

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

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HOUSE

Thursday, May 14, 1981

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

Prayer by Father Robert Newland of St. Mark's Episcopal Church, Augusta.

The journal of yesterday was read and approved.

The Following Joint Resolution: (S. P. 603)

JOINT RESOLUTION
MEMORIALIZING CONGRESS AND THE
PRESIDENT OF THE UNITED STATES
TO CONTINUE THE PUBLIC WORKS
PROGRAM OF THE ECONOMIC
DEVELOPMENT ADMINISTRATION SO
AS TO PERMIT FUNDING OF PROJECTS
NECESSARY TO THE FUTURE WELL-
BEING OF THE STATE AND NATION

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Tenth Legislature, now assembled, most respectfully present and petition the Honorable Ronald W. Reagan, President of the United States, as follows:

WHEREAS, this body commends the efforts of the Administration and Congress to reduce inflationary pressures in the economy by recommending budget cuts as well as tax incentives for private capital investments; and

WHEREAS, this body supports reductions of the various federal programs to achieve these objectives; however, there is great concern over the proposed elimination of future funding for the Economic Development Administration and the rescission of the remaining appropriations of fiscal year 1981 of the agency; and

WHEREAS, the Public Works and Economic Development Act of 1965, by which the Economic Development Administration was established, has resulted in \$131,684,993 being spent in Maine, amounting to 429 grants and loans; and

WHEREAS, a large proportion of the EDA investment in Maine has been to those industries that have their basis in the state's natural resources - food processing facilities and forest product manufacturing or to assist declining industries such as textiles and shoes in some of the state's smaller towns and more isolated regions; and

WHEREAS, investments in the private sector have created 8,570 permanent jobs and countless temporary jobs involved in the construction or expansion of industry in the State and local public works' projects have created over 25,000 temporary jobs and 17,050 permanent positions in the State; and

WHEREAS, it has been our experience in Maine that the benefits from this program far outweigh the public cost whenever the increased economic activities resulting from investments have been thoroughly examined; and

WHEREAS, over \$25,000,000 worth of projects in Maine are pending funding at this time, \$10,400,000 was being counted on for the development of 2 cargo ports and over \$2,000,000 was anticipated for planning and technical assistance and for development of a statewide Revolving Loan Fund; and

WHEREAS, included in the \$25,000,000 are the fish piers for which the citizens of Maine have already approved a bond issue and only \$2,000,000 of the anticipated \$7,500,000 was received before the funding cut; and

WHEREAS, projects with applications pending were notified by EDA that they should not expect to receive EDA assistance since fiscal year 1981 funds were sufficient to cover only those projects for which full approval had been given prior to the Administration's rescission proposal; now, therefore, be it

RESOLVED: That we, your Memorialists, express our strong support for the Public Works Program of the Economic Development Administration and respectfully urge the Con-

gress and the Honorable Ronald W. Reagan, President of the United States, to continue the funding of this program so as to permit the continued development of job-generating projects so necessary to the future well-being of this State and Nation; and be it further

RESOLVED: That duly authenticated copies of this resolution be transmitted forthwith by the Secretary of State to the Honorable Ronald W. Reagan, President of the United States, the President of the Senate and Speaker of the House of Representatives of the United States Congress and to each member of the Maine Congressional Delegation.

Came from the Senate read and adopted.

In the House, under suspension of the rules, the Resolution was read.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: It is ironic that in a nation where we know we have spent too much for too long that we in Maine appear so reluctant to accept the facts. If we are serious about halting the needless expansion of government and its often needless make-work projects, then we should be biting the bullet. We should be supporting the President in his economic recovery package; we should not be accepting the whims of those who think that government should continue to spend as needlessly as it has in the past.

Therefore, Mr. Speaker, I would move the indefinite postponement of this Joint Resolution.

The SPEAKER: The gentleman from Livermore Falls, Mr. Brown, moves that this Joint Resolution be indefinitely postponed.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: This morning, I rise to disagree with my good friend from Livermore Falls, Representative Brown. I have worked with EDA, I have seen their accomplishments and I have seen the good that EDA has done throughout the State of Maine. In my own community of Calais they have been of great assistance to us not only in preparing the reports and the various sundry administrative practices that must be accomplished in applying for grants and so forth, but in the processing through to the Philadelphia office and on through to Washington and so forth.

I cannot, for the life of me, find any reason why the EDA should be wiped out here in the State of Maine. Here we are, in my estimation, the poorest state in the nation and I am living in the poorest county in the poorest state in the nation, and to come in and refuse to accept the benefits derived from the EDA by the people in the State of Maine, I think is being ludicrous.

I am wholeheartedly behind this resolution, and I will vote for it, and I ask you, ladies and gentlemen, to join me in passing this resolution on and defeat the indefinite postponement.

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: As one of the sponsors of this resolution and one of the people in this House who has worked diligently over the last few years for economic development not only in the eastern part of the state but in the entire state, I would urge you this morning to go against the pending motion and let's pass this resolution.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: There are several reasons why EDA is not a good program and why we should accept the President's proposed budget cuts.

First of all, it causes subsidized loans. Here you are and you are a person who has saved your money all your life and you are investing it in building, let's say, a motel or a shopping center or something. Right across the street,

somebody else gets subsidized money who never saved a cent in his life. This encourages inflation.

This type of a grant program also encourages spending. Maine says, we had better spend the money or someone else will get it, and that is an inflationary psychology.

Finally, whenever we have any of these federal projects in our state, we are forced to pay inflationary high wages because of the Davis-Bacon Act, and that fuels inflation as well.

I think the whole reason behind this resolution is the need to build fish piers in the State of Maine, and if we need fish piers, and I believe that we do need fish piers, let's build them with our own money or let's use those block grants that are coming fairly from Washington and prioritize those grants and build those fish piers if we need them.

We are not refusing the benefits of EDA. What we are saying is that we are supporting the fight on inflation and we will bite the bullet.

I hope that you will join us in voting to indefinitely postpone this resolution.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am with Mr. Gillis on this. The simple reason is that I do agree with Reagan in some cases. I know that we have spent money too much, and I know that some of us have got to tighten our belts, but he is doing it the wrong way. He is going too fast and he is going after the wrong things.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The Honorable lady from Auburn never ceases to amaze me. She is like a fresh spring morning almost every single day in this House.

Here we are in this state at the end of the economic pipeline in this nation. Here we are in this state, as Representative Gillis just said, one of the poorest in the nation. The United States government, over the past 50 years, has done a number of wonderful things to redevelop countries across this world of ours. EDA is an instrument that would improve the business climate and the economic climate in this wonderful state of ours. It would not only provide jobs, it would provide an opportunity for us in a variety of grants in getting our goods out of the state and importing goods into it.

The EDA program, in my opinion, is one of the better programs that has come out of Washington in the past 30 years, and I would hope that we would not accept the good gentleman's motion this morning, and we would defeat it, as it should be defeated.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: There is no question about the program being a good program, it is a good program, but this is an exercise in futility. You aren't going to get this money anymore than I am going to get my full Social Security when I become 62. I don't like that program either, and I am very upset about it, but that is the way life is. If we are going to survive in this country, we are going to have to go along with the majority of Congress, and whatever you say won't make a bit of an effect on it.

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

Mr. BROWN: Mr. Speaker and Members of the House: My good friend from Bangor, Mr. Kelleher, never ceases to amaze me. He talks about all of those wonderful government jobs that are being created by all of those wonderful government programs. Mr. Kelleher, you know better than that.

He also talks about Maine being one of the poorest states in the nation. Ladies and gentlemen, let me tell you, if we continue to look to the federal government to secure for us all of

those things and all of those ideals which we cannot do for ourselves, then we will remain one of the poorest states in the nation.

The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mr. Mitchell.

Mrs. MITCHELL: Mr. Speaker, I request the Yeas and Nays.

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

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I think I was a bit shocked by what I heard Representative Dillenback had to say about the futility of us in this body and in the other body passing this particular resolution. He said, no matter what we say, it won't make any difference to Congress and no matter what we say, it won't make any difference to the administration. I think that is a bit alarming.

We here, as an assembled body, represent a million people, a million people, and I think that we do have the right to say, and I would certainly hope that somebody in Washington, be it in the administration or in our own Congressional delegation, that the voices of the representatives of those million people would make a difference.

This is a top priority in the State of Maine, it is important to our entire economy, and I think that the idea that what we say here has no effect or that we shouldn't even make the attempt to tell Washington that this is an important program to us is ludicrous.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Livermore Falls, Mr. Brown, that this Joint Resolution be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Armstrong, Brown, D.; Callahan, Connors, Damren, Davis, Day, Dillenback, Dudley, Foster, Gavett, Holloway, Hunter, Hutchings, Jackson, Jordan, Lewis, McHenry, Nelson, A.; Peterson, Randall, Reeves, J.; Sherburne, Smith, C.W.; Walker, Weymouth.

NAY — Aloupis, Austin, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Cahill, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connolly, Cox, Davies, Dexter, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Ingraham, Joyce, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Laverriere, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Masterman, Matthews, McCollister, McGowan, McKean, McPherson, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, E.; Paul, Pearson, Perkins, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Salsbury, Smith, C.B.; Soulas, Stevenson, Stover, Strout, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Vose, Webster, Wentworth, The Speaker.

ABSENT — Brown, K.L.; Crowley, Cunningham, Curtis, Huber, Jacques, Jalbert, Kane, LaPlante, Martin, H.C.; Masterton, Michael, Paradis, P.; Prescott, Small, Soule, Studley, Treadwell, Twitchell.

Yes, 26; No, 105; Absent, 19; Vacant, 1.

The SPEAKER: Twenty-six having voted in the affirmative and one hundred five in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, the Joint Resolution was adopted in concurrence.

Reports of Committees Ought Not to Pass

Report of the Committee on Education reporting "Ought Not to Pass" on Bill, "An Act Related to Teacher Standards and Certification" (S. P. 319) (L. D. 909)

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

Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Adjust the Rates for Reimbursement to Boarding Homes and Provide for a Cost Reimbursement" (S. P. 456) (L. D. 1302)

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Amend the Maine Certificate of Need Act of 1978" (S. P. 248) (L. D. 718)

Report of the Committee on Health and Institutional Services, reporting "Leave to Withdraw" on Bill "An Act to Amend the Maine Certificate of Need Act of 1978 to bring Nonconforming Provisions into Conformity with Federal Requirements and to make Technical Amendments" (S. P. 334) (L. D. 939)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Facilitate the Removal of Clouds on Title to Proposed Unaccepted Streets in Subdivisions" (S. P. 428) (L. D. 1250)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill, "An Act to Exempt Fuels Used to Heat Commercial Greenhouses from the Sales Tax" (S. P. 238) (L. D. 693)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill, "An Act to Provide a Income Tax Check-off for Voluntary Contributions to the Department of Inland Fisheries and Wildlife" (S. P. 394) (L. D. 1187)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill, "An Act Concerning the Sales Tax Exemption for Air Pollution Control Facilities" (S. P. 313) (L. D. 869)

Came from the Senate with the Reports read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Judiciary reporting "Ought to Pass" in New Draft (S. P. 599) (L. D. 1595) on Bill "An Act to Amend the Short Form Deeds Act" (S. P. 84) (L. D. 181)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once, and assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act to Establish Arbitration Procedures and Rules Governing Employee Activities" (S. P. 311) (L. D. 867)

Report was signed by the following members:

Senator:
DUTREMBLE of York

— of the Senate.

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

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

Report was signed by the following 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.

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

In the House: Reports were read.

On motion of Mrs. Beaulieu of Portland, the Minority "Ought Not to Pass" Report was accepted in concurrence.

Divided Report

Minority Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Prohibit the Importation of Spent Nuclear Fuel" (S. P. 413) (L. D. 1217)

Report was signed by the following members:

Senators:
O'LEARY of Oxford
McBREAIRTY of Aroostook
REDMOND of Somerset

— of the Senate.

Representatives:
HUBER of Falmouth
KIESMAN of Fryeburg
HALL of Sangerville
DEXTER of Kingfield
AUSTIN of Bingham

— of the House.

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

Report was signed by the following members:

Representatives:
DAVIES of Orono
MITCHELL of Freeport
MICHAEL of Auburn
MICHAUD of East Millinocket
JACQUES of Waterville

— of the House.

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

In the House: Reports were read.

Mr. Hall of Sangerville moved that the Majority "Ought Not to Pass" Report be accepted in concurrence.

Whereupon, Mr. Mitchell of Freeport requested a roll call vote.

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

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

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

The Chair recognized the gentleman from Millinocket, Mr. Michaud.

Mr. MICHAUD: Mr. Speaker, I would like to pair my vote with the gentleman from Veazie, Mr. Treadwell. If he were here, he would be voting yea, and I would be voting nay.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Beaulieu, Bell, Benoit, Bordeaux, Boyce, Brannigan, Brenerman, Brown, A.; Brown, D.; Cahill,

Callahan, Carrier, Conary, Cox, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Hall, Hanson, Hayden, Hickey, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham Jackson, Jordan, Kelleher, Ketover, Kjesman, Kilcoyne, Lancaster, Laverriere, Lewis, Livesay, Lund, MacBride, Mahany, Manning, Masterman, Matthews, McGowan, McHenry, McPherson, McSweeney, Moholland, Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paul, Pearson, Perkins, Peterson, Pouliot, Prescott, Racine, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Soules, Stevenson, Stover, Strout, Swazey, Telow, Theriault, Vose, Walker, Wentworth, Weymouth.

NAY—Baker, Berube, Brodeur, Carter, Chonko, Clark, Conners, Connolly, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Higgins, H.C.; Hobbins, Joyce, Kany, LaPlante, Lisnik, Locke, MacEachern, Macomber, Martin, A.; McCollister, McKean, Michael, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; Perry, Randall, Reeves, P.; Richard, Rolde, Smith, C.B.; Tarbell, Thompson, Tuttle, Webster, The Speaker.

ABSENT—Boisvert, Brown, K.L.; Carroll, Crowley, Cunningham, Jacques, Jalbert, Kane, Martin, H.C.; Masterton, Paradis, P.; Post, Small, Smith, C.W.; Studley, Twichell.

PAIRED—Michaud-Treadwell.

Yes, 88; No, 44; Absent, 16; Paired, 2; Vacant, 1.

The SPEAKER: Eighty-eight having voted in the affirmative and forty-four in the negative, with sixteen being absent and two paired, the motion does prevail. (Later Reconsidered)

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-197) on Bill "An Act to Provide for Reimbursement under the Education Finance Act for Programs for Gifted and Talented Children" (S. P. 223) (L. D. 610)

Report was signed by the following members:

Senators:

PIERCE of Kennebec
TROTZKY of Penobscot
CLARK of Cumberland

— of the Senate.

Representatives:

CONNOLLY of Portland
GOWEN of Standish
ROLDE of York
LOCKE of Sebek
THERIAULT of Fort Kent
MATTHEWS of Caribou
MURPHY of Kennebunk
THOMPSON of South Portland

— 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:

BROWN of Gorham
BROWN of Livermore Falls

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-197).

In the House: Reports were read.

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

Mr. CONNOLLY: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Ms. Brown.

Ms. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to any extra programs for gifted and talented children. If

we had unlimited resources, it might be nice, but can we afford it?

Obviously, handicapped children need special help, but do the gifted and talented? I say no. They are the special ones that should be able to advance on their own as fast as they want to or perhaps help the slower students.

Most teachers can challenge their students with extracurricular activities to keep them from being bored in their own classes.

Education already takes a large part of our budget so I feel this is one area where we could absolutely cut back. Statistics prove that by the time the students graduate, only a few are truly gifted, national merit scholars, so I am going to ask you to vote against the motion to accept the "Ought to Pass," and I would ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I think this is one group of young people whom we have not challenged as we should in our public school system. When I served on the Education Committee, it was noted that we spent \$20 million in special ed and \$95,000, yes, only \$95,000 for these gifted and talented children. I really feel that we should give them a break, we should give them something that is going to challenge their minds so they will not go along some path that we would prefer they not. I would hope that we would go along with the Majority Report.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I had a long speech prepared and I don't think I want to get into it, but there is one point that I would like to make. This bill, if it is to eventually pass this session of the legislature, would place the funding for programs for gifted and talented children in the State's School Finance Act in almost the same way that the other categorical programs, are such as vocational education, transportation, and special education are placed in the School Finance Act. If a school unit decided that it wanted to establish a program and it set up the program, it would be required to put up the money itself, that amount of money would go into that community's state and local allocation and that community would be reimbursed based on its percentage of reimbursement two years down the road.

