

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

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HOUSE

Monday, May 18, 1981

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

Prayer by the Reverend Normand Bronson of the Kennebec Valley Baptist Church, Waterville.

The members stood at attention during the playing of the National Anthem by the Oak Grove-Coburn Instrumental Ensemble, Vassalboro.

The journal of the previous session was read and approved.

Papers from the Senate

The following Communication:

The Senate of Maine

Augusta

May 15, 1981

The Honorable Edwin H. Pert
Clerk of the House
110th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it Indefinitely Postponed Bill and Papers on Bill, "An Act to Provide Loans for Family Farms," (S. P. 470) (L. D. 1326).

Sincerely,
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

**Reports of Committees
Leave to Withdraw**

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Provide Indexing for the State Income Tax" (S. P. 524) (L. D. 1454)

Came from the Senate with the Report read and accepted.

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

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Bring Noncarbonated Beverages such as Fruit Punch and Iced Tea into Compliance with Maine's Beverage Container Law" (S. P. 367) (L. D. 1086)

Report was signed by the following members:

Representatives:

RACINE of Biddeford
GAVETT of Orono
BRANNIGAN of Portland
POULIOT of Lewiston
FITZGERALD of Waterville
MARTIN of Van Buren
TELOW of Lewiston
PERKINS of Brooksville
GWADOSKY of Fairfield

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-222) on same Bill.

Report was signed by the following members:

Senators:

CLARK of Cumberland
SUTTON of Oxford
SEWALL of Lincoln

— of the Senate.

Representative:

JACKSON of Yarmouth

— of the House.

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-222)

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 Not to Pass" Report in non-concurrence.

This is a bill that would change the bottle bill that we have been working on for so long, have gone through two referendums. It is just a feeling, I believe, of myself anyway, and I think the majority of the committee, that it is not the time to be making changes there. There would all kinds of attempts to bring in other kinds of returnables.

What this bill would do, and it was much broader in the beginning but it has been narrowed down, it would have been very, very difficult in the original form, but the other report would bring in 12-ounce cans and 12-ounce bottles, and only 12 ounce, of tea and non-carbonated beverages, tea and other things of that sort, juices, any kind of juices, anything that was in a 12 ounce container. Well, I just feel that this is, first of all, not the time to be making changes in this law. Secondly, that 12-ounces, all people have to do to get around the law is to go to an 11 ounce or 13 ounce and it no longer applies. I don't think that is a good way to draw a piece of legislation. Thirdly, it means that any of our warehouses or large companies, grocery companies, who are purchasing these particular items out-of-state can no longer do that. They will have to purchase them from their local distributors, because deposits, for very important reasons, have to originate in the State of Maine.

For those reasons, I would urge you to go with the majority members of this body in an "ought not to pass" report.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am the only one on the other side. I just would make the point that we considered this in committee before it has finally reached the floor. It seems reasonable that if we are doing the carbonated beverages that we should also pick up the things like iced tea and the fruit juices and this type of thing. They are selling them for the same price as the carbonated, so there is a very good profit structure on them, and this would pick them up and would include them along with the carbonated.

We have had a terrible time finding a definition that would leave out Similac and all kinds of fruit juices. This definition does do that, it does only hit the 12 ounce cans.

I would hope you would consider voting for the minority position on this bill.

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

A vote of the House was taken.

Whereupon, Mr. Michael of Auburn 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 Portland, Mr. Brannigan, that the Majority "Ought Not to Pass" Report be accepted in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Baker, Beaulieu, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brown, K.L.; Callahan, Carrier, Carroll, Chonko, Clark, Cox, Crowley, Curtis, Damren, Day, Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Gavett, Gillis, Gowen, Gwadosky, Hayden, Hickey,

Higgins, H.C.; Holloway, Hunter, Ingraham, Jordan, Kelleher, Ketover, Kiesman, Kilcoyne, Laverriere, Locke, MacBride, MacEachern, Macomber, Martin, A.; Masterman, Master-ton, Matthews, McGowan, McKean, McPherson, McSweeney, Michaud, Nadeau, Nelson, A.; Norton, Pearson, Perkins, Perry, Peterson, Post, Pouliot, Prescott, Reeves, J.; Richard, Ridley, Rolde, Salsbury, Sherburne, Smith, C.B.; Smith, C.W.; Soulas, Stevenson, Stover, Strout, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Wentworth.

