't understand the issue; I think I do. We can legislate all we like but we are not going to change the natural biological and physiological laws that are already in operation on this earth and universe. Some will say, that is a smokescreen, no way. Why, the next thing we will have a bill in here to put an alternate choice to the law of gravity, probably.

This body needs to be busy, it is true, and if you want to be specific, we have a highway budget that is sitting on the back burner. The last session and the special sessions, it was

well explored and here is January, February, March, April and May and it is still sitting there with no action and we talk about sexual orientation instead.

We also criticize county government and say that they are inefficient. Why, they have been running four or five months without their budgets passed. I think we need to get our own House in order before we point our fingers at other levels of government, and here we are talking about sexual orientation. It is time to quit dabbling in biology and get to work on the things that we need to do.

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

Mrs. BEAULIEU: Madam Speaker, Ladies and Gentlemen of the House: I really object to the fact that the young people were asked to leave the gallery. My contention is, if they were able to be seated and be present there to listen to what was said by the last speaker, I think they also have the right to hear from some constructive speakers.

To speak to the issue. I take great objection to likening this whole issue to animal references. We are talking here about discrimination. We are talking about a lifestyle that some people have to live with, many of it through no choice of their own, and that it can impact upon their livelihoods, it can impact upon what kind of housing they are going to get, it can impact upon their educational opportunities, and I refuse to believe that in a country like ours discrimination of any kind should be tolerated by anyone.

Homosexuals are victims of their own problems, many of them medically caused, some are not medically caused. It seems ludicrous that we stand up for the rights of ex-murderers, we stand up for the rights of prisoners, we stand up for the rights of people whose skin happens to be differently colored than ours, and we say by statute nationally and statewide that there shall be no discriminations based on those causes. Why should we discriminate concerning any class of people in our society? I think it is absolutely wrong.

If I remember the debate from several years ago, I think there were only two women in this House who had the guts to stand up and say that they would vote for a bill of this kind. I hope a lot more women will join the effort this time. This is not an out of place bill and it is one that will not go away, and I just simply can't understand the kind of argument I just heard a few minutes ago. There will be other arguments, I am sure — we don't want homosexuals in our schools. Who are you kidding? They are already there, they are teaching, but should they be discovered, however, then the problems come. I am far more afraid of the "pimps" that walk the streets of my city encouraging teenagers to participate in prostitution than I am of anyone who is gay in any sector of our public service, including schools.

I am very sorry that those young people were asked to leave this chamber, and I hope that if I should be around when this issue comes up again, that that will never happen again.

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

Mr. BAKER: Madam Speaker, Ladies and Gentlemen of the House: I wanted to say a few words about this issue this morning. I feel like there is a heavy cloud that is hanging over this legislature, a very oppressive kind of cloud just kind of hanging here and we are all feeling kind of subdued this morning, it is a very strange feeling. The last time I debated this issue in the 109th Legislature, I was doing so when we were under the threat of a bomb. You might recall, there was a crisis during the state employees' contract, and I can assure you, that was also a very oppressive kind of atmosphere to debate this issue.

I feel compelled to speak on this issue for a number of reasons. The good gentleman from

Portland, Mr. Connolly, used the issue of what happened in terms of political expediency. I speak as a candidate of whom this issue was an issue in my last campaign. I refused to run away from the issue simply because it was used against me in the campaign. It is also ironic that the students that were asked to leave the balcony were students that I had taught when I was substitute teaching in the city of Portland. I don't fear anything about speaking on this issue in front of them. I think children today are mature enough to understand a lot of things that maybe we don't.

There is a lot that can be said about this issue, but what it all boils down to is this: Will a person who is a homosexual have due process, that is all. I was told a story once in which a man that ran a diner received a complaint from one of his customers about one of his waitresses. According to the story, she was a very good waitress but the customer had complained that she was a lesbian. He made a phone call to the Human Rights Commission because he didn't know what to do, and according to the story, he asked whether or not he could fire this woman. Under our current law, he could. That is all it does—no special rights, there are no special rights here at all, simply due process under an already existing statute, very simple.

A very great politician once advised me that you cannot move people through debate. I hope he is wrong.

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

Ms. LUND: Madam Speaker, Ladies and Gentlemen of the House: I very seldom get angry on the floor of the House, but I was angry this morning. Homosexuals are not animals, homosexuals are not funny. Homosexuals will oftentimes live their lives full of fear, confusion, a feeling of unacceptability, despair, hidden lives that drive them deeper into a circle that they would like to get out of. I don't think those are funny people. I don't think they are goats or cows or anything else. I think they deserve housing, I think they deserve jobs, I think they deserve employment and credit and that is all we are asking for today.

I hope you vote against the motion to indefinitely postpone.

The SPEAKER Pro Tem: 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 pro tem: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Madam Speaker, Members of the House: I am rising to speak in favor of indefinite postponement of this bill. The reason that I get up is, I notice that people are reluctant to get up and speak against or for this legislation. There are a couple of things that I would like to bring out, that if we vote for this sexual orientation bill, what we are actually doing is, we are condoning homosexuality, and if we do, what will happen is that they will all come out of the closet. What we will witness will be men holding men's arms, being affectionate in public and kissing. If this is what you want, then you should vote for this bill.

I think that individuals that prefer other individuals of the same sex are sick and they should be treated as such. We should not expand those privileges, so keep that in mind when you vote.

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

Mrs. NELSON: Madam Speaker, Ladies and Gentlemen of the House: First of all, I would like to address my remarks to Mr. Racine. My husband and my son do walk arm in arm and

my husband and my son kiss each other affectionally, and I would certainly hope that you would not assume by that action that they are homosexuals.

I have a black book that has a lot of addresses and phone numbers and things that I kind of try to remember, and inside I have some phrases that are very important to me and one comes from the Talmud, and that is the book that I read on Friday nights and Saturday mornings and which I believe in, and in it it says: "If you rob someone so flagrantly of their rights, you are bound to lose some of yours."

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

Mr. HALL: Madam Speaker, Ladies and Gentlemen of the House: I was very sorry to hear the gentleman speak about being sick if you kiss somebody. I am 60 years old and I have had a heart problem for six or eight years but I don't think you would call that, in that respect, sick. I don't believe that there has been a day in my life but what I have said to my sons, I love you, Toby, I love you Ronnie, even though we have heated debates. I have never stopped putting my arms around them after a heated debate and kissing them. My father was that same way and he had no problems with that.

I would like to tell you a little story if I might. I told this to you people here five or six years ago, I have no use of discrimination of any sort, size, creed or color or whatever you might want to call it. I think you ought to win on your own merits. It is unfortunate that a bill like this has to come through at this time of year when we have all the other problems that we have, but as long as it is here, we might as well say a word on it.

In years past, I have raised up to 300 acres of crops. One time we had 30 people helping us to pick corn. Two fellows came into the fields, wanted a job picking corn along with the rest of them and I knew what they were before they came in. It didn't make any difference to me, and I said, you want a job picking corn? They said, yes, but we are gay. I said, I don't care what color you are or what religion you have, all I want to know is if you can fill up that box with corn? What I am trying to say is, what they do by themselves ought not to have any bearing on what they are.

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

Mr. CARRIER: Madam Speaker, Ladies and Gentlemen of the House: There have been a couple of accusations that the opposition would not get up to speak, but I think we will get up to speak. We can make it as long or as short as you want to.

They have made remarks already about certain things that are untrue. I am not going into a dissertation explaining to you what is what, because I assume, I don't assume, I know that all of you are very intelligent enough to know what we are talking about.

The tune of my speech has changed because of some of the things that have been said. The one thing I want to say at the outset is, some people apparently seem to be upset because somebody referred to animals, certain acts of animals. They will be upset by the time I get through with them too, because what we are talking about is, we are not referring men to animals, we are referring to the act itself. The group of people that we are discussing today are doing these kinds of acts and it is not animal acts, it is animalistic acts, that is what they are. Let them stand up and say that it isn't so. The speakers have not referred to people being animals, we know better than that, we all have a soul and that is what makes the difference and that is what should make the difference in our behavior too.

I have objected to this type of legislation, those of you who know me, for years because of two things. First, I think there is a moral issue involved. When I am talking about moral

issues—I am upset about a few things this morning, as usual, I suppose, but one of the things that I am upset about is that everybody has received, from the Catholic Diocese of Portland and I am a Catholic and I have been devoted to that religion for a long time. I am sorry, and I make my excuses to my friends in this House right now for such letters being delivered to them. I have been in this House for 13 years and it is the first time in the past month or two that I have ever taken any flak, get insulted, take oral abuse and written abuse because of the stand of the Catholic Church in this House. I put my objection to the Bishop, he knows what it is, and I think you never say, not in his defense because he is the leader and he should lead, but he didn't write this letter and he didn't write the others you have received but I think they should extend to me the courtesy, to us people who happen to belong to that church, that this is not truly our feeling. Our feeling is still one of moral stand, which probably is equal to the one of the churches that you belong to.

Let's not make it a moral issue; let's make it a good life issue. This is not the good life, leading the kind of life they lead. We know what they lead. We know when people in here have talked about animalistic, we know that the act that they do is an animalistic act and it is against the law, it is still illegal, but they say in the privacy of our homes we can do this. Well, the privacy of the home does not give you any additional rights to act the way you want. This is not the way things are, and somehow or other, you get recompensed for the way that you behave.

There are many things—the part of this here that you have to be fair, the fair part about all this, I have to say, what we object to probably does not apply to all types of homosexuals. There are many types of homosexuals, and if you haven't studied at all, and it is a filthy study to start with, you can get the material at the library.

I sympathize, I have friends, I sympathize with those that have kids who are in that group, and they, themselves, are heartbroken. There was a woman who came to the hearing and her daughter is a lesbian, and that woman had tears in her eyes. She had compassion, but she came back later and said just the opposite. She realizes that this is not the true way of life. She also realizes that the best way of life is—we have rules set up by society and this particular behavior is out of society.

I have lots of notes about this, but I submit to you that in the past legislature, although it was said that the objection has dropped down, on April 26, 1979, I think, 103 people voted against this legislation and only 35 voted for it, and of those that voted for it, today there are only about 20 of them left in here. They say that there is no connotation, we are not going to make this a political issue, you are not going to do this, you are not going to do that—it is a subject that is open to political issues. I am not worried about it, I never have. I have always voted against this type of legislation and I am still here. So the situation is, ladies and gentlemen, that we cannot forgive society for acting this way. And the poor people who are homosexuals and lesbians, I hope, and yet we have asked them the question and they have never said yes, but I hope that they try and want to change their lifestyle, to come back to the normal way of life and not be a paranoid looking over their shoulder, having a relationship which is illegal in the first place.

I submit to you that we saw things this year even at the hearing. There weren't that many people. We hired the civic center because two years ago there were 300 people over there. This year when I counted them, there were 114. Where is the support for this type of thing?

On the other hand, I have also seen supported this year, which disgusts me, which bothered me right then and there, but since then I have

made my inquiries and I am not that bothered by it, they come to the hearing with armbands, lavender armbands—can you imagine that? This bothers me because there were some legislators that wore it too. So what are you going to do, put them in that category too? No, I am going to give them the benefit of the doubt.

We had a minister down there, and I don't know from where, probably from Turner, but he admitted that he had been a homosexual for years, and he said he wasn't now, he hasn't been for years, but what bothered him the most was the fact that he had guided his nieces and nephews and young cousins into that type of life and today they are leading that type of life. He isn't, and he says that he hopes God forgives him. Those were his words down there. This was a true story. I didn't try to get him here today but probably you know him.

I think you have to help these people, but this is not the kind of help they need. I don't think we can condone their actions. They are illegal, they are animalistic and I think unhealthy. They suffer from a psychological defect. You can find all kinds of reasons why they are that way. You can also question the decision of the psychologist, you can question their judgment because those looney-tunes don't know where they are going anyway and they don't know where they have been either. We have had them in front of our committee, and I am talking about the psychologists. I want you to make the difference between them and the psychiatrists.

I just hope, for the benefit of all your friends and for the benefit of a better society and for the benefit of good principles, and for your children that go to school, your grandchildren, that we will kill this bill and kill it good right now.

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

Mr. BAKER: Madam Speaker and Members of the House: If all of you will look very, very closely, you will see that somewhere near my hairline there are two little horns. In case you are wondering what that was a reference to, that was reference to the fact that it used to be an accepted fact among many people that all Jews had horns.

Mr. Racine, I don't expect you to condone anything, I don't expect you to condone my religion, I don't expect you to condone my political affiliations. That is not what we are asking. We are asking for due process under an already existing statute.

The good gentleman from Westbrook raised the issue of why a legislator would wear a lavender armband; I will tell you why, because I wore one of those lavender armbands, I will wear them again if I have to. A practice goes back to the King of Denmark during World War II. You might recall that all Jews were required to wear yellow armbands for proper identification, to make it easier to be rounded up and deported. The King of Denmark appeared on the balcony the very next day wearing a yellow armband in solidarity. The entire population of Denmark appeared wearing yellow armbands. That is why I will wear a lavender armband if I have to.

The issue sometimes has been raised that there really is no need for this legislation because there is no discrimination. Yet, I read in a newspaper back in February that there is an organization plotting a campaign against the City of San Francisco because that is supposedly where the headquarters of homosexuals is. The gentleman quoted described capital punishment for homosexuality — that boggles my mind, it really does.

Ladies and gentlemen of the House, it is a very big thing to ask to put aside one's prejudices or one's fears, it is a very big thing to ask. I asked it in the last session of the 109th and I am going to ask you again in this session to put all those prejudices and fears aside, that is all.

The SPEAKER Pro Tem: A roll call has been ordered. The pending question is on the

motion of the gentleman from Westbrook, Mr. Carrier, 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, Boisvert, Bordeaux, Boyce, Brown, A.; Brown, D.; Cahill, Callahan, Carrier, Carroll, Carter, Clark, Conary, Crowley, Curtis, Damren, Davis, Day, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Dudley, Erwin, Foster, Fowlie, Gavett, Gillis, Gwadosky, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kane, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, MacBride, Macomber, Mahany, Masterman, Matthews, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Michaud, Mitchell, E.H.; Murphy, Nelson, A.; Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Post, Prescott, Racine, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Stevenson, Stover, Strout, Swazey, Tarbell, Telow, Theriault, Treadwell, Tuttle, Walker, Webster, Wentworth, Weymouth.

NAY — Baker, Beaulieu, Benoit, Berube, Brannigan, Brennerman, Brodeur, Brown, K.L.; Chonko, Connolly, Cox, Davies, Diamond, J.N.; Fitzgerald, Gowen, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Kany, Kelleher, Ketover, Lund, MacEachern, Manning, Martin, A.; Michael, Mitchell, J.; Moholland, Nadeau, Nelson, M.; Perry, Pouliot, Richard, Rolde, Soule, Thompson, Vose.

ABSENT — Connors, Cunningham, Huber, Martin, H.C.; Masterton, O'Rourke, Peterson, Randall, Reeves, P.; Studley, Twitchell, The Speaker.

Yes, 99; No, 39; Absent, 12; Vacant, 1.

The SPEAKER Pro Tem: Ninety-nine having voted in the affirmative and thirty-nine in the negative, with twelve being absent, the motion does prevail.

Non-Concurrent Matter

Bill "An Act to Reduce the Length of the Maine Legislative Session" (S. P. 436) (L. D. 1265) on which the Majority "Ought Not to Pass" Report of the Committee on State Government was read and accepted in the House on May 7.

Came from the Senate with that Body having adhered to its previous action whereby the Minority "Ought to Pass" Report of the Committee on State Government was read and accepted and the Bill passed to be engrossed in non-concurrence.

In the House:

Mr. Kelleher of Bangor moved that the House adhere.

Whereupon, Mr. Brown of Livermore Falls moved that the House recede and concur.

The SPEAKER Pro Tem: The gentleman from Livermore Falls, Mr. Brown, moves that the House recede and concur.

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

Mrs. KANY: Madam Speaker, I ask for a division.

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

Mr. KELLEHER: Madam Speaker, Ladies and Gentlemen of the House: I toyed with the idea of cosponsoring a measure similar to this earlier in the session. However, it wasn't put in only because of the fact that there was a similar bill, which is the one that we see before us this morning. In hindsight, I think I was right in not putting the bill in, but wrong for the reason that I didn't put it in.

Based on the ability of this House to do the people's business, and that is why we are here, to do it, and to narrow the session down to 80 days, it is an impossible factor for a couple of reasons. One, this legislature, faced with the amount of business that it has to do and will

continue to do over the years, it is impossible and impractical for us to support this type of legislation.

I have always been a firm believer that this House and the other body represents an opportunity for people, citizens of Maine, to express their desires to make laws or to change laws, and for us to narrow the legislative session to 80 days, in fact would make it unworkable for people just because of the mechanics in making this great government of ours operate in this state.

I think it would be wise for this House this morning to reject the motion made by the gentleman from Livermore Falls, and then we could dispense with the legislation and move to adhere.

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

MR. BROWN: Madam Speaker, Ladies and Gentlemen of the House: I wish my good friend from Bangor, Representative Kelleher, had agreed to sponsor similar legislation, because I have been in this House long enough to know the kind of impact and the kind of power that he has in bringing votes along with him.

He talked about the people's business. The people, ladies and gentlemen, are serious. They want less government in their lives. They are serious and they are not going to give up.