The one significant difference between this program and the other categorical programs that already exist, is that this is completely permissive. By passing this bill, we are not telling local school units that they have to establish these types of programs. That decision would be left entirely up to the local school unit, and if they decided they wanted to do that, then they would be entitled to a percentage of reimbursement two years later down the road.

The committee had a very extensive hearing on this piece of legislation, and for one of the few times, almost all the elements of the educational community stood up in support. We have support for this bill from parents, from teachers, from the administrators, as well as from the Department of Education. The Maine School Superintendents Association presented us with results of a survey that they had taken that showed that over 65 percent of the superintendents in the state said that they felt this bill was necessary and that these kinds of programs were needed within their school systems.

The reason that they haven't been established to this point is because there has been very little money available for them to set up the programs. The only money that exists now is money through competitive grants. There is a state competitive grant program and a federal competitive grant program. The only other money that exists for gifted and talented programs is the summer program, the bill we debated in here some two weeks ago and that this

body gave tentative approval to.

Of all ways to approach this problem of providing programs for these types of children with special needs, this particular approach makes the most logical, the common sense approach. I would hope that this House would support the Majority Report of the Committee on Education.

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

Mr. MATTHEWS: Mr. Speaker, Ladies and Gentlemen of the House: It takes quite a strong issue to get me up out of my seat, but even though I am not gifted or talented, I do see a great need for this program in our schools. I haven't talked much to parents but I have talked to kids that have been involved in this program in Caribou. After talking with those involved, I am greatly impressed by their accomplishments.

Following are a few observations made concerning the Caribou program, which includes grades one through six. The student with ability has been motivated and challenged through the development of projects, activities, research and acceleration in academic areas. These activities have been directly related to the student's area of expertise and interest. Documentation from parents, as well as pupil and teacher comments, have indicated improved self image, a positive attitude towards school and a broadening of background generally as well as specifically in some areas.

I urge your support on this.

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

Mr. BROWN: Mr. Speaker and Members of the House: I will use the old time phrase that I hadn't intended to speak on this, and I really hadn't until I saw that my good friend from Gorham, Ms. Brown, was, unfortunately, winging it all by herself on the floor of the House. I would just like to point out what my objections are to the bill, since I am one of the two people who signed it "ought not to pass."

Obviously, I am not opposed to the gifted and talented children being able to receive some additional instruction in their particular areas. The thing that really concerns me the very most about this program is, it was debated before our committee, the elitist aspect, and I am very concerned about that. I am concerned to the degree that I am afraid that we are going to see a situation develop where parents are going to be pushing the children into these areas because, after all, as we have heard in the past, as I have heard from some people. I have a gifted child and he has a gifted brother at home or a gifted sister at home, in fact, it kind of runs in the family. This is the kind of thing that I was concerned about, and it was a valid concern of mine, I think. I don't want to see us putting together the kind of situation that is going to cause children to feel undue pressures for going forth into those areas that perhaps they aren't really up to doing, and that is a very valid concern. It wasn't an easy issue with me, and that was the major reason why I signed the "ought not to pass" report.

I do disagree with my good friend from Caribou, Mr. Matthews, I disagree with him vehemently. He is gifted and talented and don't let him kid you.

Finally, my good friend from Portland, Mr. Connolly, says that we don't have to worry about it, that all this simply does is place it into the Financial Act so that the towns can be reimbursed. Ladies and gentlemen, whatever we place into the Finance Act is going to have to ultimately be paid for by somebody. The Finance Act isn't made up in heaven; we all know where the source of those funds arise.

So, for those reasons, I did sign the "ought not to pass" report on this bill; however, not with the intent that I am opposed to gifted and talented children being given some extra impetus to perhaps be able to further their particular causes.

I would point out to the House that we have already passed one gifted and talented program in this House, I think a couple of weeks ago, and that was the one that extended the Bowdoin College program, which I thought was an excellent idea. I think the program has worked well, so we have addressed the problem. I am just simply saying that we have to use a little bit of caution when we proceed in areas that perhaps are going to create an elitist society within our schools.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: My good, good, good friend from Livermore Falls, Mr. Brown, has mentioned two items, elitism and cost. As a former teacher who feels very fortunate in 13 years of teaching to come in contact with maybe four or five of these very special children that I was able to try and grapple with that problem, because when you do come in contact with them, they can scare you. When you begin dealing with the child that is four or five grade levels ahead of his or her peers, the classroom teacher, in many cases, feels very helpless, is in need of help, is in need of some special programs, and that is what we are talking about, equal opportunity, equal educational opportunity.

We have looked at this problem very closely, we have been able to look at what happens to these students as they move through our school system. Some, because they are identified as being very smart, become groundhogs, they hide their intelligence, they go underground hoping no one will know that super intelligence or super skill or super talent that they have. Some deliberately underachieve not to draw attention to that. And there are a few that the gifted and talented people call cannonballs, that despite all the obstacles, despite all the harassment, despite all the indifference, they will blast their way through and find some level of success. I don't think that is elitism, I think that is discrimination, I think it is something we had best deal with.

The other point that my good, good friend brought up had to do with cost, and there is an additional cost. Seventeen to twenty percent of these gifted and talented do not graduate from high school, 17 to 20 percent. If you want to look at the long-term cost to our society for that 17 to 20 percent, I think we have an opportunity today to take a positive step to begin dealing with these very special students.

I would urge you to accept the almost unanimous "ought to pass" committee report.

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

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

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

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

Mr. BROWN: Mr. Speaker, I request permission to pair my vote with the gentleman from Veazie, Mr. Treadwell. If he were here and voting, he would be voting yes; if I were voting, I would be voting nay.

ROLL CALL

YEA—Aloupis, Austin, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, K.L.; Callahan, Carrier, Carroll, Chonko, Clark, Conary, Connolly, Cox, Damren, Davies, Davis, Dexter, Diamond, G.W.; Diamond, J.N.; Dil-

lenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Huber, Ingraham, Jackson, Jacques, Joyce, Kane, Kelleher, Ketover, Kilcoyne, Lancaster, LaPlante, Laverriere, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Masterman, Matthews, McCollister, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Post, Pouliot, Prescott, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Rolde, Sherburne, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Strout, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Webster, Weymouth, The Speaker.

NAY—Armstrong, Bordeaux, Brown, A.; Cahill, Carter, Connors, Curtis, Day, Holloway, Hunter, Hutchings, Jordan, Kany, Kiesman, Lewis, Martin, A.; McKean, Moholland, Ridley, Roberts, Salsbury, Stover.

ABSENT—Crowley, Cunningham, Jalbert, Martin, H.C.; Masterton, Small, Studley, Twitcheil, Wentworth.

PAIRED—Brown, D.-Treadwell.

Yes, 117; No, 22; Absent, 9; Paired, 2; Vacant, 1.

The SPEAKER: One hundred seventeen having voted in the affirmative and twenty-two in the negative, with nine being absent and two paired, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (S-197) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act Clarifying the Authority of the Caribou Utilities District to Acquire the Caribou Water Works Corporation" (Emergency) (H.P. 1451) (L.D. 1591) which was passed to be engrossed in the House on May 12, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-215) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Providing for Administrative Changes in the Tax Laws" (H.P. 118) (L.D. 152) which was passed to be engrossed as amended by Committee Amendment "A" (H-344) in the House on May 11, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-344) as amended by Senate Amendment "A" (S-202) thereto in non-concurrence.

In the House: On motion of Mrs. Post of Owl's Head, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Amend the Probate Laws" (H.P. 1232) (L.D. 1457) which was passed to be engrossed as amended by Committee Amendment "A" (H-341) in the House on May 11, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-341) and Senate Amendment "A" (S-207) in non-concurrence.

In the House: On motion of Mr. Hobbins of Saco, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Provide Greater Local Control over Liquor Licensing" (H.P. 1452) (L.D. 1592) which was passed to be engrossed in the House on May 12, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-212) in concurrence.

In the House: On motion of Mr. Cox of Brewer, the House voted to recede and concur.

Orders

On motion of Representative Jalbert of Lewiston, the following Joint Resolution: (H. P. 1472) (Cosponsors: Senator Pray of Penobscot and Representatives Clark of Millinocket and Michaud of East Millinocket)

JOINT RESOLUTION TO COMMEMORATE THE 50th ANNIVERSARY OF THE ESTABLISHMENT OF BAXTER STATE PARK

WHEREAS, on March 3, 1931, the former Governor Percival P. Baxter deeded to the State of Maine 5,960 acres of land, which included Mount Katahdin, the highest mountain in the State of Maine and "the most picturesque area of the State;" and

WHEREAS, in the 31 years that followed, Governor Baxter acquired an additional 195,058 acres which were given to the people of Maine as a public park and "a fitting memorial to the past century and an inspiration to the new;" and

WHEREAS, Governor Baxter viewed the creation of this park through his deeds as "continuing, evolving trusts," which "shall forever be retained and used for state forest, public park and recreational purposes;" and

WHEREAS, during his lifetime he donated over \$1,500,000 to maintain this land and, on his death, he left the bulk of his estate, a trust of over \$10,000,000, to forever assist in maintaining the park, and to assure it "shall forever be kept in the natural wild state;" and

WHEREAS, the acquisition and deeding to the State of over 200,000 acres was an achievement unparalleled by any individual in the United States; now, therefore, be it

RESOLVED: That We, the Members of the 110th Legislature, pause in our deliberations to recognize and commemorate the deeds and actions of Governor Percival Proctor Baxter on this the 50th anniversary of this magnificent gift to the people of the State of Maine; and be it further

RESOLVED: That suitable copies of this Joint Resolution be sent forthwith to John L. Baxter, Sr., the living nephew of Governor Baxter, and the Baxter State Park Headquarters at Millinocket, Maine.

Under suspension of the rules, the Resolution was read and adopted and sent up for concurrence.

Special Sentiment Calendar

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

Recognizing:

Kathryn Ruth of Freeport, upon her initiation into the University of Maine at Orono's Delta Chapter of Phi Beta Kappa; (S. P. 601)

Jeannette Word, of Bath, valedictorian of Morse High School, class of 1981; (H. P. 1461) by Representative Stover of West Bath. (Cosponsors: Representatives Small of Bath, Cahill of Woolwich and Senator Sewall of Lincoln)

Stephen Haggett, of Bath, salutatorian of Morse High School, class of 1981; (H. P. 1462) by Representatives Small of Bath. (Cosponsors: Representatives Stover of West Bath, Cahill of Woolwich and Senator Sewall of Lincoln)

Francis and Ellen Foley, of Scarborough, who celebrated their 50th wedding anniversary on April 14, 1981; (H. P. 1463) by Representative Higgins of Scarborough.

Barbara Libby of Hampden, for her many hours of volunteer work operating TTY for the hearing impaired in Northern Maine; (H. P. 1468) by Representative Prescott of Hampden. (Cosponsor: Senator Hichens of York)

Robert Erskine of Dixmont, who received an outstanding citizen award for his service to the town as constable, bus driver and fire chief;

(H. P. 1469) by Representative Prescott of Hampden.

Thomas Theriault, of Rockwood, valedictorian of Greenville High School, Class of 1981; (H. P. 1470) by Representative Masterman of Milo. (Cosponsor: Senator Pray of Penobscot)

Robert Larabee, Salutatorian of Greenville High School, Class of 1981; (H. P. 1471) by Representative Masterman of Milo. (Cosponsor: Senator Pray of Penobscot)

Captain Roland O. Melcher, U.S.N., a native of Scarborough, recipient of the 1981 Maine Maritime Academy Alumni Association "Outstanding Alumni Award"; (H. P. 1473) by Representative Lancaster of Kittery. (Cosponsors: Representative Higgins of Scarborough, Senators Perkins of Hancock and Hichens of York) In Memory of:

Joe Louis, the legendary "Brown Bomber," heavyweight champion of the world from 1937-1950, the longest continuous reign in heavyweight title history; (H. P. 1464) by Representative Jalbert of Lewiston.

Norman S. Thomas, of Lewiston, dean of the Nation's Sports Editors and Writers and Lewiston Journal Sports Editor Emeritus; (H. P. 1465) by Representative Jalbert of Lewiston.

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

House Reports of the Committee Ought Not to Pass

Representative Ridley from the Committee on Public Utilities on Bill "An Act to Relieve Maine Landlords from Excessive Utility Charges" (H. P. 713) (L. D. 838) reporting "Ought Not to Pass"

Representative Conners from the Committee on Marine Resources on Bill "An Act to Regulate Striped Bass" (H. P. 927) (L. D. 1098) reporting "Ought Not to Pass"

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

Leave to Withdraw

Representative Weymouth from the Committee on Public Utilities on Bill "An Act Relating to Transit Districts" (H. P. 672) (L. D. 776) reporting "Leave to Withdraw"

Representative Weymouth from the Committee on Public Utilities on Bill "An Act Relating to Action by the Public Utilities Commission on Applications by Motor Common Carriers of Passengers for Certificates of Public Convenience and Necessity" (H. P. 644) (L. D. 734) reporting "Leave to Withdraw"

Representative Weymouth from the Committee on Public Utilities on Bill "An Act to Authorize the Public Utilities Commission to Grant Temporary Licenses to Applicants for Special or Charter Licenses" (H. P. 606) (L. D. 383) reporting "Leave to Withdraw"

Representative Weymouth from the Committee on Public Utilities on Bill "An Act to Exempt the Operation of Dump Trucks when Transporting Sand, Gravel and Road Construction Materials from some Types of Regulation by the Public Utilities Commission" (H. P. 573) (L. D. 649) reporting "Leave to Withdraw"

Representative Weymouth from the Committee on Public Utilities on Bill "An Act to Extend the Period During which Proposed Rate Changes for Common Carriers may be Suspended" (H. P. 572) (L. D. 648) reporting "Leave to Withdraw"

Representative Weymouth from the Committee on Public Utilities on Bill "An Act to Authorize the Public Utilities Commission to Grant the Assignment and Transfer of Special or Charter Licenses" (H. P. 530) (L. D. 596) reporting "Leave to Withdraw"

Representative Weymouth from the Committee on Public Utilities on Bill "An Act Relating to Action by the Public Utilities Commission on Applications by Motor Common Carriers of

Freight for Certificates of Public Convenience and Necessity" (H. P. 526) (L. D. 592) reporting "Leave to Withdraw"

Representative Weymouth from the Committee on Public Utilities on Bill "An Act Relating to Public Utilities Commission Control over Area Transportation Systems" (H. P. 254) (L. D. 294) reporting "Leave to Withdraw"

Representative Ridley from the Committee on Public Utilities on Bill "An Act to Create a Fund to Pay for the Eventual Decommissioning of Any Nuclear Power Plant" (H. P. 928) (L. D. 1099) reporting "Leave to Withdraw"

Representative Weymouth from the Committee on Public Utilities on Bill "An Act to Extend the Distance Limitations in the Exemption for Moving Household Goods" (H. P. 1155) (L. D. 1376) reporting "Leave to Withdraw"

Representative Weymouth from the Committee on Public Utilities on Bill "An Act to Extend the Distance Limitations in the Exemption for Moving Household Goods" (H. P. 1155) (L. D. 1376) reporting "Leave to Withdraw"

Representative Diamond from the Committee on State Government on Bill "An Act Concerning the Publication of Official State Highway Maps" (H. P. 1157) (L. D. 1378) reporting "Leave to Withdraw"

Representative Prescott from the Committee on Health and Institutional Services on Bill "An Act to Improve the Administration of the General Assistance Program" (H. P. 1068) (L. D. 1271) reporting "Leave to Withdraw"

Representative Salsbury from the Committee on Marine Resources on Bill "An Act to Establish a Marine Resources Development Commission" (H. P. 1295) (L. D. 1508) reporting "Leave to Withdraw"

Representative Hanson from the Committee on Marine Resources on Bill "An Act to Allow the Commissioner of Marine Resources to Lease Rights to Undedicated Alewife Fisheries" (H. P. 112) (L. D. 145) reporting "Leave to Withdraw"

Representative Crowley from the Committee on Marine Resources on Bill "An Act to Allow the Transfer of Aquaculture Leases" (H. P. 16) (L. D. 10) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Representative Weymouth from the Committee on Public Utilities on Bill "An Act to Incorporate the Cobscook Bay Tidal Power District" (H. P. 1097) (L. D. 1304) reporting "Ought to Pass" in New Draft (H. P. 1467) (L. D. 1603)

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.