NAY—Armstrong, Bell, Benoit, Brodeur, Brown, D.; Cahill, Carter, Conary, Connors, Davies, Davis, Dexter, Diamond, G.W.; Diamond, J.N.; Fowlie, Hall, Hanson, Higgins, L.M.; Huber, Hutchings, Jackson, Joyce, Kane, Kany, Lancaster, Lewis, Livesay, Lund, Mahany, McCollister, McHenry, Michael, Mitchell, E.H.; Mitchell, J.; Murphy, Nelson, M.; O'Rourke, Paradis, E.; Paradis, P.; Paul, Randall, Reeves, P.; Roberts, Small, Soule, Studley, Swazey, Tarbell, Walker, Webster, Weymouth, The Speaker.

ABSENT—Brown, A.; Connolly, Cunningham, Hobbins, Jacques, Jalbert, LaPlante, Lisnik, Manning, Martin, H.C.; Moholland, Racine.

Yes, 86; No, 52; Absent, 12; Vacant, 1.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-224) on Bill "An Act Amending the Electricians Licensing Statute" (S. P. 285) (L. D. 810)

Report was signed by the following members:

Senators:

SEWALL of Lincoln
SUTTON of Oxford

— of the Senate.

Representatives:

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

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-225) on same Bill.

Report was signed by the following member:

Senator:

CLARK of Cumberland

— of the Senate.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-224)

In the House: Reports were read.

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

Committee Amendment "A" (S-224) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-223) on Bill "An Act to Provide one Additional Judgeship for the District Court" (S. P. 158) (L. D. 366)

Report was signed by the following mem-

bers:

Senators:

KERRY of York
CONLEY of Cumberland
DEVOE of Penobscot
— of the Senate.

Representatives:

LUND of Augusta
HOBBS of Saco
SOULE of Westport
LIVESAY of Brunswick
DRINKWATER of Belfast
JOYCE of Portland
BENOIT of South Portland
O'ROURKE of Camden
— of the House.

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

Report was signed by the following members:

Representatives:

CARRIER of Westbrook
REEVES of Newport
— 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-223)

In the House: Reports were read.

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

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

The SPEAKER: The gentleman from Westport, Mr. Soule, moves that the Majority "Ought to Pass" Report be accepted in concurrence.

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

Mr. CARRIER: Mr. Speaker and Members of the House: This is another one in a series of bills that we will have involving judgeships and appointments and new positions in the judicial system.

I signed the "ought not to pass" report, and I would like to give you a few reasons why I did so. In the first place, I don't think we need another judge. I have talked with many lawyers around here, and they say to me that we don't need them. And from my own observation, I have also seen the lack of efficiency within the judicial system, which leads to a backlog of cases, which is one of the reasons you are going to hear today why we need a new judge.

You will notice by the amendment that the cost has gone up already, \$6,000 from the time it was introduced until now. That should have been in the bill in the first place.

Actually, I want to tell you my specific reasons why we don't need a new judge and why we have such a backlog on the court docket. First of all, I would like to make a point, a very unique point, that this morning I received a note when I came in, and it reads as such, and take it for what it is worth. It says: "Dear Bob: I brought some bleeding heart flowers from my garden today. I brought them for your benefit, a bleeding heart for a bleeding heart?" It is signed "Representative Merle Nelson" and I wish she would show them what a bleeding heart looks like.

Truthfully, ladies and gentlemen, this is not the kind of bleeding heart that we are talking about. I think we are talking about having proper justice when people go to court. And I say to you, as I have said before, by giving additional compensation to the judges or by putting new judges on is not actually improving the court system.

The appointments we have had in the last two or four years, I believe, have not been the best, and I want to say this this morning, that the backlog in the courts that we have today in part is due to the inefficiency of the present court system and those in charge of it, but it is not totally.

I will take things one at a time. In the first place, we had an opening until very recently in York County when Judge Danton died, December 31, 1980. You know how long it took before we got somebody appointed over there to go to work? It took over four months, it was actually four months from the date that he died before we got the thing up in the Judiciary Committee. This is that inefficiency. The administration knew that he was not coming back. We should have had people on there, we should have had a new judge to handle the cases, and I didn't check, but they were probably a thousand or two thousand cases behind in four months' work. This is one of the reasons why we don't need a judge.

We need judges that are going to work, but we need administration. We do not have a new administration in the district court and we have to be fair and give them a chance to work itself out. One of the troubles is that we went four months without a judge down in York County, and there was no reason for it either. We know where the blame should be laid, and that is the first case.