I told you last week of the talk that I had with my good friend from Enfield, Mr. Dudley, who looked all around Augusta at the new buildings and the expansion of government, and he said to me, I don't think the people are any better off now than they were before all of this began, at which time that gentleman was a member of this body.

I think sometimes we, as legislators, perhaps take ourselves just a little bit too seriously. We think that we can solve all of the problems that everybody has all of the time, and I disagree with that. I think the people have been speaking recently and they have been saying — less government. And the best way to have less government is to narrow the legislative session. We can do everything in 80 days the first year, we can do everything in 40 days the second year. All we have to do is put our feet to the fire, as one legislator spoke of earlier this session. We can certainly do it.

The other body voted very responsibly in voting that this bill "ought to pass," and I suggest that we agree with them. Therefore, I suggest that you vote yes on the pending motion.

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

MRS. KANY: Madam Speaker and Members of the House: If you will look at Page 9 of today's calendar, you will note that we are already three days over that 80 day limit, if we had, indeed, moved to that, and here we have not even addressed the major Errors and Inconsistencies Bill or the Part II Budget at all.

I certainly think, as people so ably expressed the other day, that we really owe it to the citizens of Maine to give thoughtful consideration to any proposed refinements or changes in our law.

The other day, you overwhelmingly rejected this proposal, and I hope you go along with that now at this time and vote against the pending motion, vote against the recede and concur motion, so that we can adhere.

THE SPEAKER Pro Tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalburt.

MR. JALBERT: Madam Speaker, Ladies and Gentlemen of the House: Way back before the election even, I spoke to the gentleman from Bangor, Mr. Kelleher, and others in the other body and in this body. The gentleman from Bangor, Mr. Kelleher, told me he would be delighted to be the first cosponsor of my measure, which meant to cut this down to 80 days.

The day after the election, I called the Legislative Research Office and told them to scrap

my bill. The reason I did that is because for the first time in the history of the legislature, such a large turnover has never happened. I don't know if you people are aware of it, but this Legislature here doubled in turnover, at least since I have been here. That is the reason that I did it.

I am sure that the gentleman from Bangor, Mr. Kelleher, would agree with me. In spite of the fact that I agree with the philosophy of my friend from Livermore Falls, Mr. Brown, the fact of the matter is, the reason for this situation that we are in now, and we are in a bad one, 17 days, plus the five days we are going to have, we are not through with Part I, but I don't think we will have much trouble with that anyway, there are no taxes, no new programs, it is just another vehicle. We must get to Part II, we must get to the table, a lot of labor bills are still in committee. Mrs. Kany's committee still has a lot of legislation in there, and several other committees have got a lot of work to do. And to have success on a bill in this body, the word is timing. What is wrong with this piece of legislation now is timing. The timing is wrong. I guarantee you that come the first two days of the session next year, you will see an ample amount of bills come in here. I don't like study committees anymore than anybody else here, but if there is a bill that is worthy of being studied by people who know the legislative process, this is it.

If we study this bill properly and the people who are coming in here know, not next year but the following year, the next biennium, the next regular 100 day session, they will have an ample amount of bills ready and in the hopper so that when we come back on the first Wednesday in January with the departmental heads, if ever I had another dream come through, it is the fact that the department heads, their bills will be known as departmental bills.

I can remember seeing chairmen of committee being given a book full of department heads and they would go around to get some unsuspecting freshman to put bills in. I have spent more time in the last few years saying—don't put a bill in unless you know what it is. You might put a bill in and have to object to it. I can remember one day in my own city when there was a meeting with a hall full of people and they were discussing this bill, against it, but it had passed and this young man got up, he was a freshman legislator, and he didn't say 15 words and somebody got up and said, why in heaven's name are you saying something against this bill when it was your bill; here is a copy of it with your name on it. He never knew a thing about it.

I think these people who came as freshmen, it didn't take them long to get oriented. I think that they will have to agree with me, that when they came in here for the first two days, some of them didn't know where the Legislative Finance Office was, they didn't even know where to go to have a bill drafted but they would know now. The turnover was tremendous.

If these department heads want bills, they should be identified as department head bills and they should be forced by order, by rule of this legislature, to put the bills in. That is one of the things that a study committee should do and should entertain.

I knew this bill would pass in the other body, because I knew who was behind it. This bill here is a fine piece of legislation, probably one of the best pieces of legislation that has ever come in here. Just imagine how many days we have spent here for 12, 13, 15, 16 minutes—cost, \$25,000 a day. If we had a study committee that would do their work properly, set up some rules, set up some guidelines, when we meet for two days, the third day being just for organization of ourselves, election of officers, the two other legislative days that we meet, we would come in here on the first Wednesday of January and every committee could go to work

that very afternoon, hold public hearings and we would enforce our rules, not to allow people to keep bills in committee for six, seven, eight or nine or ten weeks just to let those bills pick up some steam. I have been around here long enough to know that. As a matter of fact, I have done it myself. I don't do it anymore.

Right now, my lovely seatmate—I have a bill that hasn't got a chance of passing. I am trying to get "Leave to Withdraw" and she says it is too late. When the bill comes out with a Majority "Ought Not to Pass" Report from the committee, even though I am on the "Ought Not to Pass" for one simple reason, we don't have time to mess around with any of my junk. I hope everybody else gets the message.

We have 17 days here, with five more days to go if the leadership and the Governor so wishes. If we don't get our stuff done by then, believe what our Speaker told you, and I am repeating it, anything that is left over is dead. We adjourn sine die. No matter where the bill is, it is a dead dodo and, believe me, as I see it now, we met at nine-thirty, it is now eleven o'clock and we are now on page 3, let alone a stack of supplements that will come in this afternoon.

We have got to meet five mornings, in the afternoon we have to meet in committee meetings and at night we meet again. What is going on now is wrong because of that fact that five mornings in here, five afternoons in committee hearings and five evening sessions from four-thirty, and are supposed to end at six and go into eight or eight-thirty, it is too much for anyone person to absorb. We don't know what we are really doing and we are doing some things that are wrong because we haven't got the time to do it right.

I am with the philosophy of the gentleman, my dear friend from Livermore Falls, Mr. Brown, my very dear, dear friend from Livermore Falls, Mr. Brown. I am with the philosophy of my very dear friend, Representative Kelleher, but this bill at this time, we don't have time because the time is wrong. This bill must be studied and prepared for presentation at the next special session, next January, ready to move come the next session and then we are in business.

Madam Speaker, I go along with the receding motion.

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

MR. LAPLANTE: Madam Speaker, Ladies and Gentlemen of the House: I do concur with the good gentleman from Livermore Falls that people are calling for less government. The only thing is, I think we have the emphasis in the wrong place at this time.

The laws in this country are not what makes this country bad. We are a nation of laws, not a nation of dictatorship. The laws are the only things that keep us free. Our democracy runs a little sloppily, it changes back and forth, and that is the greatest opportunity that any country has, not to hold pat on any law that is passed and is subjected to the people, whether good or bad, but that we can be flexible once in a while. Our biggest problem is the bureaucracy.

You look at other countries that don't have the freedom, they run under a bureaucracy. We shouldn't be looking at putting this at 80 days, we should put it at 130 days, and the extra 30 days, we should be the ones holding the public hearings for the bureaucracy. They shouldn't be holding the public hearings for the public, intimidating the public, we are the public's representatives, we should be holding those public hearings for rule changes and we should make the decisions whether those rules should be changed or not. We should be the watchdogs for the people. We shouldn't be trying to streamline this government to a limited amount of days and a lot of bureaucracy to run it the rest of the time.

The people are fed up with government be-

cause they don't understand the difference between the legislative form of government and the bureaucratic form of government. We are the best protection for the people, not the bureaucracy, and we shouldn't try to streamline ourselves so that we are so tied up and limited that we no longer operate as a free government and all the bureaucracy to take hold of everything that we should be doing here.

So, let's hope that we kill this bill, kill it the next session and every session that this bill comes in, because any study that is done should be the study of how the bureaucracy operates, not how we operate. We are made as a democracy to run a little sloppily but it still keeps our freedom going.

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

Mrs. MARTIN: Madam Speaker, Ladies and Gentlemen of the House: I have a comment to make to the state legislature committee. Instead of having a law to shorten legislature, a state committee should be trying to pass a bill forbidding so many nonsensical bills being printed and brought in front of this House and the other body. If you do this, you can get an 80 day session.

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

Mr. BROWN: Madam Speaker, Ladies and Gentlemen of the House: It is always difficult for me to get up after my good friend from Lewiston, Representative Jalbert. I am always flattered when he refers to me as his dear friend—it is kind of nice when he says dear, dear friend but when he throws in three "dears," I know that I have had it, I know that I am dead, but I am going to give it one last shot.

I listened to his arguments very carefully. He makes a lot of sense, as always. In fact, he made so much sense to me that he convinced me even more that this is a good bill and it ought to be passed.

Just think back, if you will, each and every member of this body, to January, February and March. We drifted in at ten o'clock in the morning, the other body would drift in at five on Mondays, we would stay five, ten, fifteen minutes, three or four hours off before committee hearings, a lot of time off that could be spent doing legislative business. This is what the people elected us to do, to come down here and tend to it, to get it done, get over with and go home.

When you vote on this bill, I plead with you to vote yes on the motion to recede and concur, vote for less government, vote for more responsible government and vote yes on the pending motion.

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

Mr. KELLEHER: Madam Speaker, Ladies and Gentlemen of the House: In the seven terms that I have been in this House, we have modified our rules to expedite the legislative process. We created a rule that if a bill came out of committee unanimous "Ought Not to Pass" or "Leave to Withdraw," that it automatically went into the dead file. Years ago, an individual legislator who received such a report would have an opportunity to discuss it but, nevertheless, that rule passed in the guise that it would expedite the legislative process. We created the Consent Calendar, one day and two days, to expedite the legislative process.

A great many people in this state now are hollering that government is too big, that the legislative sessions are too long, that the people are not represented. You know, just the contrary to that, I think the government is representative of the people. Each of you who sit in this House today, think of the number of bills that you have presented. How many of them did you honestly suggest yourself? How many of them were suggested by your constituents or

your towns or your counties or your service organizations? This body is representative and it will be representative as long as the people have an opportunity to express themselves.

Mr. Brown is a student of government, and I appreciate him in debate and I appreciate him as a friend and colleague in this House, but sometimes I think he misses the point. He knows full well that to crank this body up and keep this government operating in legislative process, it takes time. He knows it and I know it.

We changed the Constitution of this state so this Legislature could meet in December to expedite the business of the people. Some of us question the wisdom of that because we fully understand the difficulties there are to make the government work at the rapid pace that Mr. Brown and others like him and myself would like to see happen. The animal of government does not move that quickly. He knows it as well as I do, and for us to reduce the opportunity of this House to meet to 80 days is absolutely not presenting good judgment in behalf of the people or, in fact, on behalf of ourselves.

I would urge this House not to vote for the motion to recede and concur and then we should adhere.

I think Representative Jalbert made an excellent point a few months ago, that perhaps this should be studied to see if it is possible to make this body work more efficiently. I am not sure that it is. It certainly isn't going to make it work anymore efficiently if we reduce it to 80 days.

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

Mr. DILLENBACK: Madam Speaker, Ladies and Gentlemen of the House: I haven't been here very long, but I can tell you that if we had an efficiency expert come into this House from business, it wouldn't operate the way it is operating now. I have asked you people who have had seven and eight years of experience here, how do you handle some of these problems? One suggestion was, well, if any bill goes to committee, have a rule that it has to be out 230 days after the hearing. The gentleman from Lewiston had made a good point. He said we should study this thing.

The big problem here are the bills. Look at the bill you just debated, look at the time you just spent on that. I wouldn't dignify that bill by even standing up. But you people put bills in, some of you are putting in 35 and 40 bills, some of them come to our committee five of the same thing. Now, there has got to be a more efficient way of handling these bills, and I know darn well that if we had 80 days we would get our work done because you would have a rule to set up so you would operate under the 80 days.

You had a bill in to raise your pay. Nobody would object if you had the same pay for 80 days as you have for 100. Don't tell me you can't operate in 40 days next year, don't tell me you can't operate in 80 days. Perhaps you enjoy sitting here, perhaps you like this—I don't and I don't think it is necessary.

I am willing to come in here and do my job but I would like to do it efficiently. I don't think sitting on the porch some of these afternoons is very efficient. I think you people should do something, you should be more representative, and I don't think it is a problem to be efficient. If it is a problem to be efficient, we shouldn't be here.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from South Portland, Mr. Kane.

Mr. KANE: Madam Speaker, Ladies and Gentlemen of the House: I just want to agree in a general sort of way with the gentleman from Cumberland, Mr. Dillenback. He is right when he says that we handle a lot of arcane and unnecessary bills, and let's start reforming ourselves right now and kill this bill.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lewiston, Mr. Jal-

bert.

Mr. JALBERT: Madam Speaker, Ladies and Gentlemen of the House: I said at the end of my earlier speech that I went along with the receding motion, I certainly was in error, I mean to adhere.

While I am on my feet, I might say I am in complete accord with my good friend from Livermore Falls, Mr. Brown, I am in accord with my good friend Representative Kelleher, I am in accord with my good friend Mr. Dillenback, the fact of the matter is, it is a question of time, there is not time for this. I thoroughly agree with the fact we do waste and we will waste and we had better stop wasting too much time on birds that have no chance. There is nothing that makes me inside smile to myself anymore than seeing a bill with four, five House members on one report and three Senators on the other. You know, that bill hasn't as much of a chance of passing as I have got of joining the Communistic party. It happens time and time again, it cannot happen any longer.

Besides that, while I am on my feet, I must tell you, we are going to get caught in a paper jam, our Clerk will agree with that. He is going to get caught in a bad paper jam. He is going to get caught uptown on a little list with the KJ. We are going to be in bad trouble. Bills are going to be engrossed with mistakes on them and by law almost, they have to go back to be reengrossed.

There are many things that I could talk about. My argument is just this—we could spend from now until October or November studying this thing. I know a lot of things that could be done and I know that many members who are freshmen here, if they knew last December what they know now, they would have bills in their committee. The timing of this measure is wrong, that is why I go along with the motion to adhere, aside from the fact that I agree with the gentleman from Livermore Falls, Mr. Brown.

Has a roll call been asked for Madam Chairman?

The SPEAKER Pro Tem: No roll call has been requested.

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

Mr. McHENRY: Madam Speaker, Ladies and Gentlemen of the House: I do hope that we recede and concur. I will tell you why because I presented a few bills in Taxation way back in February. Day 63 would have been the day to give me a unanimous "Ought to Pass," which I believed represented the people of the State but they gave me a unanimous "Ought Not to Pass" on day 83. It wouldn't have been harder on the public on day 63 instead of 83.

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

Mr. DUDLEY: Madam Speaker, Ladies and Gentlemen of the House: I have been here awhile and I can see where the biggest problem is. About 35 percent of the bills that we accept and send to committee never should be sent to committee. They are either duplications or the bill like we just heard should only have a few words said about it and there are only about 30 or 40 votes here year after year for the same piece of legislation. There is no need to accept it again. We can turn it down today as it appears in the House just as well after it has been to committee.

I will tell you the disadvantage to the people and how it is irritating them. I live a long ways from here and people come here from Fort Kent and Madawaska to hearings to find out that the bill is "Leave to Withdraw." Those type of bills never should have been before a committee. To my knowledge and my best observation, about 35 percent of the bills that are now before us, never should be assigned to committee and go the expense of advertising them and this type of thing.

In the good old days that we speak of, this

type of legislation never did get to committee and this is our biggest problem today. We are sending many bills to committee that should be objected to the way they are brought in, but we are such courteous people and Uncle Charlie is such a nice guy that we don't like to do it. It is no different to step on his little jewel the first day than it is to wait 100 days and do it.

While I am on my feet, I don't believe the present law says that we have to be here 100 days, we can finish our work in 50 days and go home.

The SPEAKER Pro Tem: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Livermore Falls, Mr. Brown, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

35 having voted in the affirmative and 85 in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to the Public Utilities Commission Officials' and Employees' Compensation" (H. P. 577) (L. D. 657) on which the Bill and accompanying Papers were Indefinitely Postponed in the House on May 7, 1981.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-327) Report of the Committee on State Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-317) in non-concurrence.

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

Mr. WEBSTER: Madam Speaker, Ladies and Gentlemen of the House: I move that we recede. I am having an amendment prepared that I feel will satisfy the concerns of the House. This amendment will give the Public Utilities Commissioner and members a raise but it will not guarantee them one every year. They will have to come like the judges do to get a raise, so I would ask that somebody please table this for one day.

On motion of Mrs. Kany of Waterville, tabled pending the motion of the gentleman from Farmington, Mr. Webster, that the House recede and tomorrow assigned.

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Regulate Entrance Fees Charged by Mobile Home Parks" (H. P. 779) (L. D. 924) which was passed to be engrossed in the House on April 28, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-184) in non-concurrence.

In the House:

Mr. Diamond of Bangor moved that the House recede.

On motion of the same gentleman, tabled pending his motion to recede and later today assigned.

Non-Concurrent Matter

Bill "An Act to Abolish the Trapping of Bear" (H. P. 553) (L. D. 629) on which the Majority "Ought to Pass" Report of the Committee on Fisheries and Wildlife was read and accepted and the Bill passed to be engrossed in the House on May 7, 1981.

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

In the House:

Mr. MacEachern of Lincoln moved that the House recede and concur.