Consent Calendar First Day

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

(S. P. 401) (L. D. 1193) Bill "An Act to Improve the Community Industrial Building Program" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-196)

(H. P. 1412) (L. D. 1574) RESOLVE, Authorizing the Transfer of Certain Lands in Webster Plantation to the Heirs of Horace White" — Committee on Energy and Natural Resources reporting "Ought to Pass"

(H. P. 910) (L. D. 1076) Bill "An Act to Amend Special Education Statutes for Support of Special Education Programs and Services Provided in Excess of the Normal School Year" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-371)

(H. P. 1250) (L. D. 1474) Bill "An Act Concerning the Liability of Teachers and School Administrators Who Administer Medication to

Children in Emergency Situations" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-372)

(H. P. 1158) (L. D. 1379) Bill "An Act to Establish a Consolidated Map of the State" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-373)

(H. P. 1154) (L. D. 1375) Bill "An Act Relating to the Lobster Advisory Council" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-374)

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

Second Readers

Later Today Assigned

Bill "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property" (H. P. 1459) (L. D. 1598)

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

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

Bill "An Act to Require Periodic Reapportioning of Districts for Election of Representatives to Congress" (H. P. 1120) (L. D. 1337) (C. "A" H-370)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed as amended and later today assigned.

Passed to be Enacted

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

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

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

Leave to Withdraw

Representative Hobbins from the Committee on Judiciary on Bill "An Act Increasing the Forfeiture for Drinking in Public" (H. P. 24) (L. D. 28) reporting "Leave to Withdraw"

Representative Paradis 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" (Representatives Masterman of Cape Elizabeth and Dillenback of Cumberland — abstained)

Representative Paradis from the Committee on State Government on Bill "An Act to Provide for Prior Legislative Approval of Administrative Rules" (H. P. 292) (L. D. 336) reporting "Leave to Withdraw"

Representative Webster from the Committee on State Government on Bill "An Act to Amend the Public Notice of Rulemaking Requirements of the Maine Administrative Procedures Act" (H. P. 673) (L. D. 777) reporting "Leave to Withdraw"

Representative Diamond from the Committee on State Government on Bill "An Act to Clarify the Administrative Procedure Act" (H. P. 1071) (L. D. 1274) reporting "Leave to Withdraw"

Representative Kany from the Committee on State Government on Bill "An Act to Improve Agency Rulemaking by Mandating Procedures to Analyze the Availability of more Flexible Regulatory Approaches for Affected Businesses, Organizations and Governmental Jurisdictions" (H. P. 1217) (L. D. 1440) reporting "Leave to Withdraw"

Representative Paradis from the Committee on State Government on Bill "An Act to Provide for Legislative Review of Proposed Agency Rules" (H. P. 1218) (L. D. 1442) reporting "Leave to Withdraw"

Representative Diamond from the Committee on State Government on Bill "An Act to Amend the Maine Administrative Procedure Act" (H. P. 1278) (L. D. 1493) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

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

Consent Calendar First Day

(H. P. 1361) (L. D. 1546) RESOLVE, to Authorize Expenditures of Certain Federal Funds for New or Expanded Programs (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

On the objection of Mr. Jackson of Yarmouth, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Resolve read once and assigned for second reading later in the day.

Tabled Unassigned

(H. P. 1216) (L. D. 1445) Bill "An Act to Authorize a Self-Liquidating Bond Issue for Kennebec County for the Construction of a New Detention Facility" Committee on State Government reporting "Ought to Pass"

On the objection of Mrs. Kany of Waterville, was removed from the Consent Calendar.

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

Mrs. KANY: Mr. Speaker and Members of the House: I just wanted to state that sending this bill out to the House unanimously "ought to pass" does not really indicate any approval whatsoever from the State Government Committee. We just simply wanted to get this out of our committee and close our business for the time being. Kennebec County is looking for a possible site for a jail, and if there is a site, particularly state land, I am sure that issue would, once again, have to be addressed within the State Government Committee, too. Perhaps at that time the bill could be recommended, along with the potential site, if one is found.

I would ask that the gentlelady from Vassalboro, Mrs. Mitchell, please table this bill unassigned.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending acceptance of the Committee Report.

(H. P. 987) (L. D. 1175) RESOLVE, Authorizing and Directing the Bureau of Public Lands to Convey a Perpetual Easement and Right-of-way in a Certain Parcel of Land in Augusta to Mobil Pipe Line Company. Subject to Certain Conditions—Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-376)

(H. P. 1185) (L. D. 1409) Bill "An Act Amending the Statutes Relating to Restitution"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-375)

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

(Off Record Remarks)

By unanimous consent, all matters acted upon requiring Senate concurrence were ordered sent forthwith.

On motion of Mrs. Mitchell of Vassalboro,

Recessed until the sound of the gong.

After Recess 10:10 a.m.

The House was called to order by the Speaker.

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

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Require Builders to Offer Warranties on Homes which they Construct" (H. P. 1105) (L. D. 1310)

Report was signed by the following members:

Sensors:

SUTTON of Oxford
SEWALL of Lincoln

— of the Senate.

Representatives:

POULIOT of Lewiston
PERKINS of Brooksville
GWADOSKY of Fairfield
JACKSON of Yarmouth
GAVETT of Orono

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1466) (L. D. 1602) on same Bill.

Report was signed by the following members:

Senator:

CLARK of Cumberland

— of the Senate.

Representatives:

FITZGERALD of Waterville
TELOW of Lewiston
RACINE of Biddeford
BRANNIGAN of Portland
MARTIN of Van Buren

— of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Portland, Mr. Brannigan, moves that the Minority "Ought to Pass" Report be accepted.

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

Mr. JACKSON: Mr. Speaker and Members of the House: I hope the House will not accept the "Ought to Pass" Report and will go with the "Ought Not to Pass" Report.

If you will look at the bill carefully, you will see where we are setting up a whole form of warranties; this will be passed along to the homeowner and it is going to cost more. There are already provisions, you can buy insurance that is protection at Tort Law, if you want to go to that, and to me, this particular bill is an unnecessary added bureaucracy and isn't needed. I hope you will vote against the passage of this.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: The committee amendment to L. D. 1510 completely replaces the original bill. The amendment is based on a Minnesota law. Its purpose is very simple, it requires that new houses be guaranteed against poor workmanship and materials for one year, and guaranteed against faulty plumbing, electrical, heating and cooling work for two years. This is a very modest requirement to impose on home contractors.

The average house sold in Maine today costs around \$50,000. It should not be unreasonable by anyone's standard to require somebody selling a \$50,000 product to stand behind at least part of it for a couple of years.

Several years ago, this Legislature passed a

law creating implied warranties on all consumer goods, from toasters to dishwashers and motorcycles. It is even more important to give a basic protection to people buying an item like a new home, which costs much more than a dishwasher and which is probably the most significant purchase they will ever make.

Some people say that this is a lawyer's bill. It is true that a homebuyer under this amendment may end up having to sue to get satisfaction, but this is always a possibility whenever the Legislature gives people new legal rights to protect themselves.

Instead, ask yourself whether new car buyers usually have to sue when they need warranty work done. The answer, naturally, is that they rarely need to sue to get the dealer to honor the warranty. Well, the same thing would be true under this amendment, and if a home buyer did eventually have to go to court, at least under this amendment he would have a sturdier leg to stand on than he now has.

Of course, people will also say that if you get yourself a reputable builder, then you don't have to worry. But the main problem there is, you don't know who is reputable until after you have made the purchase, and then it is a little bit too late.

I hope that you will support the pending motion.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to take any time, but being a former home builder, I can tell you what this will do. It will absolutely increase the cost of any home that is bought under this warranty. There hasn't been a house built in two years' time that doesn't have minor problems with it, and the contractors are going to have to come back and come back and come back, and they are minor, and it is ridiculous to add to the cost. People cannot afford to buy homes today, and I just think it is an unnecessary bill.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Could somebody explain to me, who has been studying this bill and is an advocate of this bill, what the problems with our current law in the State of Maine are dealing with warrantability and merchantability of homes? In other words, why do we need this over what our current legal protections provide?

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

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

Mr. BRANNIGAN: Mr. Speaker and Members of the House: I have supported this bill because I feel that in these areas an express warranty has not only legal value, but I think it also has psychological value. Builders and someone having a house built from them, when they sit down, these limited areas and these limited time frames, I think, just as in buying cars, express warranties are of value. I think in buying something as big and important as a house, I think an express warranty, which expresses just what you can count on, puts the builder on notice and puts the buyer on notice as to what they can expect. So, I am in favor of express warranties in this regard.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly agree with my friend from Cumberland, Mr. Dillenback, that this is a bad, bad bill. The housing industry in this state is in tough economic conditions right at the moment, and I think this House would be unwise to support this type of legislation.

The Representative from Bangor, Mr. Tar-

bell, raised a question — what is wrong with the warranties that we have now. I would ask for a roll call because I certainly don't want my name ever associated with this legislation. This is a terrible bill.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, 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, Brannigan, Brennerman, Brodeur, Connolly, Cox, Davies, Diamond, J.N.; Erwin, Fitzgerald, Gowen, Higgins, H.C.; MacEachern, Macomber, Manning, Matthews, McColister, McHenry, Michael, Mitchell, E.H.; Mitchell, J.; Perry, Prescott, Racine, Reeves, P.; Smith, C.B.; Telow.

NAY — Aloupis, Armstrong, Austin, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Dudley, Foster, Fowlie, Gavett, Gillis, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, L.M.; Hobbins, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kane, Kelleher, Ketover, Kiesman, Kilcoyne, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, Mahany, Martin, A.; Masterman, McGowan, McKean, McPherson, McSweeney, Michaud, Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Peterson, Post, Pouliot, Randall, Reeves, J.; Richard, Roberts, Rolde, Salsbury, Sherburne, Small, Soule, Stevenson, Stover, Strout, Swazey, Tarbell, Theriault, Thompson, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, The Speaker.

ABSENT — Crowley, Cunningham, Jalbert, Kany, Lancaster, Martin, H.C.; Masterton, Ridley, Smith, C.W.; Soulas, Studley, Treadwell, Twitchell.

Yes, 27; No, 110; Absent, 13; Vacant, 1.

The SPEAKER: Twenty-seven having voted in the affirmative and one hundred ten in the negative, with thirteen being absent, the motion does not prevail.

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

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

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act Relating to Referendum Campaign Reports and Finances" (H. P. 959) (L. D. 1150)

Report was signed by the following members:

Senators:

PIERCE of Kennebec
PRAY of Penobscot

— of the Senate.

Representatives:

BORDEAUX of Mount Desert
HANSON of Kennebunkport
WENTWORTH of Wells
CAHILL of Woolwich
WEYMOUTH of West Gardiner

— of the House.

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

Report was signed by the following members:

Senator:

CARPENTER of Aroostook
— of the Senate.

Representatives:

DIAMOND of Bangor
ROBERTS of Buxton
NADEAU of Lewiston
BENOIT of South Portland
BOISVERT of Lewiston

— of the House.

Reports were read.

On motion of Ms. Benoit of South Portland, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading later in the day.

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

Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act to Clarify the Authority of Councils of Governments" (H. P. 710) (L. D. 835)

Report was signed by the following members:

Senator:

CHARETTE of Androscoggin
— of the Senate.

Representatives:

STOVER of West Bath
PARADIS of Old Town
SWAZEY of Bucksport
McHENRY of Madawaska
ROBERTS of Buxton
RIDLEY of Shapleigh
LaPLANTE of Sabattus
WENTWORTH of Wells

— of the House.

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

Report was signed by the following members:

Senators:

AULT of Kennebec
PERKINS of Hancock

— of the Senate.

Representatives:

CURTIS of Waldoboro
ARMSTRONG of Wilton

— of the House.

Reports were Read.

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

Mr. LaPLANTE: Mr. Speaker, I move that the Majority "Ought Not to Pass" Report be accepted.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to urge your acceptance of the Minority "Ought to Pass" Report.

The Council of Governments is a form of government that is now set up pretty much in the Cumberland County area. There are 17 towns involved in it, Bridgton, Cape Elizabeth, Casco, Cumberland, Falmouth, Freeport, Gorham, Gray, Naples, Portland, Pownal, Scarborough, Sebago, South Portland, Westbrook, Windham, and Yarmouth. The way this is set up is direct input by the voters through the municipal officials of the town. The council supplies a lot of useful information to the town. Our town has benefitted by information on landfill and zoning and a number of other things.

The Council of Governments also provides aid in joint purchasing of fuel oil and a number of other things for towns.

I don't think you will find any objection by the towns involved in the Council of Governments to this form.

This bill would allow the Council of Govern-

ments to join together, two or three towns to join together to purchase such things as a road striping machine or street sweeping machine, something like that.

It could be argued that this can already be done by inter-local agreement. The problem with inter-local agreement is, it can take from one to six months to get through the Attorney General's Office.

It is my feeling that they should be able to join together and do this without having to go through the inter-local agreement form, because they have already done that in forming the Council of Governments.

There is plenty of protection here, because any agreement they go into, the selectmen or the councilors in the town have to get together and have to agree to this anyway on the town level before two or three towns can join together to do this.

The Council of Governments feels this is a very important bill, the towns involved in it do.

Now, some objections that I understand have been raised are that maybe this is a Portland issue. I think the towns I read to you certainly aren't Portland, that is only one of them. We like our Council of Governments, it helps us, and we feel this would be a very handy tool for them to have. There has been talk of other Council of Governments formed within the state. I understand there has been some talk in the Lewiston and Androscoggin area of forming one. The only one that does exist right now is the one in Cumberland County.

I would urge that you accept the Minority "Ought to Pass" Report and pass this bill through.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to bring some points to light of why the committee felt, the majority of the committee, that they should reject this. Many members of the committee feel that this is another layer between the county and the municipality.

Under the inter-local agreement right now, the Attorney General has to render an opinion, either acceptance or rejections, within 30 days. We felt that was logical, that within 30 days they would have a yes or no answer to any request that they put in. We were told that they do not like to go through the Attorney General's Office.

Another thing is, I don't know where—I have been told that Androscoggin has been looking into this kind of sublayer of government. I don't know where it comes from. I come from Androscoggin County and we have never discussed that and there is nothing going on except that the Regional Planning Commissions are pushing this, and that made us a little leery also, as a regional form of government.

Another is that they have operated fully, for the number of years they have been in existence, very well with the Attorney General's approval and we see no reason to change this at this time.

Another fear of some members of the committee is that once a community accepts one legislative body, or even at one town meeting accepts a long-term agreement, in the future if they run into a problem of financial strain, they can't get out of COG, they have to remain with their contractual agreement. So, we feel it is another government between the municipalities, the county, COG, state government, it is another layer that people may have a problem with in the future, especially since regional planning commissions want this so badly. I think there is a feeling amongst many people that regional government is not quite ready here in Maine yet, and I don't think Maine is ready for them.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker and Members of the House: I rise to support this bill and I just

want to remind the good committee chairman that we have a regional form of government in the Portland area, it is called the Council of Governments. We like it, we trust it, we want to see it work even better, we want to see it save us money, so we are not talking about regionalism or something that may be coming, we are talking about a form of regionalism that we have in our area which we find extremely satisfactory. It is not between us and anybody else, it is ours, and we hope you will support this bill to help them to do their job.

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

A vote of the House was taken. Whereupon, Mrs. Wentworth of Wells 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 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 Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that you will change your minds on this. What we are doing is, we are saying that this Council of Governments can spend the taxpayers' money without their approval, without their direct approval on expenditures of money. I certainly hope that we do not go along with this.

In Portland, they can spend the money without the taxpayers' approval, that is all it is. If you go along with this, I don't mind, but I wouldn't want it. I certainly wouldn't want my town fathers to spend money without my approval. I think the people should be voting anything that these people are going to say that they want. If they want to buy a big plow, I think the people should say yes or no. But right now, with the Council of Governments, they do not have the right to vote yes or no on anything.

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

Mr. JACKSON: Mr. Speaker and Members of the House: I object to that. I don't think that is at all accurate. In fact, if you believe that your selectmen in your small towns or your councilmen are acting without the approval of the people in the towns, then I suppose you might buy that. This has to go through the selectmen or the council, they are elected by the people in the town. Many of the small town selectmen form of government, in order to spend any money, they have to go to a referendum anyway; they would still have to go to a referendum on this, which would be direct approval by the people.

