

# 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**

**INDEX**

**FIRST SPECIAL SESSION**

**AUGUST 3, 1981**

**INDEX**

**FIRST CONFIRMATION SESSION**

**AUGUST 28, 1981**

**INDEX**

**SECOND SPECIAL SESSION**

**SEPTEMBER 25, 1981**

**INDEX**

**THIRD SPECIAL SESSION**

**DECEMBER 9, 1981**

**INDEX**

## HOUSE

Tuesday, May 12, 1981

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

Prayer by Sister Joyce Mahany of St. Joseph's College, North Windham.

The journal of yesterday was read and approved.

### Papers from the Senate Reports of Committees Leave to Withdraw Tabled and Assigned

Report of the Committee on Agriculture reporting "Leave to Withdraw" on Bill "An Act to Promote the Maine Potato Industry" (S. P. 517) (L. D. 1439)

Came from the Senate with the Bill recommended to the Committee on Agriculture.

In the House, on motion of Mr. Mahany of Easton, Tabled pending acceptance of the Committee Report and tomorrow assigned.

### Orders

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

ORDERED, that Representative Nancy N. Masterton of Cape Elizabeth be excused the week of May 11 through 15 for personal reasons.

### Special Sentiment Calendar

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

Recognizing:

Chris Bean, Geraldine Beeaker, Erwin Braley, Marie Clarke, Methyl Hodgkins, Marie Howard, Geneva Kirk, Jeannette LeClair, Harold Lucas, Bryce McEwen, Barbara Pelletier, Claudie Sirois and Ted White, who are recipient of the First Annual Lewiston-Auburn Volunteer Recognition Award; (S. P. 596)

The University of Maine School of Law faculty and staff for assisting the 110th Legislature through its class in legislative drafting; (S. P. 597)

Charles Mercer, who has been elected President of the University of Maine—Orono Student Government; (H. P. 1456) by Representative Davies of Orono. (Cosponsors: Senator Pray of Penobscot, Representatives Michaud of East Millinocket and Diamond of Bangor)

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

### House Reports of Committee Leave to Withdraw

Representative Gwadosky from the Committee on Business Legislation on Bill "An Act to Amend the Fair Credit Reporting Business Legislation on Bill "An Act to Amend the Fair Credit Reporting Act" (H. P. 1350) (L. D. 1538) reporting "Leave to Withdraw"

Representative Rolde from the Committee on Education on Bill "An Act Establishing a Procedure under the Education Statutes for Withdrawal of a Municipality from within Vocational Region 1" (H. P. 1268) (L. D. 1495) reporting "Leave to Withdraw"

Representative Kany from the Committee on State Government on Bill "An Act Relating to the Management of the Department of the Attorney General" (H. P. 1210) (L. D. 1425) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Amending the Child and Family Services and Child Protection Act" (H. P. 275) (L. D. 320) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Prohibit Drinking in Public under the Criminal Code" (H. P. 497) (L. D. 549) reporting "Leave to Withdraw"

Reports were read and accepted and sent up

for concurrence.

### Ought to Pass in New Draft

Representative Rolde from the Committee on Education on Bill "An Act Concerning Secondary Vocational Education" (H. P. 868) (L. D. 1037) reporting "Ought to Pass" in New Draft (H. P. 1454) (L. D. 1593)

Report was read and accepted, and the New Draft read once.

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

### Ought to Pass in New Draft/New Title

Representative Boisvert from the Committee on Public Utilities on Bill "An Act Clarifying the Authority of the Caribou Water District to Acquire the Caribou Waterworks Corporation" (H. P. 575) (L. D. 651) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Clarifying the Authority of the Caribou Utilities District to Acquire the Caribou Water Works Corporation" (H. P. 1451) (L. D. 1591)

Report was read and accepted and the New Draft read once.

Under suspension of the rules, the New Draft 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-355) on Bill "An Act to Clarify the Laws Pertaining to Municipal Personnel Records" (H. P. 1092) (L. D. 1289)

Report was signed by the following members:

Senators:

CONLEY of Cumberland  
KERRY of York  
DEVOE of Penobscot

— of the Senate.

Representatives:

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

— 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:

DRINKWATER of Belfast  
REEVES of Newport  
JOYCE of Portland  
O'ROURKE of Camden  
CARRIER of Westport

— 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-355) was read by the Clerk and adopted.

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

### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Concerning the Taking of Wood without Permission of the Owner" (H. P. 144) (L. D. 170)

Report was signed by the following members:

Senators:

CONLEY of Cumberland  
KERRY of York

— of the Senate.

Representatives:

REEVES of Newport  
JOYCE of Portland

LUND of Augusta  
CARRIER of Westbrook  
LIVESAY of Brunswick  
O'ROURKE of Camden  
HOBBINS of Saco

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-354) on same Bill.

Report was signed by the following members:

Senator:

DEVOE of Penobscot

— of the Senate.

Representatives:

BENOIT of South Portland  
SOULE of Westport  
DRINKWATER of Belfast

— of the House.

Reports were read.

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

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

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will not accept the "Ought Not to Pass" Report so that we may accept the "Ought to Pass" Report as amended.

The woodlot owners in my area have suffered considerable loss from people making up their household winter needs off their lands. The problem has reached a serious magnitude with losses approximating the cost of installing private security forces for one of the major landowners in my area.

I believe this is a good bill, it is designed to provide a serious deterrent to those who might contemplate taking another man's harvest for his own use and without remuneration.

The present laws provide for damages in civil courts and are adequate for large scale operations, but what this bill does is to provide the means for dealing appropriately with the weekender armed with a chainsaw and a pickup vehicle who patrols the roads for a suitable place to pike up his winter's supply.

These people are not dealing in slash and dry-kai; they are into veneer quality logs, boat wood and other expensive material, which is then reduced to firewood and carted away.

Our woodland and woodlot owners is the custodian and the producer of necessary raw materials for our prime industry. As such, I believe they are deserving of protection under the law, the same as the farmer is afforded protection for his crop, the fisherman for his catch and the merchant security for his store and his warehouse.

With the cost of winter heating of our homes on a steady rise since 1975, the loss to our landowner has increased each year, and I believe that we can expect increases to continue as the cost of heating rises.

Again I urge you to defeat the motion before us, so we may then accept the "Ought to Pass" Report and, Mr. Speaker, I would request a division.

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: This piece of legislation, legislative document 170 spells out the forfeiture of different size trees. The problem that we have along the coast, and I understand from talking with others who come from inland, is that you could almost call this a Saturday night special or a Sunday morning special or anything that you wanted to, but everybody is burning wood today, and what is taking place, they are coming out, some of these people, most of them don't come out and do this, but some of them are coming out with their pickup trucks, going down the camp roads, cutting off the trees, chopping them up, putting them in their

pickup trucks and carrying them home.

There is already a law on the books that takes care of boundary disputes, so we are not really concerned with that. We are concerned with what is going on beside the roads. They don't even go down the camp roads. In lots of instances, they stop outside the town roads in their rural areas, especially in the area I live in, and they cut the trees, chop them up and put them in their vehicles.

It is quite a job to resolve this. As the gentleman from Old Town just said, this bill will take care of that. There are two ways it will take care of it, and I will cover the way that he didn't. That would be that if I caught somebody on my camp road and they had been cutting trees and had them loaded onto their pickup truck, I could offer this person an alternative, I could say — I am going to have you taken to court for this, and if I did, of course the forfeiture would go to the state. Or I could say to him, I would be willing to settle this between us if you will stay off here and not cut anymore wood. We could measure the stumps. If we couldn't reach a decision on what it says on the forfeiture in the bill, maybe we could settle for a lesser amount, but at least we could settle it. If the word was spread, maybe they wouldn't come back there again and the violator would be paying something for the wood.

There was some feeling by some people that we shouldn't cause them to pay more than what a cord of wood would be worth, but that is no deterrent at all. This here, I think if you will figure it out, for you people who come from a wooded area, if you figure out the size of these trees, you will find that it is about a four to one deal. In other words, it is about four cords that you would be paying for.

I would urge you to defeat the motion before you so that we can get this bill on its way and protect the camp owners, protect yourself. Maybe you are not a camp owner but you do have some trees. I would really encourage you to defeat this and let's get something on the books that will take care of this problem.

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

Mr. HOBBS: Mr. Speaker and Members of the House: The good gentleman from Belfast, Mr. Drinkwater, has made an argument that we need something on the books to address this situation. Presently, taking of wood from someone's land is covered two ways. The first way is through the criminal law, through theft by unauthorized taking or transfer under the Criminal Code. Secondly, civilly. If you will look in your statutes, you will find that there is a civil penalty and in some cases treble damages awarded in situations where someone unauthorized is taking wood from someone's lot.

If you look at L. D. 170, you will see a formula which has been set up. Basically, the formula is in reference to the diameter of the tree, which would represent a different forfeiture for each particular diameter. For example, if the tree is over 6 and up to 10 inches in diameter, the forfeiture would be \$50. If the tree, however, was 10 inches to 14 inches in diameter, the forfeiture would be \$75.

When we looked at this bill in the Judiciary Committee, the majority of the committee felt that although the intention and the merits of the bill are excellent, the procedure which is outlined in L. D. 170 would be unworkable. You are talking about a burden of proof and a factual issue, how big the tree would be and how much the forfeiture would be.

Unfortunately, I think your forfeiture for some of these, for example, a tree over 18 and up to 22 inches in diameter, there would be a forfeiture of \$125. If you look at the definition of unlawful cutting as defined in the bill is any person who intentionally, knowingly, recklessly or negligently—so it goes beyond just the intentional or knowingly or reckless cutting of a tree, but who negligently cuts a tree, or fells any tree, you would be subject to this type of

scheme as addressed in L. D. 170.

I think that the present law, the Criminal Code, Title 17-A, which deals with theft by unauthorized taking or transfer, criminal trespass if someone is on your property without license, and the civil provisions involved with taking wood without permission are adequate to address this situation.

I urge that you accept the Majority "Ought Not to Pass" Report.

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

A vote of the House was taken.

Whereupon, Mr. Livesay of Brunswick requested a roll call vote.

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

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

Mr. LIVESAY: Mr. Speaker, I would just reiterate what Representative Hobbins has said. It seems to me that L. D. 170 is a rather awkward device to address a problem which is already adequately addressed.