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

Mr. DAVIES: Madam Speaker and Members

of the House: I urge you to reject the motion that has just been made so that we can make a motion to insist and send this issue back to the other body.

In the vote that you cast last Friday, you surprised the hunting establishment in the state quite a bit, and I think they needed just that kind of surprise and shock, because they have become very complacent since the issue of the spring hunting season was ramrodded through this House and the other body last week. I think the message you gave to the hunting establishment last week was that you were willing to go along with the spring hunting season under some duress, but that you were about to balance the issue out again by eliminating the trapping of bears.

As I said when I got up last Friday, there were only about 16 bears trapped last year. In the last few years, we have made the bear a big game animal and I think a big game animal deserves to be treated as such, and if we are going to hunt them, hunt them and hunt them fairly, but not to use traps, snare them, to cause them harm. We are not going to be causing any economic suffering to the bear trappers, and I would like to correct a mistaken impression that has been given to a number of you who were called over the weekend on this issue. This bill does not—does not prohibit the trapping of nuisance bears or bears for research purposes. It simply prohibits the trapping of sporting bear, which is very few in number. People who have bear doing harm to their livestock or their crops are still going to be able to trap them. The only ones that are going to be prohibited are those people who are trapping bear for sporting purposes.

I urge you to reject the motion to recede and concur so that we can make a motion to insist and send this to the other body, where this matter lost by one vote.

The SPEAKER Pro Tem: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER Pro Tem: 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 of a roll call, a roll call was ordered.

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

Mrs. MARTIN: Madam Speaker, Ladies and Gentlemen of the House: I have said all I am going to say on this bill. All I am going to say to you today is ask you to follow my light and Mr. Davies' light.

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

Mr. GILLIS: Madam Speaker, Ladies and Gentlemen of the House: I urge you to vote for the recede and concur motion.

I didn't want to bring this up before, but now I am afraid I am going to have to. During the past session, we have been faced on the Fisheries and Wildlife Committee with an action from a national group whose main purpose for existence is to wipe out any type of hunting or trapping of wildlife. This has been a thorn in the side of all sportsmen throughout the country, not only the State of Maine, but the sad part of it is, this organization has pinpointed the State of Maine as its number one target. It has an avowed ambition of stopping all types of hunting of wildlife, the killing and trapping of wildlife. This organization, which you probably know what I am speaking of, is known as the Defenders of Wildlife.

Every bill that came up regarding deer hunting, bear hunting, whatever, they were in attendance and testified at all hearings. I know they have a right to exist, they have a right to their opinions, and I would defend their right to speak their minds, but I will not defend their rights to deny the sportsmen of this country the right to hunt, the right to trap and so forth.

As we all know, as the population of wildlife increases, without harvesting the transfer of overpopulation brings about the lack of food and therefore disease and so forth among the various herds. Harvesting of the herd is a must to maintain a healthy herd, be it bear, be it fox, deer, moose or what have you. We have seen the results of what disease can do to many of the wildlife throughout the country. If we are to maintain a healthy herd, a healthy population of bear, deer, moose, any wildlife, we must have a harvesting season.

The harvest on the bear in the State of Maine is 1,000 bear per year, regardless of what method of hunting, the total is still 1,000; it will not go beyond that. If it does go beyond that or it looks like it is going to go beyond that number, the commissioner of Fisheries and Wildlife will end the season, period, regardless of how much time is left within the season.

I ask you, ladies and gentlemen, to give the sportsmen in the State of Maine their natural born rights, and it is your right as well if you are not a sportsman or hunter, to continue to enjoy the harvesting of these animals, which is a God-given right.

We ask you to support the recede and concur motion so that the harvesting of the animals, as required not only by man but by nature, can go on. Please support the recede and concur motion.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Madam Speaker, Ladies and Gentlemen of the House: Because of the reduced habitat, controlling wildlife population is of increasing importance. Trapping provides the only logical means of controlling certain species of wildlife, and if carried out in accordance with regulations does not adversely affect the resource.

Conservationists, wildlife managers and others who believe in protecting and enhancing wildlife recognize trapping as the most efficient means of harvesting furbearers and controlling predators when it is conducted by responsible trappers.

The trappers, over the past few years, have trapped between 13 and 17 bear. The remainder of the number trapped are nuisance bears. Last year, the total number was 26. I hardly think that this should raise concern that all bear will be killed off.

Roy Hugie came to this state from out west and did an in-depth five-year study of the habits of bears, even going into the dens while they were hibernating. We have learned more about the bear than we ever knew before about their ranging and feeding habits. Since the bear has been recognized as one of the big game animals, it is now recognized as a prime resource for the State of Maine. Certainly, in our depressed state, we need all the resources we can get, and since the black bear has been named a big game animal, it is a great attraction for sportsmen from out of state; therefore, our interest is in the proper management of the existing bear population to ensure that we have ample stock down the road.

We have state biologists whose job it is to see that no species of animals are wiped out. Let's let those biologists do their job and please support this motion.

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

Mr. DAVIES: Madam Speaker and Members of the House: This trapping of bears is a grizzly subject, but I hope you will bear with me as I read you a few of the facts on this matter.

As I said before, this bill prohibits only the sport trapping of bears. If you are a farmer, an orchardist, someone who has trouble with bear as a nuisance, you will still be allowed to trap that bear that is causing the problem. If you are involved in research on bear, you will still be allowed to trap bear for research purposes, but only the sport trapping of bear will be prohibited, those 12 to 17 bear that were trapped last year.

Let me also say that the State of Maine is the only state out of the 50 in the entire country that still allows the sport trapping of bear, the only state. Why are we so far behind?

Thirdly, in response to some of Mr. Gillis's comments, the right to hunt and trap is not a God-given right, it is a legislative given right, one that we, the members of this legislature, will consider and render a decision upon. So don't be scared away by some claim to the fact that anybody has the right to go out and hunt anything they want, because we place limits on those rights, and those limits are placed by this body and the other body, and that is the way it ought to be.

We will make the decision, not the Defenders of Wildlife, not the trappers of bear, but the duly elected members of the 110th Legislature. So don't be frightened away by these threats and claims. Act according to what you think is right, because it is you who is going to make this decision. I urge you to reject the motion to recede and concur so that we can make the motion to insist and send this matter to the other body.

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

Mr. GILLIS: Madam Speaker, Ladies and Gentlemen of the House: Very briefly in reply to some of the statements just made by my good friend Representative Davies.

He made the statement that it is not a God-given right for man to hunt. I disagree entirely, Representative Davies. It was a God-given right until man saw a dollar bill sign where they could control it.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Madam Speaker, Ladies and Gentlemen of the House: Friday night about five o'clock, driving home, I encountered one of the most effective lobbyists that I have ever seen, it was a beautiful black bear. I spent the weekend fighting my conscience because I voted for trapping. I am delighted to have a chance to change my vote, and I don't think the loss of 16, if that is what last year's was, is all that great a loss. I would like to protect that black bear from the cruel death of trapping.

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

Mrs. MARTIN: Madam Speaker, Ladies and Gentlemen of the House: I don't like to get emotional about this, but if any of you had seen that trap that was in the other body, had seen that rusty old thing, and to think that a bear would have to spend 24 hours in that trap trying to chew off its paws, I think it is a darn shame.

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

Mr. HALL: Madam Speaker and Members of the House: I would just like to bring this message to you from a very dear friend of mine who was fishing up in Patten this last weekend. He saw two little squealing cubs running around. I asked him, where was the mother. He said, probably dead than anything.

The SPEAKER Pro Tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that the House recede and concur. 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.;

Callahan, Carroll, Carter, Chonko, Clark, Conary, Connors, Crowley, Damren, Davis, Day, Drinkwater, Dudley, Erwin, Gavett, Gillis, Hobbins, Hunter, Jacques, Jordan, Kelleher, Kiesman, Kilcoyne, LaPlante, Laverriere, Lewis, Lisnik, Locke, MacBride, MacEachern, Mahany, Masterman, McColister, McGowan, McHenry, McKean, Michael, Michaud, Mitchell, E.H.; Moholland, Nelson, A.; Norton, Paradis, P.; Paul, Prescott, Reeves, J.; Richard, Ridley, Roberts, Salisbury, Sherburne, Smith, C.B.; Soule, Stevenson, Strout, Swazey, Theriault, Treadwell, Vose, Walker, Webster, Weymouth.

NAY — Aloupis, Baker, Beaulieu, Berube, Boisvert, Brenerman, Brodeur, Brown, A.; Cahill, Carrier, Connolly, Cox, Curtis, Davies, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Fitzgerald, Foster, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Hutchings, Ingraham, Jackson, Jalbert, Joyce, Kane, Kany, Ketover, Lancaster, Livesay, Lund, Macomber, Manning, Martin, A.; Matthews, McPherson, McSweeney, Mitchell, J.; Murphy, Nadeau, Nelson, M.; Paradis, E.; Pearson, Perkins, Perry, Post, Pouliot, Racine, Randall, Rolde, Small, Smith, C.W.; Soulas, Stover, Tarbell, Telow, Thompson, Tuttle, Wentworth.

ABSENT — Benoit, Cunningham, Fowlie, Huber, Martin, H.C.; Masterton, O'Rourke, Peterson, Reeves, P.; Studley, Twitchell, The Speaker.

Yes, 70; No, 68; Absent, 12; Vacant, 1.

The SPEAKER Pro Tem: Seventy having voted in the affirmative and sixty-eight in the negative, with twelve being absent, the motion does prevail.

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

Mr. MacEACHERN: Madam Speaker, having voted on the prevailing side, I move that we reconsider and I hope everyone votes against me.

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

Mr. DAVIES: Madam, Speaker, I request a roll call on the motion.

The SPEAKER Pro Tem: 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 Pro Tem: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that the House reconsider its action whereby it voted to recede and concur. All those in favor will vote yes those opposed will vote no.

ROLL CALL

YEA — Aloupis, Baker, Beaulieu, Benoit, Berube, Boisvert, Brenerman, Brodeur, Brown, A.; Cahill, Carrier, Connolly, Cox, Curtis, Davies, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Fitzgerald, Foster, Gowen, Gwadosky, Hall, Hanson, Hayden, Higgins, H.C.; Hobbins, Holloway, Hutchings, Ingraham, Jackson, Joyce, Kane, Kany, Ketover, Kilcoyne, Lancaster, Livesay, Macomber, Manning, Martin, A.; Matthews, McHenry, McPherson, McSweeney, Mitchell, J.; Murphy, Nadeau, Nelson, M.; Paradis, E.; Pearson, Perkins, Perry, Post, Pouliot, Racine, Randall, Rolde, Small, Smith, C.W.; Soulas, Stover, Tarbell, Thompson, Tuttle, Wentworth.

NAY — Armstrong, Austin, Bell, Bordeaux, Boyce, Brannigan, Brown, D.; Brown, K.L.; Callahan, Carroll, Carter, Chonko, Clark, Conary, Connors, Crowley, Damren, Davis, Day, Drinkwater, Dudley, Erwin, Gavett, Gillis, Hickey, Higgins, L.M.; Hunter, Jacques, Jalbert, Jordan, Kelleher, Kiesman,

LaPlante, Laverriere, Lewis, Lisnik, Locke, Lund, MacBride, MacEachern, Mahany, Masterman, McColister, McGowan, McKean, Michael, Michaud, Mitchell, E.H.; Moholland, Nelson, A.; Norton, Paradis, P.; Paul, Prescott, Reeves, J.; Richard, Ridley, Roberts, Salisbury, Sherburne, Smith, C.B.; Soule, Stevenson, Strout, Swazey, Telow, Theriault, Treadwell, Vose, Walker, Webster, Weymouth.

ABSENT — Cunningham, Fowlie, Huber, Martin, H.C.; Masterton, O'Rourke, Peterson, Reeves, P.; Studley, Twitchell, The Speaker.

Yes, 67; No, 72; Absent, 11; Vacant, 1.

The SPEAKER Pro Tem: Sixty-seven having voted in the affirmative and seventy-two in the negative, with eleven being absent, the motion does not prevail.

House Reports of Committees Ought Not to Pass

Representative Twitchell from the Committee on Taxation on Bill "An Act to Provide a Sales Tax, Trade-in Credit for Loaders and Chainsaws Used to Harvest Lumber" (H. P. 79) (L. D. 76) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Provide Reimbursement of Sales Tax on Depreciable Machinery and Equipment Use in Aquaculture" (H. P. 119) (L. D. 150) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Exempt Certain Farm Structures from Municipal Assessments" (H. P. 192) (L. D. 205) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Provide an Income Tax Credit for Oil and Gas Furnace Automatic Vent Dampers" (H. P. 438) (L. D. 485) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Exempt Used Machinery from the Sales Tax" (H. P. 623) (L. D. 706) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Provide an Investment Tax Credit for Investment in Qualifying Energy Property" (H. P. 770) (L. D. 913) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Encourage the Use of Wind Power" (H. P. 859) (L. D. 1022) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Provide a Tax Credit for Certain Hydroelectric Plants" (H. P. 1023) (L. D. 1233) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Permit Municipalities to Charge a Service Fee on the University of Maine" (H. P. 1024) (L. D. 1234) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill "An Act Concerning Partial Reimbursement for Property Taxes Paid by Certain Fraternities" (H. P. 1136) (L. D. 1353) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Provide an Investment Tax Credit for Farmers and Fishermen" (H. P. 1164) (L. D. 1385) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Exempt Gasoline and other Motor Fuels Used for Agricultural or Fishing Purposes" (H. P. 1194) (L. D. 1418) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Adopt the Multistate Tax Compact" (H. P. 1196) (L. D. 1420) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Change the Method of Taxing Nuclear Power Plants" (H. P. 1219) (L. D. 1443) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Reduce the Subsidy Index for the Local Share of the State and Local Allocation by 50% for Residential Property and Shift the Tax Burden to the Individual Income Tax" (H. P. 1288) (L. D. 1503) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Exempt Jet Fuel used for International Flights from the 2 cent per Gallon Excise Tax" (H. P. 1368) (L. D. 1553) reporting "Ought Not to Pass"

Representative Swazey from the Committee on Legal Affairs on RESOLVE, to Reimburse Mr. and Mrs. David Condon of Levant for Property Damage and Personal Injury Resulting from Assistance Given the Division of Special Investigation by Mr. Condon (Emergency) (H. P. 1298) (L. D. 1509) reporting "Ought Not to Pass"

Representative Carrier from the Committee on Judiciary on Bill "An Act to Create a Land Use Violation Hearing Examiner" (H. P. 559) (L. D. 636) reporting "Ought Not to Pass"

Representative Thompson from the Committee on Education on Bill "An Act Permitting School Administration Districts to Dissolve and Municipalities to Detach including those having Outstanding Indebtedness" (H. P. 703) (L. D. 858) reporting "Ought Not to Pass"

Representative Murphy from the Committee on Education on Bill "An Act to Enable a Town within a School Administrative District to Withdraw or Change their Participation to a More Limited Community School District" (H. P. 934) (L. D. 1104) reporting "Ought Not to Pass"

Representative Gowen from the Committee on Education on Bill "An Act to Require School Administrative Districts and Community School Districts to Obtain Voter Approval of a Municipality's Voters Before Closing an Elementary School in that Municipality" (H. P. 921) (L. D. 1092) 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 Dillenback from the Committee on State Government on Bill "An Act to Combine the Offices of Justices of the Peace and Notary Public" (H. P. 758) (L. D. 897) reporting "Leave to Withdraw"

Representative Webster from the Committee on State Government on Bill "An Act to Authorize the Commissioner of Personnel to Study Wage Comparability Between Male and Female Workers in State Government" (H. P. 1156) (L. D. 1377) reporting "Leave to Withdraw"

Representative Diamond from the Committee on State Government on Bill "An Act to Clarify State-owned Building Inspection Responsibilities" (H. P. 782) (L. D. 927) reporting "Leave to Withdraw"

Representative Kany from the Committee on State Government on Bill "An Act to Establish an Employee Award Program for Suggestions for Improving State Government Operations" (H. P. 1135) (L. D. 1352) reporting "Leave to Withdraw"

Representative Kany from the Committee on State Government on Bill "An Act to Establish an Efficiency Award Program and a Suggestion Solicitation Program for State Employees" (H. P. 1277) (L. D. 1492) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Representative Beaulieu from the Committee on Labor on Bill "An Act Making Certain Changes in the Law on Boilers and Pressure Vessels" (H. P. 1273) (L. D. 1488) reporting "Ought to Pass" in New Draft (H. P. 1447) (L.

D. 1588)

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 Roberts from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1981 (Emergency) (H. P. 1445) (L. D. 1586) reporting "Ought to Pass"—pursuant to Joint Order (H. P. 264)

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

Ought to Pass

Pursuant to Joint Order H. P. 264

Representative Paradis from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1981 (Emergency) (H. P. 1446) (L. D. 1587) reporting "Ought Not to Pass"—Pursuant to Joint Order H. P. 264

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

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-342) on Bill "An Act to Encourage Solar Easements" (H. P. 775) (L. D. 920)

Report was signed by the following members:

Senators:

DEVOE of Penobscot
CONLEY of Cumberland
KERRY of York

— of the Senate.

Representatives:

BENOIT of South Portland
JOYCE of Portland
LIVESAY of Brunswick
LUND of Augusta
SOULE of Westport
HOBBINS of Saco
O'ROURKE of Camden

— 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:

REEVES of Newport
DRINKWATER of Belfast
CARRIER of Westbrook

— of the House.