What about the other case, Judge Ross, who was brought up on charges, and he was held off for three months, so he couldn't perform and take care of his duties down in York County. We paid him three months' wages. All of a sudden, at the opportune time, the committee for the judges came out and said, we have got to do something to him, and after three months, why didn't they do it a week later? That is what they are getting paid for. If they don't get paid, that is what they are in there for, they volunteer or they get paid, one of the two, I don't know.

This is where we actually lost seven months' work from these judges in the past year. Yet, you come in here today with a bill saying that we need a new judge. I don't think that is what we need, I think we need efficiency. We have a new district court judge down our way, Judge Divine, I think he is trying hard and I think he is going to do a good job, and I am willing to give him credit for what he has done so far.

I don't blame them for coming and asking for a new judge with this kind of deal here. You can put another judge there, and if he does something wrong, let him ride another three or four months, too, and we won't get the performance out of these judges.

I actually believe that we cannot afford another judge. The price is fictitious, because if something happens to him, we go to this retirement plan and all this stuff, the benefits for the family.

I want to say that it is no reflection on those who have found themselves in that position, but I do think that for efficiency sake, we do not need an additional judge, we don't need to spend the extra money. Take that money and give it to somebody that needs it real bad.

I hope that you vote against the "ought to pass" report.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to oppose my kind and gentle friend, J. Robert Carrier. I have known Robert for over 30 years and we have differed a few times.

I listened very attentively this morning as he went down through that blast on the judiciary of the district courts. Yes, I wanted to wait until he got to that Honorable Chief Judge, Bernard Divine. Judge Divine is the Chief of the District Court in Maine. I have here a letter from his assistant, Deputy Chief Judge of the District Court, Allen C. Pease. Judge Divine, my friend and J. Robert Carrier's dear friend, ordered Judge Pease to study the District Court management problem as to the need for judges. It was a two months' study. Yes, Judge Pease found what we had suspected. In his report here, and I am only going to take a few lines from it, he said, I had to use active retired

judges 25 days, and then he goes on and he lists some of the places where they had shortages and where he would use another judge to cover. The places are familiar to all of us, Biddeford, Bath, Brunswick, Caribou, Van Buren, Augusta, Waterville, Portland, Bar Harbor, Calais, Machias, Bangor, Wiscasset and Rockland. The added judge-at-large, he concludes would provide another 244 judge days and permit the District Court to provide much better services to the people of Maine.

This is 11 to 2 out of the esteemed Judiciary Committee, "Ought to Pass" and I ask you to join that 11 today and vote for passage of this bill.

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

Mr. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I will try to take very little of your time this morning because I realize that we have a lot of hard work ahead of us. There are a couple of comments that I would like to make in reference to this bill.

First, I would say that this bill had a very good hearing in the committee. We were told at the committee hearing that the district court judge system was three judges short that day. I could see why they were three judges short, because there were three judges sitting in our committee hearing. They testified at this hearing that there were four district court judges vacationing in Florida that same day.

Now, I would be the last to deny a judge or any other person his vacation time. I believe the district court system has some 27 judges, with the three sitting in our committee and four vacationing in Florida, I submit to you that 25 percent of their judges were not available for court hearings at that time.

Ladies and gentlemen, I submit to you that we do not need at this time another district court judgeship.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I will try to be brief. I think that this legislature has gone on record, this session in particular, as being supportive of strong laws. If you are going to have strong laws, you are going to have arrests, and people deserve the right to a speedy trial. If you had any dealings with the court recently or in the past year, you would be well aware of the backlog of cases and how jammed up the courts are.

Right now we have judges-at-large, and this bill would provide for one more so that we would have six. I think it is important to note that this judge would be a traveling judge. This judge could be used where he or she would be needed. That judge would be used to help break up the backlog or the jam up of cases that there is right now at the district court level.

As Representative Joyce said, this was an 11 to 2 report out of the Judiciary Committee. We were convinced that this extra judgeship is needed, and I hope that you will accept the Majority "Ought to Pass" Report.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I notice that the bill calls for moving from five to six district court judges-at-large the number, but would keep intact the 15 regular judges assigned to specific courts within the district court, so that would mean from 20 to 21, I just wanted to make that clear.