I have some additional reservations with the method employed in L. D. 170, and I guess my trouble is that we are, in effect, forcing our district attorneys to reorganize their priorities when they are determining which cases they want to take up. With this forfeiture and the forfeiture of the size suggested in L. D. 170, there is going to be every incentive to neglect rate cases, robbery cases and that sort of thing and proceed with prosecution of takings of wood, simply because there is more money available for the state in the case if the state should prevail. I think it is a dangerous precedent to set whereby penalties are created, penalties then become the property of the state which, in effect, create incentives to prosecute a certain type of case. I think priorities ought to be set by the DA on the basis of the magnitude and the severity of the crime committed and not on the basis of monies that might be generated by that prosecution.

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

#### ROLL CALL

YEA — Baker, Boisvert, Brodeur, Brown, A.; Cahill, Clark, Davies, Day, Fitzgerald, Foster, Gowen, Gwadnosky, Hanson, Hobbins, Hunter, Joyce, Kany, Lisnik, Livesay, Lund, McGowan, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Nelson, M.; O'Rourke, Perkins, Randall, Reeves, J.; Richard, Rolde, Salisbury, Smith, C.B.; Soulas, Webster, Weymouth.

NAY — Aloupis, Armstrong, Beaulieu, Bell, Benoit, Bordeaux, Boyce, Brennerman, Brown, K.L.; Callahan, Carroll, Carter, Chonko, Conners, Cox, Crowley, Damren, Davis, Dexter, Diamond, G.w.; Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Gavett, Gillis, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Jordan, Kane, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Lewis, MacBride, MacEachern, Macomber, Mahany, Martin, A.; Masterman, Matthews, McCollister, McHenry, McKean, McPherson, Moholland, Murphy, Nelson, A.; Norton, Paradis, E.; Paradis, P.; Perry, Peterson, Post, Pouliot, Prescott, Racine, Ridley, Roberts, Sherburne, Smith, C.W.; Stevenson, Strout, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Vose, Walker, Wentworth.

ABSENT — Austin, Berube, Brannigan, Brown, D.; Carrier, Conary, Connolly, Cunningham, Curtis, Fowlie, Hall, Hayden, Hig-

gins, H. C.; Huber, Jacques, Jalbert, LaPlante, Laverriere, Locke, Manning, Martin, H.C.; Masterton, Michael, Nadeau, Paul, Pearson, Reeves, P.; Small, Soule, Stover, Studley, Tuttle, Twitchell, The Speaker.

Yes, 37; No, 78; Absent, 34; Vacant, 1.

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

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-354) was read by the Clerk and adopted.

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

#### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" in new Draft (H. P. 1452) (L. D. 1592) on Bill "An Act to Provide Greater Local Control over Liquor Licensing" (H. P. 1293) (L. D. 1506)

Report was signed by the following members:

Senator:

SHUTE of Waldo

— of the Senate.

Representatives:

SOULAS of Bangor  
TREADWELL of Veazie  
PERRY of Mexico  
STOVER of West Bath  
McSWEENEY of Old Orchard Beach  
COX of Brewer  
STUDLEY of Berwick  
DUDLEY of Enfield

— of the House.

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

Report was signed by the following members:

Senators:

CHARETTE of Androscoggin  
VIOLETTE of Aroostook

— of the Senate.

Representatives:

GWADOSKY of Fairfield  
SWAZEY of Bucksport

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report.

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

Mr. GWADOSKY: Mr. Speaker, very briefly, I had one particular problem with this legislation. I know that bills are coming very fast and it is hard to decipher everything that is coming before us, but this bill is a new draft, and it is saying that in our attempt to decide to renew a liquor license, that they can take into consideration whether the operation has endangered the safety of persons in or around the surrounding place of business. I don't see any use for it, it is vague. I don't see how it is going to be utilized and I will sit down with that and simply ask for a division.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: This bill is a very modest attempt to move slowly and cautiously in the direction of giving greater local control at the local level as opposed to the state level over the granting and the renewing of liquor licenses back home in our districts and municipalities.

There are two parts of this bill. The first part deals with the factors that are considered at the local level and at the state level in giving a liquor license. Under current law, the character of the applicant who is applying for the liquor license is looked at, the location of the place of business under current law is looked

at, and the manner in which that business or that tavern or establishment has operated is under current law, so it is the character of the applicant, location of the business and the manner in which it has been operated. This bill would add one additional criteria, and that is whether or not the operation has endangered the safety of in or around the area surrounding the place of business. In other words, a consideration of public safety would be an additional factor to be considered.

That is the first of the bill, the public safety aspect.

The second part of the bill deals with the local level's decision — say the local level denies the application or the renewal of the application and the applicant appeals to the State Liquor Commission. The standard for review by the Liquor Commission as to whether or not it will uphold the local level's decision to deny the license or reverse the local level's decision and overturn it and go ahead and grant the license, that standard for review is the second part of the bill, and that reads that the state commission could override the local level only if it found by clear and convincing evidence that the decision at the local level was without justifiable cause.

That is the two parts of the bill, it is fairly simple, and I hope that you will go along with the acceptance of the "ought to pass" report.

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

A vote of the House was taken.

92 having voted in the affirmative and 12 having voted in the negative, the motion did prevail.

Thereupon, the New Draft was read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-345) on Bill "An Act to Amend the Municipal Securities Approval Act" (H. P. 371) (L. D. 409)

Report as signed by the following members:  
Senators:

AULT of Kennebec  
GILL of Cumberland  
VIOLETTE of Arrostook

— of the Senate.

Representatives:

KANY of Waterville  
PARADIS of Augusta  
DIAMOND of Bangor  
DILLENBACK of Cumberland  
McGOWAN of Pittsfield  
LISNIK of Presque Isle

— 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:

BELL of Paris  
WEBSTER of Farmington  
MASTERTON of Cape Elizabeth  
SMALL of Bath

— of the House.

Reports were read.

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

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

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany, moves that the Majority "Ought to Pass" Report be accepted.

The gentlewoman may proceed.

Mrs. KANY: Mr. Speaker and Members of the House: I would like to explain this a little

bit. I think it is important today that we understand what the Municipal Securities Approval Act is. I know that many of your communities have used this very excellent economic development tool. For instance, Representative Donald Carter's community has often used it. Our local paper today points out where they have, once again, the municipal officers have chosen to approve the use of this for a Scott Paper project and expansion of that particular industry.

The particular bill that we have before us at the moment, L.D. 409, would amend the municipal revenue bond offering to include office building and office space. Our committee, the majority of us, decided that we would like to make certain that that would be inclusion of new jobs, and so office space we have defined to mean, in excess of 30,000 square feet provided that at least half of the employees occupying the square footage represent new jobs in the community. We are talking about a public purpose of offering a tax exempt securities in the name of a municipality, first of all with the local control element built in which your municipal officers would approve of the use of issuing that bond for that particular purpose and that project.

This is actually a congressional decision on the national level, that we can issue tax exempt bonds at our level, really, for up to \$10 million for an individual project for many purposes. Or Maine law is more restrictive for the use of "particular purposes" and we would be enlarging, for this particular purpose, office space for the creation of new jobs for, let's say, an electronic firm, for an office building, for a manufacturer, for a new union mutual or something like that to move into Maine.

I hope you go along with the Majority "Ought to Pass."

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

Miss BELL: Mr. Speaker, Ladies and Gentlemen of the House: Representative Kany has explained somewhat the Municipal Securities Act. L. D. 409 does add office space or office buildings to the definition of the Maine Securities Approval Act.

I am opposed to this legislation for a number of reasons, basically philosophical reasons. I think, number one, we have many businesses today who are under the burden of trying to expand with an inflation rate of around 16 to 18 percent. There are some businesses, however, who are doing that. We would be providing a situation where we would enable large companies to build office space at 9 or 10 percent. I believe that we would be transferring people from existing buildings to new buildings, creating a shift further from the downtown areas. Rather than attracting new business or jobs, we would be merely shifting from one location to another.

I think we would discourage private involvement in expansion. If you look at existing buildings over 30,000 square feet in the state of Maine, who are we to say that they could not remortgage under the Municipal Securities Act if they could not meet their payments.

Industrial revenue bonds have become a major source of financing development projects in Maine, one is retailing or shopping centers. They are becoming popular for several basic reasons, one, expanding companies can borrow money well below the prime rate, taking again from the private sector. Investors pay no taxes to state and federal government. It is questionable whether the benefits balance out. There have been abuses in other states and efforts to balance budget. The program is under congressional scrutiny. The Almond Bill, which was defeated in this session, will surely return.

I feel that according to the Maine Constitution, the Maine Securities Approval Act and the Maine Guarantee Authority is for the production of jobs basically for industrial and manu-

facturing purposes.

Mrs. Kany has talked about Scott Paper and the extension of industrial projects. I would warrant that industrial jobs stimulate service type jobs almost 2 to 1 versus services stimulating other types of jobs.

The industrial revenue bonds can be a positive tool when it is used discreetly and wisely and not to undermine projects that could occur in the private sector. They should be a part of the overall plan for a development. In other words, what should the state need that the state should be involved in?

Local control arguments — how many local managers would be selective in decreasing the amount of revenue for a short time period or broadening their base? We have seen a similar shift in housing, from existing housing to new housing. We talk about the state's bond rating. Recently, the credit rating has been stated to take in the Maine Municipal Bond Banks which certainly this program would fall under. Moody recently downgraded the state's bond rating because of its policy of borrowing to cover the faults on Maine Guarantee Authority back loans in the mediocre economic outlook in the state of Maine. I don't think the state can ever be a provider of credit and should not be focused on taking credit risks that the private sector so carefully scrutinized.

We talk about jobs for Maine people in this state. This can be an argument for any funding program, and I would warrant that there are many other factors affecting jobs in this state. I wonder what our priorities are at times when we start to look at things that can promote a more positive business climate, such as the taxation climate. We have the highest inheritance tax, one of the highest in the United States. We have a high personal income tax. We have a regulatory climate that business struggles under. Energy and transportation costs — we do have a work force and a high work effort, availability of lands and nearness to the market, the assistance in working through red tape and certainly worker's comp.

To date, we have not implemented any of the considerations by the bipartisan effort on the Blaine House Conference on Small Business. I think if our priorities are such, we would address some of these more critical factors that affect all business so that people in the state of Maine would have an equal opportunity to develop small business enterprises which would be conducive to all of our citizens.