So, there is certainly input, and, as I say, it only affects our COG down in the Cumberland County area, and I hope you will vote for the passage of this bill.

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

Mr. McHENRY: Mr. Speaker and Members of the House: I would just like to also add that what is their big fear of going to the Attorney General? Just think of it — what is their fear?

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

Mr. HIGGINS: Mr. Speaker and Members of the House: Perhaps there is some misconceptions dealing with the Greater Portland Council of Governments. It is an organization that is serving a great deal of Cumberland County, in fact, I think all of it. It is an organization that is put together to sort of bring a lot of the smaller municipalities together on what could be called a cost-sharing basis. It benefits us, one area

that I know is the planning area where the Council of Governments has a planner who serves Gorham, Westbrook and other municipalities, where these municipalities might have had to hire a person on a full-time basis. It is cost effective, and this is one of the primary benefits that I see coming out of the Greater Portland Council of Governments.

This bill specifically deals with one point — the Attorney General has a 30 day grace period to review potential agreements between the Council of Governments and some of the municipalities, and in some cases, such as a short-term project, such as possibly snow plowing or something like this that is done on perhaps an on-call basis, I question the need for the Attorney General to review this over a 30 day period, it is perhaps on call, and I would encourage you to support this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Very briefly the question has been asked, why are they afraid to go to the Attorney General, and I don't think it has been answered. I am going to try to answer it. I don't think they are afraid to go there, they know it takes two or three months to get through there, and by then they wouldn't need to do it anymore.

I heard it said in the House it is a Portland bill. Well, if it is a Portland bill, let's give it to them; they don't ask for too much, I don't think.

While I am on my feet, the area that I come from, it doesn't affect them anyway, so let's give it to them.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Sabattus, Mr. LaPlante, 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 — Boisvert, Carroll, Erwin, Gillis, Hall, Kelleher, Lancaster, LaPlante, Lewis, Macomber, Martin, A.; Masterman, Matthews, McCollister, McHenry, Nadeau, Paradis, E.; Paul, Perry, Post, Prescott, Reeves, J.; Reeves, P.; Roberts, Rolde, Stover, Swazey, Theriault, Tuttle, Twitchell, Webster, Wentworth.

NAY — Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Benoit, Berube, Bordeaux, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carter, Chonko, Clark, Conary, Connors, Connolly, Cox, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Dudley, Fitzgerald, Foster, Fowlie, Gavett, Gowen, Gwadosky, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kane, Kany, Ketover, Kiesman, Kilcoyne, Laverriere, Lisnik, Live-say, Locke, Lund, MacBride, MacEachern, Mahany, Manning, McGowan, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nelson, A.; Norton, O'Rourke, Paradis, P.; Pearson, Perkins, Peterson, Pouliot, Racine, Randall, Richard, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soule, Stevenson, Strout, Tarbell, Telow, Thompson, Vose, Walker, Weymouth.

ABSENT — Carrier, Crowley, Cunningham, Jalbert, Martin, H.C.; Masterton, McKean, Nelson, M.; Ridley, Soulas, Studley, Treadwell, The Speaker.

Yes, 32; No, 105; Absent, 13; Vacant, 1.

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

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

Mr. JACKSON: Mr. Speaker, having voted on the prevailing side, I ask for reconsideration

and hope you will all vote against it.

The SPEAKER: The gentleman from Yarmouth, Mr. Jackson, having voted on the prevailing side, moves that we reconsider our action whereby the Majority "Ought Not to Pass" Report was not accepted. All those in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the motion did prevail.

The SPEAKER: The pending question is to accept the Majority "Ought Not to Pass" Report.

The Chair recognizes the gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, I ask for a vote.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: What we are about to do is create another level of government similar to the SAD's. I am from small towns. Small towns do not like this. All you have got to do is talk to your people at home about what type of representation they think they are getting on the SAD's; this is the type of representation they will get on this form of government also.

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

Mrs. BEAULIEU: Mr. Speaker and Members of the House: We are certainly not creating another form of government; we already have it.

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

Mrs. POST: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to anyone who may care to answer. I am not able to find in the property tax statutes where the Councils of State Governments are presently exempt from property taxation, and I am wondering whether this bill either does or it is the intent to exempt the Council of Governments from property taxation through the exercise of power section under authority of Section 5?

The SPEAKER: The gentlewoman from Owl's Head, Mrs. Post, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, basically, what we are trying to do is provide another way for towns to execute either purchases or services among its member communities. I can't answer the good gentlelady's question, but this bill has absolutely nothing to do with the question she has posed, it simply provides a shorter, more expeditious route for the Council of Governments to follow. And coming from a small town, I might add, we find it to work very well.

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

Mr. LAPLANTE: Mr. Speaker, another question that wasn't answered and keeps being misrepresented is that there is only 30 days that you have to wait for an Attorney General's decision one way or the other. Why are they not willing to wait 30 days for an Attorney General's acceptance or rejection and yet they say they are willing to wait seven to nine months for a town meeting to occur before anything can be finalized?

I think that maybe we should reconsider the bill, table it and let a few people look at the statutes and understand what is on the books already, that everything they want to do through this now can be done under the statutes. It is a matter of waiting 30 days. I wasn't about to wait seven to nine months for a town meeting to occur, and it just makes me a little leery you are not willing to wait 30 days but you are willing to wait eight or nine months for something to occur.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: There is a great deal of confusion here. The Council of Governments, the council is made up from a representative from each one of the communities, that is the council. They are an advisory group, and any products that they buy have been raised in a town meeting or the council has authorized a certain amount of money for a new truck or plow, as any of you people would do, or the salt that they would use on the roads. What they do is, by combining their groups together so they can buy all their salt at one time, they can get a better price for all the towns. The money was raised by the voters or the council, and the council is made up by a representative from each community. It is a very simple thing.

Mr. LaPlante of Sabattus was granted permission to speak a third time.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: Another thing is that 50 percent of the representation on Council of Governments is the elected officials; 50 percent are officials, which are bureaucrats. It is a good way of expanding your services also and retaining not much of your power. All it takes is two officers, elected officers, to change their votes and the officials run the Council of Government.

The SPEAKER: The pending question is on the motion of the gentleman from Sabattus, Mr. LaPlante, 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.

43 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading later in the day.

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

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Establish a Statewide Cancer-Incidence Registry" (H. P. 807) (L. D. 967)

Report was signed by the following members:

Senators:

HUBER of Cumberland
PERKINS of Hancock

— of the Senate.

Representatives:

JALBERT of Lewiston
SMITH of Mars Hill
LANCASTER of Kittery
KELLEHER of Bangor
DAVIS of Monmouth

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-378) on same Bill. Report was signed by the following members:

Senator:

NAJARIAN of Cumberland

— of the Senate.

Representatives:

CARTER of Winslow
CHONKO of Topsham
BRENERMAN of Portland
ALOUPIS of Bangor
PEARSON of Old Town

— of the House.

Reports were read.

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

Mr. PEARSON: Mr. Speaker, I move the Minority "Ought to Pass" Report.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, moves that the Minority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is an act to establish the statewide cancer-incidence registry. We really have a long, long road to go in cancer in this state. We have in this state some of the highest incidences of cancer in the nation. In some areas within this state, the number of people who are suffering from cancer is appalling.

We don't know yet where all the cases of cancer are occurring. Not only that, sometimes when a death certificate is made out, it will list on the death certificate the immediate cause of death, even though it was simply the final thing that killed somebody that was dying of cancer. What we need is some statistics to try to ascertain where it is that cancer is occurring in Maine so that somewhere along the road, down the path of life that we are going to live, and our children, we will be able to decide statistically what is causing some of these cases of cancer. For example, it may very well be, living in the synthetic society that we are, with all of the chemicals that we are involved in, that those are the things that are causing cancer.

We can't statistically prove that people who work in a given factory, who handle certain chemicals, have a high incidence of cancer right now. This will establish a basis from which to work, and I think we ought to all be dedicated to trying to find a solution for the causes or cause of cancer, whatever it may be. It is just a very small step, but they tell us in the health professions that they need this kind of statistical information in order to make that first step in Maine to determine why it is or where it is in Maine that people are getting cancer to a higher degree than others.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-378) 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.

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

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Improve the Nursing Home Ombudsman Program's Capacity to Respond to Nursing and Boarding Home Complaints" (H. P. 456) (L. D. 503)

Report was signed by the following members:

Senators:

PERKINS of Hancock
HUBER of Cumberland

— of the Senate.

Representatives:

JALBERT of Lewiston
SMITH of Mars Hill
LANCASTER of Kittery
DAVIS of Monmouth
ALOUPIS of Bangor

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-377) on same Bill.

Report was signed by the following members:

Senator:

NAJARIAN of Cumberland

— of the Senate.

Representatives:

CARTER of Winslow
BRENERMAN of Portland
CHONKO of Topsham
KELLEHER of Bangor
PEARSON of Old Town

— of the House.

Reports were read.

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

Mr. PEARSON: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, moves that the Minority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The State of Maine has one of the most aged populations in this nation, and many of these people, perhaps some of your parents or relatives and maybe some of us, will be in nursing homes in this state. We hope that there is no abuse of patients in the nursing homes of Maine, I think everybody hopes that, but we have to have some sort of a safeguard, it seems to me, to make sure that people are protected from abuses, so we have asked for an ombudsman, at least this bill calls for an ombudsman, to help people with their complaints against nursing homes.

It is very difficult for somebody who is living in a nursing home to complain about the owners without some kind of an advocate to carry their case to somebody who can do something about it. I understand we have one now in the state, for the whole state, this would make a second one.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker and Members of the House: I would like to explain why I signed the "ought not to pass" report.

It is true, we only have one person serving in this capacity, but we do have many, many volunteers who are giving their time helping these people in the nursing homes. With this time of strife and money shortage, it seemed to us that we should not enact this bill at this time. I would certainly hope that you would go along with the "ought not to pass" report.

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

A vote of the House was taken.

60 having voted in the affirmative and 45 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-377) 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.

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-379) on Bill "An Act Relating to State-municipal Revenue Sharing" (H. P. 444) (L. D. 523)

Report was signed by the following members:

Senator:

NAJARIAN of Cumberland

— of the Senate.

Representatives:

CARTER of Winslow
LANCASTER of Kittery
CHONKO of Topsham
BRENERMAN of Portland
ALOUPIS of Bangor
PEARSON of Old Town
DAVIS of Monmouth

— 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:

HUBER of Cumberland
PERKINS of Hancock

— of the Senate.

Representatives:

JALBERT of Lewiston
SMITH of Mars Hill
KELLEHER of Bangor

— of the House.

Reports were read.

Mr. Pearson of Old Town moved that the Majority "Ought to Pass" Report be accepted.

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

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

Leave to Withdraw

Representative Higgins from the Committee on Taxation on Bill "An Act to Create a Tax on Mining Companies and to Amend the Statute on Mining on State Lands" (H. P. 1325) (L. D. 1525) reporting "Leave to Withdraw".

Report was read and accepted and sent up for concurrence.

Consent Calendar

First Day

(H. P. 1303) (L. D. 1500) Bill "An Act to Establish the Cost of the Maine Forestry District in Fiscal Year 1981-82" (Emergency)—Committee on Taxation reporting "Ought to Pass".

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

Later Today Assigned

(H. P. 252) (L. D. 292) Bill "An Act to Remove the Town of Medford from the Maine Forestry District" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-380).

On the objection of Mrs. Post of Owl's Head, was removed from the Consent Calendar.

Thereupon, on motion of Mrs. Post of Owl's Head, tabled pending acceptance of the Committee Report and later today assigned.

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

Passed to Be Engrossed

RESOLVE, Authorizing the Governor, acting on Behalf of the State, to Execute Certain Quitclaim Deeds (S. P. 605) (L. D. 1604)

Came from the Senate passed to be engrossed without reference to a Committee.

Under suspension of the rules, the Resolve was read twice and passed to be engrossed without reference to any committee in concurrence.

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

Enactor

Tabled and Assigned

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

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Towards the end of the session, it is unfortunate but we do not seem to be getting our enactors on our desks as quickly as we did during the previous days of the session, so I have not been able to put together L. D. 1122 and Committee Amendment "A" H-320,

so I rise today in hopes that someone could explain to me what this bill does and how it works.

I am from an area that has been involved with shoreland zoning, and I would hope that someone could explain this bill to me, please.

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 gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, I think I would like to ask Representative Higgins if he would table this for one day, because it is Representative Masterton's bill, she is not here and she will be here tomorrow.

Whereupon, on motion of Mr. Higgins of Scarborough, tabled pending passage to be enacted and tomorrow assigned.

Passed to Be Enacted

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

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

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

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

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

Mr. TARBELL: Mr. Speaker, I would also like to pose a question through the Chair on this matter regarding the fee increase, decrease, what it is doing and why the change?

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

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: This is an increase in fees for funeral directors from \$20 to \$40. The bill has been changed from the original bill by amendment to keep their per diem at \$20 and the increase was not recommended by the committee and was not encouraged by the embalming group.

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

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

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

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

Mr. TARBELL: Mr. Speaker, again, not having the enactor on my desk, on this measure I would like to pose the same question regarding the fees in this bill.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: This doesn't raise any fees, not this bill, it simply puts into the statute a bit of language that says we will do an annual review of the fee schedules for all providers, and there are 12.

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

An Act to Amend the Charters of the Mars Hill Utility District and the Rumford Water District (H. P. 1041) (L. D. 1260) (C. "A" H-310)

An Act to Revise the Property Tax Laws (H.

P. 1161) (L. D. 1393) (C. "A" H-330)

An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine (H. P. 1423) (L. D. 1577) (H. "A" H-312; H. "B" H-340)

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

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

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

Mr. HIGGINS: Mr. Speaker, I would like a brief explanation of this bill.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that came to the Business Legislation Committee. It was completely reworked by us. It deals totally with the relationship between auto dealers and auto manufacturers. We put the two parties together, they had a series of meetings, worked out some agreements with themselves. It covers things such as if you owned an automobile agency and you died, would your children have an opportunity to buy the franchise. It covers a number of this type of thing. An agreement was worked out between the two parties.

The bill is 1584. There is quite a long statement of fact in it, but basically that is what it boils down to, all the terms and conditions governing the relationship between these two parties.

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

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

Finally Passed

Emergency Measures

RESOLVE, for Laying of County Taxes and Authorizing Expenditures of Aroostook County for the Year 1981 (H. P. 1445) (L. D. 1586)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members of the House being necessary, a total was taken. 122 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

RESOLVE, for Laying of of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1981 (H. P. 1446) (L. D. 1587)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Finally Passed

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

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

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

Passed to Be Enacted

An Act to Further Exempt Certain Benevolent Organizations from the Employment Security Law (S. P. 253) (L. D. 722) (H. "A" H-352)

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

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

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

An Act to Amend the Waldoboro Sewer District Charter (H. P. 235) (L. D. 271) (C. "A" H-311)

An Act Pertaining to Willful Killing and Injuring of Police Dogs and to Licensing Fees for Police Dogs (H. P. 717) (L. D. 849)

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.

Enactor**Later Today Assigned**

An Act to Permit the Publication of the Name of Juveniles in Connection with Arrests and Court Appearances (H. P. 742) (L. D. 880) (C. "A" H-300)

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

On motion of Mr. Hobbins of Saco, tabled pending passage to be enacted and later today assigned.

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

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

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

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

Ought Not to Pass

Representative Connolly from the Committee on Education on Bill "An Act to Clarify Residence for Educational Purposes" (H. P. 215) (L. D. 234) reporting "Ought Not to Pass"

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

Orders of the Day

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

HOUSE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass"—Committee on Election Laws on Bill "An Act to Prohibit Registration within 72 Hours of an Election" (H. P. 1103) (L. D. 1201)

Tabled—May 13 (Till Later Today) by Representative Diamond of Windham.

Pending—Acceptance of either Report.

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

Ms. BENOIT: Mr. Speaker, I would pose a question to the Chair. I request a ruling from the Chair in regard to L. D. 1201. Pursuant to Joint Rule 4, is L. D. 1201 germane and appropriate before this body?

The SPEAKER: In reference to this question, the matter will be tabled until the Chair renders a ruling on germaneness.