My question is, and I haven't decided how I am going to vote on this, is why can't we move one of the judges from the law court, Maine's Supreme Court, to the District Court level? It is my impression generally that the law court really does not have all that much to do and that they simply do not need all those judges at the law court level, really, because often they will assemble together, just as the U.S. Supreme Court does, and do we really need this number of law court members that we now

have? I would ask a member of the Judiciary Committee to speak to the number of law court judges we now have and to their duties and to why we could not move one of those judges, or at least when one retires, and move at that time a new judge to District Court level. It makes sense to me.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I feel I should answer the question for the gentelady from Waterville. We really have problems with the law court — workers' compensation appeals last year were over 70 cases, and these cases go directly to the law court. They are overburdened the way it is right now, but it was a good idea to throw out.

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

Mrs. KANY: Mr. Speaker, Members of the House: I would suggest that perhaps this is an appropriate time to review the proper functions of our various courts. In my opinion, it seems most improper to have appeals for workers' compensation going to the Supreme Judicial Court. To the law court would seem much more appropriate for appeals to go, where most appeals do go, to the Superior Court. I am not suggesting that you vote a certain way, I am just hoping that you will keep these things in mind. This is the proper form to address the functions of the court and I would expect we will be doing that much more so within the coming year.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Westport, Mr. Soule, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

78 having voted in the affirmative and 38 in the negative, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (S-223) 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 in concurrence.

Divided Report Indefinitely Postponed

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-198) on Bill "An Act Relating to Vehicle Sizes and Weights" (S. P. 302) (L. D. 846)

Report was signed by the following members:

Senators:

USHER of Cumberland
O'LEARY of Oxford

— of the Senate.

Representatives:

FOWLIE of Rockland
HUTCHINGS of Lincolnville
STROUT of Corinth
MOHOLLAND of Princeton
CARROLL of Limerick

— 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:

EMERSON of Penobscot

— of the Senate.

Representatives:

REEVES of Pittston
McPHERSON of Eliot
HUNTER of Benton
McKEAN of Limestone
MACOMBER of South Portland

— of the House.

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

In the House: Reports were read.

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

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

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

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

I think you all realize right now that the conditions of our roads are not what they should be and as spring comes along and they break up, they will get even worse. An increase of 10,000 pounds, from 80,000 to 90,000 pounds, in weight limits to trucks that are traveling our roads would be a disastrous thing to happen at this time, I believe.

The damage to the roads is directly related to the number of times the road must bear a heavy load, and I would like to give you a few figures; 90,000 pounds as opposed to 80,000 would cause 47 percent more damage to the pavement and to the bridges than the present weight would. If you increase the weight from 80,000 to 90,000 pounds, it would be necessary for the Department of Transportation to post an additional 1,000 bridges in this state because of the load limits.

Any trucks that went over 80,000 pounds in registration would be barred from the federal road system, which means that they would not be allowed to use I-95, which means that if at the present time they were using it and they decided to change weights, they would be diverted from the interstate onto the roads such as Route 1, roads that were never built to handle this kind of weight.

A very important point, I think, is the fact that the figures have shown one 90,000 pound truck does as much damage to roads and bridges as 20,000 passenger cars. That is quite a significant figure, I think, one truck as opposed to 20,000 cars.

This bill that is before you was passed in 1974 and in November of 1974, it was immediately defeated by the people in a referendum, so I think that shows an indication of how they feel. You may hear that these trucks will go from five to six axles, the weight will be more evenly distributed, but the fact is, whether you have one axle or ten axles, when that truck is on the bridge, the number of axles doesn't make one bit of difference. I think this would be a bill that at this time would be disastrous to the Department of Transportation, because the Department of Transportation's official position is, they oppose this very, very strongly, and I would urge you to vote for the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Having signed the Majority Report, I feel that I should make some comments this morning in opposition to the speech that was just given. I don't think the gentleman from South Portland has given you all the information that is factual. When he says that all the problems with the roads out there are caused by the truckers is incorrect. Seventy-five percent of the problems are frost problems. The Commissioner of Transportation has told us this in the past, he told us again this year.

I can understand the gentleman from South Portland's feeling on this bill. However, when he gets up and starts telling it to try to throw you off, that we are trying to make changes here that are not already in existence, I think is bad for the members of this body.

When he says if this bill passes, it won't allow them to operate on the interstate, they can't now. A truck hauling over 80,000 today can only go off the interstates, it has been that way for years.

When he talks about back in 1974, the bill that passed was 100,000. The referendum that went out to the people, a lot of folks out there, I am sure, understood, but a lot of people didn't understand when they signed the petition to go back to the 80,000.