I am opposed to this legislation and I move indefinite postponement of this bill and all its accompanying papers.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise as a signer of the Majority Report on this bill and as the principal sponsor, along with Representative Dillenback from Cumberland and Representative Manning from Portland. This is one of the Governor's bills on economic development, and I would like to clarify some of the misrepresentations that were given to this body this morning.

In the three years that I have been here, I don't think I have heard such hyperbole and innuendo about a one word bill in all of my term here.

This bill does not have anything to do with the Maine Guarantee Authority floating a bond, this is the Municipal Securities Act. The Maine Guarantee administers this program but solely through municipalities. They have jurisdiction over this type of a program and they have to pass a resolution before their town council to float any type of bond. This is not the state's moral obligation, the state has nothing to do with this. It is the municipalities, as most of you know, who have towns and cities that have taken advantage of this excellent type of bill and program for economic development.

It was stated that it would hurt our downtown

areas. Well, I would like to say that as someone who is very concerned about my own downtown here in Augusta, the representatives of one of our major industries in town, Depositor's Trust Corporation, came and spoke in favor of this bill as a tool to revitalize one of our most pressing streets in town, pressing and decaying streets in town, Water Street, to rebuild the street, to revitalize that area that has been neglected because of the shopping centers on Western Avenue. Business needs this type of legislation. This is not anti-business, this is pro-business.

I would like to list for you a few people who came in support of this bill — Donald Burns came from the Somerset Development Council; Steve Weems came from the Maine Development Foundation; Bruce Gerrity came from the Maine Bankers Association; Gordon Pyle from Depositor's Trust; John Corsa from the Kennebec Valley Chamber of Commerce, they all supported this bill. They have always been in favor of this type of legislation. It produces jobs, it produces good jobs, it produces stable jobs in an area that we need it, in a time and in a climate that we need of high interest rates.

A job is a job in my category, whether it is an industrial type of job working for Scott Paper, or a clerical type job that pays a good stable salary with good benefits, that is a good job.

The decision is up to you, but I hope you will not be swayed by some of the arguments that you have heard against this bill and I hope you will vote in favor of the acceptance of the Majority Report.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I was a brand new freshman when I was approached to put my name on this bill and it was only one word, so I thought it was probably all right. I turned down two of the Governor's bills in the past. But as we got into this bill and I began to learn a little something about it, I didn't feel as badly about it because we need all the employment and construction that we can get in this time of economic conditions.

The bill, as I understand later, was to build a bank in the city of Augusta, but after we debated the bill in the committee, we came to the conclusion that if we added an amendment to it, which we did that the building would have to be at least 30,000 square feet. In other words, the municipalities could not build little small office spaces and that it would have to create 50 percent of its area for new jobs. Now a building that is 30,000 square feet is roughly half the size of a Zayre's or King Department Store. The other point that influenced me in this decision was the present law now allows people to build shopping centers under this. They have built something like 25 McDonald's under this with no conditions, and it seemed to me only fair that an office building should be built under this law.

I think you have a control here because a municipality has to approve it. If a municipality has a hearing and the officers of the community decide they want to have this money loaned into their area, the people can appear and oppose it, so actually there is a control on it.

I don't think it is a bad bill and I think it would do some good for the City of Augusta.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out one quick thing. Down in Portland Union Mutual just announced an expansion program and with this expansion program, they are going to bring in 500 new jobs. That is not taking people away from other jobs, it is going to bring in 500 new jobs.

Mrs. Mitchell of Vassalboro requested a roll call.

The SPEAKER: For the Chair to order a roll

call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I somewhat hesitate to rise this morning because I found out that this was a Governor's bill and it didn't dawn on me until I was thinking about speaking on it that it really was, so I would preempt my remarks by saying that I am speaking solely as an individual legislator from Scarborough and not in any leadership role.

I intend to vote against this piece of legislation in favor of the motion to indefinitely postpone, as I will on the following bill that is coming up right after this one for renovations of downtown buildings.

I guess it is a philosophical reason that I rise in opposition to both these bills, as I intend to vote against all bills that somehow extend that tax exempt statute to individuals or businesses who wish to expand or form a new business in the state.

I have a real problem with the fact that everytime the legislature wants to do something or the federal government wants to do something, they all of a sudden decide they are going to make it easier by lowering the interest rate and giving everybody a tax advantage. To me, this just means that the poor sap like you and me that wants to go out and borrow some money to build a house or buy a car or do something else has to pay a higher interest rate, and that is because there are only so many dollars out there that can be borrowed. Everytime the federal government wants to tighten up its monetary policy, it has to raise interest rates, and everytime they do that, people like us make more tax exempt bonds available to more types of individuals. So, the next time the feds want to raise the interest rates, there is less money applicable to having their rates raised, so instead of the prime rate going from 10 to 15, it now goes from 12 to 22, my philosophy, I will have to admit, but one that I think has proven itself over the past.

I think we were better off if we just took the whole tax exempt status off for everyone, let everyone pay their fair share and when it was all said and done, everyone would be the same. We would be a lot better off. We wouldn't have to fool around passing pieces of legislation for special interest groups.

We have already heard about McDoanld's and K-Mart and everybody else is taking advantage of these bonds, and I guess my question to you is, do they really need a tax advantage, McDonald's and K-Mart? I doubt it seriously. Shopping centers are the same situation.

I have been in business for a number of years and I have never asked to get a tax exempt status because I always figured that if I couldn't make it on my own, I didn't need someone else to help me. It seems to me that McDonald's and K-Mart ought to be able to do the same thing, or Depositor's Trust or anybody.

If you are talking about a new business, some of the other areas that we are getting involved in, maybe, but well established firms, to me, shouldn't need some sort of a status like this.

And as far as the local municipalities getting involved and having a say in this, you know, in Scarborough they have tried to get involved with a program similar to this and they have talked about it a little bit and I went to one of the meetings, there isn't an awful lot of local control. It is pretty hard for the local people to say, we are going to turn down a major plan expansion because we are not going to give them

tax exempt status and we aren't going to float some bonds in their name. They aren't going to say no to that. The town stands to lose nothing by granting their request. The town's good-faith credit it not pledged, they are going to get extra property taxes from people moving in. They aren't going to say no unless it is some sort of a processing plant or a pollution problem or some sort of an operation that they are not particularly interested in. Probably I don't stand to win on these two here today, but I feel that I ought to share with you my concerns on both of these bills and any of the bills that come in dealing with further expansion of tax bonds or anything along those lines for people today. I don't think we need it, I think it discriminates against the rest of us who have to go out and borrow money later on, and the fed's in Washington policy trying to cut back credit is not going to be helped by this. It just means that it continually has to go up, the prime rate has to continually go up to the rest of the people in these United States, and Maine, in particular, that can't somehow get in under a program.

One final remark I might say is that by simply making this applicable only to 30,000 square feet, it should be obvious that we are talking about giving a tax advantage to large businesses. It is not going to help the small guy back home. All we are going to do is help the guy who can afford to build a 30,000 square foot building and you are talking a million bucks or more, and I haven't got a million and I don't think you do either.

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

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I find it very interesting that Representative Higgins rises in opposition to tax exemptions for businesses. The longer I stay here, the stranger it gets. He also appears to be opposed to local control, that is interesting. I support this also on a philosophical basis, and that is that it is going to support a lot of jobs or Maine labor.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I am little concerned about the possibility that some of the members who came in late this morning might be confused about what we are talking about. We are talking about including office space under the existing Municipal Securities Approval Act; we are not talking about expanding it so that it includes any other projects such as McDonald's, K-Mart's or whatever, that Representative Higgins brought up. Those projects are already permissible under the law and have nothing to do with the provision that we are talking about passing today.

I am also concerned some misunderstanding in what is involved here. The language we want to include in this bill does not affect granting and tax exemptions to developers, people who want to come in and build office buildings. We are expanding the programs to include those people or to provide tax exemptions to people who want to invest in those projects. The only benefits that the people who would be involved in the development of projects involved here would be that they would get their money at a reduced rate.

The tax exemption problem that Representative Higgins and others have mentioned here is not our problem, it is a problem that is created by the federal government. IRS sets the standards under which these tax exemptions are taken care of, and currently most other states have this provision already in the laws.

By not accepting this proposal, I think it will have no effect on the problems that Representative Higgins, to Representative Bell and others have mentioned this morning. People will, instead of investing in office space will take their money elsewhere and invest it to get the tax advantage. They are not going to be



denied a tax advantage because this is not on the books, they are going to look elsewhere for it.

Obviously, this is a need. I think Representative Paradis and the Governor's Office have worked hard on this bill and realize the importance of passing this. If you are concerned about granting tax exemptions or giving any further benefits to people who can afford to pay taxes, I don't think by denying us this proposal you would be addressing that. People will go elsewhere with their money and we will instead either find the money going out-of-state or into the K-Mart's and the other projects that are already included in the law.

If you have problems with those proposals, I would say Washington is the place to address them. If you are concerned about tax exemptions, then this is not the bill to voice your concern. We are talking about bringing Maine into conformity with other states, making available money, private money, not public money, that could go to good use in Maine, and I certainly hope that you would vote against the motion to indefinitely postpone.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Paris, Miss Bell, 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—Aloupis, Armstrong, Bell, Bordeaux, Brown, A.; Brown, K.L.; Cahill, Callahan, Connors, Curtis, Damren, Davis, Day, Dexter Dudley, Foster, Gavett, Gowen, Hanson, Holloway, Hunter, Hutchings, Ingraham, Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, Martin, A.; McCollister, McPherson, Murphy, Nelson, A.; Norton, Peterson, Post, Racine, Randall, Reeves, J.; Sherburne, Stevenson, Tarbell, Telow, Treadwell, Webster, Wentworth, Weymouth.

NAY—Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brennerman, Brodeur, Carroll, Carter, Chonko, Clark, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Fitzgerald, Gillis, Gwadosky, Hayden, Hickey, Hobbins, Jackson, Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lisnik, MacBride, MacEachern, Macomber, Mahany, Manning, Masterman, Matthews, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perkins, Perry, Pouliot, Prescott, Richard, Ridley, Roberts, Rolde, Salisbury, Smith, C.B.; Smith, C.W.; Soulas, Strout, Swazey, Theriault, Thompson, Vose, Walker, The Speaker.