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

HOUSE DIVIDED REPORT—Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-363)—Minority (6)

"Ought Not to Pass"—Committee on Election Laws on Bill "An Act to Permit Appointment of Deputies for the Purpose of Registering Voters Under the Election Laws" (H. P. 135) (L. D. 162)

Tabled—May 13 (Till Later Today) by Representative Diamond of Windham.

Pending—Acceptance of either Report.

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

Ms. BENOIT: Mr. Speaker, I move the House accept the Majority "Ought to Pass" Report.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I don't even remember whose names or what names were on the "ought to pass" and "ought not to pass" report on this measure. I would like an explanation of this bill and the need for this bill before we accept it, and I would ask for a division.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: You may recall the debate we had over registration on election day. One of the problems that we heard was that it became very difficult for local boards of registration to register people. Local boards of registration consist of only three people. Oftentimes there are many people who come to register on election day and it becomes a very difficult process both for the board as well as for citizens wishing to register.

This bill would allow for boards of registration to appoint deputies only on election day to assist in the registration of voters. I would like for you to know, if you don't already, that clerks in small towns are already allowed to appoint deputies and there is no limit, they can appoint as many people as they want to help them. It seems absurd to me that in small towns you would allow all the deputies that you feel are necessary; yet, in the larger cities where we need this extra help, they are not allowed to do that. Quite simply, that is what the bill does.

There is one other part that I might mention that was a concern of some people. In towns now, the clerk is allowed to appoint the chairman of the board of registration, and in many towns, the clerk will appoint him or herself. A lot of members of the committee had a real problem with this. They felt it was more appropriate for the council to appoint that person, it could be the clerk, but it may not be. That way you don't necessarily have a conflict.

If there are any other questions, I would be happy to answer them.

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

Mrs. BERUBE: Mr. Speaker, my name is at the end of the list of the cosponsors, and the bill I cosponsored had one page, one paragraph, and I notice that the amendment is two pages long and there is one item that I wonder if the chairperson of that committee could explain to me, and that is where deputies who were newly deputized would be able to register voters at the polling places? My question is, what access would they have to verification if the polling place is a zillion miles away from the city hall?

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

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: That is a problem with the bill. We hope that you will accept the majority report and at second reader we will amend it so that the deputies will only be allowed to assist the board at the town hall, or wherever the board meets in order to register people. They will not be allowed to go to the polls. That was a mistake in drafting the bill, and an amend-

ment is being prepared to correct that.

The SPEAKER: The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, just an explanation why perhaps there were six members on the minority side of this. This bill would facilitate the voter registration process on election day, and as you are probably all well aware, six of us on the Committee on Election Laws are very much against registering to vote on election day. That is why we voted against this bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from South Portland, Ms. Benoit, 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.

70 having voted in the affirmative and 50 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-363) was read by the Clerk.

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

The Chair laid before the House the third 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 12 by Representative Mahany of Easton.

Pending—Passage to be Engrossed.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this issue this morning, again, take a careful look at it, L. D. 1326. It establishes in the bureaucracy a method again which guarantees loans "to family farms." I know to speak against family farms is like speaking against motherhood and apple pie, and I certainly am not speaking against family farms but instead I am speaking against anything that is going to use your money and mine to subsidize those marginal operations and to make those good operations marginal because they are in the business of competing with those which are now being funded by guaranteed loans. It is an issue where the state has no business being involved. It is one of these bills that ought to be deep sixed; in fact, I would move for the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to further, in this case, Mr. Brown's cause. I checked with the Federal Land Bank and they tell me they have an ample supply of money for farm operations, and I really don't see why we could jeopardize in the long run our credit rating.

I hope you will go along with the indefinite postponement motion and get this bill out of here.

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

Miss BELL: Mr. Speaker, Ladies and Gentlemen of the House: In the State Government Committee, we have been studying the Maine Guarantee Authority quite extensively. If you look at the existing programs, you will find in several of their programs that they will contribute different types of funding at lower interest costs for agricultural types of projects. What we would be doing with this bill is, we would be ensuring the state's full faith and credit for agricultural or family farm loans.

If you look at that program, right now they have \$15 million left to guarantee projects of different types. There is a proposal for an umbrella bond which would take \$7.5 million of that, that would leave \$7.5 million. We would be

broadening again the authority of the Maine Guarantee program. I think it would be harmful at this time to broaden it with projects of this type.

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

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: The idea for this bill was not just pulled out of the air. It was one of the priority suggestions from the Food and Farmland Study Commission that was in existence a few years ago. Farmers are in favor of the bill. As a matter of fact, last session, when we had the bill for reorganization of the Department of Agriculture, this particular measure was included in the bill. I remember at the hearing at the Civic Center, some farmers came to me, they happened to be potato farmers at the time, and told me that they really thought this was very important to them and wanted it. Unfortunately, it was removed from the bill after that by the same lobbyist group that is trying to kill this bill now.

One of the reasons that they are supporting this bill is because manytimes local banks do not understand the problems of farmers or the details of farming. They, the farmers, would prefer using local banks over FHA when possible and, in fact, as has been mentioned before, federal funds are being cut back. A representative of FHA was at our public hearing on this bill and testified to this fact and, in fact, encouraged passage of this bill.

One of the drawbacks of this piece of legislation as I see it is that there has been no money earmarked by the Maine Guarantee Authority for this type of loan. I think the other day someone said there was \$10 million set aside. There is nothing set aside especially for this type of loan, so consequently, the farmer applicants will be competing with other applicants in a fair and equal manner. They are not going to be specially treated.

Nevertheless, I feel that this bill would be useful for the following reasons. First of all, the Maine Guarantee Authority will have the help of the Family Farm Advisory Council, that is also mentioned in the bill, that will be made up of knowledgeable people in the business and they may find that some of the agricultural applicants are better risks than some of the others that they receive.

Even if the MGA finds that they don't have money for this type of loan or they feel that somebody else, another applicant, is more desirable, the process that is in place where the farmer goes to the bank and the bank says, well, I think this is not a bad idea but I am not quite sure so let's see what the state says, and then they apply through the Family Farm Advisory Council, even though the MGA may find that they can't guarantee the loan because they don't have the money left or they promised it to somebody else or whatever, the bank may find, after hearing from the Advisory Council, those people who are in the business, that, yes, this is a good risk and they now understand the problem and they understand the need, may just give the farmer the loan right through the bank. That is what the object of the bill is. It is really to get the local banking community interested in the needs of the agricultural community. Get them involved.

It is a good bill. There is very little risk to the state. What is more saleable than land? I know that second-hand tractors are going at a pretty high rate. I really think it will help keep our farmland and farms, maybe keep a little of the blacktop cement and bricks off.

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

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

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

Mrs. BERUBE: Mr. Speaker, I have a question pertaining to residency. Under the voting laws of this state, a person, in order to claim residency and register on election day, need only present a letter from a landlord or landlady to indicate that he or she will be residing with that family and that constitutes proof of residency. Therefore, my question is, what would constitute proof of residency under this bill?

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentlewoman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: The only answer that I can give you, Representative Berube, is that person has to be a resident of the state, and I imagine whatever constitutes a voting resident would be—it really was not spelled out.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I think there is an amendment on the residency requirement. There are three things that bother me about this bill. One, you have to have a value between you and your spouse of less than \$50,000. I just wonder what kind of a farmer wouldn't have at least 50 acres of land — 50 acres of land is worth \$50,000, never mind the buildings and the tractors and the equipment you would need.

The other thing is that you can borrow 95 percent of your money guaranteed by the State of Maine. If you have \$10,000, you could borrow \$200,000. If this bill had said you have to have assets of \$50,000 or more, I would have been in favor of it. This is for people to buy land, and I don't know what they are going to do, maybe they can raise goats, maybe they can raise blueberries, maybe they can do something like that, but this bill is not for farmers.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Callahan.

Mr. CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "Ought to Pass" in the committee. I have had reservations and have changed my mind since. I have done some checking and there is plenty of money available at low interest rates for such loans. The sponsor of this bill spoke of this bill as a carrot on a stick, and that is just what it is.

They have to go through a local bank, and even though there is a 95 percent guarantee from the Maine Guarantee Authority, our banks are very reluctant to put out money that they may be two years in litigation getting back even though it is guaranteed. The application then goes to the Maine Guarantee Authority, who also has to approve the loan.

I think it is very unnecessary legislation and I would hope you would vote to indefinitely postpone it.

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

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I think the fact that the Maine Young Farmers Committee came out in opposition to this bill should tell us something. Evidently, they aren't having any problem getting funding.

The SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to say that land up in Aroostook County isn't selling for \$1,000 an acre. I signed this bill "Ought to Pass" and I will give my reasons.

I come from a farm area and I know when you go to some agencies and apply for a loan, if you have anything, you cannot get it. If you go to a bank, they want 20 percent down, so that leaves a person with something to put down but not enough in the need for help. The bank direc-

tors will make a decision whether a person should be given a loan or not. It will then go to the Farm Advisory Council, and if they feel the need is there, then they will go along for the loan. I think there are safeguards for the money.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: It is somewhat confusing to me to see what is happening to a very good bill. As I understand it, it was 11 to 2 report, which includes bipartisan support for this bill. We often pay lip service to wanting to help farmers. Here is a chance to do that in a very responsible way with many, many safeguards based on their ability to borrow money. It seems to me that it is time we put aside partisan politics and deal with a very important issue to the State to Maine. Otherwise, we are going to see valuable farmland gobbled up and will be very sorry. We can't go back and undo that, so it is important that we put this aside and vote on the merits of a very good bill and send this bill on its way.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would take issue with the good lady in the other corner. This is not a partisan issue as far as I am concerned. This is an issue of economics.

When we have in our state a Federal Land Bank which covers from the southern tip to the northern tip, run by a cooperative board, farmers, who do pass on loans of substantial size and have loan officers who can pass on loans of less substantial size, all we are doing is putting in place something to compete with this bank.

Incidentally, the Federal Land Bank is not a federal entity, it is a cooperative farm bank. I think the Maine Guarantee Authority has about all it can do. The last time I knew, eight out of its twenty-five loans were delinquent, again affecting the credit of the state of Maine, and I think it is as far as we can go, let's keep this state from further endangering our credit and the interest that we have to pay on our money.

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

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: When you begin to talk about bringing the Federal Land Bank in here, that is something I have some experience in. The type of farmer that we are in hopes this will help, in 90 percent of the cases I doubt that the Federal Land Bank will put any money in because this is for smaller farmers and farmers that are in the garden business and farmers at the lower end of the state. This would not be in competition if the Federal Land Bank wanted to take on the loan, it is there, we realize this.

Ladies and gentlemen, this was well debated the other day and I am not going to take a lot of your time to resurrect more debate. I do want to point out, though, that this bill, if passed, the application of the applicant would have to go through three boards. You would have the advisory board, which is made up of certain people; you would have the board of the Maine Guarantee Authority; and then you have the questions that the opposition to this document is bringing up.

I think this is a sound piece of legislation and I urge you to vote in favor of the bill. It constitutes an investment in the future of the Maine farm industry.

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

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess I can only repeat what I said a couple of days ago. If someone wants to farm, they should already have had the experience or they should work for a farmer for a couple of years until they know how to do the work. I guess the most important part of it is, if you want to ask your neighbors

and friends if they want to sign a note so someone can come in your neighborhood and buy a piece of land, then you go for the bill; otherwise, oppose it.

I would urge you to vote for the indefinite postponement of the bill.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: Not too many years ago, a number of us sat on the beaches of the Pacific, we dreamed about coming back to America to a chicken farm. We didn't want very many chickens, we just wanted a chicken farm. Well, I would say probably one out of fifty men who came back got their chicken farm, a little ranch or a small dairy herd. This is what this bill is addressing.

Our cities are full of young people who want to come back to the land. Our family farms have fallen apart because there was not enough money to be generated to maintain two or three sons, daughters and their husbands, so they have gone to the city; now they want to come back. This bill addresses the possibility of someone living in the suburbs, of their being able to but five, ten acres of good farmland, preparing that land and putting in, as one gentleman before the committee said, five acres of strawberries. You can manage five acres of strawberries and still live in your home in the city. As he said, this is how he did it without borrowing money, he had an economic advantage, he had money to start with. He now has built his home and lives on this piece of land and he is expanding. This is what this bill addresses, these people who want to come back to the land and contribute in the production of the produce that this country needs.

It also addresses the farm that isn't quite large enough but needs an additional piece of land in order to maintain its profitability, because this bill addresses land and land only. If there are buildings on the land that is being purchased, they are not of the major consideration.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This is a very, very good bill for the farmers. This is something that would help our young people to go into the farm industry. I would encourage you to pass this bill, to engross it.

This bill has been going along very well, it has been going through the process very well until the Farm Bureau lobbyist pulled somebody's chain.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Livermore Falls, Mr. Brown, 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, Austin, Bell, Berube, Brown, D.; Brown, K.L.; Callahan, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, McPherson, Nelson, A.; O'Rourke, Paradis, E., Paul, Peterson, Racine, Reeves, J.; Ridley, Salisbury, Small, Smith, C.W.; Stevenson, Stover, Swazey, Tarbell, Telow, Walker, Weymouth.

NAY—Baker, Beaulieu, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Cahill, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Davies, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joyce, Kane, Kelleher, Ketter, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany,

Manning, Martin, A.; Matthews, McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perkins, Perry, Post, Pouliot, Prescott, Randall, Reeves, P.; Richard, Roberts, Rolde, Sherburne, Smith, C.B.; Soule, Strout, Theriault, Thompson, Tuttle, Twitchell, Webster, Wentworth, The Speaker.

ABSENT—Bordeaux, Crowley, Cunningham, Jalbert, Kany, Martin, H.C.; Masterton, Soulas, Studley, Treadwell, Vose.

Yes, 53; No, 86; Absent, 11; Vacant, 1.

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

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

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

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

Bill, "An Act Relating to the 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 12 by Representative Kany of Waterville.

Pending—Motion of Representative Webster of Farmington to Recede.

On motion of Mr. Webster of Farmington, the House voted to recede from its action whereby the Bill and all accompanying papers were indefinitely postponed.

On motion of Mr. Paradis of Augusta, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once.

Committee Amendment "A" (H-317) was read by the Clerk.

On motion of Mr. Paradis of Augusta, Committee Amendment "A" was indefinitely postponed.

Under suspension of the rules the Bill was read a second time.

The same gentleman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-383) was read by the Clerk.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I am going to speak just briefly on House Amendment "B". As you remember, last week we indefinitely postponed this legislation mainly because it was going to be giving the members of the Public Utilities Commission a guaranteed \$2,000 a year raise, and in the spirit of compromise and believing that people in the Public Utilities Commission do deserve a raise, the State Government Committee sat down and came up with an amendment which I feel is satisfying to all the members of the House.

What this amendment will do is, it will give the Public Utilities Commissioners a raise. It will tie the chairman's salary to that of a judge of the district court, which gives him about a \$1,000 raise. It gives the members \$3,000 less, which gives them about a \$3,000 raise, but more important, it puts them in a scale so if they want a raise they can come and if we give the judges a raise, they will receive one. I happen to feel that this is a good compromise and it should be passed and I would ask you to do that.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I can appreciate the

position that Mr. Webster is in and the Committee on State Government in trying to improve the salary ranges for the PUC. But I think we would be making a mistake to tie them in with the judicial court, simply because the PUC, like other agencies that work under the executive branch, are, for that reason, under the executive branch, and the judicial branch of government is separate in its entirety and I think it should stay that way.

I want to support the position that Mr. Webster wants to take, but I think we would be in error to tie them into the judicial process here in the state.

I would move for the indefinite postponement of this amendment, please.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I want to correct an impression that was given to you this morning just recently by the gentleman from Bangor, Mr. Kelleher.

We are not making the members of the Public Utilities Commission part of the judicial branch. They are in the executive branch, they are quasi-judicial in their functions, the same as the Workers' Compensation Commission is and this body two years ago correctly put those salaries commensurate with those of the district court level and the superior court level in the judicial system. What we have tried to do in our compromise is say they will be just one level lower than that of the district court, and \$3,000 less for the two other commissioners.

I don't want this body to have the impression that the gentleman from Bangor would like you to have, that we are getting the members of the Public Utilities Commission out of the executive branch, putting them into the judicial branch, we are not doing that. We are not changing their function, we are just tying their salary commensurate with their responsibilities. The job that we have given them over the years to do is a very technical, very important, quasi-judicial type of a job.