My main objective here is to keep this bill alive and I think that we should very strongly. I have heard rumors in the last three weeks that we are going to need additional money to fund the Transportation Department. I know that this bill would only bring in possibly half a million dollars.

I think there is an issue that may concern us in the next couple of weeks, at least I have heard that some people are talking of increasing the present registration fees ten percent. I can assure you, from the truckers I have talked to and from my position, that in order to get a ten percent increase on registration, on the present weights at the present time, we have got to do something for the truckers. That is why I supported this bill out of committee, that is why I support keeping it alive. Maybe the \$27 increase for each 1,000 pounds over 80,000 isn't enough. I have heard some members say that if this was a larger fee, they could support it.

When we get down to the last hours of the session and we need additional 5, 10 or 15 percent, this bill, in giving a little bit more weight to the trucking industry, might take some of the heat off a truck registration increase.

I heard the gentleman from South Portland talking about the damages that the trucks do compared to the cars. I guess I would ask him, and maybe you have seen some of the ads that Triple A and the railroads are putting on TV, that the other bill that is in Taxation Committee should come out "Ought to Pass" I would just ask those people who are talking about the damages being done, how much do the cars pay compared to what the truckers are paying?

I would ask you to consider keeping the bill alive; it may be necessary that we will need this type of legislation before we leave here in June.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. McPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: Regardless of what the ads are saying on TV and the radio, I think we have to believe the engineering people that we have in the Department of Transportation not only here in the state but on the federal level.

In response to the gentleman from Corinth, Mr. Strout, I would ask you, is five ton or 10,000 pounds just a little bit more? Really. Each session, the trucking industry has been in here and getting just a little bit more, a little bit more. Last time they lengthened the overall length of the units; this time it is weight. Please, I would ask you to support the gentleman from South Portland's motion to indefinitely postpone this bill.

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

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly to respond to the gentleman from Corinth, Mr. Strout. He quoted a figure that you might receive revenue of half a million dollars. That figure, I think, even the gentleman from Corinth will agree is quite farfetched. That is assuming that every truck in the state, 2,077 trucks that are now registered at 80,000 would assume that they would like to go to 90,000. I assure you, there are many, many truckers that are not interested in going to a higher figure and being ruled off the interstate.

Regarding what Mr. Strout has said concerning the interstate, it is true that the 80,000 pound law has been in effect for quite some time, but I was just saying that if they go above the 80,000, they are then barred from the interstate.

As far as the figure of damages as to what a truck does opposed to a passenger car, these

figures come from the Department of Transportation and they are figures that are researched nationally.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "Ought Not to Pass" on this report and I think you have heard some good arguments both ways. Representative Macomber is right in his summation of what has happened; on the other hand, Representative Strout is right when he says that this is a bargaining measure, and you and I all know that in the waning days of the session, we have got to have a bargaining tool. Whether or not this is a good bargaining tool, I don't know.

I will tell you the two main reasons why I signed the "ought not to pass" report. This bill would increase the allowable rates on tri-axle units. There is an amendment to the bill which changes Section 1 of the bill but it did not change Section 2, which is that section which works with the tri-axle units. This means that you are going to increase the allowable loads on tri-axle units from 48,000 to 56,000 pounds. This is a greater concern to us, really, than the increase in the other types of vehicles.

Vehicles carrying special commodities, tri-axle units, will be allowed to carry up to 61,600 pounds, and this is 28 percent greater than the present allowable rate. A tri-axle unit loaded like that can do a lot more damage to a road than any 18 wheeler than I think you have ever seen.

Another thing that worries me — there are over 400 bridges in this state right now that are over 50 years old, a lot of them have had no repairs. I don't care if you are carrying 80,000, 90,000, and you have got to remember, we are not from just 80,000 to 90,000, we are going to 99,000, a thousand pounds less than 100,000, on these very simple bridges which are over 50 years old in this state.

It seems to me, when they tell you that if you spread the axles out that it is going to alleviate the weight on the bridge, but if you have a bridge that is longer than the truck itself and you put 100,000 on that span, then you have got 100,000, you don't have 60,000, you don't have 50,000, you have 100,000 on that span. So, that old smoke that if you spread the axles out on the bridge it is going to alleviate the pressure on the bridges, it is hard for me to buy that — weight is weight on a span. On a concrete highway, yes, you can spread the axles out and you can minimize the pounds per square inch pressure on the concrete, but on a bridge span, how do you do that? It is almost impossible.