ABSENT—Austin, Brannigan, Brown, D.; Carrier, Conary, Connolly, Cunningham, Fowlie, Hall, Higgins, H.C.; Huber, Jalbert, LaPlante, Laverriere, Locke, Martin, H.C.; Masterton, Paul; Reeves, P. Small, Soule, Stover, Studley, Tuttle, Twitchell.

Yes, 49; No, 76; Absent, 25; Vacant, 1.

The SPEAKER: Forth-nine having voted in the affirmative and seventy-six in the negative, with twenty-five being absent, the motion to indefinitely postpone does not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-345) was read by the Clerk and adopted.

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

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-346) on Bill "An Act to Amend the Municipal Securities Approval Act" (H. P. 711) (L. D. 836)

Report was signed by the following mem-

bers:  
Senators:

AULT of Kennebec  
GILL of Cumberland  
VIOLETTE of Aroostook  
— of the Senate.

Representatives:

DIAMOND of Bangor  
KANY of Waterville  
PARADIS of Augusta  
DILLENBACK of Cumberland  
MCGOWAN of Pittsfield  
LISNIK of Presque Isle  
WEBSTER of Farmington  
— 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:

BELL of Paris  
MASTERTON of Cape Elizabeth  
SMALL of Bath  
— of the House.

Reports were read.

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

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

Once again, because the title explains the substance of the proposal, I would like to explain it to you. If you liked the last bill, you will like this one even better, and I would like to stress that once again it is the IRS and Congress which has really made the decision that you can have up to \$10 million in an individual project which is financed with tax exempt bonds. That is their decision; we are more restrictive, unfortunately, because businesses throughout the country and throughout the south and southwest primarily are allowed to use this and I think we are really silly if we do not allow businesses here in the State of Maine to have this same provision.

This particular bill would allow for reconstruction, rehabilitation, or remodeling of basically downtown old buildings, buildings that are older than 50 years. I certainly hope that we go along with this Majority "Ought to Pass" Report.

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

Miss BELL: Mr. Speaker, Ladies and Gentlemen of the House: Some of the philosophical reasons for opposing this bill were the same as the others. However, it is a different type of situation — instead of an industrial revenue bond, we are issuing tax exempt bonds for the renovation of commercial buildings that are 50 years old or older.

My opposition to this bill — I don't think that tax-free money should be used for this purpose. This concept, as Representative Kany already mentioned, is more palatable than office space, but I would submit that some of the philosophical arguments are the same with this bill as the past.

Small businesses in the Oxford Hills area, in Norway and South Paris, are struggling under 16 to 18 percent interest rates to improve their buildings, their existing machinery, or in attempt to attract more business. Providing the situation where a company could come in and renovate buildings at a 9 to 10 percent rate, I believe is inequitable. There are aggressive federal programs that have been depreciation allowances and tax credits and renovations are now going on. Tax free bonds indicate a loss of revenue to state and federal coffers and there have been attempts to balance these changes.

I do believe that this bill also is discriminatory. If we address the fact that it is creating problems for all small business and business in the State of Maine, we can ease the problem for existing companies in renovating downtown areas. It is cheaper to renovate and restore rather than to put up a new building. Philosophically, as the interest rates increase it is an in-

dicator that our money flow is in trouble, we compound this problem by giving an exemption to private companies to undertake projects at a lower rate of interest. Projects that are marginal then have the opportunity to occur; therefore, we add to the inflation in the market's natural trend to take care of itself. I hope that you oppose this piece of legislation.

Mr. Kelleher of Bangor requested a roll call.

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

Mr. BRENNERMAN: Mr. Speaker, Ladies and Gentlemen of the House: This piece of legislation is sponsored by myself and Senator Pierce is, as Mrs. Kany said, an economic development measure to help the deteriorating downtowns or main streets of the State of Maine, which have become, in some ways, victims of the shopping center syndrome where many businesses are moving out of the main street area, out of the downtown area, and going to the suburbs or going to the outskirts of particular towns.

What we have found is that deterioration of downtown areas and main streets is not just a problem of big cities like Boston, Detroit or New York City or Newark, New Jersey, we have the same problems perhaps in Portland, perhaps in Lewiston, Augusta, Pittsfield, Gray, Presque Isle and many more.

This bill would allow the tax exempt municipal bonds to be sold to revitalize or rehabilitate buildings in the downtown or main street areas which are over 50 years old. Right now, there are many disincentives for people, real estate owners, to convert buildings that are this old into commercial uses. Interest rates charged on loans are very high and many banks do not wish to provide loans for this use and also because of the high loans, rents are so high that people who wish to use those buildings cannot afford to pay them.

For the most part, the businesses using downtown commercial space are small businesses and, as I said, the rents would be so high that they would not be able to use that space. It seems to me that if you are using this particular type of revenue for downtown revitalization, where the municipality doesn't have to pay anything, the state and the Maine Guarantee Authority don't have to guarantee anything, all they have to do is support the project, it seems to me that it is a good use of tax exempt bonding to help revitalize the main streets in downtown areas of the State of Maine, and I ask that you support this bill.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the House accept the Majority "Ought to Pass" Report.

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

Miss LEWIS: Mr. Speaker, I would like to pair my vote with the gentleman from Presque Isle, Mr. Lisnik. If he were here, he would be voting yes; I would be voting no.

The SPEAKER: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brennerman, Brodeur, Brown, A.; Brown, K.L.; Cahill, Carter, Chonko, Clark, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Gillis, Gwadosky, Hanson, Hayden,

Hickey, Ingraham, Jackson, Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Livesay, Lund, MacEchern, Macomber, Mahany, Manning, Martin, A.; Masterman, Matthews, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perkins, Perry, Peterson, Pouliot, Prescott, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Salisbury, Smith, C.B.; Smith, C.W.; Soulas, Stevenson, Strout, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Vose, Walker, Webster, The Speaker.

**NAY** — Armstrong, Bell, Bordeaux, Callahan, Connors, Curtis, Damren, Davis, Day, Dexter, Gavett, Higgins, L.M.; Holloway, Hunter, Hutchings, Jordan, Kiesman, Locke, Nelson, A.; Post, Reeves, J.; Wentworth, Weymouth.

**ABSENT** — Brannigan, Brown, D.; Carrier, Carroll, Conary, Connolly, Cunningham, Fowlie, Hall, Higgins, H.C.; Hobbins, Huber, Jalbert, LaPlante, Laverriere, MacBride, Martin, H.C.; Masterton, Paul, Small, Soule, Stover, Studley, Tuttle, Twitchell.

**PAIRED** — Lewis-Lisnik.

Yes, 99; No, 24; Absent, 25; Paired, 2; Vacant, 1.

The **SPEAKER**: Ninety-nine having voted in the affirmative and twenty-four in the negative, with twenty-five being absent and two paired, the Majority "Ought to Pass" Report is accepted.

The Bill was read once. Committee Amendment "A" (H-346) was read by the Clerk and adopted.

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

#### Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to Arbitration under the State Employees Labor Relations Act" (H. P. 764) (L. D. 901)

Report was signed by the following members:

Senator: **DUTREMBLE** of York — of the Senate.

Representatives:  
**BAKER** of Portland  
**TUTTLE** of Sanford  
**BEAULIEU** of Portland  
**HAYDEN** of Durham  
**McHENRY** of Madawaska  
**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:

Senators:  
**SEWALL** of Lincoln  
**SUTTON** of Oxford — of the Senate.

Representatives:  
**MARTIN** of Brunswick  
**FOSTER** of Ellsworth  
**DAMREN** of Belgrade  
**LEWIS** of Auburn — of the House.

#### Reports were read.

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

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

Mr. Higgins of Scarborough requested a roll call.

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

Mrs. **FOSTER**: Mr. Speaker, Ladies and Gentlemen of the House: This Legislation, if passed, would permit the decisions of an arbit-

trator in regard to wages, pensions and insurance to be binding on our Governor and the state employees' bargaining agents. This arbitrator, and I assume from the way the bill reads that there will only be one from who knows where, Texas, Florida, California, New Mexico, and who goes after, should be given the power to put our Governor in a position of submitting to this legislature for their approval and arbitrator's decision on state employee wages, pensions and insurance would seem unconstitutional, unreasonable, unreal legislation. The Governor, not an arbitrator, is elected by the people and is responsible to them for his decisions. Let's keep it that way.

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

Mr. **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House: I apologize that I rise once again this morning, but I am a cosponsor of this bill. Representative Jalbert is the principal sponsor and he could not be here at this time and he asked me to speak and present the bill and argue in favor of this bill, as we did before the Joint Standing Committee on Labor.

I believe that there must be some balance in a collective bargaining system. Without a right to strike, the traditional balance of power between labor and management to reach a result, there is very little incentive for management to reach an agreement within a reasonable period of time. This bill is a start in that direction; it is a modest start.

The traditional arguments against binding arbitration do not apply under this bill. It does not take away any power from this legislature or any legislature to decide on appropriations. This bill does not bind the legislature in any way. It only provides an end to a set of negotiations which, by the time of arbitration, have probably carried on for months and months.

I would like to emphasize that this in not entirely a labor bill, there is no guarantee that this union or any union negotiating for state employees will come out any better in arbitration than they would under a negotiated contract. They take some risks in going forward to arbitration under our law. An arbitrator must consider a number of factors in reaching his decision.

The union, as well as management, risk an adverse decision. It is exactly this risk which tends to force both sides to try to reach a negotiated settlement that they both can live with. Because of this, I feel that this bill takes a positive step toward improving labor management relations in state government and, as a result, I think it will improve state government as a whole.

I hope that you will vote in favor of this bill this morning.

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

Miss **LEWIS**: Mr. Speaker, Ladies and Gentlemen of the House: I would like to refer to the gentleman from Augusta, Mr. Paradis' remarks about needing further incentive to settle strikes. To do so, I would like to quote from the annual report of 1980 from the Maine Labor Relations Board and this report said: "We are pleased to conclude that the remedies available to parties under the Municipal Public Employees Labor Relations Act, State Employees Labor Relations Act and the University of Maine Labor Relations Act appear to be often effective means of protecting employee rights under those acts and sharing compliance with the statutory mandates demanded of both labor and management and settling both organizational and bargaining disputes through either the prohibited practice complaint process and/or the dispute resolution techniques provided by the statutes. Despite trends elsewhere in the United States, the three foregoing acts were successful in responding to employer and employee demands to reach negotiated settlements and to avoid work stoppage and strikes in the public sector in fiscal year 1980."