Reports were read.

On motion of Mr. Hobbins of Saco, the Majority "Ought to Pass" Report was accepted and the bill read once.

Committee Amendment "A" (H-342) was read by the Clerk and Adopted and the Bill assigned for second reading later in the day.

Consent Calendar

First Day

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

(H. P. 118) (L. D. 152) Bill "An Act Providing for Administrative Changes in the Tax Laws"—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-344)

(H. P. 1232) (L. D. 1457) Bill "An Act to Amend the Probate Laws"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-341)

(H. P. 1214) (L. D. 1382) Bill "An Act to Clarify the Statutory Provisions for the Registra-

tion of Motor Vehicles in Maine"—Committee on Transportation reporting "Ought to Pass"

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

Consent Calendar

Second Day

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

(H. P. 998) (L. D. 1221) Bill "An Act to Simplify the Requirements for the Granting of Permission to Additional Institutions to Use Established Satellite Facilities" (C. "A" H-327)

(H. P. 1254) (L. D. 1478) Bill "An Act to Diversify Maine's Participation in the Eastern States Exposition" (C. "A" H-325)

(H. P. 715) (L. D. 840) RESOLVE, Authorizing the Governor to Convey the Sale to the Passamaquoddy Tribe and Penobscot Nation the State's Interest in Certain Buildings now Located within the Indian Reservations.

(H. P. 1100) (L. D. 1297) Bill "An Act for the Assessment of Watercraft" (C. "A" H-331)

(H. P. 848) (L. D. 1035) Bill "An Act to Clarify the Procedure for Waiver of Unemployment Compensation Benefit Overpayments" (C. "A" H-332)

(H. P. 974) (L. D. 1162) Bill "An Act to Amend the Campaign Reporting Law" (C. "A" H-334)

(H. P. 560) (L. D. 634) Bill "An Act Relating to and Increasing the Appropriation of Funds for Assistant District Attorneys" (C. "A" H-335)

(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"

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

(H. P. 707) (L. D. 832) Bill "An Act to Amend the Maine Unfair Trade Practices' Laws" (C. "A" H-337)

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

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-337) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

(S. P. 403) (L. D. 1208) Bill "An Act to Authorize Revenue Bond Financing for the Agricultural and Fishing Industries"

(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." (C. "A" S-180)

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

On motion of Mrs. Mitchell of Vassalboro, Recessed until the sound of the gong.

After Recess

12:30 P.M.

The House was called to order by the Speaker.

The SPEAKER: The Chair would like to thank the gentlewoman from South Portland, Ms. Benoit, for the excellent job she did as Speaker pro tem.

Passed to be Engrossed

Bill "An Act Relating to the Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers" (H. P. 1441) (L. D. 1584)

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. 1440) (L. D. 1583)

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

Later Today Assigned

Bill "An Act to Provide Loans for Family Farms" (S. P. 470) (L. D. 1326) (C. "A" S-170)

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

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

House Amendment "A" (H-347) was read by the Clerk and adopted.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I would just like a brief explanation of how this measure works and the mechanics of this measure.

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

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

Mr. SHERBURNE: Mr. Speaker, this is a chance for people to get loans to start up or to buy extra land for agricultural purposes. I think it is mainly to help the smaller operators, but the loan comes through commercial banks. This is to encourage commercial banks to get into the business with agriculture, and the Maine Guarantee Authority guarantees up to 95 percent of that loan. The main purpose of it is to get the commercial banks in the State of Maine interested in doing business with agriculture.

The SPEAKER: The Chair recognizes the gentleman from New Sweden, Mr. Nelson.

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say a few words in regard to this bill.

It is, like Mr. Sherburne said, to provide loans for people who want to farm. It might be five acres or it might be a hundred acres. They can't be worth over \$50,000 in order to get a loan.

The MGA is supposed to guarantee these loans. I think the MGA is us, all of us people, so the way I look at that, if we should walk down the road and ask our neighbors and our friends if they would be willing to sign a note or guarantee payment on a loan for somebody else to buy some land or real estate. If this passed, we would guarantee 95 percent of the loan. I think that anyone who borrows money or buys real estate should at least put in 15 or 20 percent themselves so they will have something to lose.

If they don't have anything to lose, let's say they only had to put in 5 percent, they could live there one year before they would be foreclosed on. It is possible that they wouldn't be foreclosed on until after the second year. But if they were foreclosed on after the first year, they would still have another year to go, so they would have two years' free ride, you might say, except for the 5 percent.

Say they paid \$10,000 for a piece of real estate. That would be \$500 down, and they could stay there for two years before they had to get off, and that is probably what some of them would do. They would be willing to walk off and the MGA would guarantee the payment.

I guess that is as far as I can explain it. The Statement of Fact says that this bill establishes a program for guaranteeing loans for the purchase of farmland. Each loan must be reviewed by the Family Farm Advisory Council, which will recommend to the Commissioner of Agriculture, Food and Rural Resources the disposition of each loan application under this program.

I would like to repeat — if you feel like asking your neighbors to sign a note for the guy who wants to buy some real estate, then you vote for it. If you are opposed to that, vote against it.

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

Mr. MCCOLLISTER: Mr. Speaker, we just had a handout given to us saying the Farm Bureau doesn't believe that this act is necessary. They are not recognizing the fact that the federal government is cutting back on federal funds, and one of the areas they are going to cut back in is the Farm and Home Administration.

Personally, I believe it is a good thing. The Farm and Home Administration has not taken, in my estimation, a good credit-wise look at their farm loans.

This bill calls for the loan to be approved by the banking community, and I believe if we are to rely on anyone as to the validity of a loan, we should be relying on the banking community.

We have opposed here the Farm Bureau, made up basically of larger, the bigger farms in the state of Maine. This bill addresses those who have a value of less than \$50,000, and that doesn't take much farm equipment or much land. The bill addresses only the land. Land prices are going up, so if it goes the two years that was just presently spoken about, the value of the land is going to be more than what it was when the loan was made in the first place.

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

Mr. MAHANY: Mr. Speaker and Members of the House: First I want to say that Mr. McCollister has given a pretty good description of how this bill should work or would work. I would like to point out that we have worked two years on this proposition. It is constitutional. The Maine Guarantee Authority has approved it, the Treasurer of the State has approved of it. I think there is a need for it. And as far as the percentage that we put in or don't put in, I think the banks could take care of that. It would be used more in the southern end of the state, from central Maine down, for in all probability, the people in Aroostook County, the majority of the loans are much too large to be considered.

I hope that you go along with the bill.

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

Miss BELL: Mr. Speaker, just a question to anyone on that committee. Is this part of the guarantee program or is it part of the industrial revenue bond?

The SPEAKER: The gentleman from Paris, Miss Bell, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from New Sweden, Mr. Nelson.

Mr. NELSON: Mr. Speaker, as far as I know, it is just the Maine Guarantee Authority. That is all we have heard in our committee.

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

Mrs. DAMREN: Mr. Speaker, I have a couple of questions, too. If the money is to be borrowed through the banks with a state guarantee of 95 percent of that loan, if there is a default, is the money to be paid, are we going through Maine Guarantee for that? How is their bonding set up now? Do they have extra money to put into these farms?

I am worried. There is quite a list of people in default, and I am quite worried if we are going to finance 95 percent of some of this property. If we have 10 bad loans in a year, we are going to have a lot of money out.

The SPEAKER: The gentleman from Belgrade, Mrs. Damren, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from New Sweden, Mr. Nelson.

Mr. NELSON: Mr. Speaker, I have heard that there is \$10 million set aside for this ac-

count.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This is one of these bills that we don't really look at until somebody brings it up on the floor of the House. I would call your attention to it. There are a number of things about it that bother me. For example, the definition of farmland means land in Maine that is capable of supporting the commercial production of agricultural crops, livestock or livestock products, poultry products, milk or dairy products, fruit or other horticultural products. That includes an awful lot of land in Maine.

The second thing that concerns me, rules. The Commissioner of Agriculture shall, in accordance with the Maine Administrative, so on and so forth, promulgate rules necessary for the efficient administration of this chapter.

Under eligibility—credit worthy, the applicant is credit worthy according to standards prescribed by the commissioner. Ladies and gentlemen, I think the question is, do we want the Maine Guarantee Authority involved in the business of agriculture or don't we. I think this is a terrible bill and I think we ought to defeat it.

The SPEAKER: The Chair recognizes the gentleman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: As a member of the Agriculture Committee, I support this bill, mainly because I feel that we have to do something to encourage people to go into farming and to expand farming.

Our farmland is being sold and houses are being built upon them because it is very difficult to get banks to loan money for farming. One of the reasons that it is hard to get local banks to loan money for farming is because many times the banks do not understand just the jargon that goes along with applying for a loan for agricultural land.

I think that there are a number of safeguards in this bill. Number one, a person has to go to a bank. Banks, I think, are pretty conservative and I think they are pretty careful. The banks thought that this was a good idea. There is an advisory council to the department which will be made up of people in the industry, farmers who understand what it is to farm and should understand what criteria is necessary to ensure that a person is reliable and does have a good chance to pay back his loan. This advisory council would be the safeguard, I feel, between the bank and the department. They would be advising whether this person would be able to pay back their loan, had a good chance of making a go of the project that they want to embark on. The bank would still have to approve the loan and if so, then the Maine Guarantee Authority would be guaranteeing the loan.

I just feel it is very necessary. We do guarantee loans to large industry, we guarantee loans for all sorts of things, but what is more basic than farming? I really think we should approve this bill.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: As an unsuccessful farmer years back, I can tell you that to go into farming is a very serious venture. I don't quite understand this bill. We had something similar to this in state government which we turned down.

This bill says "Land." I wonder if this includes farm buildings? Does it include equipment? It probably doesn't. Can you imagine somebody buying a piece of land and having a value of less than \$50,000 when tractors cost \$10,000 to \$20,000 apiece? You couldn't even begin to build a building, you couldn't begin to get started, you couldn't buy livestock, you couldn't do anything.

Today, farming is a big venture. You need two or three hundred thousand, maybe half a million dollars to go into farming. How can anybody with assets of less than \$50,000 go into a farm.

Now, if a man owned an adjoining farm and wanted to buy adjoining property, this might be a good arrangement, but not the way this bill is written. I hope you will oppose it.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed and later today assigned.

Bill "An Act Authorizing and Directing the Bureau of Mental Health to Enhance and Protect the Rights of Recipients of Mental Health Services" (H. P. 912) (L. D. 1078) (C. "A" H-339)

Bill "An Act to Allow the Board of Environmental Protection to Authorize and Pay for Oil Spill Damage Studies" (H. P. 995) (L. D. 1183) (H. "A" H-336 to C "A" H-321)

Bill "An Act to Provide a Special Muzzle-loading Hunting Season" (H. P. 218) (L. D. 255) (C. "A" H-333)

Bill "An Act to Revise the Property Tax Laws" (H. P. 1161) (L. D. 1393) (C. "A" H-330)

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.

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.

On motion of Mr. Carrier of Westbrook,
Recessed until four-thirty in the afternoon.

After Recess 4:30 P.M.

The House was called to order by the Speaker.

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

Passed to Be Enacted Emergency Measures

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 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. 109 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

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

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. 117 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

An Act Increasing Indebtedness of the Limestone Water and Sewer District (H. P. 1424) (L.

D. 1579) (S. "A" S-177)

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. 120 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

Passed to Be Enacted

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

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

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.

By unanimous consent, ordered sent forthwith to the Senate.

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

Passed to Be Enacted

An Act to Provide for the Termination of Cable Television Permits Issued Prior to July 1, 1965 without Fixed Termination Dates (H. P. 236) (L. D. 250) (C. "A" H-293)

An Act Concerning Appointed Chief Administrative Officers of Local Districts under the Maine State Retirement Laws (H. P. 418) (L. D. 465) (S. "A" S-178; C. "A" H-289)

An Act to Amend the Fee Schedule for the Payment of Appointed Forest Fire Wardens (H. P. 506) (L. D. 557) (S. "A" S-168; C. "A" H-282)

An Act to Amend the Provisions for Election as Voter Member of a County Charter Commission (H. P. 767) (L. D. 903) (C. "A" H-294)

An Act to Clarify Institutions Eligible for Free Fishing Permits (H. P. 840) (L. D. 1006) (C. "A" H-302)

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

An Act to Authorize the Refunding or Crediting of Fuel Taxes Paid on Worthless Accounts (H. P. 989) (L. D. 1177)

An Act to Assist Homeowners in Peak Power Conservation (H. P. 1131) (L. D. 1348) (C. "A" H-292)

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.

By unanimous consent, ordered sent forthwith to the Senate.

Passed to be Engrossed Amended Bill

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

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

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am against this bill. I do not believe that the judges need a raise. They should tighten their belts like the rest of us. Why should they be given a raise when it was not given to the court help. They are the ones who are underpaid, but that is not the whole story.

After reading the Sunday paper, one question if they are doing their duty with fairness and understanding. I read about one man who had assaulted a woman in the Medical Center in Portland in the tunnel. She has nerve damage to her right hand and she has physical damage besides. The man received a sentence of two years in the correction center with all

but 90 days suspended.

Another man in the same court, the same day, received six months for stealing a six-pack of beer. Do you call that justice? I would like to know. That is just two cases. There are so many more wrongs that are not corrected. A slap on the hand and out you go! You guessed it—back again next month and on and on and on.

Until the judges start doing their duty, the work they are supposed to do, I don't believe they deserve one extra penny. They have put themselves on a pedestal, they think they are untouchable. Well, they have got another lesson to learn. They are not untouchable. They are well compensated for their work. I understand they do not pay into the pension plan and when they retire they receive 75 percent of their salary. Who else in the State of Maine has such a deal?

I have been here for three terms, and I may be wrong, but I think this is the first time that a bill for judges' salaries has been before us by itself. It has been in the budget before because the bill has not been able to go on its own merit. If it doesn't pass this time, I bet you it will be back in the budget.

Mr. Speaker, for the sake of the people of the State of Maine who pay these salaries and the pensions of the judges, I move that this Bill and all its accompanying papers be indefinitely postponed and I ask for a roll call.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Martin, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is a 5 percent raise for judges. There are always going to be unpopular judges, there are always going to be unpopular decisions. I am not going to make an impassioned plea for a raise for judges, it is just not one of my things, but I will tell you this—I think if you don't pay judges a good salary, you won't get good judges. In the future, when the Governor casts his eyes around the state trying to get people to leave lucrative law practices to become judges for the state, if you don't offer them a decent salary, they won't be judges and you won't have the quality that you want on the courts.

I can sympathize with Representative Martin, she is a very able legislator to go up against. Her arguments are probably right, probably the judge erred in his decision, no doubt, but I don't know that it is proper to not give them a raise because of the bad decisions of a few judges in a few cases.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: The thing that concerns me on this bill is the fiscal note. If you will look at the bill, the Statement of Fact specifies that this is an 8 percent salary increase. I think I heard the figure of 5 percent. Unless the Statement of Fact is wrong, it specifies 8 percent.

As far as not being able to attract attorneys, there was a vacancy recently in the Biddeford District Court and there were six attorneys who were really fighting to get that job. So I don't think it is a question of not having enough attorneys, a lot of attorneys want to become judges and I don't think there is any problem in that area.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I am in opposition to giving the judges a raise at this time. My major concern is, if you look at the bill, not at the bill itself but at the amendment, which is the bill now, there is a fiscal note there of \$337,000. I feel very strongly that although there are some judges that do deserve a raise, they probably deserve

much more, but the fact is that I don't think this is the time to give them this type of a raise.

I don't understand how come a bill with such an amount appears before us.

I would only say, for those of you who weren't here two years ago, we gave them raises, we gave the judges a generous raise, and I think it cost us in the vicinity of a half a million dollars, \$467,000. Now we are talking about \$337,000, which is a third of a million. We are talking in the range of millions of dollars now, and I don't believe that these judges, and I know many of them personally, they are not starving to death, and I can assure you that they live very well, and if they don't, it is their own fault because they might have spent a little more than they should.

I think most of the judges that we have do this as an honor. They don't do it for the money part of it, that doesn't seem to be a concern, contrary to what some may want you to believe. I have taken part in many confirmations for the judges, and contrary to what they say, they are not making that much money. The ones that have come on the bench haven't been making that much money, and if they have, they have made a choice. They know what the compensation is and they come here to be considered. Many of them have been working 10 or 20 years as lawyers and they consider it an honor and probably the ultimate in their career to become a judge. They do this as a matter of consideration. There are many that do this, believe it or not, they take the job because they feel they have contributed so much for a certain number of years to the general public and now they have the inner consideration that they want to do something as a public service, and they do it as a public service. You can't just say that the amount they are paid, thirty-two, thirty-four, thirty-six thousand dollars is not enough. There are a lot of other things that become involved in their wages, whatever the amount is.

Our present judges, and there are always exceptions, most of them are very high caliber people, they are very able, but the fact is that they are practical, and when they take a job with a guarantee, whether you work or not, they are guaranteed thirty or forty thousand dollars, they are practical, and don't you forget it. They know that this is good, it is good for them, the pension plan is good for them, it is also good for their widows, if it ever gets to that.