I hope you will go along and vote against the motion to indefinitely postpone.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: It certainly wasn't my intention to mislead this House and I don't think that I did, but if some members believe that I did, I apologize for that. I honestly think that the Public Utilities Commission deserves a raise, but I think it would be improper for this House to tie them in with the judges of this state.

When we approved the increases for DA's a while back, we did it in line with what their duties were dealing with the judiciary, but I honestly think that the House would be in error if we tie this in with guaranteed increases if we give increases to the judges. I think that each of them should stand on their own and not be tied in.

I just don't know how we can work it out to accommodate everybody, I think our goals are in the right direction in the executive branch.

I would hope that you would not adopt this amendment. I don't know how we are going to get out of the quandry that we are in at the moment, but maybe there is cooler and brighter heads in this House that can find a way to do it.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I understand from my seatmate that the present salaries for the members of the PUC are \$30,000 for the Chairman. If this amendment were to pass, all the salaries would be raised by about \$2,000 apiece per year, which, by mathematics, results in an increase of about \$6,000 per year. If that is true, I don't understand the fiscal note on the bill which says there will be an increase of \$22,500 the

first year and \$29,000 the second year.

I would hope that the House would support Representative Kelleher's motion.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: The information I gave my seatmate, Mr. Connolly, is correct. However, he has overlooked the fact that this bill deals not only with the commissioners but with senior staff people; namely, the director of finance, the general counsel and the secretary of the Public Utilities Commission, those major department heads within the Commission who are responsible for administering the various offices of the Commission, seeing to it that the work is done by the people under them.

These individuals, because of a quirk in the personnel law that was enacted several years ago and went into effect in 1979, have been put in a position where they cannot receive pay raises without this legislature taking some action on it, and the result is that one of those three individuals has already announced that he is going to leave because he is taking a job with a substantial pay increase. The other two individuals are fairly dedicated to the job, but they are also facing the economic pressures that all are facing. They have been unable to receive anything but a 7 percent pay raise over the last two years and they are falling behind.

These individuals, as much as the individuals in the Commission, are responsible for the proper workings of that Commission. If they are not the best people that we can get for those jobs, then we, the public and our constituents, are the ones who are going to suffer.

Just to give you an example of the magnitude of the work that they are responsible for — the rates and charges that are assessed by utilities in the state that are regulated by the Public Utilities Commission in the past year were approximately \$750 million, three quarters of a billion dollars, that is being assessed to your constituents and mine. There were rate increases of almost \$75 million requested by the utilities this year. Because of the actions of the various officers within the Commission and the decisions of the Commissioners themselves, those rate increases were reduced from \$75 million to about \$19 million, a savings of almost \$56 million to the ratepayers of what would have gone into effect had it not been for the actions of the Commission and their staff.

These people are pitted against lawyers who, at minimum, are being paid \$125 an hour. In some cases, in very critical matters, the lawyers are receiving upwards of \$200 an hour to be there representing their special interests. We need to pay people an adequate salary so that we can get the best people qualified so that when that contest of minds is made in those adversary proceedings, that we can be assured that those people representing us are the best that we can get.

I urge you to reject the motion of Mr. Kelleher from Bangor and support the amendment that Mr. Paradis has offered.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Martin of Brunswick 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 gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think this House has put their priority in the wrong direction in the last few bills we have passed. There was no money for the state workers who are having a hard time, but there was money for the black robes. Now there is money for the utility people. I think this House is doing the wrong thing. We are supposed to be conserving our money now with everything. Our checks are not going as far as they used to and you all know it, you are not getting a raise, I am not getting a raise; in fact, I am going to get a decrease when Mr. Reagan gets through with me. So, you see what I am trying to tell you? Set your priorities before you put your money where it doesn't belong.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak just briefly to this again. I beg your indulgence. As you remember, I signed out the report 12 to 1 and as the only opponent. My reasoning was that I felt we shouldn't be guaranteeing these people a raise. As you remember in my prior debate, I said I see nothing wrong with giving the Public Utilities Commissioners a raise. They are locked in a seven year term and I don't feel that we are going to be able to get qualified people if we don't pay them.

My concern is that we must pass some mechanism for giving them a raise. I voted yesterday or the day before against giving the judges a raise, as I will probably continue to do, but if we have the Public Utilities Commission so they receive a raise with the judges, then I will vote against the judges and against the Public Utilities Commission. But as it is now, there is no way the Public Utilities Commissioners can get a raise.

I would ask you not really to feel that you are voting to give these people a raise but you are voting to put them in a scale. Granted, they are receiving a raise, but at least this way, next time if you don't want to give them a raise, then vote against the judges' salaries.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I think that Mr. Webster has illustrated his own problem. By tying it in with the judges, it doesn't allow us to evaluate the members of the Public Utilities Commission on their own merit; that is the problem. We are willing to give raises at the suggestion of the committee, but tying it in, that is the problem.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I think Mrs. Martin has given a very good point. It has been said that to get qualified people to serve in the PUC, we have to give them these raises every year. Well, I know a lot of people who would like to get raises every year and they don't. If a person doesn't want to serve as a commissioner on the PUC, he doesn't have to — very simple. He knows what the money is before he takes the job.

As far as the qualifications go, in the last few years, since I have been paying attention to the PUC, I am not very smart but I think I am equally as qualified as they are all you have to do is sit there and keep saying yes, yes, yes, yes; that is it.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Conary.

Mr. CONARY: Mr. Speaker, I would like to pose a question through the Chair. Under the fiscal section of this amendment, it talks about a dedicated revenue account. Could someone tell me where the money comes from for the dedicated revenue?

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

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

Mr. DAVIES: Mr. Speaker, Members of the House: There is a dedicated fund account that comes from the assessment upon the utilities that is paid based on two-tenths of one percent of their gross interstate revenues. It is an assessment that has been placed for several years. It is a method by which those utilities that are being regulated by the PUC are paying for the cost of that regulation, so it is not taxpayers in general that pay for the regulation, but those consumers who are being served by the utility that is regulated ultimately pay for it.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Conary.

Mr. CONARY: Mr. Speaker, I would like to pose a question to the Chair. I am wondering about the germaneness of this amendment as it refers to this dedicated revenue account and ties it in somehow with salaries of judges, which I doubt has anything to do with electric bills.

The SPEAKER: On the question of germaneness of House Amendment "B", the Chair would rule that the amendment is germane, the bill does deal with the same subject matter.

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

Mr. DAVIES: Mr. Speaker, Members of the House: In addition to the comments that have just been made by the Speaker, this in no way implies that judges' salaries are going to be paid from a dedicated revenue fund of the Public Utilities Commission or vice versa. The salary levels will be tied together but the money that will come for PUC salary increase will come out of this fund that is already maintained by the Public Utilities Commission.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair. I can understand why the committee associated the range between the Public Utilities Commission and the judges, but can you tell me why you tie them in together with each other?

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

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

Mrs. KANY: Mr. Speaker, Members of the House: All members of the State Government Committee who heard the testimony at the public hearing realize that our law must be changed, it simply must be changed. We have many policymakers throughout state government in which we put their range into the statutes of all our major policymakers, and we single out only one small group of policymakers to treat them in a very different way. Ordinarily, our major policymakers, as I mentioned, we state their range in the statutes, and then the Governor can move them up a step or so until they get to the end of the range in which their salary is then froze, unless there are cost of living raises. Well, that is not the way it is with Public Utilities commissioners. The exact law, and I can remember Representative Lisnik reading it on the floor of the House the other day, states — remember, this only has to do with Public Utilities commissioners — "Notwithstanding any other provisions of law, the Governor is authorized to adjust the salaries of the following state officials within the salary ranges indicated herein, only at the time of the appointment of the official." The only people listed in this area are Chairman, Public Utilities Commission and Members, Public Utilities Commission. So what has actually happened is that they have literally been frozen into a salary unless they are singled out in some other way by a separate bill.

They have not had a raise of any kind since 1979, and even when there were two 6 percent

raises given to other employees across-the-board to major policymakers and other state employees, they did not get those 6 percent raises two times by a ruling from the Attorney General's Office. The last raise that they had was a 7 percent one which was offered in 1979, but they have not been able to move up within their range to the point that even where they are listed in a range, they fall far below on their actual salaries — \$32,000 for the chairman, as was mentioned earlier, and \$27,000 for the members.

All of us are frustrated by our utilities bills, no getting around that. Everybody in the State of Maine is, particularly with the high cost of electricity, but really, we expect a lot from our Public Utility commissioners and we should pay them accordingly.

The other day, we offered an amendment so that we could remove that freezing, and because people had objected to perhaps a Governor being able to move them up a step or so, our committee, at that time, had suggested an annual raise for a certain number of years and you people rejected that by four votes respected your rejection. Instead of trying to lobby you or something else, we went back to the table to try to iron it out, to try to meet your objections, and we looked around and Representative Paradis, actually it was his idea and I want to give him credit for it, he suggested that perhaps we should tie them into the judges' salaries. We looked at what was going through the House and decided we did not want to give them very much of a raise, so instead of putting them into the higher paid judges' ranges, for instance, the superior court or the law court, and years ago they were tied in on their salary to the highest court of our state in salary. Instead, we move them to the bottom level with the administrative court judges, district court judge, that is where we put the chairman, and then the other members of the Public Utilities Commission, \$3,000 below the lowest court judge pay, and even then they would have to come in with the judges, only when the judges' salaries would be approved, a change would be approved by this legislation, would they get a change.

I hope you go along with this. This is not unreasonable and certainly we should change the law as it exists today. Please vote against indefinite postponement.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: There was another thought that just came into my mind while I was sitting here, and that is the possibility of what the voters are going to do next fall on a referendum that is going out. It is quite possible, based on what I have heard on some surveys that have been taken, that the Public Utilities Commission will be elected. I don't have any problem with that, but there is no way on the books in this state that we have that public elected officials are going to be guaranteed a salary increase every time a government employee — or rather, let's use this for an example — the PUC and the judges. So I think we would be shortsighted to accept this motion this morning, because it could very well happen that we would be writing a precedent for the first time, that if the people of Maine decide to elect the Public Utilities Commission, that those elected people, whoever they may be, are going to have a guarantee in writing for an increase every time the legislature approves one for the judges.

That was just a thought that came into my mind and I wanted to share it with you because I think it is a good one.

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

Mr. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I apologize, I had not intended to get up and speak here today, especially on this matter, but I would like to

point out just a couple of things before I vote. I would like to say first, I agree with the good gentleman from Bangor, I think it would be a big mistake to tie these Public Utilities commissioners' salaries into salaries set for judges.

I agree also with the gentlewoman from Brunswick, and I thought we all knew that money was tight around here. Here we are talking about giving an increase to people who are getting around \$30,000 a year.

The gentleman from Orono over here said the commissioners got around a 7 percent increase in the last two years. I know a lot of people who didn't get a 7 percent increase in the last two years, and they weren't getting \$30,000 salary either.

I don't know at this point where the state employees pay bargaining is. You voted the other day — I didn't vote for it — for a 5 percent raise for the judges, and I am not going to vote for this raise for the commissioners. I am not sure that the state employees are going to get 5 or 6 or 7 percent, I don't know. And it is a funny thing, I haven't heard hardly a word in four and a half months in this session about the retired state employees. Some of them are at the poverty level and below; yet, this body doesn't see fit to give these people a raise and some of them are living on an income of five or six thousand dollars a year — retired state employees and retired teachers. Yet, you elect to give the judges and the commissioner who is getting a fat salary a large increase. Ladies and gentlemen, I submit to you that there are other people who need these raises rather than twenty-five, thirty and more thousand dollar a year people.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that House Amendment "B" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Baker, Beaulieu, Berube, Bordeaux, Boyce, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Callahan, Carrier, Carroll, Carter, Chonko, Conary, Conners, Connolly, Damren, Davis, Day, Diamond, G.W.; Drinkwater, Dudley, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gwadosky, Hall, Hanson, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Hunter, Hutchings, Jackson, Jacques, Jordan, Joyce, Kany, Kelleher, Ketover, Lancaster, LaPlante, Laverriere, Lewis, Locke, MacBride, Macomber, Mahany, Martin, A.; Masterman, Matthews, McPherson, McSweeney, Michaud, Mitchell, J.; Moholland, Murphy, Nelson, A.; Norton, Paradis, E.; Paul, Perkins, Perry, Peterson, Pouliot, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Salsbury, Sherburne, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Strout, Tarbell, Telow, Thompson, Wentworth.

NAY—Bell, Benoit, Boisvert, Brannigan, Brennerman, Cahill, Clark, Cox, Curtis, Davies, Dexter, Diamond, J.N.; Dillenback, Erwin, Gowen, Hayden, Hobbins, Huber, Ingraham, Kane, Kiesman, Kilcoyne, Lisnik, Livesay, Lund, MacEachern, Manning, McCallister, McGowan, McHenry, McKean, Michael, Nadeau, Nelson, M.; O'Rourke, Paradis, P.; Pearson, Prescott, Small, Soule, Swazey, Theriault, Tuttle, Twitchell, Vose, Walker, Webster, Weymouth, The Speaker.

ABSENT—Crowley, Cunningham, Jalbert, Martin, H.C.; Masterton, Mitchell, E.H.; Post, Rolde, Soulas, Studley, Treadwell.

VACANT—Leighton.

Yes, 90; No, 49; Absent, 11; Vacant, 1.

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

On motion of Mr. Higgins of Scarborough, 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 to Provide Reciprocal Fees and Charges for Trucks from other States" (Emergency) (H.P. 1439) (L.D. 1581)

— In House, Passed to be Engrossed on May 7, 1981

— In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-203) in non-concurrence.

Tabled—May 13 by Representative Carroll of Limerick.

Pending—Further Consideration.

Thereupon, the House voted to recede and concur.

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

Bill, "An Act Relating to Bail Commissioners" (H.P. 1271) (L.D. 1486)

— In House, Bill and Accompanying Papers Indefinitely Postponed on May 8, 1981.

— In Senate, Passed to be Engrossed as Amended by Committee Amendment "S" (H-338) as Amended by Senate Amendment "A" (S-200) thereto in non-concurrence.

Tabled—May 13 by Representative Tarbell of Bangor.

Pending—Motion of the same gentleman to Insist.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I know that I irked many of you yesterday having debated this and opposed it because of the additional burden it would place on the district court, and having prevailed on that ground of opposition, tabled it until today, until we could look into the matter further. I just wanted to establish my good faith. I was not opposed to the bill in its entirety, but I certainly was opposed to that burden on the district court.

I checked with the court administrator yesterday. It is his estimate that 85,000 bail cases would occur in a given year or over the biennium and that it is impossible to predict exactly how much money this bill would cost. For that reason, I would withdraw my motion to insist, I do make the motion to adhere and urge the House to submit to the adherence motion.

The SPEAKER: The gentlemen from Bangor, Mr. Tarbell, withdraws his motion to insist and moves that the House adhere.

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

Mr. HAYDEN: Mr. Speaker, I move that we insist and ask for a Committee of Conference and would like to speak to my motion.

The SPEAKER: The gentlemen from Durham, Mr. Hayden, moves that the House insist and ask for a Committee of Conference.

The Chair recognizes the same gentleman.

Mr. HAYDEN: Mr. Speaker and Members of the House: The House has had a number of chances to indicate the concerns it has about this bill. The Senate has amended the bill and passed it.

One of the key problems, as I understand it, that we have with this bill is trying to measure exactly how much cost there is going to be to the court system, because the court system would have to pay for the bail, the PI bail, for indigent people being held. There is also a question of how much savings there will be for the counties. The Sheriffs Association is in, as far as I can tell, nearly unanimous agreement that there will be a substantial savings.

What I would urge the House to do is vote along with this motion to insist and ask for a committee of conference to see if we can come to some mutual understanding between the House and the Senate. If not, the bill will die, but it is one last attempt to try to get something that is going to be agreeable to all of you here as well as to the Senate.

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

Mr. TARBELL: Mr. Speaker, I would ask for a division. I think the simplest way to handle this is to come in with another bill at another time. The problem is not concurrence between the other body and us, the problem is the concurrence among ourselves on this issue. We haven't been able to resolve it, and I just don't think it is appropriate to cast this additional burden on the district courts. I think it is unwise, so I would urge you to not go along with the motion to insist and ask for a committee of conference so that we could then adhere.