We have a system; it is working well. There is no need for us to take the very important area of wages, salaries and benefits out of the hands of our elected officials.

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

Mr. **KELLEHER**: Mr. Speaker, Ladies and Gentlemen of the House: I support the arguments that were just presented by the gentlelady from Auburn. I think this House would not only be wise to reject this bill but also to reject the other bill that is following. The system seems to be working well, and I think we perhaps would be putting not only this legislature but the chief executive's office in a position that would be inconsistent with what we intended when we created the law a few years ago.

I would urge this House not to support this bill this morning. In fact, Mr. Speaker, I move for the indefinite postponement of this bill and all its accompanying papers.

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

Mrs. **MARTIN**: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that Mr. Kelleher feels the same way I do so I don't feel out of the stream of things this morning.

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

Mrs. **BEAULIEU**: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to argue the positions that have been taken, except to say to you that you will be dealing with at least four binding arbitration bills. The two on the calendar are not the only ones that you are going to be reading or reviewing or passing judgment on. Why are they here? Not because everything is so great out there.

We have a situation in our communities throughout this state, especially among our public employees, where the collective bargaining process has become nothing more than a collective begging process. We have contracts that are outstanding out there in the field for as long as 24 to 28 months. Why? Because locally elected officials, because there is no way to resolve a dispute over the three important issues that impact the most upon public servants particularly don't have to be resolved.

You can sit on your duffs at the local level as an elected official and simply say, you don't accept our offer, that is it. You have no right to strike, you have no alternative, there is absolutely no way to end the resolve. Binding arbitration does work. Industry uses it. They usually call for the big guns from out-of-state to come in and settle their disputes. Even the state is using some of it now at the federal level. There are problems in the field. In one community in this state, a board of selectmen, pushed their employees to the point where they went on strike. It went to the courts. The courts determined that, yes, the elected officials instigated the strike condition and what would have been a \$40,000 contract item wound up being \$90,000. Because of the court costs and the ultimate settlement, the employees wound up getting retroactive pay at a rate that was unbelievable. Why? Because somebody at the local level is making bad decisions.

I have had the privilege over the past couple of years to work and to participate in some fact finding, and let me tell you, unfortunately for employees and for the municipalities, many, many elected officials, maybe it is because their terms are so short, simply do not understand labor law, they do not understand labor relations and they contribute to time and costly time factors without any realization of the impact at the local level from a monetary point of view. The end result is, collective bargaining becomes extremely expensive.

It is difficult for me to stand here and say to you that binding arbitration is the only answer. But, whenever we ask local elected officials who come to oppose it, what is the alternative, they have nothing to offer, nothing to offer in



the area of what needs to be the final resolve to a situation that has no mechanism for a final resolve.

The bill before you does not bind this legislature. There are far better written bills. I have been on record consistently in the five years that I have been here in supporting binding arbitration for public safety employees only, because those are the people that I would never, ever grant the right to strike to.

When you talk about the right to strike, everybody gets paranoid, especially in the public service sector. But I am telling you, with mass layoffs because of economic conditions at the local level coming about, I suspect that there will be illegal strikes in this state. I can almost predict it, because I work in the labor field and have been for almost 20 years. There will be blue flu and there will be work slowdowns and there will be work stoppages, and then you come back to me and say, what do we need to do to prohibit or to stop the practice?

It is extremely unfortunate that the public servants of our state don't have the same rights that I do, nor do they even get the same pay as I do.

At the hearings on every single bill, I asked the elected officials who came forward, and the city managers, and the town managers a simple question, what is the starting pay for a firefighter or a police officer in your community? Three out of the many were the only ones that could give me an answer, and yet those are the people who are responsible for conducting or setting the policy and the parameters of the collective bargaining process at the local level.

The question sounded rather arbitrary to some members of the committee who were listening to me asked it over and over and over, but isn't it kind of ridiculous, ladies and gentlemen, that when you talk about public servants, and this bill does address state police in the public service sector, public safety, that they would be making, maybe, if they are lucky \$200 a week as starting pay and I work as a cleaning woman in private industry and I make a \$189 a week. I have three weeks vacation, I have been there 13 years. After five years, I get four weeks, all Blue Cross — Blue Shield and pension plans paid, and yet a police officer and firefighter or a state police officer makes just a little bit more than I do. Isn't that ludicrous? Who the heck is more important to this state or to my city or to your town, Edie Beaulieu, the cleaning woman, or your public servants in far more responsible position?

Do what you wish with the binding arbitration issue. It has been before this body for the last two terms that I have been here. It will be here again, and maybe you will adopt it or some mechanism to end the dispute after your public servants take the kind of action that can really hurt the citizens of the State of Maine.

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

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: I have heard some reference today to binding arbitration in the private sector and it leads me to believe there is some misunderstanding. Except for the Steel Workers Union, there is no binding arbitration on terms and conditions of a contract being negotiated in the private sector. Arbitration in the private sector refers to a third party decision interpreting for the parties the provisions of the contract already agreed to.

In regard to police and firemen in the Portland area, I think it would be very difficult for any person to give the exact total amount of money anyone is receiving, and we received the next day from Mr. Dudley the weekly salary range for a firefighter with the same years service of Mrs. Beaulieu, which was \$276.68, for police it was \$280, and he added, of course, now these ranges include the total fringe benefit package which for a firefighter is an additional 57.94 percent, and for a police officer it is 52.67 percent.

With binding arbitration, I think we should stop being legislators and public officials and become arbitrators, because we would have a lot more power then. Let's get on with the roll call.

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

Mrs. BEAULIEU: Mr. Speaker, for the record, the letter from Mr. Dudley does not indicate the starting pay for those people.

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

Miss LEWIS: Mr. Speaker, I would direct a question to the chairwoman of the Labor Committee. Could the gentlewoman from Portland please tell me what the salary for a secretary is in Cumberland County's budget. I believe that she has a vote on that particular budget.

The SPEAKER: The gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, I cannot answer her question; I don't have the county budget before me.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out that there is a sunset on this bill. After two years it will sunset.

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

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

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

#### ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brown, A., Brown, D.; Brown, K. L.; Callahan, Carroll, Carter, Conary, Conners, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Fowlie, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Hunter, Ingraham, Jackson, Jacques, Jordan, Kane, Kany, Kelleher, Kiesman, Kilcoyne, Lancaster, LaPlante, Lewis, Livesay, Lund, Macomber, Manning, Martin, A.; Masterman, Matthews, McColister, McGowan, McKean, McPherson, Murphy, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Perkins, Peterson, Post, Pouliot, Racine, Randall, Reeves, J.; Ridley, Roberts, Salisbury, Sherburne, Small, Smith, C. W.; Stevenson, Strout, Swazey, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth.

NAY—Baker, Beaulieu, Benoit, Boisvert, Boyce, Brennerman, Brodeur, Cahill, Chonko, Clark, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J. N.; Erwin, Fitzgerald, Gowen, Gwadodsky, Hayden, Hickey, Hobbins, Joyce, Ketover, Locke, MacEachern, Mahany, McHenry, McSweeney, Michael, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Paradis, P.; Paul, Pearson, Perry, Prescott, Reeves, P.; Richard, Rolde, Smith, C. B.; Theriault, Thompson, Tuttle, Vose, Weymouth, Mr. Speaker.

ABSENT—Brannigan, Carrier, Connolly, Cunningham, Hall, Higgins, H. C.; Huber, Jalbert, Laverriere, Lisnik, MacBride, Martin, H. C.; Masterton, Michaud, Soulas, Soule, Stover, Studley, Twitchell.

Yes, 82; No, 49; Absent, 19; Vacant, 1.

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

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-349) on Bill "An Act to Provide Binding Arbitration for State, County, and Municipal Employees" (H. P. 776) (L. D. 921)

Report was signed by the following members:

Senators:

DUTREMBLE of York

— of the Senate.

Representatives:

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:

Senators:

SEWALL of Lincoln

SUTTON of Oxford

— of the Senate.

Representatives:

MARTIN of Brunswick

FOSTER of Ellsworth

DAMREN of Belgrade

LEWIS of Auburn

— of the House.

Reports were read.

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

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

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

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Portland, Mrs. Beaulieu, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Baker, Beaulieu, Benoit, Boisvert, Boyce, Brennerman, Brodeur, Chonko, Clark, Cox, Davies, Diamond, J. N.; Erwin, Fitzgerald, Gowen, Gwadodsky, Hayden, Hobbins, Jacques, Jalbert, Joyce, Ketover, Locke, MacEachern, McColister, McHenry, McSweeney, Michaud, Mitchell, J.; Moholland, Nadeau, Paradis, P.; Paul, Perry, Prescott, Reeves, P.; Richard, Rolde, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Carter, Conary, Conners, Crowley, Curtis, Damren, Davis, Day, Dexter, Diamond, G. W.; Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Hanson, Hickey, Higgins, L. M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kane, Kany, Kelleher, Kiesman, Kilcoyne, Lancaster, LaPlante, Lewis, Livesay, Lund, Macomber, Mahany, Manning, Martin, A.; Masterman, Matthews, McGowan, McKean, McPherson, Michael, Mitchell, E. H.; Murphy, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Pearson, Perkins, Peterson, Post, Pouliot, Racine, Randall, Reeves, J.; Ridley, Roberts, Salisbury, Sherburne, Small, Smith, C. B.; Smith, C. W.; Stevenson, Strout, Swazey, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth.

ABSENT—Brannigan, Carrier, Carroll, Con-

nolly, Hall, Higgins, H. C.; Huber, Laverriere, Lisnik, MacBride, Martin, H. C.; Masterton, Soulas, Soule, Stover, Studley, Twitchell.

Yes, 43; No, 89; Absent, 18.

The SPEAKER: Forty-three having voted in the affirmative and eighty-nine in the negative, with eighteen being absent, the motion does not prevail.