Do you think we would get better judges if we pay higher salaries? I don't believe so. I think that many of the judges that we have had, with some exceptions, like I said, are very capable and I don't think you could go out and get better judges because of a better salary. The ones we interviewed and the ones that were picked didn't seem to be concerned too much about the wages. You know, oddly enough, this bill, I don't know, I didn't check on it, but I bet you it doesn't come from the judges, it comes from somebody, some busybody somewhere, or some bleeding heart somewhere that thinks that the judges should get more.

Manytimes we have bills in the Judiciary Committee and nobody knows where they come from but they either come from some judicial counsel or someplace and they think that things should be quite different.

But the cost is something. This is one of the many bills that within the next week or two you will be faced with concerning the judiciary department. I don't think that at this time we can afford to give them a raise. I don't question the ability of some of these judges, but some I do question.

When the Chief Justice came in here, he said he has spent so many years and the public had been so good to him in his practice of law that he, himself, wanted to get in and work for the dedication. He didn't have any concern about money, the money part of it is a very small concern to these people.

As far as the salary is concerned, you can go as high as you want to and it won't attract any better people. If the money is what attracts people, then you are in for a fast shuffle somewhere, because you have got to have dedication and you have got to want to do this in order to be able to really give it your best.

I am opposed to the bill because I feel very truthfully, and we all have our own ideas, that we have better priorities than this. I think the priorities are—I would like to see this \$337,000, or part of it, being taken and put into something to help the mentally retarded kids at Pineland. I would also like to mention to you that we have had a discussion where somebody wants to close the Bath home for kids, and why? It is a small price. I think this \$300,000, or part of this \$337,000 would go a long ways to help some of these people, both in private homes and these retarded children or the handicapped or whoever, the less fortunate ones we have in this State.

I submit to you that the judges are satisfied. The ones that I have talked to are satisfied, and I think they get a good, reasonable wage now. I don't believe at this time we should give them this money; we can use it in a much better place.

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 Brunswick, Mrs. Martin, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Beaulieu, Berube, Boisvert, Brodeur, Brown, A.; Brown, D.; Callahan, Carrier, Carroll, Clark, Conary, Connors, Connolly, Curtis, Damren, Dexter, Drinkwater, Dudley, Gillis, Hall, Higgins, H. C.; Holloway, Hunter, Jacques, Jordan, Ketover, Kiesman, Lewis, Lisnik, MacEachern, Martin, A.; Masterman, Matthews, McGowan, McHenry, McKean, McPherson, McSweeney, Michaud, Moholland, Nelson, A.; Norton, Paradis, E.; Paul, Post, Pouliot, Racine, Randall, Reeves, J.; Reeves, P.; Ridley, Salsbury, Sherburne, Smith, C.B.; Stevenson, Stover, Strout, Swazey, Telow, Treadwell, Tuttle, Twitchell, Webster, Wentworth.

NAY — Aloupis, Armstrong, Austin, Baker, Bell, Benoit, Bordeaux, Boyce, Brannigan, Brenerman, Brown, K.L.; Cahill, Carter, Chonko, Cox, Crowley, Davies, Davis, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Erwin, Fitzgerald, Foster, Gavett, Gowen, Gwadosky, Hanson, Hickey, Higgins, L.M.; Hobbins, Hutchings, Ingraham, Jackson, Joyce, Kane, Kany, Kelleher, Kilcoyne, Lancaster, Livesay, Lund, MacBride, Macomber, Mahany, Manning, McCollister, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Nelson, M.; Paradis, P.; Pearson, Perkins, Perry, Peterson, Richard, Roberts, Rolde, Small, Smith, C.W.; Soulas, Tarbell, Theriault, Thompson, Vose, Walker, Weymouth, The Speaker.

ABSENT — Cunningham, Fowlie, Hayden, Huber, Jalbert, LaPlante, Laverriere, Locke, Martin, H.C.; Masterton, Michael, O'Rourke, Prescott, Soule, Studley.

Yes, 64; No, 71; Absent, 15; Vacant, 1.

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

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

By unanimous consent, ordered sent forth with.

Orders of the Day

The Chair laid before the House the first 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 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 7 by Representative Hall of Sangerville.

Pending—Further Consideration.

On motion of Mr. Hall of Sangerville, retabled pending further consideration and especially assigned for Wednesday, May 13.

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

Senate Divided Report — Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" — Committee on Judiciary on Bill, "An Act to Curtail the Practice of Plea Bargaining" (S.P. 515) (L.D. 1437)

— In Senate, Majority "Ought Not to Pass" Report Accepted.

Tabled—May 8 by Representative Joyce of Portland.

Pending—Motion of Representative Hobbins of Saco to Accept Majority "Ought Not to Pass" Report in concurrence.

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

Mr. MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: As a cosponsor of this bill, my interest in the abuse of plea bargaining was first aroused as a selectman when our police officers began complaining about their strong cases being negotiated or bargained away.

As a teacher, I taught my students that justice was dispensed in the classroom. The reality in many Maine courts is that Maine justice is dispensed in the district attorney's office. No wonder the public has indicated a declining confidence in our courts and the quality of justice.

Any discussion of abolishing or banning plea bargaining creates a general reaction in the legal profession that could be best categorized as panic. We know that justice can be dispensed without it, because in 1975, Alaska state attorney general abolished plea bargaining on all felony and misdemeanor prosecutions under state law. The Alaskan attorney general took this step so that sentencing function could return to the judges, who would no longer act as rubber stamps for negotiated sentences. He felt that some defense attorneys used it for their own personal economic gains.

We know the impact of his action, because the LEAA provided a \$300,000 grant to study the impact of the new policy upon Alaska's criminal justice system. The study concentrated on two questions: (1) was plea bargaining abolished; (2) what was its effect on the state's criminal justice system? Judges and attorneys agreed that plea bargaining, which was thoroughly engrained into the system, disappeared. Prosecutors, when interviewed, said that they were working harder and were relieved at being out of the sentencing business.

Without plea bargaining, the prosecutor, after conviction, steps aside and takes a hands-off attitude toward sentencing. Opponents in Alaska predicted that (1) defendants would refuse to plead guilty, and (2) the increase in trials would jam up the courts. None of these predictions came to pass. By the second year, the time it took for a felony case to go through the system declined from 192 days before the ban to 89, an average decline of 103 days.

The key to this reduction was the curtailing of continuances. You know what a continuance

is — the lawyer keeps continuing a case until the first time the police officer or witness isn't there, then the case is thrown out.

Eliminating plea bargaining in Alaska had its greatest impact upon the severity of sentences for property crimes, burglary, receiving and concealing stolen property, malicious destruction of property, all real problems for our rural population here in Maine.

Property crime sentences were 53 percent longer than those imposed a year before the ban. It affected those whose case would have been filed or put on probation. In cases of fraud, forgery, embezzlement and drug felonies, there was a dramatic increase in sentence severity for everyone from first offender to the repeater.

Enactment of this bill would create an accountability which has been missing from our judicial system for too long. The Governor has proposed and we are considering a variety of bills to toughen up the OUI sentences. We are wasting our time if it means those sentences will continue to be bargained down before the judge even sees the defendant.

For example, in a recently released statewide OUI conviction rate study, York County came in at the bottom, and it was interesting to note that the district attorney told the press that he plea bargains 96 percent of his cases. Only 4 percent of the cases are actually going to trial. The districts with the highest OUI convictions had the lowest bargaining percentages.

We may legislate statutes expecting our judges to carry out the sentences mandated, but many of our district attorneys are the real judges here in Maine; the judges are rubber stamps.

If we take this step, we might hear from the Maine DA's the same positive comments heard from their Alaskan counterpart. The Alaskan DA's responded that they liked the policy. They said they were working harder but were happy that they didn't have to waste their time haggling over sentences and listening to a long story about what a good guy the defendant is.

Many lawyers are opposed to banning plea bargaining because I think they have come to believe that every case can be bargained, and I am afraid the negotiation skills have replaced the lawyers' traditional skills of research and trial preparation.

Another issue is that the present system, which has as its focus that justice can be negotiated or bargained, denies the defendant his or her constitutional rights to an open, fair trial. Administrative decisions are no substitute for open, judicial and jury decisions.

The present system with plea bargaining engrained within it is designed to destroy or avoid trials. Maine has always been a leader. We can take a positive step to return justice to our courts. Let's end the secret deals made out of sight of the public and press and out of view of the victim.

Men and women of this House, though we feel there is support within this chamber to pass this ban, members of the Judiciary Committee in the last few weeks have raised some very good questions about the possible effects of the ban on Maine and their desire to see further study done. The sponsors this morning, finding nine of the twelve members of the committee present, are in favor of recommitting for study and reporting back to either the second session of the 110th or the first session of the 111th. Therefore, Mr. Speaker, I move that we recommit L.D. 1437 back to the Judiciary Committee.

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 commend the good gentleman from Kennebunk for his eloquent presentation and his extensive research of the Alaska court system. I would also like to commend a member of the other body, who is the principal sponsor of this bill, Senator

Wood, for his exhaustive research of this particular area.

Unfortunately, when you are dealing with Alaska and you are dealing with the State of Maine, I think you are dealing with apples and oranges.

The question was asked of the good gentleman from Sanford, Mr. Wood, whether or not he had discussed the issue of plea bargaining with any members of the court system. His response was no. I have not made inquiry whether or not the good gentleman from Kennebunkport has talked to members of the judiciary in regards to plea bargaining or to district attorneys in regard to plea bargaining.

It is all well and good to recommit this bill to committee and to place the burden upon the Judiciary Committee to look into the area of plea bargaining, but I submit to you that we could do this on every single issue of controversy before this legislature.

It is difficult to try to stand here and try to support plea bargaining, because ideally society should not have plea bargaining. However, the reality is that we don't have the court facilities, we do not have the financial sources and we do not have the personnel to deal with cumbersome problems and the number of cases involved in our criminal justice system.

The good gentleman from Kennebunk mentioned OUI laws, and OUI cases and plea bargaining involved with these particular bills. It is unfortunate that we have to have plea bargaining when it comes to operating under the influence, but because of the number of cases, if we were to guarantee everyone a court case, everyone a district court and then a superior court trial, the court system in the state of Maine would not be able to operate in handling civil matters or other criminal matters. The same is true for other serious crimes. In order to alleviate some situations and other problems involved with the judiciary and involved with the law enforcement of the State of Maine, plea bargaining has taken place in certain instances.

You can do what you want this morning, you can recommit the bill back to the Committee on Judiciary, but I would hope that maybe this legislature today could have a discussion for the next few minutes and decide for ourselves whether or not two days before bills are supposed to be reported out of committee that this matter be discussed by the Judiciary Committee once again.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am delighted that the Speaker informed us here late this afternoon that cloture is but two days away. I can sympathize and understand to some degree the statements made by the gentleman from Kennebunk, Mr. Murphy, but I would urge this House to reject recommitting this bill to the Judiciary Committee.

I think the issue that he described here this afternoon and the remarks made by Mr. Hobbins clearly defines the fact that there is a problem dealing with our court system and how the judicial process is operating. I think Mr. Hobbins clearly defined the fact of the shortage of courts, the opportunities of money and judges absolutely hampers the effectiveness of the judicial system.

I am one who believes that the grand jury system is totally out of tune with modern day America, and I think the Judiciary Committee is an appropriate committee to look into all the problems dealing with the court system.

I can just smell that if this bill goes back to the Judiciary Committee, the committee itself will kick it around for three or four more days, no question that they have a great deal of other bills up there, and they are going to come out, perhaps, with the recommendation for a study order. Now, if that is what the committee feels should be done, I would be more than glad to

support it. I think it is unnecessary for us to kick this bill back to the Judiciary Committee in the lateness of the hour and the lateness of the session. I would urge the House not to recommit it. If they don't and Mr. Murphy wants to discuss this bill here this afternoon, then I suggest that perhaps we ought to do it, because if it doesn't come out of committee with some kind of a study order attached to it, I can believe that we will be discussing it four or five days from now.

I would urge the House not to go for recommitment, then the motion of whether you want to accept the "Ought Not to Pass" Report or the "Ought to Pass" Report could be debated and then we could decide on what we want to do with it.

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

Mr. MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of the motion to recommit is to send it back to Judiciary so they could find some vehicle to study it, to report back to this body either at the second session of the 110th or to the 111th. The understanding of the sponsors would be that if you send it back for study, we will withdraw the bill.

The SPEAKER: The Chair would advise the gentleman from Kennebunk, Mr. Murphy, that the process for committee work has been established, which does not require simply the vote of the Judiciary Committee is required, and that process has been delivered, I believe, to the members desk, as I remember it.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I have no problem with recommitting this back to the Judiciary Committee. I feel that when it returns to that committee, it will perhaps get the closest thing to divine guidance and will be put into a channel where it can properly be handled. It is important that this bill be handled without too much delay.

The sponsor from the other end of the hall explained to me where this bill originated, and it is a direct result of the Phil Donahue show on Monday, December 29, 1980, when Professor Allen Dirkowitz, the criminal law professor from Harvard, stated plea bargaining is the major national scandal in this country today.

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

Mr. LIVESAY: Mr. Speaker, Ladies and Gentlemen of the House: Of the 190 or so bills that were presented to the Judiciary Committee, I think this bill probably enjoyed the most scholarly presentation. After listening to the sponsors of this bill in committee, I came away convinced that conceptually we could do without plea bargaining. My problem was that the sponsors didn't address at all the question of the practical impact of implementation of this bill. I guess it is my feeling that this bill does, in fact, merit some sort of a work study, and if sending the bill back to our committee would facilitate that, then I would be in favor of recommitment.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Kennebunk, Mr. Murphy, that this bill be recommitment to the Committee on Judiciary in non-concurrence. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 59 in the negative, the motion to recommit did prevail.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the third 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 8 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 especially assigned for Wednesday, May 13.

The Chair laid before the House the fourth 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 8 by Representative Diamond of Windham.

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

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I think we should think very seriously before we adopt this particular House Amendment. What this is, is a route to circumvent the normal process of doing things in this House. For three years in a row, since I have been on the Transportation Committee, we have had a bill before this committee to eliminate the front license plates on motor vehicles, and for three years within the committee, the time I have been in it, the evidence has pointed toward the fact that the front license plate was a very very important law enforcement tool. I have, in fact, right here many accounts right within our very state, some of them probably within your home areas, on why this is a very important tool.

There was an Ashland incident, a hit and run accident, where the individual was apprehended because of the front license plate. In Oakland, there was a stolen car picked up because of a front license plate. In Machias, there was a robbery solved because of a front license plate. In Ogunquit, a stolen car, the same reason. Then, of course, there was the well publicized Payson murder case in Falmouth where the officer who responded to the scene of the murder happened to notice a front license plate on an automobile leaving the scene and as a result they were able to apprehend the murderer. That is just a few of the very important reasons why our committee has felt that even though there is a cost savings, a small cost savings, that the cost savings is far overridden by the importance of this as a tool to our law enforcement officials. Therefore, each time we have been able to come out of the committee with an "ought not to pass" report.

I think when a report comes out of another committee on the very same type of a bill saying it should pass, and then, on the other hand, it is not even a report out of the committee, if you will take a look at it, it is a House Amendment by an individual rather than a report out of the committee, which seems to suggest to me that this was not the consensus of the opinion of that committee. If it had been, it would have been either, number one, on the bill or, number two, a committee amendment.

I do think the purpose of the Audit and Program Review Committee is to override what other committees are doing to affect the citizens of the State of Maine. What they are trying to do is improve performance in state government, and I don't think this particular item is improving performance of state government. I believe this is overriding the desires of the citizens of Maine, expressed through our commit-

tee that heard this bill on numerous occasions.

I would hope that you would not accept this particular amendment, because if you do, stop and think what is going to happen the next time when this committee comes in with an amendment to override the considerations of your committee. I don't think it is fair to the committee or to the committee chairmen. I would hope you would not buy this amendment.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: While I was prepared this afternoon for some opposition to this particular amendment, I was not prepared for some opposition to the entire Audit and Program Review Committee.

One of our tasks is not simply to review the functions of state government, we review the various agencies of state government, the various departments, and we make our recommendations on whether or not a program should continue to exist.

I would like to read a little bit from an editorial which deals with this issue and I would like to throw in a few things that the good gentleman from Limestone left out. This editorial appeared in the Portland Press Herald, and I should point out that the paper, the Press Herald, has had quite a record of favoring a single plate system.

The editorial says, "A legislative oversight committee has backed away from a thoroughly reasonable proposal to eliminate the front license plate on motor vehicles; that is unfortunate. The single plate only could have saved the taxpayers \$100,000." I know that is very ironic coming from somebody like myself. It is not a small amount of money compared to what we have been arguing over this session, but \$100,000.

Now, the committee initially was going to go along with a single plate report, that was the recommendation of the subcommittee that I served on and that was our initial acceptance when this bill came out. Why did we back away? I will continue with the editorial.

"The change was also being proposed by the 3-M Corporation. Why should a Minnesota based firm care whether Maine motor vehicles have two license plates? 3-M's interest is based primarily on the fact that it sells the reflective material used in the manufacture of license plates." Isn't that marvelous, an out-of-state company coming in here and making its recommendation. So, things got a little switched around and this is where we are at today.

I would like to continue. There are approximately 25 states that operate on a single-plate system, Massachusetts included. I was down in Massachusetts recently and I took note of some of their automobiles. Occasionally, they would put a front plate on the car, "visit beautiful Cape Cod" and various other vanity plates, but Massachusetts is essentially a single-plate system. I repeat—25 states have single plates.