It was brought up that the interstate system allows 80,000 pounds; that is true, that is a federal aid highway. It was built to federal aid specifications, and federal aid specifications are a little higher than the state specifications. If the feds say you can't put anything over 80,000 pounds on their highway, which is supposed to be built better than ours, then it is almost impossible to me to say yes, we can put 99,000 on ours even though they are not built quite as well as yours.

I am not trying to influence your vote one way or another. I am just telling you that this is why I signed the "Ought Not to Pass."

But think of it another way; Representative Strout may also be right. This could be a bargaining tool, so you have got to make up your own mind.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: As House chairman, you might think it is rather strange that I would put my name on a document increasing the truck weights. One of the reasons that I put my name on this document is, the state of Maine has a fleet of trucks that cannot obey the laws. I happen to have a conscience. I say that if we pass laws in this state, then let's everybody obey them. No, the state of Maine has a right to

pass laws but the state does not obey its own laws, and this is where I have a problem. We have trucks with plows, the sanders and the equipment on, they cannot travel on the interstate, they are overloaded. They travel all over this state plowing roads. Let's protect their rights, the state of Maine. They won't hurt those shoulders, but you put a load of wood on, and you will ruin the bridge, you will ruin the shoulder. Let's not double talk, let's straight talk. That is what I want to do with you here today and that is where I have the problem.

They say the engineers will have to post more bridges. If you have to, post them don't sit down here in the cubicle.....if they go across them and they go through them or do damage, let them pay for it. If they know a bridge is posted for so many pounds and they go over it and they have seen the posted limit, they are responsible for the damages to that bridge.

Let's not double talk, let's straight talk this morning. That is what I am interested in. You keep talking about the feds, the feds, the feds sure, they drive all the traffic off the federal highway onto the other highways. What good is a federal highway if you can't use it?

The state trucks don't go down the federal highway; they get off it when they are loaded and they come back in when they are empty. Let's stop double talking and let's straight talk it right down the center of the road. Let's keep this bill alive so we can bargain a little later on.

Mr. Higgins of Scarborough requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Macomber, 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, Baker, Beaulieu, Bell, Benoit, Berube, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K. L.; Cahill, Callahan, Carrier, Carter, Chonko, Clark, Conary, Connors, Connolly, Cox, Curtis, Damren, Davies, Davis, Day, Diamond, G. W.; Diamond, J. N.; Dillenback, Drinkwater, Dudley, Fitzgerald, Foster, Gavett, Gillis, Gwadosky, Hall, Hanson, Hayden, Higgins, H. C.; Higgins, L. M.; Holloway, Huber, Hunter, Ingraham, Jackson, Jordan, Joyce, Kane, Kany, Kelleher, Lancaster, Laverriere, Lewis, Livesay, Locke, Lund, Macomber, Mahany, Manning, Martin, A.; Masterman, Masterton, Matthews, McCollister, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, E. H.; Mitchell, J.; Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perkins, Perry, Post, Pouliot, Prescott, Randall, Reeves, J.; Reeves, P.; Rolde, Salisbury, Sherburne, Small, Smith, C. B.; Stover, Studley, Swazey, Tarbell, Telow, Thompson, Treadwell, Tuttle, Twitchell, Walker, Wentworth, Weymouth.

NAY — Armstrong, Austin, Boisvert, Brown, A.; Carroll, Crowley, Dexter, Erwin, Fowlie, Hickey, Hutchings, Ketover, Kiesman, Kilcoyne, LaPlante, Lisnik, MacBride, MacEachern, McGowan, Michaud, Peterson, Richard, Ridley, Roberts, Smith, C. W.; Soulas, Soule, Stevenson, Strout, Theriault, Vose, Webber.

ABSENT — Cunningham, Gowen, Hobbins, Jacques, Jalbert, Martin, H. C.; Moholland, Paul, Racine, The Speaker.

VACANT — Leighton.

Yes, 108; No, 32; Absent, 10; Vacant, 1.

The SPEAKER: One hundred eight having

voted in the affirmative and thirty-two in the negative, with ten being absent, the motion does prevail.

Non-Concurrent Matter

Bill, "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine" (H. P. 1423) (L. D. 1577) which was Passed to be Enacted in the House on May 14, 1981.

Came from the Senate passed to be engrossed as amended by House Amendments "A" (H-312) and "B" (H-340) and Senate Amendment "A" (S-240) in non-concurrence.

In the House: On motion of Mr. MacEachern of Lincoln, the House voted to recede and concur.