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

#### Consent Calendar First Day

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

(H. P. 336) (L. D. 375) Bill "An Act to Authorize Bond Issue in the Amount of \$12,800,000 for Highway and Bridge Improvements" — Committee on Transportation reporting "Ought to Pass"

(H. P. 887) (L. D. 1056) Bill "An Act Concerning Land Conveyed by the State to the Town of Bridgton" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-357)

(H. P. 756) (L. D. 893) Bill "An Act to Reduce the Bonding Authority of the Maine Guarantee Authority" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-358)

No objections being noted, under suspension of the rules the above items were given Consent Calendar Second Day notification, passed to be engrossed and sent up for concurrence.

#### Consent Calendar Second Day

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

(S. P. 495) (L. D. 1395) Bill "An Act to Adopt Revised Standards for Access by the Handicapped to Certain Buildings"

(S. P. 280) (L. D. 811) Bill "An Act to Reorganize Certain Chapters of the Maine Criminal Code" (C. "A" S-182)

(H. P. 1266) (L. D. 1481) Bill "An Act Concerning Insurance Proceeds under the Maine Insurance Code" (C. "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" (C. "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" (C. "A" H-350)

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

#### Orders of the Day

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

Bill, "An Act to Provide Loans for Family Farms" (S. P. 470) (L. D. 1326) (C. "A" S-170) (H. "A" H-347)

Tabled—May 11 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

On motion of Mr. Mahany of Easton, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill, "An Act to Regulate Entrance Fees Charged by Mobile Home Parks" (H. P. 779) (L. D. 924) (H. "B" H-361)

Tabled—May 11 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentleman of the House: I ask for a roll call on this measure and perhaps we can get an explanation on this measure today.

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 passage to be engrossed as amended by House Amendment "B" in non-concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Baker, Beaulieu, Berube, Boisvert, Brenerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Chonko, Clark, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hayden, Hickey, Higgins, L.M.; Hobbins, Jacques, Jalbert, Joyce, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Strout, Telow, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Hanson, Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Lund, MacBride, Masterman, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Randall, Reeves, J.; Ridley, Salisbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Swazey, Tarbell, Treadwell, Walker, Webster, Wentworth, Weymouth.

ABSENT—Benoit, Brannigan, Conary, Connolly, Cunningham, Hall, Higgins, H.C.; Huber, Kane, Laverriere, Martin, H.C.; Masterton, Soulas, Soule, Studley, Twitchell.

Yes, 75; No, 59; Absent, 16; Vacant, 1.

The SPEAKER: Seventy-five having voted in the affirmative and fifty-nine in the negative, with sixteen being absent, the motion does prevail.

Sent up for concurrence.

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

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

Tabled—May 8 by Representative Michael of Auburn.

Pending—Passage to be Engrossed.

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

Mr. MICHAEL: Mr. Speaker, I am waiting for an amendment to come out of Research, so I need someone to table this until later in the day.

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

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

Bill, "An Act Relating to Public Utilities Commission Officials' and Employees' Compensation" (H. P. 577) (L. D. 657) — In House, Bill and Accompanying Papers Indefinitely

Postponed on May 7, 1981. — In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-317) in non-concurrence.

Tabled—May 11 by Representative Kany of Waterville.

Pending—Motion of Representative Webster of Farmington to Recede.

On motion of Mrs. Kany of Waterville, tabled pending the motion of Mr. Webster of Farmington to recede and specially assigned for Thursday, May 14.

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

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

— In House, Passed to be Enacted on May 8, 1981. — In Senate, Failed of Passage to be Enacted in non-concurrence.

Tabled—May 11 by Representative Carroll of Limerick.

Pending—Further Consideration.

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

Miss LEWIS: Mr. Speaker, due to the late adjournment last night and the very early convening this morning, my cosponsor, Mr. Baker from Portland, and I have not had a chance to settle this problem, so we ask that someone table this until later in today's session.

Thereupon, on motion of Mr. Carroll of Limerick, tabled pending further consideration and later today assigned.

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

(Off Record Remarks)

On motion of Mr. Jackson of Yarmouth, Adjourned 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. 1 were taken up out of order by unanimous consent:

#### Passed to Be Enacted Emergency Measure

An Act Withdrawing School Administrative District No. 62 from Participation in Vocational Region No. 10 (S.P. 259) (L.D. 741).

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

Mr. MacEachern of Lincoln 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: Members of the House: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Armstrong, Austin, Baker,

Beaulieu, Bell, Benoit, Boyce, Brannigan, Brennerman, Brodeur, Brown, D.; Cahill, Callahan, Carroll, Carter, Conary, Connors, Connolly, Cox, Crowley, Curtis, Damren, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Fitzgerald, Foster, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson Hayden Hickey, Higgins, H.C.; Higgins, L.M.; Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kane, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Lewis, Lisnik, Livesay, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Masterman, Matthews, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nelson, M.; Norton, Paradis, E.; Paradis, P.; Paul, Pearson; Perry Pouliot, Prescott, Racine, Randall, Reeves, J.; Reeves, P.; Ridley, Roberts, Rolde, Salisbury, Sherburne, Small, Smith, C.B.; Soulas, Soule, Stevenson, Stover, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, The Speaker.

NAY—None.

ABSENT—Berube, Boisvert, Bordeaux, Brown, A.; Brown, K.L.; Carrier, Cunningham, Davies, Dudley, Fowle, Hobbins, Holloway, Huber, Jalbert, Kany, LaPlante, Laverriere, MacBride, Martin, A.; Martin, H.C.; Masterton, Michael, Nadeau, Nelson, A.; O'Rourke, Perkins, Peterson, Post, Richard, Smith, C.W.; Strout, Studley, Tuttle.

Yes, 117; No, 0; Absent 33; Vacant, 1.

The SPEAKER: One hundred seventeen having voted in the affirmative and none in the negative, with thirty-three being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

At this point, the rules were suspended for the purpose of allowing members to remove their jackets.

#### Passed to Be Enacted

An Act to Exempt Certain Signs from the Billboard Law (S.P. 378) (L.D. 1136) (H "B" H-253 to C. "A" S-119)

An Act to Require that Industry Wide Taxes be Levied only after Referendum Approval of the Persons who would be Required to Pay the Tax. (S.P. 397) (L.D. 1190) (C. "A" S-169)

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

An Act to Ensure that the Provision for the Arbitration of Classification and Allocation Determinations in State Employee Collective Bargaining Agreements is not Inconsistent with the Personnel Law (S.P. 402) (L.D. 1194) (C. "A" S-173)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, I wish someone would explain that to me, please.

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

Mrs. BEAULIEU: Mr. Speaker and Members of the House: The bill was brought to us through the Personnel Department. There was a flaw in the current law that could have caused some problems in the arbitration of classifications and allocations. MSEA was involved in reviewing the bill. They found agreement between the Personnel Department and MSEA, and we wound up with this unanimous "Ought to Pass" Report from the committee. It was deemed by the Personnel Office to be important to them. It does not, however, preempt any governing bargaining agreement.

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

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

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

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

An Act to Remove Private Babysitting Arrangements from the Jurisdiction of the Department of Human Services (H.P. 796) (L.D. 950) (H. "A" H-295 to C. "A" H-272)

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

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

Mr. KELLEHER: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from East Machias, Mr. Randall.

Mr. RANDALL: Mr. Speaker, I would like to speak briefly on this legislation which we are talking about indefinitely postponing. I would like to point out to the members of this body that our current legislation provide for licensing of day care programs. It only allows for licensing of programs, and in these licensing programs, the regulations are very rigorous and very strict.

The purpose of this legislation, which allows for a registration program, is to lighten the burden of these regulations. I would urge the House to consider lightening the burden of these regulations and point out that the bill has had a great deal of work on the Health and Institutional Services Committee. We have spent a great deal of time in finding a solution which we feel might work well in light of the current regulations which exist for licensing.

If this bill is indefinitely postponed, all we have is a licensing process which is not currently working well.

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

Mrs. THOMPSON: Mr. Speaker, Men and Women of the House: When people set up a business to take care of other people's children, they are supposed to be licensed by the state so that a minimum level of protection is assured for those children.

Apparently, a lot of people who set up day care homes and do this as a business, for one reason or another are not licensed by the state, and the state, in order to get these people to comply, revised and essentially reduced its rules and regulations, and those new revised rules were to take effect last December. That was in an effort to get more people who were running a day care business to comply.

L. D. 1950 was introduced, and even after the state had revised its rules and regulations, L. D. 1950 called for removing all of those regulations that protected children in day care homes. The committee, in an effort to compromise, introduced an amendment, calling it a registration procedure. It essentially reduces the level of protection that children have when they are in the care of people running a day care business.

I have three or four major problems with this bill. I would like to explain them to you briefly.

First of all, there is a problem with the number of children being cared for by one person. This bill does not require that infants and children under two years of age require a great deal more care for their health and safety than older children. The bill would essentially allow one person to care for as many as seven 5-year-olds and five infants. Consider the danger in a fire when one adult struggles to remove seven 5-year-olds and five infants from a burning home at the same time. This bill would allow that ratio.

Another major problem. The bill requires no on-site inspection by the department, except in the case of complaints. The home day care business could be in operation, damage done to a child before someone complains. Parents do not know what goes on in a day care home during the day. A random spot check by the Department of Human Services only recently discovered a day care home where the provider was spending her time drinking rather than caring for the children. And it was only a visit by the department that caused this neglect to stop. L. D. 1950 would not provide that protection.

Another major problem. The bill does not require that all child care staff be adults. The bill allows a 14-year-old helper, but this is a problem. Consider the danger posed when a child is ill or hurt, the adult care giver has to take the child to the hospital. That could leave 11 children, some of them infants and preschoolers, in the hands of a 14-year-old child.

There are other problems. Physical exams are not required to ascertain the stamina and physical ability necessary to be responsible for other people's children. No references are required. There is no way to ascertain the appropriateness of other family members who may be around the children in this day care home. There is no provision to check whether the care giver has alcohol or drug abuse problems.

Three reports out of the committee offer no clear consensus to us. The issue is complex and extremely important when we discuss the level of protection for children. Parents put their trust in the day care provider to give good care to their children, to ensure their health and safety and above that, to care for their development, to give them attention and care in the absence of their parents. This bill reduces the level of protection for children and poses a threat to those parents who place their trust in day care providers.

It is valid to say that we must provide a registration procedure in order to get people to comply with the rules, but this bill, in an effort to register people who are running a business, reduces the standards too significantly and threatens the level of protection for children.