The area of law enforcement, I thought a bit about how this might play a role, but did you ever stop and think that there might be other items that identify that vehicle that the police might be looking for and not simply the front plate?

I think when you run across an issue or an item in which it is simply not worth the expenditure, then you recommend to discontinue its use. Ladies and gentlemen of this House, \$100,000 could probably be put to something much better than having a front plate on your car.

One other thing before I close. It was once mentioned in committee by one of my colleagues that some of us legislators might not want to give up our front plate on our own automobiles. I assure you, when you talk about the price of \$100,000 on the price of a vanity, I would gladly trade in the front plate.

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

Mrs. BERUBE: Mr. Speaker and Members

of the House: I would like to refute a couple of comments that have been made by the previous gentleman. He says that it was the consensus of the committee that this single license plate concept would not be accepted. You know, you don't lie with figures, whatever the story is about figures—figures don't lie but you can lie with figures.

The initial vote that we had on this recommendation, by the way, was in favor of the single license plate, and this was on a Thursday. On a Thursday night, the bill was miraculously held in our committee and over the weekend there was a new vote taken and the vote had been reversed; it was 7 to 5, and on Monday the vote had been reversed.

Initially, when the report came out, it was a unanimous report when this came out in January as L.D. 64. My colleague on the committee has mentioned the 3-M Corporation. Perhaps the loss of a \$70,000 a year contract with the State of Maine is not a great deal of money to a corporation like 3-M, but I suspect that if there are presently 24 states who have single license plates, and Maine becomes the 25th, we then have the domino effect, and then it becomes a great deal more than a \$70,000 loss.

The main reason we originally incorporated this recommendation was, first of all, it is a cost effective proposal, it is \$104,000 for the first year, \$140,000 for the second, and when the day comes, and that is very soon, that the State of Maine must replace the license plates, it will be at a savings of one half a million dollars for the single license plate. So, if you replace the two plates, it would be one million dollars.

Over and above that, we are all very environmental conscious, energy conscious, this would save, of course, our scarce resources, aluminum, reflectorized materials which, unfortunately or fortunately, 3-M furnishes to the State of Maine.

We have heard a comment about the crime rate increase. Well, there are no valid statistics which exist. What you have heard through the corridors is a report from the National Transportation Highway Safety Committee in Washington, which has given out opinion questionnaires, which is entirely different from actual statistics.

I have even heard the complaint or the comment in the corridors and the halls of the third floor that the insurance company rates would go up. Well, I took it upon myself to check with the Maine Bonding in Portland, I checked with the Bureau of Insurance, I checked with various sources, and not one said that insurance rates would increase, so that is totally false.

Not one of the states which has the single license plate has ever rescinded its action and reversed its position, so I don't think that some of the arguments are very convincing.

We presently have in the State of Maine 11,000 vehicles which drive around the state with a single license plate, those are dealer plates, 11,000 of those. Half of the tourist plates which come into the State of Maine are single license plates. In 1976, if you will recall, during the Bicentennial we all drove around with single license plates and there were no adverse reports from the police departments back in those days.

I do ask that you accept this amendment. It is a huge cost savings and I think the taxpayers will be delighted by your action.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question to Mr. McKean. I have been wondering for a long, long time how dealers get away with one plate in the back and their own plate on the front. Isn't that against the law?

The SPEAKER: The gentleman from Brunswick, Mrs. Martin, has posed a question through the Chair to the gentleman from Limestone, Mr. McKean, who may answer if he so desires, and the Chair recognizes that gen-

tleman.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: No, it is not against the law to have a dealer's plate, because that automobile is for sale, and being for sale, that particular plate won't stay on that car for any substantial period of time.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think it is not fair that somebody can drive with just one plate and get away with it and the rest of us have to pay for the two plates. If the dealers are so darn important, I think they should have to have two plates, too. I go up and down this road here, and that is all I see, one plate on the back and the dealer's company plate on the front. I don't know how they get away with it, we can't get away with it, so how can they get away with it? This is what I don't understand; it is not fair.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Audit and Program Review Committee, I rise today and would like to speak on this bill, first, to agree with the gentleman from Limestone, Mr. McKean, that this amendment should be defeated, but I would disagree with one of the things that he has said, that this particular measure was an attempt to circumvent normal procedures. I would just briefly like to explain how the Audit Committee works so you can understand.

In the last session, the committee was given the responsibility of doing a sunset review of the Transportation Committee. They broke into subcommittees and this was one of the recommendations, to have a single plate, that came out of that subcommittee.

At the beginning of this session, the committee held hearings on these recommendations. During the hearings on this particular measure, I was impressed by the testimony of a police chief from one of the small towns who was opposed to going to single license plates, so when the committee came to vote on it, I voted against the recommendation for a single license plate.

There were other proposals that were made to deal with this question that would raise as much money as going to a single license plate would, and we tried to deal with that in the committee but we were not able to come up with a consensus. So, finally it came down to a single vote on a single license plate or to leave things the way they are, and the committee eventually, by a majority, voted to leave things the way they are, although we had agreed that members could propose amendments to the entire bill, which deals with many, many issues, and this is what our chairman has just done.

I personally take the position that I buy the argument the police have that this is a very vital tool to them and we should stay with the two license plate system. I am sure the others on the other side are making eloquent arguments for their point of view, but I do want to emphasize that there was no attempt to circumvent any normal procedures. This is the way the Audit Committee works, everybody worked in good faith.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, some of the comments made by Representative Baker and Representative Berube I am afraid left an impression with members of this House that certain members of the Audit and Program Review Committee responded and reacted to a letter from the 3-M Company. I don't know about the others. I don't believe they did, but I know I didn't. I don't even recall receiving a letter from 3-M Company. I do recall receiving

several letters from the various police agencies throughout the state, and these are the boys that have to work with the one or two plate deal. So I urge you to defeat the present amendment.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: In response to one of Mrs. Berube's statements where she said it would save the consumer the money, I don't think it is going to make the price of the registration go down; I think it will save the state some money.

I move the indefinite postponement of this amendment and would request a division.

The SPEAKER: The gentleman from Caribou, Mr. Peterson, has moved that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Berube of Lewiston requested a roll call vote.

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

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

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

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

Mr. TARBELL: Mr. Speaker, I request leave of the House to pair my vote with the gentleman from Cape Elizabeth, Representative Masterton. If she were here, she would be voting no and I would be voting yes.

ROLL CALL

YEA—Aloupis, Armstrong, Beaulieu, Bell, Benoit, Boisvert, Borda, Brodeur, Brown, K.L.; Cahill, Carrier, Clark, Conners, Cox, Crowley, Curtis, Davies, Diamond, J.N.; Drinkwater, Dudley, Erwin, Foster, Gavett, Gillis, Gwadosky, Hall, Hanson, Hickey, Higgins, L.M.; Hunter, Hutchings, Ingraham, Jacques, Jalbert, Jordan, Joyce, Kany, Kiesman, Kilcoyne, Lisnik, Livesay, MacBride, MacEarchern, Macomber, Manning, Masterman, Matthews, McColister, McKean, McPherson, McSweeney, Michaud, Moholland, Murphy, Nelson, A.; Norton, Paradis, E.; Perry, Peterson, Post, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Strout, Theriault, Treadwell, Tuttle, Twitchell, Vose, Webster, Wentworth.

NAY—Austin, Baker, Berube, Boyce, Brannigan, Brenerman, Brown, A.; Brown, D.; Callahan, Carroll, Carter, Chonko, Connolly, Damren, Davis, Day, Diamond, G.W.; Dillenback, Fitzgerald, Gowen, Hayden, Higgins, H.C.; Hobbins, Holloway, Kane, Kelleher, Ketover, Lancaster, Lewis, Lund, Mahany, Martin, A.; McGowan, McHenry, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; Paradis, P.; Paul, Pearson, Perkins, Pouliot, Prescott, Racine, Randall, Smith, C.B.; Swazey, Telow, Thompson, Walker, Weymouth.

ABSENT—Conary, Cunningham, Dexter, Fowlie, Huber, Jackson, LaPlante, Laverriere, Locke, Martin, H.C.; Michael, O'Rourke, Soule, Studley, The Speaker.

PAIRED—Masterton-Tarbell.

Yes, 81; No, 52; Absent, 15; Paired, 2; Vacant, 1.

The SPEAKER: Eighty-one having voted in the affirmative and fifty-two in the negative, with fifteen being absent and two paired, the motion does prevail.

Mr. Conners of Franklin offered House

Amendment "C" and moved its adoption.

House Amendment "C" (H-324) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: The issue I wish to address today is the recommendation in L.D. 1576 which suggests a motor vehicle inspection program from the Maine State Police to the Secretary of State's Office. I would like to offer an explanation as to why the proposed change would not, in my opinion, be in the best interest of the people of Maine. The following information which I am about to share with you is based on evidence provided by the Department of Public Safety.

Twenty years ago, the legislature transferred motor vehicle inspection to the state police, where, in my opinion, it should remain. At that time, the legislature authorized two clerical positions and five uniformed officers to be paid by a portion of the money collected from the sale of the inspection stickers. The state police added six officers for better statewide coverage, for a total of eleven. Today, even though the number of registered vehicles has increased by 45 percent, the state police are operating with two less inspection officers and the same number of clerical.

It has been stated that a more cost-effective approach is the reason for transferring the inspection program back to the Department of Motor Vehicles, which will utilize civilian personnel rather than police to perform these tasks. But in terms of efficiency, the present record is one that even private industry would be proud of.

The recommendation also mentions a one-time start up cost in the Department of Motor Vehicles of \$50,900 to purchase vehicles. However, there are several additional start up costs that were not taken into consideration, such as two-way communication systems for each vehicle, 5,000 mechanic licenses, 3,000 newly printed inspection manuals, as well as 1,800 station licenses and outside signs for each inspection station. If the primary reason for the transfer is cost savings, then we should make certain, prior to going to the expense of transfer, that the move is, in fact, cost effective, which by all evidence it hardly seems to be.

The recommendation under consideration would result in a loss of funding for the nine state police troopers whose duties consist of licensing, administration and enforcement of the motor vehicle inspection program. These fully trained officers are on call 24 hours a day, and while performing duties relating to motor vehicle inspection, they also investigate accidents, rendering aid and assistance to the injured when necessary. Each officer is trained and certified in first aid, CPR and cardiac care. The inspection officers are directly responsible for the investigation of theft of improper uses of inspection stickers which, on many occasions, lead to other criminal activities.

Last year, the inspection officers issued 168 non-inspection arrests and convictions, resulting in over \$6,500 in fines. They also issued over 2,700 defective equipment warnings to motor vehicles. These services cannot be provided by non law enforcement personnel.

The nine state inspectors also had special training and are knowledgeable concerning the mechanics, laws, rules and regulations concerning school bus inspection. Whoever becomes responsible for motor vehicle inspection should also assume responsibility for school bus inspection, which is currently an important and time-consuming function of the inspection division.

The Department of Public Safety receives numerous requests each year for speakers on safety programs in schools, civil and private organizations, military and other public agencies. Last year, the men assigned to the inspection program performed over 770 hours of

public speaking engagements related to bicycle safety, defensive driving, home security, motor vehicle law and inspection, alcohol and drug related defenses and their prevention. The inspection officers are assigned these duties because they have the training and the experience necessary to perform this public service.

Furthermore, if the inspection program is indeed transferred to the Department of Motor Vehicles, there exists a possibility that legislation would eventually be proposed to authorize the civilian personnel sudden enforcement powers which are normally authorized to only sworn, full-time police officers. Otherwise, there will be times when civilian inspectors will need to call on the assistance of the law enforcement personnel.

Let me cite an example for you. In the course of responding to inspection complaints, there may be occasions when it will be necessary to stop a vehicle on the roadway as the only means of conducting an investigation. The civilian inspector will undoubtedly become frustrated in his desire to enforce the violation, because he will not have the authority necessary to carry out his responsibilities.

Also, there will be times when an investigator finds stolen inspection stickers on a motor vehicle or in the possession of an individual. He will need to know all the laws and rules regarding search and seizure, which, in some cases, requires an arrest prior to seizure. In these instances, and in the event of other misdemeanors, the civilian investigator will need to call on the assistance of law enforcement officers to issue a summons or make an arrest. However, doing so would hardly be practical, let alone cost efficient, since under the present system one man can handle the entire operation. Some of you may not be aware that a similar situation has recently occurred in Massachusetts where registered personnel now have the authority not only to stop vehicles and issue processes, but to make arrests and carry weapons as well. Their authority is, in some areas, as strong as that of any law enforcement agency in the entire state. It is hard to believe that that was the original intent of the Massachusetts legislature.

I find it hard to believe that the Maine Legislature and the people we represent would want to create the possibility of another state law enforcement agency. I firmly believe that the Maine state vehicle inspection program should remain with the jurisdiction of the Maine State Police and not be transferred to the Secretary of State's Office, as recommended in L. D. 1576.

I urge you to vote with me on this matter for the reason I have outlined here today, and your support will be appreciated.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: I would like to speak against acceptance of this amendment, and I would also like a roll call.

I would like to counter some of the remarks that have been made by the previous speaker. He says that the number of motor vehicle inspections has gone up by 45 percent and yet they are operating with fewer enforcement people. Well, the Department of Public Safety, the state police, do not inspect the vehicles, they inspect the station not the vehicles, and the number of stations has definitely not gone up by 45 percent.

We have heard that there would be start up costs. Well, there shouldn't be start up costs. For example, two-way radios are not mandatory. It is not necessary for someone going into a filling station to inspect the garage to have a two-way radio. Granted, it is important that a law enforcement officer have a two-way radio, but not to go in and inspect a station.

The inspection manual would remain the same, and they could only be replaced as they expired. There is no need to change that.

We have heard said that the outside signs would have to be removed and printed. The outside signs are merely an indication, a status symbol, if you will, that a station is authorized to inspect a motor vehicle. Again I stress that this is not inspection of the motor vehicle but of the premises, to see how many of the stickers they have on hand, to see how many they need, to see if there are any problems with violations, this sort of thing. They run a check-off list in the garage.

I would also point out that presently the Secretary of State, the Motor Vehicle Division, inspects car dealers, many of whom are also inspection stations. So while they are on the premises, they can very well handle the inspection of the mechanical division. It is a cost saver.

We have heard that the state troopers are on duty 24 hours a day. Fine, so will the other people be on call. They say that they could not investigate accidents. Of course they could, because their services would be utilized in what they were trained for; namely, to be law enforcement officers. This is the purpose of this recommendation for a saving of \$124,513 the first year. We would be returning nine law enforcement officers to what they were trained for. Presently, those people only inspect stations, and if they catch a speeder on the way, they can still catch the speeder, because they will be doing what they were trained for.

We say that nine law enforcement officers should no longer continue to inspect stations, and it is fiscally unsound, I think, and so did the committee think, to continue to have these highly trained individuals doing that.

Public speaking engagements — they can continue to address groups, they don't have to be highly trained for that. I think in public speaking assignments, they spend 5.1 percent of their time doing that. We have heard tell about the school bus inspection. They spend 10.5 percent of their time, and they spend 28.2 percent of their time inspecting stations. Again I stress, it is the inspection of the station itself. And they patrol — patrol hours, 1.3 percent of their time.

I would briefly touch on the school bus issue. It is my understanding that presently the Motor Vehicle Division under the Secretary of State's Office gives the exams, the driver exams, for the school bus drivers, and at the same time, they go over the buses, the school buses, and inspect the buses to make sure that they do, indeed, pass the inspection.

What do they do? They do exactly what the law enforcement officials are doing, test for the visible signs of defect, lights, to make sure that the seats are well secured, that there is no broken glass, that the exhaust system extends beyond the bumpers to make sure the fumes don't come in. Those are all things that other individuals can do. So again I stress, there is a huge cost savings in this area. The service will continue to be done, and equally as well, and at the same time we will be increasing by nine people protection of the citizens of this state by returning law enforcement officers to what they were trained for originally.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Audit and Program Review Committee, I rise to support the comments made by my House Chairwoman, Representative Berube.

Some of the comments made by the previous gentleman regarding some of the activities that would continue under the auspices of the Motor Vehicle Division are a little incorrect. For example, the contention that motor vehicle personnel will, at some point in the future, require additional enforcement capability is totally false. We discussed that at length in committee, making a conscious decision as to whether or not we wanted the Motor Vehicle Division personnel to have these additional en-

forcement capabilities and decided against it. The department clearly knows our feelings on that. We discussed it with them, and after great debate, we determined that we would not go that route.

Presently, the state police, again I would reinforce what Representative Berube said, are inspecting the inspection stations only, it has got nothing to do with inspecting automobiles on the road. As a matter of fact, most of that is done at the local level. Primarily what happens in a case like that is, a police officer will stop an automobile for a speeding violation or some other kind of check and check the sticker at the same time, or if the police officer happens to spot that the sticker is invalid for some reason, that is another cause to stop the automobile. That is mostly done at the local level anyway. Of course, it is done on the highway by the state police on routine patrol. It has nothing to do with the inspection division doing this particular task.

Therefore, ladies and gentlemen, I would encourage you to support what is a provision in the sunset bill, that was a unanimous committee recommendation, that would, in a nut shell, save the State of Maine \$126,000, roughly, while at the same time freeing up state police personnel, which the commissioner has testified in other committees that he needs additional personnel. I think there is a request in the Part II Budget for certain positions. These positions could be utilized for those needs, and at the same time, the Motor Vehicle Division is more than capable of handling the job, it is not that difficult. They are more than qualified to handle the task.