The SPEAKER: The pending question is on the motion of the gentleman from Durham, Mr. Hayden, that the House insist and ask for a Committee of Conference. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative and 64 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Tarbell of Bangor, the House voted to adhere.

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

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

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

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

Tabled—May 13 by Representative Hall of Sangerville.

Pending—Further Consideration.

On motion of Mr. Hall of Sangerville, the House voted to adhere.

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

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

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

Tabled—May 13 by Representative Mahany of Easton.

Pending—Acceptance of the Committee Report.

On motion of Mr. Mahany of Easton, tabled pending acceptance of the Committee Report and later today assigned.

(Off Record Remarks)

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

Mr. McHENRY: Mr. Speaker, having voted on the prevailing side on Senate Paper 413, L. D. 1217, Bill "An Act to Prohibit the Importation of Spent Nuclear Fuel", I now ask that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted and would like to speak to that motion.

The SPEAKER: The gentleman from Madawaska, Mr. McHenry, moves that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted in concurrence.

The gentleman may proceed.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out, and I don't think I was the only one confused, I thought this was to allow importation of spent nuclear fuel. Therefore, I would ask that we reconsider and try to pass this bill, which is a good bill, to prohibit the importation of spent nuclear fuel.

Mr. Speaker, I request a roll call vote.

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

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

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

Miss BROWN: Mr. Speaker, could I have a brief explanation of this bill and the committee report, please?

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Madawaska, Mr. McHenry, that the House reconsider its action whereby it accepted the Majority "Ought Not to Pass" Report in concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Beaulieu, Berube, Boisvert, Bordeaux, Brannigan, Brenerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Clark, Connolly, Cox, Curtis, Damren, Davies, Dexter, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Foster, Fowle, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, Mahany, Manning, Martin, A.; McCollister, McHenry, McKean, Michael, Michaud, Mitchell, J.; Moholland, Nadeau, Norton, Paradis, P.; Paul, Pearson, Perry, Pouliot, Prescott, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Soule, Strout, Swazey, Tarbell, Theriault, Thompson, Tuttle, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Benoit, Boyce, Brown, D.; Brown, K.L.; Callahan, Conary, Conners, Davis, Day, Dillenback, Drinkwater, Dudley, Gavett, Gillis, Hanson, Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Live-say, Lund, MacBride, MacEachern, Macomber, Masterman, McGowan, McPherson, McSweeney, Murphy, Nelson, A.; Nelson, M.; O'Rourke, Paradis, E.; Perkins, Peterson, Racine, Randall, Reeves, J.; Ridley, Salisbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Telow, Treadwell, Twitchell, Vose, Walker, Wentworth, Weymouth.

ABSENT—Cahill, Chonko, Crowley, Cunningham, Huber, Jalbert, Laverriere, Martin, H.C.; Masterton, Matthews, Mitchell, E.H.; Post, Soulas, Studley, Webster.

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

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

The Chair will order a vote. The pending question is on acceptance of the Majority "Ought Not to Pass" Report in concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, the Minority "Ought to Pass" Report was accepted in non-concurrence and the Bill read once. Under suspension of the rules, the Bill was read the second time and passed to be engrossed in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Mr. CARROLL: Mr. Speaker, on the second tabled and today assigned matter, Bill "An Act to Provide Reciprocal Fees and Charges for Trucks from other States", House Paper 1439, L. D. 1581, I have no problem with the motion to recede, but I would like to make a motion to

reconsider at this time.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, moves that we reconsider our action whereby we voted to recede and concur.

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

Mr. TARBELL: Mr. Speaker, I would just like to let the good chairman explain now why we need to reconsider and what the situation is with this important bill.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have this tabled one legislative day to hold this in the House, because we do have a problem that has come up with this bill. We have other legislation and we hope this bill will be held until this other legislation is disposed of. We would like to hold it at least one day to give us a chance to address the problem.

Thereupon, on motion of Mr. Dexter of Kingfield, tabled pending the motion of Mr. Carroll of Limerick to reconsider and tomorrow assigned.

On motion of Mr. Kilcoyne of Gardiner, Recessed until four-thirty in the afternoon.

After Recess

4:30 p.m.

The House was called to order by the Speaker.

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

Leave to Withdraw

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Require Legislative Review of Proposed Agency Rules" (S. P. 119) (L. D. 286)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act Requiring Legislative Approval of Administrative Rules and Regulations" (S. P. 383) (L. D. 1141)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act Amending the Maine Guarantee Authority Revenue Obligation Securities Law to Remove Retail Merchandising Projects" (S. P. 184) (L. D. 462)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Adjust the Level of Compensation and Certain Statutory Duties of the Senate Secretary and House Clerk and their Assistants" (Emergency) (S. P. 97) (L. D. 136)

Came from the Senate with the Reports read and accepted.

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

The following papers appearing on Supplement No. 17 were taken up out of order by unanimous consent:

Leave to Withdraw

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Exempt the Transportation of Race Horses From Certain Regulation by the Public Utilities Commission" (S.P. 229) (L.D. 616)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Authorize Either an Engineer or an Architect to Act as a Prime Professional under Certain Circumstances" (S.P. 504) (L.D. 1431)

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act Requiring the Department of Human Services to Implement a Consumer directed Personal Care Assistance Program for Severely Physically Disabled Persons" (S.P. 463) (L.D. 1319)

Report of the Committee on Legal Affairs re-

porting "Leave to Withdraw" on Bill "An Act to Regulate Dealers in Precious Metals and Stones and Jewelry for Resale and Scrap" (S.P. 503) (L.D. 1430)

Came from the Senate with the Reports read and accepted.

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

The following items appearing on Supplement No. 18 were taken up out of order by unanimous consent:

Consent Calendar Second Day

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

(H.P. 1154) (L.D. 1375) Bill "An Act Relating to the Lobster Advisory Council" (C. "A" H-374)

(H.P. 1158) (L.D. 1379) Bill "An Act to Establish a Consolidated Map of the State" (C. "A" H-373)

(H.P. 1250) (L.D. 1474) Bill "An Act Concerning the Liability of Teachers and School Administrators Who Administer Medication to Children in Emergency Situations" (C. "A" H-372)

(H.P. 1412) (L.D. 1574) RESOLVE, Authorizing the Transfer of Certain Lands in Webster Plantation to the Heirs of Horace White

(H.P. 910) (L.D. 1076) Bill "An Act to Amend Special Education Statutes for Support of Special Education Programs and Services Provided in Excess of the Normal School Year" (C. "A" H-371)

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

Tabled and Assigned

(H.P. 1361) (L.D. 1546) RESOLVE, to Authorize Expenditure of Certain Federal Funds for New or Expanded Programs (EMERGENCY)

On the objection of Mr. Jackson of Yarmouth, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time.

Mr. Jackson of Yarmouth offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-271) was read by the Clerk.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment addresses this particular bill that has three parts. Part one is the safe drinking water act, which has a price tag on it of \$26,900; part two is an evaluation of migrant children for \$238,000; and part three is a nuclear waste study, which has \$527,638.

My amendment would remove the second part, which is a study to see if it is feasible to have a study on migrant children. This particular study is keyed in with a number of other states — Florida, Texas, California, Maine, Massachusetts, and Mississippi. In my view, from what I can find out about this, there is a question about how many migrant children there are in Maine. I think there is a question on the need of this. I wouldn't exactly say that it should get a golden fleece award but it certainly should be close to that.

If you look at the information on it and the pay scales that are being offered on this particular government thing, we are talking about two project specialists who will be paid \$20 an hour for 15 hours a week. We are looking at six state coordinators working 10 hours a week at \$20 an hour. The secretary is getting probably a fair wage, which is about \$4.50 an hour, that is the lowest paid person on the whole thing. We also have consultants at \$150 a day tied into this. This amendment would remove this whole

section and it would certainly cost the taxpayers of the country about \$230,000.

I hope that you will accept the amendment.

On motion of Mr. Kelleher of Bangor, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

(S.P. 401) (L.D. 1193) Bill "An Act to Improve the Community Industrial Building Program" (C. "A" S-196)

(S.P. 599) (L.D. 1595) Bill "An Act to Amend the Short Form Deeds Act" (Emergency)

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

Later Today Assigned

Bill "An Act to Clarify the Authority of Councils of Governments" (H.P. 710) (L.D. 835)

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

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

Passed to Be Engrossed

Bill "An Act Relating to Referendum Campaign Reports and Finances" (H. P. 959) (L. D. 1150)

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

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would move that this bill and all its accompanying papers be indefinitely postponed.

I apologize because I missed this, I was not quick enough on the draw this morning to get up and debate this issue.

What L. D. 1150 would do would be to limit the amount that any corporation or business or group could spend on any particular referendum question. I guess there was a lot of concern that perhaps back when we had the nuclear power referendum last year, there was a lot of out-of-state money that came in, and Central Maine Power, perhaps, donated a lot of money, and therefore the referendum was tilted. I would like to bring to the attention of all the people here, just to remind them, that when the slot machines were at referendum, there was a lot of money put to this referendum and yet it passed anyway, and also with the bottle bill.

I don't think this piece of legislation is necessary. I think it is kind of insulting to the integrity of the Maine people. Most people can see through mass media campaigns and sometimes it even works in the adverse anyway. So, therefore, I move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I would ask that you vote against the motion to indefinitely postpone. I think of all the bills that we have been seen this session that have labeled as good government bills, this is probably one of the best good government bills that we could have. I would like to quickly explain to you, because I think there is some misunderstanding about what the bill is.

In 1975, the legislature decided that it was in the best interest of the people of this state to place limitations on the amount of monies individuals, corporations, and political action committees could donate to candidates for office. It came in light of a number of concerns over special interests getting involved in campaigns and having an undue influence over the outcome. The effort was led by the Senator from Kennebec, I believe, Senator Speers at the time, and he was successful in putting on limitations of \$1,000 per individual to a candidate and \$5,000 limits on contributions to candidates from corporations and political action commit-

tees. At that time, no debate was given, or no discussions arose regarding the limits on contributions to referendum campaigns. At that time, that did not seem to be a problem and, for whatever reason, the concern was never addressed.

As a result, I think a loophole was created. We know in the last few years, in the last year in particular, people are turning more and more to referendum campaigns to hopefully attain the results that they were unable to get from the legislature. The last three we have had dealt with the bottle bill, the slot machine issue, and the nuclear referendum last September.

I introduced this bill not because of that issue, I am not reacting to what happened in September or what happened with the bottle bill or the slot machines; rather, I am acting before anything else happens.

We have a number of proposals right now dealing with proposed referendums, issues such as the Milk Commission, people are talking about a moose referendum, also talking about putting the possibility of a referendum on whether or not Pittston should be built. As a result of that, and in light of what has happened in the past, I think this legislation is necessary.

This bill sets the same limits that are already applied to candidates for office; it closes that loophole. It will establish a \$1,000 limit on an individual contribution in a referendum; a \$5,000 limit for a corporate contribution and \$5,000 for a political action committee, the same limits that you and I and all others running for statewide office have to face.

I would like to give you quickly a few of the figures that show what effect this bill would have. We will start with the bottle bill. Back in 1979 when the repeal effort came up, of the \$200,000 that was contributed to repeal the bottle bill, \$70,000 of that amount would have been prohibited had this law been in effect. All that money came from the beverage and container industry, who wanted to repeal the effort because they had their own personal and financial interests at stake.

The slot machine referendum of last March, \$135,000 was contributed to defeat that proposal or to allow the contributions, both of which are affiliated, contributed \$21,000 that would have been prohibited under this bill.

The nuclear referendum on September 23, of the million dollars that was contributed to the Save Maine Yankee group, over \$320,000 of that would be prohibited under this bill, not because we are trying to deal with undue influence, we are trying to deal with undue influence, but as the result of the limitations placed on this, I should add, those contributions would have been prohibited. We had \$50,000 come from Westinghouse of Pittsburg. I don't know what their interest was — we know what their interest was but I don't think it was necessarily that they were concerned about Maine government or the health and safety of the people of the state, they are concerned about protecting their industry, the can and container industry, the same in the bottle bill, and the people who are involved in promoting slot machines who profit from that referendum.

The point I am trying to make is that fair and reasonable limitations are necessary and justified by this bill. I think it is in the best interest of the people of Maine that we apply these limitations. It is a "good government bill." I disagree with the gentleman from Woolwich and her statement that it is an insult to the people of this state; I think that if we are concerned with allowing the people to decide an issue based on the merits and try to avoid heavy financial lobbying and influence by those people who profit from the issue at stake, then we would be wise to pass this bill, and again I urge you to defeat the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind everyone that we are dealing with referendums here, we are not dealing with candidates for political office. I think, just as a point, the slot machine referendum and the bottle bill referendum are perfect examples that undue influence or not, the people of Maine are going to make good sound judgment and I would ask for a roll call.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I don't question the good motives of my good friend from Bangor on this particular measure, but I don't know if it is the wisest measure for us to accept today. It certainly appears good on its face and at first blush it appears to be a good government measure, but I am not so sure.

There is a difference that the gentlelady from Woolwich has referred to, there is a difference between an individual's election, running as a person for elective office, for representative, and an issue election, which is a referendum election. With an individual who is running for office, the voters and the people are looking at the individual and at that candidate as a person and their attention is really focused on that individual and not so much focused on who is supplying the funds and where the funds are coming from to run the campaign. With an issue up for referendum, as distinguished from an individual candidate, the focus is on that issue and who is interested in that issue on which side, on the pro side and on the con side, and right up front is a focus not only on the issue but as to who is supplying the funds on both sides of that issue, the pro's and the con's. I think that is out very clearly and very distinctly for the people of Maine to see as opposed to when the focus is on personal candidates and it is not so clear as to where the money is coming from, and that really isn't the heart of the focus.

Some of the issues that we are dealing with in our state in terms of referendum issues are pretty complicated and sophisticated, and I would suspect that many of them take a great deal of publicity and publication to really convey the message loud and clear on both sides out to the people of Maine. I submit to you, we are going to have some more sophisticated and complicated issues that are coming up in the very near future that are going out to referendum, and it might not be the wisest thing for us or for the people of Maine to place these kinds of limitations.

I think the point has been well taken that if someone appears in a referendum election to be trying to buy the referendum or the outcome of the referendum by really flooding the state with a lot of dollars and with a lot of publicity that is undue influence and is unduly influencing or attempting to influence the people of the State of Maine, people know that, they see it and they vote against it and there is a backlash that sets in.

I think the clearest example was back in 1976 when I ran for the first time for this House, it was my first campaign, and I could not believe the publicity that was being cranked out and the propaganda that was being cranked out against the bottle bill. I had never seen anything like it. I couldn't compete with it in my own personal campaign — the full-page ads, the pieces in the paper and that were coming at my own door, the mailings, I couldn't believe it and the people of Maine couldn't believe it either, and they overwhelmingly rejected it.

I really think that the hazards and the dangers that this measure is supposedly suppose to address, I think those hazards and dangers are up front for the people of Maine to see, I think they are smart enough to see it and smell it when there is undue influence being exercised and to vote against it and backlashes have set in very successfully.

I don't think it is really necessary for us to go forward with this measure today. In fact, it could have a counterproductive effect in the future. So, I would support the motion pending.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: Very briefly. My friend Mr. Tarbell is right in saying that this referenda question is different than an issue for election between two candidates. There is a general public interest at stake, and for that reason, that makes the focus greater, it makes the outcome even greater.

Using Pittston for an example, I would worry that if that did come to a referendum before the people, I would be concerned about Pittston using its unlimited resources and using them in a very sophisticated way to influence the people of this state. The examples that I cited before can be argued whether or not the money did influence the outcome of the election.

In future cases, the result may not be so clear, we may not know. If Pittston, for example, was able to spend unlimited resources in convincing the state that an oil refinery is in the best of this state, then I would be concerned if the people who felt on the opposite side were unable to match that. Someone who wanted to block Pittston could do the same thing. Some person, some millionaire who lived down in Washington County who may feel they wanted to block it, no matter what, would have the ability to do so as well.

By putting these limitations on, we are recognizing that the public interest comes before the special interest. If it is really a matter that the public can decide and has the ability to decide on its merits, then it should not matter that we are placing these limitations on it. I think if we show that fair and reasonable limitations are necessary, as we have with contributions to candidates for office, then I think we will be taking a major step towards ensuring that in the future all our issues will be decided on their merits and not necessarily on big bucks.

Again, I would ask you to defeat the motion to indefinitely postpone.