There are some significant organizations that are opposed to this bill because they feel it has reduced the level of protection for children too far — Southern Maine Day Care Providers Associations, Maine Family Day Care Association, Maine Day Care Directors Association, the Maine Association for the Education of Young Children, the Cumberland County Child Abuse and Neglect Council.

I would urge this body to vote for indefinite postponement of this bill and its accompanying papers in the hopes of encouraging the committee to continue to identify the problem of bringing people into compliance but to look at this issue in a study where they can reconsider whether or not they have lowered the level of protection for children too far.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: The law that is now on the books is not working where some 37,000 people are now what we call babysitting, what they want to call child care, day care, it is still babysitting, with thirty-some thousand people now doing this and 600 of them licensed and some 94 licenses pending, I would say that no matter how strict the laws are today, they are not being imposed upon the public so that the children are being protected. It is my belief that if we reduce the demands on these people to be registered, at least we will be maintaining some control over the environment that these children are in, and very likely, with the publicity that has been received from this bill, many of these people will now know that they are supposed to be licensed by the state and come forward.

If we leave the very restrictive laws that we

now have on the books, these people are not going to come forward, even though they know the law is there. Why won't they come forward? Because it has been stated by the department that in a 16 year record they have only collected one \$100 fine.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to urge this House to support this piece of legislation. There is a need for it in about every city and town.

I have made a good observation of these homes. I have had the privilege of visiting some. I noticed that mothers that bring their children in the morning are very concerned and they generally observe the place pretty carefully, and also when they come to get them at night.

So this place, wherever it may be, where their child is left, gets two pretty strong observations made by the parent, both morning and night. There are exceptions to the rules; no matter if we have this law or we don't have it, there are going to be exceptions. But by and large, every mother is very concerned about where she leaves her child both when she leaves it and when she comes and gets it.

I hope we pass this piece of legislation, there is a need for it.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a good bill and I hope you will not indefinitely postpone it.

Many parents feel they should be able to leave their children where they wish, that it is really none of the state's business.

On the committee we really did work hard on this bill trying to satisfy the needs of everyone. In the bill, we have set up a system of registration which requires safety and health inspections. We felt that this was a good compromise measure to licensing. Under this bill, a day care center can be either licensed or registered.

I hope you will vote against the indefinite postponement and I request a roll call.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: This is not a good solution. It is a good solution if you like just to do away with regulations and it is a good solution if you think it is a good idea that you are sent down here as a Representative to mandate doing away with regulations, but it is not a good solution for children.

Speaking as a Representative from Windham, I hope you realize that we are not talking about regulating shoes or potatoes or trees, we are talking about our kids, our children. We are talking about 5 or 6-year-olds, whose mobility has them here one minute and gone the next. We are talking about 2 and 3-year-olds, whose desire to touch and to taste has them touching hot stoves or boiling pans of water or wanting to taste that chemical under the sink, and we are talking about infants who need constant care and time for some love.

This proposal would allow up to six infants, only weeks old, to be cared for by one person. I think it takes away from the constant care and the love. The day care regulations have been reduced considerably, and I would hope that you would see that effort over this past year as something worthwhile — remember, we are talking about our children.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the efforts and I am sure that this House does of the work that has been done by the Health and Institutional Services Committee, but Representative Thompson of South Portland clearly

clarified the looseness of this bill, the problems with it.

When we placed these foster children or if we place children in homes that are adopted by families, they have to meet pretty rigid requirements before we place them there.

In my humble opinion, this is a very loosely drafted bill that should be killed here this afternoon, and it should be killed in the spirit that this House would hope that the Committee on Health and Institutional Services would ask leadership to grant them the authority to do a study on it this Fall. I am not one individual who has been a big promoter of study orders in this House, but I think the debate that has been created here not only this afternoon but a few days ago illustrates the need that we must have a comprehensive, capable, workable bill.

I can understand and appreciate the frustrations that the Department of Human Services placed on the people of the State of Maine when they came in with their 19-page report. Can you imagine 19 pages of rules and regulations from one department dealing with just this issue, except the department itself was trying to define the importance of what they placed in the children of this state, Maine's children?

I would hope that you would support my motion this afternoon and I would then hope that the members of this House that are on the Health and Institutions Committee, along with their counterparts in the other body, would urge leadership in both Houses to support a comprehensive study done by the committee. You certainly understand what the problem is. There are 16 days left in this session, and in my humble opinion, I don't think the bill is as good or could reach the capabilities of what your committee is capable of reporting out at the next regular session.

So, I would urge this House to support my motion to indefinitely postpone.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I am reminded right now of the phrase, "the longer we stay, the more things change" and it was one of the issues that I got involved in in the Health and Institutions Committee seven or eight years ago, the issue of babysitting arrangements or home day care. Strange to say, we then had the same situation of the Human Services Department, it was then called something else, my memory fails me, they had just come in with a whole set of rules and regulations for home day care which really would put most people out of business and in just about everybody's mind seemed totally unreasonable. We had a pretty varied committee that year with people from all political persuasions and we somehow came out with a unanimous report. What we thought we had done was put some pretty strong guidelines on the Department of Human Services and that we only wanted them to be able to license home day care for health and safety reasons.

Unfortunately, I guess they felt that time passed and they came out with this whole new rule book, which really was more reasonable than they had seven years ago, if that was possible. So they precipitated this situation that we find ourselves in here today. Seven years ago, I felt that the state only ought to be responsible for health and safety, and that was their responsibility in dealing with home day care or home babysitting arrangements. I still think that that is true. Unfortunately, sometimes we get mixed up in what we want to do and what actually is in the bill before us, and this is the first time I took a look at it, this happens to be one of the times when we got the actual enactment in front of it. I wish we would get what it is we want to do and take a look at this particular bill, because this is what we have to live with.

I have two questions I would like to pose to someone on the committee if they could be answered in terms of what the legislation says.

One is the issue and it was an issue that was raised, I guess by Representative Cox a few days ago, I don't think it was answered correctly. In order to get registered as a home day care, you have to show evidence that the water used for drinking and cooking has been tested. It doesn't say anywhere that it has to pass any kind of test. It says it has to be tested. That is not hard to do, you go and have it tested. It can fail the test, but as long as you show evidence that it has been tested, you will meet what is in the statutes. That is quite different from when the statute talked about tuberculosis, that says you have to be tested for the tuberculosis and you had to pass it. For some reason or other, different language is used and I am wondering if, in fact, the committee meant to say that as long as you had a water test done, no matter what the results of that test, that you were going to meet the statutory guidelines for registration.

The other issue is, since you have, in fact, said that the term, and I assume that is the term for licensing, does not include home day care for which a person or combinations of persons does not receive any federal or state funds, with no limitations on ages — I assume that means you don't have to be licensed, and yet when it comes to registration, down in the next one, which is 8305, you say that home day care, if you are, in fact, providing home day care for three to twelve children and you don't receive federal funds, you have to be registered. What happens if you are, in fact, providing home day care, which means you don't have any federal funds, for more than 12 children? I don't see anywhere in this statute that says that if you don't receive federal funds and you have more than 12 children, that you would have to be either registered or licensed. Is that the intent of that Health and Institutions Committee?

The SPEAKER: the gentlewoman from Owl's Head, Mrs. Post, has posed a series of questions through the Chair to anyone who may respond if they so desire.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: If the gentlelady will check the House Amendment, H-295, our chairwoman addressed those problems in the amendment.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I think there is an impression here this afternoon that the Committee on Health and Institutional Services wants to throw out all of the standards that regulate or approve babysitting services; that is not the case at all. If you look at the enactor and you look at section two, it says here that providers of home day care, who do not receive federal or state funds, may choose to be licensed under rules promulgated by the department, or if they choose not to be licensed, then they must, they "shall" be registered. They have an option, is what the committee provided, the option to be either licensed and come under the rules and regulations that the department promulgates, or to be registered and come under the statute that we are trying to enact here today.

The question is, do you want to go with regulations or do we want to be the regulators? I think that is the issue. I believe that if you look down through the bill, you will see clearly that there are some standards in this bill and that we do intend to protect the children who will be receiving the day care services. I would like to touch upon some of those standards.

There are minimum life safety requirements in this bill. There will be an annual state fire inspection, sanitary inspection of the water, and, to answer Representative Post's question where she is concerned about the committee meaning safe water, I would like to assure her

that, yes, the committee does intend for this water to be from an approved source, to be tested and to be safe for human consumption. We are providing also qualifications for providers. There is a requirement that the person would not have committed any child abuse or violations of the child abuse laws.

If there is a complaint, then why shouldn't it be the responsibility of the parent to initiate the complaint? Parents are supposed to be responsible. Let's let them show some responsibility. They are not going to place their children in a home that is unsafe. They are going to place them in a home where there are some standards, where the life safety codes are there, where the provider is a good provider and not an alcoholic. I think that is perfectly clear.

I also think that the committee's intent should be made clear that we do not intend for anyone who is registered to provide services for anyone more than 12 children. I hope you will not support the indefinite postponement, that you will support the committee's recommendation.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I think the phrase that we heard several times in the previous speech is that "we do not intend." Unfortunately, what we live with is the statute that is before us. If you want to take out the enactor and look at Section 2 and it talks about when you have to be registered, it says you have to be registered in accordance with Section 8305, that is the next paragraph. If you go down to 8305, it only talks about instances where you provide home day care for 3 to 12 children. It doesn't deal with providing home day care in a situation in which you do not get federal funds for more than 12 children. The committee might not intend that water has to be approved, it has to come from a safe source but, unfortunately, that is not what the statute says. The statute says, it has to be tested, that is a physical fact, it is tested. It doesn't have to be safe, it has to be tested. So, my concern is, maybe a difference seems to be showing up between what the committee intends, maybe what this legislature would like to do, and what the bill in front of us, in fact, does.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I find several problems with this bill. For one thing, it seems to set a double standard that children who are going to school where there is government money involved are going to have more protection than children who are going to these arrangements where there is no government money, they will not get the same protection, they will not get the protection under the law, which seems to me to violate the spirit, if not the letter, or the 14th Amendment, which guarantees people the equal protection under the laws.