Therefore, Mr. Speaker, I would move for indefinite postponement of House Amendment "C".

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I come from a rural area, and this weekend I checked with many of our inspection stations. There isn't one that wants to change and go under the Secretary of State.

We also get a plus by having these police officers in our area. We do not have many law enforcement officers. In fact, our sheriff department does not have, in three of my towns, even a deputy. Therefore, may I suggest, as they said to me, let's not transfer a professional system to a political system.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Representative Perkins' statement about none of the inspection stations wanting to have their system changed, I believe he is correct in saying what he said, because when word got out that the Audit and Program Review Committee was planning this change, or asking for it at least, the troopers made their rounds, they were indoctrinated very fast. We had a lot of pressure from the stations.

A state trooper is not needed to inspect these inspection stations. They are well trained people, they earn enforcement pay and they should be doing that work. They can retire in 20 years and they should use their talents in enforcement.

I hope you will vote to kill this amendment.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I also urge you to indefinitely postpone this amendment. As I said on the previous amendment, I had come down on the side of the law enforcement establishment. We also had a proposal before us by one of our subcommittees to take the state police out of the inspection of games of chance. Our committee defeated that, but I think this is one area where we can go along with the recommendation.

As has been said to you, there are nine state troopers involved in this program. Those are state troopers who have gone through the expensive training procedures that all state police go through. They receive the salaries of state police. In the testimony in the gentleman from Franklin, Mr. Connors' prepared speech, he said that they had come up with 168 violations and brought in \$6500 in fines — nine positions. Our committee feels that we can go to a much cheaper way of doing this, of bringing this \$13,000 into this state for a biennium. We could save close to \$250,000 by going to the Secretary of State, and I urge you very strongly to go along with the unanimous committee recommendation in this regard.

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

Mr. MacEachern: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to speak on this bill, but I have heard some things said on the floor that I know are true.

As most of you know, I am a graduate of the state police, and I have been involved with these people who do the inspections. First of all, I heard a figure given a little while ago, I don't know how many it was, but there were quite a few hundred defective equipment cards issued by these people. Now, they don't issue those to inspection stations, they issue them to vehicles. Lots of times in the course of their investigation of an inspection station, they might stop cars on the road to check them to see if they were properly inspected by that station, and they do it as a police officer, they don't do it as a member of the Secretary of State's office.

I think it would be an injustice to take these duties away from the state police. You are just creating another bureaucracy within state government, and I do feel that if it was done, eventually we would have another agency similar to the registry in Massachusetts, they are actually another state police department. So, I would urge you to kill this amendment.

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

Mr. Brannigan: Mr. Speaker, Men and Women of the House: I have been interested in this issue by my own constituents and by the people I have worked with on other bills from the Pine State Retail Gas Dealers Association, and the disturbing thing is what has just been said here, anyone I have talked to on the committee, I said, what about the dealers, the dealers are talking to us and they say don't listen to the dealers, they have been organized by the state police. Everywhere I have turned it just seems that the dealers have not been listened to, the people that have to use this service, the people that have to be hacked up, the people that are involved in this have been just disregarded because it has been believed that the state police have organized them in their favor.

People that I have talked to and trusted, leaders of this association, say this is not true, and I have been talking with them for about a year on this issue.

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

Mr. Nadeau: Mr. Speaker and Members of the House: In response to my good friend from Portland, Mr. Brannigan, yes, the inspectors of service stations around the state did organize, did appear before the committee and have corresponded with us for a long time. I do respect what they are trying to do. They are very concerned about proper inspection. They take their trade and profession very seriously, and many of the people we talked to, as I said, we were very impressed with them because they do have a real concern for what they do, but the committee took that into consideration, and for whatever reason, many of the inspection stations were convinced that with Motor Vehicle some drastic change would come about and that the same job wouldn't be done. That just simply isn't so.

The state police do it presently for more money than the Motor Vehicle Division can do it, and that is the bottom line, that is the issue. State police officers are specially trained at great expense to the State of Maine. Motor Vehicle Division personnel simply do not require that kind of training to do this specific task. So for whatever reason, I think the inspection stations were simply steered wrong in some cases. I think that initially they may not understand, but once the Motor Vehicle Division is inspecting the stations, once they have gotten into the scheme of things, I am sure they will get along famously and a year from now everyone will be happy as punch.

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

Mrs. Berube: Mr. Speaker and Members of the House: One point. We were told by the gentleman in the other corner that they issue summons to vehicles which are doing something illegal or whatever. They can still do that. Although nine positions will be removed from the inspection stations, there will be nine additional troopers, because the Appropriations Committee, in Part I, in their wisdom, has given them 12 new positions and they can continue to issue summons to the vehicles that are doing something that is not right.

Mr. Speaker, I would request a roll call.

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

Mr. Reeves: Mr. Speaker, Ladies and Gentlemen of the House: I rise this afternoon very reluctantly. I do not wish to prolong this debate, the hour is late, the workload is heavy on our desks, but there are a few things that I feel I must point out and hope to correct some of the things that have been mentioned by previous speakers.

A short time ago, Representative Berube mentioned that the inspection manuals would not have to change, they would continue with the same manual, the same rules and regulations. I submit to you that that is not the case. The manual would have to be changed because the manual was put together, authorized, and it is a document of the Chief of the Maine State Police. If this inspection is transferred, the orders and directions of the Chief of the State Police would no longer be in effect. The manual will have to be changed. It would have to be the direction of the Secretary of State.

She further stated that the inspection signs only authorized an inspection station. This also is incorrect. The inspection sign on all of these garages that inspect says, "inspection station authorized by the Chief of the Maine State Police." That would have to be changed. It was mentioned that dealer applications are processed by the Secretary of State's Office; that is correct. She says that they can check the inspection stations at the same time. I submit that the number of dealer stations in this state compared to the number of inspection stations is a smaller portion of the pie. Many of these inspection stations do not sell used cars or new cars, either one.

She said they only inspect these stations. I submit to you that they inspect and check out the stations, they issue the station license. It, too, is signed by the Chief of the State Police. I didn't hear anybody mention the fact that the State Police also authorize and license the inspection mechanics. Their certificate is also signed by the Chief of the Maine State Police. All of these licenses are issued under the chief's name. They would all have to be changed.

Someone mentioned the fact that if this was transferred from the State Police to the Secretary of State's Office, these nine troopers would be out there doing the job that they were hired to do, protecting the public. Ladies and gentlemen, I submit to you that these nine troopers are doing that today. Inspection is part of their responsibility, and I hope you were listening when my friend Representative Con-

ners was talking about his amendment and the reason for it. He pointed out that they do several other functions besides inspecting motor vehicle inspection stations.

I am glad that Mrs. Berube brought it up, she says that these nine troopers will be freed up to do the work on the road and that there would be nine more troopers on the road. I submit that this is in total error. This isn't freeing up nine troopers to be available on the road. I submit that these nine troopers are now available on the road. She further mentioned that the Appropriation Committee has authorized 12 new troopers for the state police. Ladies and gentlemen, I submit to you if this bureau is transferred from the Department of Public Safety to the Secretary of State's Office, those 12 new troopers probably will not be hired. If any are hired, it will be much, much smaller than the 12, because we are going to lose the funding for a good portion of these nine, so it is not going to leave money to hire 12 more troopers.

I submit that you should not vote to indefinitely postpone House Amendment "C". I wholeheartedly ask you to support this amendment.

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

Ms. Benoit: Mr. Speaker, Men and Women of the House: I don't really want to speak to the amendment per se, but for some of those of you who are new here and perhaps not as familiar with the sunset process, I would like to explain it a little.

I was a member of the committee last year and the past two years. It is a very long, a very arduous process. There is, first of all, a review of the department, there is the hearing, the first bill is printed, then there is another hearing on this bill and then the final bill, which is before us, is printed. This involves many, many hours of hard, deliberate work. This was a unanimous committee report.

In my mind, I have thought that this process ought to be compared to the appropriation process, that if the bill comes out unanimous, that is the way it ought to stay, that we should not amend things out of the sunset bill. If we do, we are going to make a sham out of the process and the sunset process will be worth nothing, and all the time and effort that the committee members put into the process will be for naught.

I would ask you to vote for the indefinite postponement of this amendment.

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

Mr. Carroll: Mr. Speaker, Ladies and Gentlemen of the House: I am Representative George Carroll, I am from Limerick, Maine. Coming from that little town out there, we are what we call the rural folk, but I will tell you, folks, there is one thing that they develop out there and that is the ability to stand up and be counted against odds.

I was invited last winter or early this spring to go to a meeting in Biddeford, to the Southern Maine Automobile Inspection Association. I called the motor vehicle and I said I would like to have two of their people go with me. We went down to listen to these people and when I walked in I said, I forgot to tell you, you didn't invite anyone from motor vehicle, I knew you would be well represented with the state police, so I thought where this was going to be a discussion that we ought to have somebody here to present both sides of the silver coin. You know, we have a head and a tail on the silver dollar and I want to hear us talk about both sides of it.

So, we proceeded, introduced the gentleman and myself and sat down at the head table and they said they would like to throw out some questions. I said, go ahead, fire at will, I will answer them one way or another, and we proceeded. One man in the audience said that they were going to destroy the automobile inspection system, that we are going to take and put

on people that didn't know what they were doing, that cars would be going down the road with inspection stickers on them and children would be falling through the floorboards of these cars. They were going to do this and they were going to do that and I said, the first thing I have to ask you gentlemen, before we go any further here, I want to know who "they" are. Who are "they"? That committee in Augusta. What committee? Peter Danton perked up and said, the Audit and Review Committee, that is who they are talking about. Oh, I said, we are talking about the Audit Committee. Now we won't say "they" anymore, we will say Audit Committee. I want to know who I am talking about.

Well, they fired away and I answered them right straight from the shoulder. I didn't hide, I have nothing to hide. I laid it right on the line with what was going on in my area and they had been told in a round about way that I had a vendetta against the Maine State Police having the auto inspection business because it closed a lot of inspection stations in my town. To get an inspection on my truck I had to drive 18 miles. In an urban town that I represent, there were too many school bus inspection stations so they closed that and the excuse they gave him was, there were too many in this town, you don't need so many, that is what you call free enterprise, close up some of them because you have too many doing that job.

But as we went along, we lost some and we won some in that discussion. We called them as we saw them, no hard feelings. They gave it to me and I gave it back. But before the evening was over, I think we all understood each other and we all respected each other just a little bit more.

I praise the state police for their work, I think they are a highly trained, highly skilled organization and I think it is a shame to waste their talents going around inspecting garages when I have seen what they have done when there has been shootouts. I saw in Limerick many years ago where there was a cowboy and Indian show, and it just happened recently in my community again, where they performed in a highly skilled and efficient manner. The man surrendered and they did their job. They continue to do their job and they deserve praise. Manytimes their lives are on the line and I say to you, I don't have a vendetta against them. But I want them to be out there doing their job that they are trained for and they are highly skilled at. I don't think we need them going around inspecting gas stations, giving the mechanics a written test on automobile inspections and those things.

I think we need them out there on the highways investigating crimes, especially throughout rural Maine. I have no objections to funding them for these duties, but I do object to funding them for a 20 year retirement on the auto inspection business, and the majority of their time, those that are assigned to it, is spent performing that task.

I want you all to know right now that these automobile inspection stations were organized. I asked them who organized them. I said, I answered your question here for about two hours, I gave it to you straight from the shoulder and I answered them as truthfully as I could because there were two state troopers sitting out in that audience in civilian clothes watching us. I said, I would just like to know who organized all these gas stations into an association. The president of it said, I want you to know that I organized it. I said, come on now, let's have the truth. I know that you are a nice fellow and I just want to lay it on the line. He said, "I organized them" and I said, "thank you very much."

I said I have a station operator who has been getting letters asking him to join your association and those letters were of a nature that I didn't like. He just as much told me that if he didn't belong to the association in the future, he probably wouldn't have an inspection license

on his garage. He was worried because he had been in the business for years and I said, every letter you get, you forward it to me. I would like to be kept posted on just what is going through the mail. They would send in for auto stickers and out would go a copy of a letter with the auto stickers about this southern Maine association.

When I went home the next day, I happened to have a client on insurance who came up to see me. He said, I got a call this morning. I said, I suppose they asked me if you knew me and he said, yes. He said they told me that they had a lot more respect for you after last night than what they had before and things that they had heard about you. Well, I said, that is probably one for the road then, isn't it? They also told me that the state police were treating them a lot better since that meeting, that they weren't flexing their muscles with them anymore, that they were coming and treating them with a little more dignity and respect. I said, maybe we all learned something at that meeting last night and maybe the state police learned something and maybe I did.

I want you to know right now that the state police are needed out fighting crime, which they keep telling they need more people for, not being in garages in full uniform, with 20 years retirement, I call it combat pay, for inspection and licensing automobile mechanics. I will tell you, I don't have an axe to grind nor am I conducting a vendetta against the Maine State Police.

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 Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I debated for the amendment a little while ago and then I asked you to kill the amendment and I would like to clear that up. I don't want you to kill it. I want you to pass it.

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

ROLL CALL

YEA—Aloupis, Austin, Baker, Benoit, Berube, Brodeur, Brown, A.; Carroll, Chonko, Connolly, Cox, Crowley, Curtis, Davies, Davis, Dexter, Diamond, G.W.; Dillenback, Fitzgerald, Gillis, Gowen, Hall, Hickey, Joyce, Kane, Lund, Macomber, Manning, Martin, A.; McCollister, McGowan, McHenry, McKean, Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Peterson, Post, Pouliot, Reeves, P.; Rolde, Swazey, Theriault, Thompson, Vose, Weymouth.

NAY—Armstrong, Beaulieu, Bell, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Clark, Conners, Damren, Day, Diamond, J.N.; Drinkwater, Dudley, Erwin, Foster, Gavett, Gwadosky, Hanson, Hayden, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Hunter, Hutchings, Ingraham, Jalbert, Jordan, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Lewis, Lisnik, Livesay, MacBride, MacEachern, Mahany, Masterman, Matthews, McPherson, McSweeney, Michaud, Mitchell, E.H.; Murphy, Nelson, A.; Paradis, E.; Pearson, Perkins, Perry, Prescott, Racine, Randall, Reeves, J.; Richard, Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Stevenson, Stover, Strout, Tarbell, Telow, Treadwell, Tuttle, Twitchell, Walker, Webster, Wentworth. The Speaker.

ABSENT—Carter, Conary, Cunningham,

Fowlie, Huber, Jackson, Jacques, LaPlante, Laverriere, Locke, Martin, H.C.; Masterton, Michael, O'Rourke, Soule, Studley.

Yes, 50; No, 84; Absent, 16; Vancant, 1.

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

Thereupon, House Amendment "C" was adopted.

Mr. Hickey of Augusta offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-329) was read by the Clerk.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I regret imposing upon your time but I feel my amendment is of the utmost importance to our city. The future operation of the Augusta Airport is in jeopardy if the recommended funding is eliminated. Unfortunately, the state, up to this point, has required full funding to provide the necessary service. In the event they are called upon to continue running the airport on the money provided, they would only be able to provide a marginal schedule. With our airport handling the third largest passenger load, it would have a drastic effect, especially on our tourist business. Air travel is also constantly used by the state and the business people conducting business for and with the state and it is vital to our transportation system.

The Augusta airport was started by the state in the early 30's. For a number of years, it was a marginal operation. Prior to World War II, a considerable amount of federal money was provided for its development. For many years, the Airport Advisory Council, composed of local trained aeronautic people, have given fully of their time and talent to promote our airport. Our present ongoing expansion is a helpful product of their efforts. In the present construction, the city has also provided over a million yards of gravel to assist in the runway expansion program.

The Performance Audit Committee, in its hearing, asked the city of Augusta to take over the Augusta State Airport. A committee from the city council is presently studying the feasibility of this plan. The Augusta City Council is to report back to the Performance Audit Committee by January 1. There are many reasons to believe that the city council will be unable to assume these costs.

Living in the capitol city has many advantages, also many disadvantages. As a city, we are supportive of the state and provide them with all the municipal services with no remuneration.

We have also found that many of the state's demands have a long time drastic effect upon our property tax base. I speak of the development of the capitol complex. It started with the building of the main office and the years following, the other buildings constructed were the Archives Building, the Manpower Affairs Building, the Transportation Building, the State Parking Garage and the acquisition of the Human Services Building. In the process of building, a parking area was constructed for each of these buildings.

I will concede that the state is to be commended for the orderly construction of the area around the capitol. Unfortunately, the 240 families who had their homes taken by eminent domain made the most substantial contribution to the construction of our capitol complex. The loss of these many pieces of taxable property created an erosion in our tax base and an increase in our property taxes for many years. It is easy to appreciate how seriously our property tax is affected when you observe how badly all our referendums, pertaining to vital needs are defeated.

In the past week, I have talked to many former Senators and Representatives whose

careers of service to the Maine Legislature covered a span of 30 years. They have all related that the Augusta Airport was always recognized as a gratuity to the city of Augusta for the many services rendered.

I ask your support of my amendment to help provide continued air service.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I really don't have too many doubts about what is going to happen to this particular amendment. The Augusta City Council has asked for another year to study the feasibility of this, and I can tell you that their conclusion is going to be that it is not feasible. It is not feasible in Old Town, it is not feasible in Presque Isle and it is not feasible in Machias, it is not feasible in Caribou and it is not feasible everywhere to run their own airport, but everybody else does.