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

Mr. DILLENBACK: Mr. Speaker and Members of the House: I don't want to delay this. The only thing that bothers me about this is that any company of corporation who had an issue, such as Pittston, could raise \$5,000 to present their case, but you could get a hundred individuals to put in \$1,000, so would have \$100,000 against \$5,000. That doesn't sound fair to me. I think no individual would help Pittston do anything to build their refinery.

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

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

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

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Joyce, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Matthews, McGowan,

McPherson, McSweeney, Murphy, Nelson, A.; Norton, O'Rourke, Perkins, Peterson, Randall, Reeves, J.; Ridley, Salisbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Tarbell, Treadwell, Twitchell, Vose, Walker, Wentworth, Weymouth.

NAY—Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Davies, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; McCollister, McHenry, McKean, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Paradis, E.; Paradis, P.; Paul, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Soule, Swazey, Telow, Theriault, Thompson, Tuttle, Webster, The Speaker.

ABSENT—Brown, A.; Crowley, Cunningham, Jalbert, Kane, Laverriere, Martin, H.C.; Masterton, Pearson, Strout, Studley.

VACANT—Leighton.

Yes, 66; No, 73; Absent, 11; Vacant, 1.

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

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

The following paper appearing on Supplement No. 19 was taken up out of order by unanimous consent:

Divided Report

Tabled and Assigned

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-209) on Bill "An Act to Create the Budget Stabilization Fund" (S.P. 196) (L.D. 564)

Report was signed by the following members:

Senators:

PERKINS of Hancock

HUBER of Cumberland

— of the Senate.

Representatives:

SMITH of Mars Hill

LANCASTER of Kittery

DAVIS of Monmouth

ALOUPIS of Bangor

JALBERT of Lewiston

— of the House.

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

Report was signed by the following members:

Senator:

NAJARIAN of Cumberland

— of the Senate.

Representatives:

CARTER of Winslow

KELLEHER of Bangor

CHONKO of Topsham

BRENERMAN of Portland

PEARSON of Old Town

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill Failed of Passage to be Engrossed.

In the House: Reports were Read.

Mr. Kelleher of Bangor moved that the Minority "Ought Not to Pass" Report be accepted in non-concurrence.

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

Mr. TARBELL: Mr. Speaker, before we vote on this, and I ask for a division, this is another interesting piece of legislation that we haven't heard too much about, and I would appreciate an explanation from the members of the Ap-

propriations Committee and a little bit of their considerations on both sides of the issue.

Thereupon, on motion of Mr. Carter of Winslow, tabled pending the motion of Mr. Kelleher of Bangor to accept the Minority "Ought Not to Pass" Report in non-concurrence and tomorrow assigned.

The following paper appearing on Supplement No. 20 was taken up out of order by unanimous consent:

Divided Report Tabled and Assigned

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-208) on Bill "An Act to Make Funding of the 'Local Government Fund' Part of the Appropriations Process" (S.P. 90) (L.D. 206)

Report was signed by the following members:

Senators:

PERKINS of Hancock
HUBER of Cumberland

— of the Senate.

Representatives:

JALBERT of Lewiston
SMITH of Mars Hill
LANCASTER of Kittery
DAVIS of Monmouth
CHONKO of Topsham
ALOUPI of Bangor
KELLEHER of Bangor
PEARSON of Old Town

— of the House.

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

Report was signed by the following members:

Senator:

NAJARIAN of Cumberland

— of the Senate.

Representatives:

CARTER of Winslow
BRENERMAN of Portland

— of the House.

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

In the House: Reports were read.

On motion of Mr. Kelleher of Bangor, tabled pending acceptance of either Report and tomorrow assigned.

The following paper appearing on Supplement No. 21 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-210) on Bill "An Act to Reorganize the Department of Business Regulation to Insure the Independence of Regulators" (S.P. 222) (L.D. 609)

Report was signed by the following members:

Senators:

SEWALL of Lincoln
CLARK of Cumberland
SUTTON of Oxford

— of the Senate.

Representatives:

FITZGERALD of Waterville
POULIOT of Lewiston
PERKINS of Brooksville
TELOW of Lewiston
MARTIN of Van Buren
RACINE of Biddeford
GWADOSKY of Fairfield
BRANNIGAN of Portland

— of the House.

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

Report was signed by the following members:

Representatives:

JACKSON of Yarmouth
GAVETT of Orono

— of the House.
Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-210) and Senate Amendment "A" (S-226)

In the House: Reports were read.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I move that we accept the Majority "Ought to Pass" Report.

This, as amended, deals with some reorganization of the Department of Business Regulation. It would allow the Governor to appoint the superintendents of banking and insurance and consumer protection rather than the head of that department. But it would, in a sense depoliticize these offices because instead of being terms that would run with the Governor, they would be 5-year terms, so each superintendent would go for five years and therefore governors would not necessarily be appointing all of the superintendents in their term.

The only way superintendents could be removed would be through impeachment. This gives some autonomy to the regulatory process.

It also moves the real estate director to a range of 83, which will give him an opportunity to have a raise which, after several years, he has not been able to have because he has reached the top of the range which he is in.

I urge that we accept the "Ought to Pass" Report.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-210) was read by the Clerk and adopted. Senate Amendment "A" (S-226) was read by the Clerk and adopted.

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

The following papers appearing on Supplement No. 22 were taken up out of order by unanimous consent:

Leave to Withdraw

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act Concerning Alternatives to Institutionalized Care" (S.P. 478) (L.D. 1361)

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Require Home-Based Care as an Alternative to Nursing Home Care" (S.P. 325) (L.D. 933)

Came from the Senate with the Reports read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Judiciary reporting "Ought to Pass" in New Draft (S.P. 604) (L.D. 1601) on Bill "An Act Concerning the Consent Requirements and Termination of Parental Rights for Adoption Proceedings" (S.P. 514) (L.D. 1436)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-230)

In the House, the Report was read and accepted in concurrence and the New Draft read once. Senate Amendment "A" (S-230) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

The following paper appearing on Supplement No. 23 was taken up out of order by unanimous consent:

Divided Report Tabled Unassigned

Majority Report of the Committee on Judiciary reporting "Ought to Pass" in New Draft

(S.P. 598) (L.D. 1594) on Bill "An Act to Clarify the Status of Certain Real Estate Titles in the State" (Emergency) (S.P. 362) (L.D. 1061)

Report was signed by the following members:

Senators:

DEVOE of Penobscot
CONLEY of Cumberland

— of the Senate.

Representatives:

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

— of the House.

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

Report was signed by the following members:

Senator:

KERRY of York

Representatives:

HOBBINS of Saco
JOYCE of Portland

— of the House.

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

In the House: Reports were read.

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: Two days ago, we tabled unassigned another issue along this line. We have requested an opinion from the Attorney General and we are waiting for an answer to those questions. In the meantime, we would like to table this bill unassigned.

Thereupon, on motion of Mr. Diamond of Windham, tabled unassigned pending acceptance of either Report.

The following paper appearing on Supplement No. 24 was taken up out of order by unanimous consent:

Divided Report Tabled and Assigned

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Require Instruction in the Public Schools on the Ill Effects of Alcohol, Tobacco and other Substances" (H.P. 54) (L.D. 75)

Report was signed by the following members:

Senators:

CLARK of Cumberland
PIERCE of Kennebec
TROTZKY of Penobscot

— of the Senate.

Representatives:

BROWN of Gorham
MURPHY of Kennebunk
THOMPSON of South Portland
GOWEN of Standish
ROLDE of York
LOCKE of Sebec
THERIAULT of Fort Kent
CONNOLLY of Portland
BROWN of Livermore Falls

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-384) on same Bill.

Report was signed by the following member:

Representative:

MATTHEWS of Caribou

— of the House.

Reports were read.

Mr. Connolly of Portland moved that the Majority "Ought Not to Pass" Report be accepted.

On motion of Mr. Diamond of Windham, tabled pending the motion of Mr. Connolly of

Portland to accept the Majority Report and tomorrow assigned.

The following paper appearing on Supplement No. 25 was taken up out of order by unanimous consent:

The following Communication:
The Senate of Maine
Augusta

May 14, 1981

The Honorable Edwin H. Pert
 Clerk of the House
 110th Maine Legislature
 Augusta, Maine 04333
 Dear Clerk Pert:

The Senate today voted to Insist and Join in a Committee of Conference on Bill "An Act to Provide a Special Muzzle-loading Hunting Season", (H.P. 218) (L.D. 255).

Respectfully,
 S/MAY M. ROSS
 Secretary of the Senate

The Communication was read and ordered placed on file.

The following papers appearing on Supplement No. 26 were taken up out of order by unanimous consent:

Consent Calendar
First Day

(S.P. 475) (L.D. 1358) Bill "An Act to Authorize the Department of Environmental Protection to Provide Technical Assistance to Municipalities and other Quasi-Municipal Entities Regarding Solid Waste Management" — Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-206)

(H.P. 834) (L.D. 1001) Bill "An Act Establishing the Bonding and Excess Insurance Requirement for Self-insuring Workers' Compensation Employers" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-388)

(H.P. 55) (L.D. 68) Bill "An Act to Require the State to Pay its Share of School Funding on the First Day of Each Month" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-387)

(H.P. 818) (L.D. 972) Bill "An Act Relating to Boarding Cost Payments and Transportation Accounts for Secondary School Pupils in Remote Units under the Education Laws" — Committee Amendment "A" (H-386)

There being no objections, under suspension of the rules, the above items were given Consent Calendar Second Day notification, passed to be engrossed as amended in concurrence or sent up for concurrence.

The following papers appearing on Supplement No. 27 were taken up out of order by unanimous consent:

Non-Concurrent Matter
Tabled and Assigned

Bill "An Act to Provide a Referendum to Abolish County Government and Authorize Re-assignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies" (H. P. 1040) (L. D. 1259) on which the Minority "Ought to Pass" Report of the Committee on Local and County Government was read and accepted and the Bill Passed to be Engrossed in the House on May 8, 1981.

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

In the House: On motion of Mr. Carter of Winslow, tabled pending further consideration and tomorrow assigned.

Passed to be Enacted

An Act to Diversify Maine's Participation in the Eastern State Exposition (H. P. 1254) (L.

D. 1478) (C. "A" H-325)

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

The following paper appearing on Supplement No. 28 was taken up out of order by unanimous consent:

The following Communication: (H. P. 1480)
THE WHITE HOUSE
 Washington

May 12, 1981

To the Members of the
 Maine State Legislature
 I was delighted to receive the resolution adopted by the Legislature of the State of Maine. Knowing of your friendship encourages and helps me daily.
 With best wishes,

Sincerely,
 S/RONALD REAGAN

The Communication was read and ordered placed on file.

Under suspension of the rules, the following Resolution appearing on Supplement No. 29 was taken up out of order:

On motion of Representative Martin of Eagle Lake, the following Joint Resolution: (H. P. 1481) (Cosponsor: Senator Sewall of Penobscot)

JOINT RESOLUTION CONGRATULATING
THE EAGLETON INSTITUTE
OF POLITICS ON ITS
TWENTY-FIFTH ANNIVERSARY

WHEREAS, the Eagleton Institute of Politics at Rutgers University has served State Legislatures throughout the United States continuously and successfully since 1956; and

WHEREAS, the Eagleton Institute of Politics has made specific and significant contributions to the improved effectiveness of the legislative institution at the state level in many American states; and

WHEREAS, the Eagleton Institute of Politics has, over the years, been of great assistance to the Maine Legislature; and

WHEREAS, the Eagleton Institute of Politics is celebrating its twenty-fifth anniversary in 1981; now, therefore, be it

RESOLVED: That We, the Members of the 110th Maine Legislature, congratulate the Eagleton Institute of Politics on the occasion of its twenty-five years of major contributions to the betterment of the American political and governmental system; and be it further

RESOLVED: That a suitable copy of this resolution be prepared and transmitted forthwith by the Secretary of State to the Eagleton Institute of Politics at Rutgers University.

Under suspension of the rules, the Resolution was read and adopted and sent up for concurrence.

The following papers appearing on Supplement No. 30 were taken up out of order by unanimous consent:

Consent Calendar
First Day

(H. P. 1180) (L. D. 1404) Bill "An Act to Establish an Energy Conservation Program for Commercial and Light Industrial Buildings" — Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-391)

(H. P. 1002) (L. D. 1199) Bill "An Act Concerning Tuition Reimbursement to Private Schools" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-390)

(H. P. 1004) (L. D. 1238) Bill "An Act to Establish Strict Penalties for Hazardous Waste Dumping and to Provide Specific Definitions of Hazardous Waste" — Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-385)

(H. P. 884) (L. D. 1053) Bill "An Act Clarifying Municipal Authority to Invest Funds" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-393)

No objections having been noted, under suspension of the rules, the above items were 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 Permit Appointment of Deputies for the Purpose of Registering Voters under the Election Laws" (H. P. 135) (L. D. 162) which was tabled earlier in the day and later today assigned pending Adoption of Committee Amendment "A" (H-363)

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

Mr. BAKER: Mr. Speaker, I am in the process of trying to work out something and I would prefer it if somebody would table this for one legislative day.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT — Majority (8) — "Ought to Pass" as amended by Committee Amendment "A" (H-379) — Minority (5) "Ought Not to Pass" Committee on Appropriations and Financial Affairs on Bill "An Act Relating to State-municipal Revenue Sharing" (H. P. 444) (L. D. 523) which was tabled and later today assigned pending the motion of Mr. Pearson of Old Town to accept the Majority "Ought to Pass" Report.

On motion of Mr. Kelleher of Bangor, retabled pending the motion of Mr. Pearson of Old Town to accept the Majority Report and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Remove the Town of Medford from the Maine Forestry District" (H. P. 252) (L. D. 292) which was tabled and later today assigned pending acceptance of the Committee Report.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-380) was read by the Clerk.

On motion of Mrs. Post of Owl's Head, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

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

Mr. ARMSTRONG: Mr. Speaker, Men and Women of the House: I move that we reconsider our action whereby Bill "An Act Clarifying Municipal Authority to Invest Funds" (H. P. 884) (L. D. 1053) was passed to be engrossed as amended by Committee Amendment "A" (H-393).

The SPEAKER: The gentleman from Wilton, Mr. Armstrong, moves that we reconsider our action whereby L. D. 1053 was passed to be engrossed.

The gentleman may proceed.

Mr. ARMSTRONG: Mr. Speaker, Men and Women of the House: This particular bill comes from the Committee on Local and County Government and it is An Act Clarifying Municipal Authority to Invest Funds. The act, in fact, allows for the formation of investment trust to be set up. We have looked into the possible amendment to see if such investment trusts should be bonded for the best interest of the town, and until we can get an answer on the bonding requirement, I would request that someone table this item for one legislative day for me.

Thereupon, on motion of Mr. LaPlante of Sabbathus, tabled pending the motion of Mr. Armstrong of Wilton to reconsider and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Authority of Councils of Governments" (H. P. 710) (L. D. 835) which was tabled and later today assigned pending passage to be engrossed.

On motion of Mrs. Post of Owl's Head, retabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Definition of Commercial Applicator in the Maine Pesticides Control Act of 1975" (S. P. 373) (L. D. 1115) which was tabled and later today assigned pending acceptance of the Committee Report.

On motion of Mr. Mahany of Easton, the "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (S-143) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-172) was read by the Clerk and on motion of Mr. Mahany of Easton, the Amendment was indefinitely postponed in non-concurrence.

On motion of the same gentleman, Committee Amendment "A" was indefinitely postponed in non-concurrence.

Under suspension of the rules the bill was read the second time.

On motion of Mr. Higgins of Scarborough, tabled pending passage to be engrossed in non-concurrence and tomorrow assigned.

The Chair laid before the House the following matter:

An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances (H. P. 742) (L. D. 880) (C. "A" H-300) tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Mr. Soule of Westport, tabled pending passage to be enacted and tomorrow assigned.

Reference is made to (H. P. 281) (L. D. 225) Bill "An Act to Provide a Special Muzzle-loading Hunting Season"

In reference to the action of the House on May 14, whereby it Insisted and Asked for a Committee of Conference the Chair appointed the following members on the part of the House as conferees:

Representative JACQUES of Waterville
Representative CLARK of Millinocket
Representative DAMREN of Belgrade

(Off Record Remarks)

On motion of Mrs. Berube of Lewiston,
Adjourned until nine o'clock tomorrow morning.