Non-Concurrent Matter Later Today Assigned

Bill, "An Act to Provide for the Limitations of Liability in Regard to Certain Insurance Inspections" (H. P. 631) (L. D. 712) which was passed to be engrossed as amended by Committee Amendment "A" (H-369) in the House on May 13, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-369) as amended by Senate Amendments "A" (S-231) and "B" (S-239) thereto in non-concurrence.

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

Non-Concurrent Matter

Bill, "An Act to Coordinate Agriculture and Energy Related Activities in State Government" (H. P. 648) (L. D. 753) which was passed to be engrossed as amended by House Amendment "A" (H-362) in the House on May 12, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-238) and House Amendment "A" (H-362) in non-concurrence.

In the House: On motion of Mr. Mahany of Easton, the House voted to recede and concur.

Non-Concurrent Matter

Bill, "An Act to Adopt Federal Withholding Requirements for Payments to Certain Nonresident Alien Individuals, Foreign Corporations and Partnerships" (H. P. 2) (L. D. 2) which was passed to be engrossed as amended by Committee Amendment "A" (H-368) in the House on May 13, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-237) and Committee Amendment "A" (H-368) in non-concurrence.

In the House: On motion of Mr. Kane of South Portland, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Concerning Minimum Limits Required under the Financial Responsibility Law" (H. P. 1455) (L. D. 1596) which was passed to be engrossed in the House on May 13, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-236) in non-concurrence.

In the House: On motion of Mr. Drinkwater of Belfast, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to Referendum Campaign Reports and Finances" (H. P. 959) (L. D. 1150) on which the Minority "Ought to Pass" Report of the Committee on Election Laws was read and accepted and the Bill passed to be engrossed in the House on May 14, 1981.

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

In the House:

Ms. Benoit of South Portland moved that the House adhere.

Whereupon, Mrs. Cahill of Woolwich moved that the House recede and concur.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: Very briefly, I would hope that you would vote against the motion to recede and concur. The other body, as you know, voted against our recommendation, and according to the paper and reports from that end of the building, they did so based on an overwhelming concern about the constitutionality of this issue. We have been able, I believe, to satisfy that concern. We have a favorable Attorney General's opinion that says that should the Legislature enact this bill, it is, in their opinion, legally defensible and constitutionally defensible, and I would again ask that you vote against the motion to recede and concur and hopefully we can adhere.

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly, I would like to remind everyone in the House that that is the referendum question that would allow any one corporation or business such as that to contribute only \$5,000 per referendum campaign, and any individual only \$1,000 per referendum campaign, and I would just like to bring something to your attention. If, in the future, for example, the right-to-work issue was to come before us in the form of referendum, that would mean that organized labor would be able to spend only \$5,000 toward defeating that issue, and I think the outcome might be very interesting.

Mr. Diamond of Bangor requested a roll call vote.

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

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

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

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, MacBride, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Perkins, Peterson, Randall, Reeves, J.; Ridley, Salisbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth.

NAY — Baker, Beaulieu, Benoit, Berube, Brannigan, Brennerman, Brodeur, Brown, A.; Callahan, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowle, Gwadosky, Hall, Hayden, Higgins, H.C.; Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Live-say, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michael, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perry, Post, Prescott, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, The Speaker.

ABSENT — Boisvert, Carrier, Cunningham, Hickey, Hobbins, Jalbert, Lund, Martin, H.C.; Moholland, Pouliot, Racine.

Yes, 63; No, 76; Absent, 11; Vacant, 1.

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

Thereupon, on motion of Ms. Benoit of South Portland, the House voted to adhere.

Non-Concurrent Matter Later Today Assigned

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (Emergency) (H. P. 1411) (L. D. 1576) which was passed to be engrossed as amended by House Amendments "B" (H-319) "C" (H-324) and "D" (H-329) in the House on May 11, 1981.

Came from the Senate passed to be engrossed as amended by House Amendments "B" (H-319) and "D" (H-329) in non-concurrence.

In the House:

On motion of Mrs. Berube of Lewiston, tabled pending further consideration and later today assigned.