The Representative from Augusta, Mr. Hickey, indicated that this was built by the state in the early thirties, the airport in Old Town was built by the government as a WPA project in the early 30's, but we now maintain it.

I realize that there are many buildings in Augusta that are not taxable and the city of Augusta provides a lot of services for the state, fire protection, police protection and so forth, but I don't think that anybody could argue that having the seat of government here in Augusta is not an asset to Augusta, that any town in Maine would find it to be something desirable in their town. I would love to have the capitol of Maine in Old Town. I suppose it would be nice if it were in Dover-Foxcroft, if you came from Dover-Foxcroft, I think that Mr. Hickey is going to be successful, but I hope that Augusta will seriously think about this in the future because every other town pays for their own airport.

Thereupon, House Amendment "D" was adopted.

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

Mrs. BERUBE: Mr. Speaker, I ask that this be reconsidered.

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, moves that the House reconsider whereby House Amendment "D" was adopted.

The gentlewoman may proceed.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give the reasons why we made this recommendation. I would say, first of all, that this is a unanimous committee report including the gentleman from Augusta. We took, by the way, a vote on each recommendation, and on February 25, there were 11 people present in our committee and 11 people voted on this recommendation. The reason we voted on this recommendation unanimously, including the gentleman from Augusta, was because we had just accepted his amendment, the amendment which had been given to him at the request of the government of Augusta. The amendment said, and we accepted it verbatim, and that is what is incorporated in this document: "The purpose of this proposed amendment is to defer any legislative action in the first year of the biennium by this legislation. By doing this, the City Council of the City of Augusta will have a reasonable time period, until the next session of the legislature, for the Augusta City Council to complete studies which will enable the Council to take a comprehensive position on the position as indicated under Resolve 607, which was unanimously voted by the City Council on November 17, 1980."

I take it back, it was on the 12th of February that we had the vote in our committee.

Now, at the request of the Representative from Augusta, Mr. Hickey, and as a result of the pleas from other members of the delegation from Augusta, including my seatmate, and

Representative Mitchell and Mr. Paradis, we adopted their recommendation. We gave them a one-year delay to get their act together and come before the legislature in January, which is exactly what we did with the people from Vinalhaven and Rockhaven relative to the ferry fee and schedule. We delayed for one year also, which is a courtesy that we extended.

The appropriation of \$79,000 is for fiscal year 1983, so that when the City of Augusta, if, indeed, they show good faith and have started to negotiate with the Department of Transportation, as they said they would, if, indeed, they come before the committee in January, by then there would be no reason not to deappropriate at the time.

The intent of the report is to compel the airport in Augusta to exist solely on its revenues. The first year savings we deleted, we gave in to the people from Augusta, would have resulted in a savings of \$66,900 from the first year of the General Fund. The costs now run at \$137,000 a year; that is the way they have been running for the past two years, and the revenues come out at \$85,000 per year, so the difference is paid in by the General Fund.

It was the feeling of our committee that if other communities can support their airports with their own property taxes, plus putting money in the General Fund to support the Augusta Airport, perhaps it was time that we looked at the situation and realized full well that this could create a problem, at their request and their insistence, we delayed for one year.

I would ask that this amendment be indefinitely postponed.

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

Ms. LUND: Mr. Speaker and Members of the House: The reason I didn't get up before was that I hoped to give Mrs. Berube a chance to rest and us a chance to get to dinner sooner.

I rise to support House Amendment "D": Mrs. Berube is absolutely right. The Audit and Program Review Committee listened to the plea from the City of Augusta and did just exactly what we asked them to do. However, the City of Augusta now admits that it was wrong. We were shortsighted. We knew before we started that it was going to take more than from now until January to look into the tangled financial aspect of the airport, the fact that the National Guard is up there, the fact that we have federal money in the airport, and the requirements that go along with that, as well as state money. It is going to be a lawyer's game for the next year at least, I simply do not think that the City of Augusta will be ready by January 1 to know what we can do.

Our concern is that if the money is removed from the budget at the present time, the state has actually assumed the outcome of the study when we have only just begun the study. We do not want to come to the legislature next year with our hats in our hands begging for funds. We think it would be better fiscal planning for the state to maintain the money in the budget now, not to prejudice us, and to leave the money in the budget.

I urge you to adopt House Amendment "D". The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify one point. Mrs. Berube has made a point that I voted for it. We met with the city council and we agreed to postpone it for a year, which I did, I agreed with Mrs. Berube, and that was the one point that I voted on, not withdrawing the money as they have presently done.

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

A vote of the House was taken, and more

than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that the House reconsider its action whereby House Amendment "D" was adopted. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Baker, Benoit, Berube, Bordeaux, Brennerman, Brodeur, Brown, A.; Brown, D.; Cahill, Callahan, Chonko, Connors, Connolly, Cox, Curtis, Damren, Davies, Davis, Day, Dillenback, Foster, Gavett, Gwadosky, Holloway, Hutchings, Ingraham, Kany, Kiesman, Lancaster, Lewis, Lisnik, MacBride, Martin, A.; Masterman, McCollister, McGowan, McHenry, McKean, Mitchell, J.; Nadeau, Nelson, A.; Nelson, M.; Norton, Paradis, E.; Paul, Pearson, Peterson, Racine, Rolde, Salsbury, Sherburne, Small, Smith, C.W.; Stover, Swazey, Thompson, Twitchell, Walker, Wentworth, Weymouth.

NAY—Beaulieu, Bell, Boisvert, Boyce, Brannigan, Brown, K.L.; Carroll, Clark, Crowley, Dexter, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Gillis, Gowen, Hall, Hanson, Hayden Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Hunter, Jacques, Jalbert, Jordan, Kane, Kelleher, Ketover, Kilcoyne, Livesay, Lund, MacEachern, Macomber, Mahany, Manning, Matthews, McPherson, McSweeney, Michaud, Mitchell, E.H.; Moholland, Murphy, Paradis, P.; Perkins, Perrv, Post, Pouliot, Prescott, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Smith, C.B.; Soulas, Stevenson, Strout, Tarbell, Telow, Theriault, Treadwell, Tuttle, Vose, Webster.

ABSENT—Carrier, Carter, Conary, Cunningham, Dudley, Fowle, Huber, Jackson, Joyce, LaPlante, Laverriere, Locke, Martin, H.C.; Masterton, Michael, O'Rourke, Soule, Studley. Yes, 63; No, 68; Absent, 19 Vacant, 1.

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

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "B", House Amendment "C" and House Amendment "D" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Leave to Withdraw

Representative Hickey from the Committee on Aging, Retirement and Veterans on Bill, "An Act Concerning Payment to the State Retirement System by Elected or Appointed State Officials" (H. P. 1227) (L. D. 1446) reporting "Leave to Withdraw"

Representative Boisvert from the Committee on Public Utilities on Bill, "An Act to Prohibit the Burning of Oil by Utilities for the Generation of Electricity after January 1, 2000" (H.P. 854) (L.D. 1017) reporting "Leave to Withdraw"

Representative Boisvert from the Committee on Public Utilities on Bill, "An Act Concerning the Method of Decommissioning Nuclear Power Plants" (H.P. 728) (L.D. 861) reporting "Leave to Withdraw"

Representative Boisvert from the Committee on Public Utilities on Bill "An Act to Prohibit the Export of Hydroelectric Power" (H. P. 1236) (L. D. 1461) reporting "Leave to Withdraw"

Representative Vose from the Committee on Public Utilities on Bill "An Act to Establish and Implement an Electrical Energy Budget for the State" (H. P. 1129) (L. D. 1346) reporting "Leave to Withdraw"

Representative Vose from the Committee on Public Utilities on Bill, "An Act to Authorize the Public Utilities Commission to Require Electric and Gas Utilities to Prepare and File Long-range Demand Forecasts" (H.P. 1110 (L.D. 1315) reporting "Leave to Withdraw")

Representative Vose from the Committee on Public Utilities on Bill, "An Act to Promote Increased Efficiencies in Thermal Electric Generating Facilities" (H.P. 1018) (L.D. 1228) reporting "Leave to Withdraw"

Representative Vose from the Committee on Public Utilities on Bill, "An Act to Restructure Electrical Utility Rate Design to Encourage Conservation" (H.P. 671) (L.D. 775) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Passed to Be Engrossed

Bill, "An Act making Certain Changes in the Law on Boilers and Pressure Vessels." (H.P. 1447) (L.D. 1588)

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

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

House Amendment "A" (H-359) was read by the Clerk and adopted.

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

Bill, "An Act to Further Exempt Certain Benevolent Organizations from the Employment Security Law" (S.P. 253) (L.D. 722)

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

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

House Amendment "A" (H-352) was read by the Clerk and adopted.

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

Amended Bills

Bill, "An Act to Encourage Solar Easements" (H.P. 775) (L.D. 920) (C. "A" H-342)

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 Amend the Maine Unfair Trade Practices Laws" (H.P. 707) (L.D. 832) (C. "A" H-337)

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

Mr. Hobbins of Saco, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-360) was read by the Clerk and adopted.

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

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

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

Consent Calendar Second Day

(H.P. 1232) (L.D. 1457) Bill, "An Act to Amend the Probate Laws" (C. "A" H-341)

(H.P. 1214) (L.D. 1382) Bill, "An Act to Clarify the Statutory Provisions for the Registration of Motor Vehicles in Maine"

(H.P. 118) (L.D. 152) Bill, "An Act Providing

for Administrative Changes in the Tax Laws" (C. "A" H-344)

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

The following papers appearing on Supplement No. 10 were taken up out of order by unanimous consent:

Ought Not to Pass

Report of the Committee on Education reporting "Ought Not to Pass" on Bill, "An Act Concerning Local Voting on School Budgets" (S.P. 408) (L.D. 1211)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill, "An Act to Expand the Jobs and Investment Income Tax Credit" (S.P. 558) (L.D. 1529)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill, "An Act to Provide Tax Incentives for Alternate Energy Sources" (S.P. 490) (L.D. 1391)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill, "An Act to Decrease the Tax on Harness Racing Licenses" (S.P. 415) (L.D. 1219)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill, "An Act to Provide a State Income Tax Credit for Installation of Renewable Energy Systems" (S.P. 283) (L.D. 791)

Were placed in the Legislative Files pursuant to Joint Rule 22 in concurrence.

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

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-181) on Bill, "An Act to Amend the Maine Consumer Credit Code with Respect to Consumer Credit Sales" (S.P. 276) (L.D. 785)

Report was signed by the following members:

Senators:

CLARK of Cumberland
SEWALL of Lincoln

— of the Senate.

Representatives:

RACINE of Biddeford
JACKSON of Yarmouth
GWADOSKY of Fairfield
BRANNIGAN of Portland
FITZGERALD of Waterville
POULIOT of Lewiston
PERKINS of Brooksville
TELOW of Lewiston
GAVETT of Orono

— of the House.

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

Report was signed by the following member:

Senator:

SUTTON of Oxford

— of the Senate.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-181)

In the House: Reports were read.

On motion of Mr. Hobbins of Saco, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-181) was read by the Clerk and adopted in concurrence.

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

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill, "An Act to Permit the Sale of Dessert Wine at Retail Stores" (S.P. 199) (L.D. 563)

Report was signed by the following members:

Senators:

VIOLETTE of Aroostook
CHARETTE of Androscoggin
SHUTE of Waldo

— of the Senate.

Representatives:

COX of Brewer
TREADWELL of Veazie
STOVER of West Bath
PERRY of Mexico
GWADOSKY of Fairfield
SWAZEY of Bucksport
McSWEENEY of Old Orchard Beach
DUDLEY of Enfield

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-185) on same Bill.

Report was signed by the following members:

Representatives:

SOULAS of Bangor
STUDLEY of Berwick

— 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 Mr. McSweeney of Old Orchard Beach, the Majority "Ought Not to Pass" Report was accepted in concurrence.

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

Divided Report

Tabled and Assigned

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill, "An Act to Prohibit Hunting of Bear with Bait" (S.P. 64) (L.D. 91)

Report was signed by the following members:

Senators:

USHER of Cumberland
REDMOND of Somerset

— of the Senate.

Representatives:

DAMREN of Belgrade
MacEACHERN of Lincoln
CLARK of Millinocket
CONNERS of Franklin
JACQUES of Waterville
PAUL of Sanford
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.

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

Mr. MacEachern of Lincoln moved that the Majority "Ought Not to Pass" Report be accepted in non-concurrence.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and specially assigned for Wednesday, May 13.

Non-Concurrent Matter

Bill, "An Act to Provide a Right-of-way to Pedestrians Against Drivers Entering Private Ways" (S.P. 457) (L.D. 1305) which Failed of Passage to be Enacted in the House on May 8, 1981.

Came from the Senate Passed to be Enacted in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentlewoman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker and Members of the House: I move that we recede and concur.

This bill gives the pedestrians the right-of-way when crossing driveways and alleys. It is consistent with other laws regarding right-of-way for pedestrians and I think we should recede and concur.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I would move to adhere.

This is a bill that we gave a sounding defeat to the other day. I believe the vote was in the neighborhood of 109 to 21, the reason being that we failed to see where Title 29 could be used to put the laws up on our private driveways. I would hope that we could stay with that. This is a bad bill.

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

A vote of the House was taken.

47 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. McKean of Limestone, the House voted to adhere.

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

The following Communication: (S.P. 595)

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

May 8, 1981

Honorable Charlotte Z. Sewall

Honorable Edith S. Beaulieu

Chairmen, Joint Standing

Committee on Labor

State House

Augusta, Me 04330

Please be advised that Governor Joseph E. Brannan is nominating Harold G. Loring of Portland for reappointment as the Labor Representative on the Maine Employment Security Commission.

Pursuant to MRSA, Title 26, Section 1081, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate read and referred to the Committee on Labor.

In the House, the Communication was read and referred to the Committee on Labor in concurrence.

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

Leave to Withdraw

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill, "An Act to Provide a Resident State Trooper for the Town of Carrabassett Valley" (S.P. 406) (L.D. 1213)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill, "An Act Concerning Legislative Services" (S.P. 446) (L.D. 1284)

Came from the Senate with the Reports read and accepted.

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

Non-Concurrent Matter Tabled and Assigned

Bill, "An Act to Regulate Motorized Bicycles" (H.P. 906) (L.D. 1073) (C. "A" H-287) which was passed to be Enacted in the House on May 8, 1981.

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

In the House:

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

Miss LEWIS: Mr. Speaker, there has been a problem with this bill, so I would request that somebody table this for me for two legislative days.

Whereupon, on motion of Mr. Carroll of Limerick, tabled pending further consideration and tomorrow assigned.

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

Consent Calendar

First Day

(S.P. 495) (L.D. 1395) Bill, "An Act to Adopt Revised Standards for Access by the Handicapped to Certain Buildings" — Committee on Health and Institutional Services reporting "Ought to Pass"

(S.P. 280) (L.D. 811) Bill, "An Act to Reorganize Certain Chapters of the Maine Criminal Code" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-182)

(H.P. 1266) (L.D. 1481) Bill "An Act Concerning Insurance Proceeds under the Maine Insurance Code"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-356)

(H.P. 1385) (L.D. 1562) Bill, "An Act to Provide Optional Local Funding of the State Retirement System Membership by School Administrative Units and to Allow Out-of-State Service Credits to Those Units" — Committee on Aging, Retiring and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-353)

(H.P. 322) (L.D. 351) Bill, "An Act to Provide for Notification of Employees When a Business Plant Leaves the State" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-350)

There being no objections, the above items were ordered to appear on the Consent Calendar of May 12, under the listing of Second Day.

The following paper appearing on Supplement No. 16 was taken up out of order by unanimous consent:

Passed to Be Enacted

Emergency Measure

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

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. 113 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

Bill, "An Act to Regulate Entrance Fees Charged by Mobile Home Parks" (H.P. 779) (L.D. 294) which was tabled earlier in the day and later today assigned pending the motion of Mr. Diamond of Bangor that the House recede.

Thereupon, the House voted to recede.

Mr. Diamond of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "B" (H-361) was read by the Clerk and adopted.

Senate Amendment "A" (S-184) was read by the Clerk, and on motion of Mr. Diamond of Bangor, Senate Amendment "A" was indefinitely postponed in non-concurrence.

nitely postponed in non-concurrence.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like an explanation of the posture of the bill, what we have just done to it in adopting this amendment and indefinitely postponing the Senate Amendment.

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

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

Mr. DIAMOND: Mr. Speaker, to answer Representative Tarbell's question, the bill will now go back to the Senate with the House Amendment that we just adopted attached to it and the Senate Amendment is killed.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: You are going a little too fast for me this afternoon, but I guess this bill is in a position where we can do something with it one way or another.

I has hoped that we would be taking things a little slower on this so we could have an explanation of what the House Amendment did. But since we didn't go that slowly and we are in the position of engrossing the bill, I would just like to say, for those of you who are thinking about this a little bit, if you have looked at the bill at all, I think it is just one more move to infringe on property rights of landowners.

Take a look at it before you do anything drastic. I think it is something that ought to be looked at a little bit carefully before we vote on it.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed as amended in non-concurrence and later today assigned.

(Off Record Remarks)

On motion of Mrs. MacBride of Presque Isle, Adjourned until eight o'clock tomorrow morning.