Another thing that bothers me here is that the bill says that people who do not choose to be licensed must register. Nowhere in the bill do I seem to find any penalty for people who operate without registration. It says you can suspend their registration but they have registered and the bill only says that they must register. They have registered and nowhere, I repeat, do I find there is any violation spelled out here for operating with a revoked registration.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to briefly respond to a couple of questions that have been raised. First of all, in the statutes, a day care home is defined as 3 to 12 children. Twelve or more children is defined as a day care center, and so anyone that is taking care of more than 12 children is certainly regulated, but just in a

different section of the law.

Secondly, if someone is not registered, that person must pay a \$500 penalty if caught. So, I think that we pretty much have taken care of the objections and red herrings that have been thrown in front of us today.

We are really voting, it seems to me, on two issues. The first issue is whether parents should take some sort of responsibility or whether the state should do everything, I think you will never, ever, be able to write a perfect law or a perfect set of rules and regulations.

The second question is whether we should allow departments to continue to promulgate rules and regulations that have the force of law or whether we should put those laws right in the statutes. Because of the way that I feel about this bill and because of the way I think so many of you feel about this who have spoken today, I do hope that you will vote against indefinite postponement and for enactment.

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

Mrs. KETOVER: Mr. Speaker, Men and Women of the House: I hope that you have received my flier on your desk from the Maine Family Day Care Association Spring Conference which I attended last weekend. As you have been hearing from Representative Post and some of your other comments, there is a lot of confusion going on here. These providers, if you look on the back of this, have signed all this, this is not just from Portland, these people are from all over the state. These people are represented by you and I hope that they have contacted you, that was their intent. They feel that this is confusing to them, they do not understand the amendment. As I have said, I have spoken to many of you and you are still confused. You don't understand the bill and there are many loopholes in the language. Hopefully, now you can see why the committee has worked on this bill for weeks. I also was told that we used horror stories and scare tactics, you are right. I wanted to scare you because all those stories, are true, they did happen and will happen.

I was told many stories but we didn't tell you. One was about a fire in Lewiston where the children were burned. I am a mother of two girls which you met last week, they were Pages here. I have had to work since they were infants and they are very important and precious to me. I had the horrible problem of getting a babysitter, and at that time there were not many babysitters to be found. I became one of those desperate mothers who needed a babysitter and I needed to work. I had to go through the horror stories as they have been called by one of you, that the children were sitting around watching TV all day while she did her chores. The other didn't bother with the children. Another had too many children and didn't have any time for them. This other lady that I used was a foster parent, who supposedly had tremendous credit, and she had a nervous breakdown. I finally had to change my job from a full-time to part-time and get a teenager after school so I could work nights. I was also told by one of you that there was a street that had families on the street, and all the parents had to work, up to seven homes on one street all working, so this shows me that this is a growing problem and more and more parents are working.

I feel this bill was written not very clearly, which is one of the problems along with the ratios that doesn't explain how you can become self-certified for registration. If this is confusing to you and if it is passed, how do you feel that this will be for the provider? I wish you would listen to my seatmate, Mr. Kelleher, indefinitely postpone this bill and all its accompanying papers, and I wish to have a study order for the intent of the bill for licensing, and registration is definitely needed but written more clearly.

The SPEAKER: A roll call has been request-

ed. 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 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 Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I rise very briefly as a cosponsor of this legislation, and I would ask you to vote against indefinitely postponing this.

Initially when I put my name on this document, my reasoning was that if private babysitting arrangements had no state or federal money involved, I felt that parents should make the choice of whether a child should go into a given home or not. If you believe that the state should have the welfare of every child in this state, then you believe different than I do. I believe a parent has the right and should have the responsibility of putting his child in a safe environment.

The committee has worked hard on an amendment and I think it would be a terrible mistake to go backward and indefinitely postpone this legislation. I don't like to compromise, nobody likes to compromise, but as you all know here in the legislature, we all have to come to an equal point.

Initially the legislation that I put in and I signed was radical, and I admit it. I think at this point we have come to a middle ground that both sides, the Human Services Department, the day care centers and the people out in my district and your district can appreciate and support.

I would ask you to think very seriously and I would ask you not to indefinitely postpone this legislation.

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

Mrs. THOMPSON: Mr. Speaker and Members of the House: I think many of the statements and questions raised this afternoon indicate that there is a great deal of confusion around this bill, and I truly believe that when we are talking about a compromise, if we, in effect, are compromising the level of protection for children in day care business, we have to have a clear consensus in this body, we have to have all of our questions answered.

I hope you will vote to indefinitely postpone so that this issue can be studied further.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: It has been mentioned about the Health and Institutions Committee — this committee came out with a divided report, and I just don't want this body to think that the committee is unanimous with this committee report.

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

#### ROLL CALL

YEA—Baker, Beaulieu, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Carrier, Carroll, Carter, Chonko, Conary, Connolly, Cox, Davies, Diamond, G.W.; Diamond J.N.; Fitzgerald, Fowle, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lancaster, Lisnik, MacEachern, Macomber, Manning, Matthews, McHenry, McSweeney, Michael, Michaud, Mitchell, J.; Murphy, Nadeau, Nelson, M.; Paul, Pearson, Perry, Post, Reeves, P.; Richard, Ridley, Rolde, Soulas, Soule, Thompson, Vose, Wentworth, The Speaker.



NAY—Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Clark, Conners, Crowley, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gavett, Hanson, Higgins, L.M.; Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lewis, Livesay, Locke, Lund, MacBride, Mahany, Masterman, McCollister, McGowan, McKean, McPherson, Mithcell, E.H.; Moholland, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Perkins, Peterson, Pouliot, Prescott, Racine, Randall, Reeves, J.; Roberts, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Swazey, Tarbell, Telow, Theriault, Treadwell, Twitchell, Walker, Webster, Weymouth.

ABSENT—Cunningham, Holloway, Huber, LaPlante, Laverriere, Martin, A.; Martin, H.C.; Masterton, Strout, Studley, Tuttle. Yes, 63; No, 76; Absent, 11.

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

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

An Act to Permit Persons 15 Years of Age and Older to Work until 10 P.M. (H.P. 877) (L.D. 1046) (H. "A" H-288)

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

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, the foregoing enactments were ordered sent forthwith to the Senate.

#### (Off Record Remarks)

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

#### Leave to Withdraw

Representative Carrier from the Committee on Judiciary on Bill "An Act Providing for Minimum Support for All Children of a Responsible Parent under the Alternative Method of Support Enforcement Law" (H. P. 842) (L. D. 1009) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

#### Consent Calendar First Day

(H. P. 1181) (L. D. 1405) Bill "An Act to Require Immediate Public Notification of Radioactive Releases and Other Safety Related Events at Nuclear Power Plants"—Committee Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-366)

No objections being noted, under suspension of the rules, the above item was given Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Coordinate Agriculture and Energy Related Activities in State Government" (H.P. 684) (L.D. 753) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

House Amendment "A" (H-362) was read by the Clerk.

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

Mr. MICHAEL: Mr. Speaker and Members of the House: This amendment takes the appro-

priation off the bill and therefore renders the bill safe for mankind.

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

Mr. NELSON: Mr. Speaker and Members of the House: This is another bill that we have had a couple of go-rounds with.

The fiscal note is taken off, I understand. I just got an amendment, but it still reads: "The purpose of this bill is to authorize the Department of Agriculture, Food and Rural Resources to create a new position in its Bureau of Agriculture and Rural Development. The position will establish an information clearing house and coordinating capability with regard to energy conservation and renewable energy resource utilization."

This goes on, it includes potatoes and if you look down through the Statement of Fact, you will see all kinds of things that it is supposed to do — poultry, sheep and dairy beef, and I think we have enough people working in the Department of Agriculture without putting another one on.

I would like to have this bill and all its accompanying papers indefinitely postponed.

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

Mr. HIGGINS: Mr. Speaker, I do believe the gentleman from New Sweden, Mr. Nelson, asked that the bill be indefinitely postponed, but I guess I would pose a question through the Chair if I might.

The SPEAKER: The gentleman from New Sweden, Mr. Nelson, said he would like to have it indefinitely postponed, he did not make the motion.

Mr. HIGGINS: Nevertheless, how are we going to add a new position and not fund it with any money? That would be a question that I would ask.

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

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

Mr. MICHAEL: Mr. Speaker, I would like to pose a question through the Chair to the good gentleman from New Sweden. I would like to know why he thinks that there will be a new position created by the legislation itself?

The SPEAKER: The gentleman from Auburn, Mr. Michael, 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, in the statement of fact it does say that we will create a new position in the Bureau of Agriculture and Rural Development.

I would like to make a motion that we indefinitely postpone it. I didn't make it right the other time; I will make it right this time.

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

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: I talked with the Commissioner of Agriculture about this position, about this bill, and he said it would certainly help if they could work on it. I said, do you really need a new position? He said, well, that would help, but we will do what we can without that position, so Mr. Michael has taken off the appropriation. The department will do what they can with the manpower that they have. So I can see no problem with the bill as it is. It will not create a new position.

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

Mr. MAHANY: Mr. Speaker and Members of the House: If we accept the amendment, I don't think we need to fear that there will be another new position.

The good gentleman from Dexter, Mr. Sherburne, has stated the facts very well. I hope you go along and vote for the amendment.

Thereupon, House Amendment "A" was adopted.

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

The Chair laid before the House the following matter:

An Act to Regulate Motorized Bicycles (Emergency) (H.P. 906) (L.D. 1073) (C. "A" H-287) which was tabled and later today assigned pending further consideration. (In House, passed to be enacted; In Senate, failed of passage to be enacted in non-concurrence.)

On motion of Miss Lewis of Auburn, the House voted to recede from its action whereby the Bill was passed to be enacted.

On further motion of the same gentlewoman, the House voted to recede from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

On further motion of the same gentlewoman, the House voted to recede from its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-367) 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 in non-concurrence and sent up for concurrence.

#### (Off Record Remarks)

On motion of Mrs. Mitchell of Vassalboro, the following matter was taken from the Unassigned Table:

Bill "An Act Concerning Appointments to the Maine Veterans Home Board of Trustees." (S.P. 73) (L.D. 110) which was tabled unassigned pending further consideration.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: As one of the cosponsors of this particular L.D., I am told that the veterans organizations are satisfied after meeting with the Governor that their needs will be met and their input will be taken. So I would move that the House Adhere.

Thereupon, on motion of Mr. Jacques of Waterville, the House voted to adhere.

On motion of Mr. Carter of Winslow, Adjourned until eight o'clock tomorrow morning.