Special Sentiment Calendar

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

Recognizing: Deborah Ames of Winslow High School, who has been named Elks teenager of the year by the Waterville Lodge #905 Benevolent Protective Order of Elks; (S. P. 610)

The Honorable Forrest and Madge Nelson, of New Sweden, who will celebrate their golden wedding anniversary on May 16, 1981; (H. P. 1489) by Representative Higgins of Scarborough. (Cosponsors: Representatives MacBride of Presque Isle, Aloupis of Bangor and Tarbell of Bangor) (Later Reconsidered)

Ka-Rim Troyli of Bangor, who won 2nd place for girls in the Spear Speaking Contest held April 7, 1981, at the University of Maine at Augusta; (H. P. 1490) by Representative Kelleher of Bangor. (Cosponsor: Representative Diamond of Bangor)

Patrolman Edward Gallant of the Bangor Police Department, for 20 years of dedicated service to the City of Bangor; (H. P. 1491) by Representative Tarbell of Bangor. (Cosponsor: Representative Kelleher of Bangor)

In Memory of:

Richard Saltonstall of Belfast, former White House correspondent and owner of the Republican Journal, Bar Harbor Times and Camden Herald (H. P. 1485) by Representative O'Rourke of Camden. (Cosponsors: Representatives Salisbury of Bar Harbor, Drinkwater of Belfast and Hutchings of Lincolnville)

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

House Reports of Committees Leave to Withdraw

Representative Twitchell from the Committee on Taxation on Bill "An Act to Prohibit State Mandates and Tax Shifts." (H. P. 1115) (L. D. 1366) reporting "Leave to Withdraw"

Representative Carroll from the Committee on Transportation on Bill "An Act to Establish a Fee for the Purchase of New Number Plates" (H. P. 337) (L. D. 376) reporting "Leave to Withdraw"

Representative Ridley from the Committee on Public Utilities on Bill "An Act to Partially Deregulate Water Districts from Regulation by the Public Utilities Commission" (H. P. 754) (L. D. 891) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft/New Title

Representative Smith from the Committee on Agriculture on Bill "An Act to Improve the Quality of Packing and Marketing Maine Potatoes" (H. P. 994) (L. D. 1182) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Promote the Maine Potato Industry by Improving the Quality of Packing and Marketing Maine Potatoes" (H. P. 1486) (L. D. 1613)

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

Representative Roberts from the Committee on Local and County Government on Bill "An Act to Abolish the Position of County Treasurer in York County and Create a Finance Officer" (H. P. 780) (L. D. 925) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Permit the Abolition of the Position of Elected County Treasurer and Allow the Appointment of a Treasurer by the County Officers" (H. P. 1488) (L. D. 1615)

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.

Representative Ridley from the Committee on Local and County Government on Bill "An Act to Require that County Employees be Hired by Merit" (H. P. 1323) (L. D. 1523) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Require the County Commissioners to Oversee the Hiring and Dismissal of County Employees" (H. P. 1487) (L. D. 1614)

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" in New Draft (H. P. 1483) (L. D. 1611) on Bill "An Act to Control the Cost of Workers' Compensation Rates to Maine Employers" (H. P. 1291) (L. D. 1504)

Report was signed by the following members:

Senator: CLARK of Cumberland — of the Senate.

Representatives: RACINE of Biddeford
GWADOSKY of Fairfield
BRANNIGAN of Portland
PERKINS of Brooksville
POULIOT of Lewiston
TELOW of Lewiston
FITZGERALD of Waterville
MARTIN of Van Buren

— 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: SUTTON of Oxford
SEWALL of Lincoln

— of the Senate.
Representatives: GAVETT of Orono
JACKSON of Yarmouth

— of the House.
Reports were read.

Mr. Brannigan of Portland 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 tomorrow assigned.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" in New Draft (H. P. 1482) (L. D. 1612) on Bill "An Act to Provide Occupational Safeguards for Operators of Video Display Terminals." (H. P. 880) (L. D. 1049)

Report was signed by the following members:

Senator:

DUTREMBLE of York

— of the Senate.

Representatives:

BAKER of Portland

HAYDEN of Durham

McHENRY of Madawaska

BEAULIEU of Portland

MARTIN of Brunswick

LAVERRIERE of Biddeford

— of the House.

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

Report was signed by the following members:

Senators:

SEWALL of Lincoln

SUTTON of Oxford

— of the Senate.

Representative:

TUTTLE of Sanford

— of the House.

Reports were read.

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

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

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

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

Mrs. FOSTER: Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers and would request a roll call.

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

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you not to accept that approach towards this bill. I think it is important that I speak to the bill, because there are only four people from the Labor Committee who literally heard the bill.

The bill before you is here for several reasons. It is known as "Edie's VD Bill" right now, and I assure you that it may well need a shot of penicillin. Unfortunately, some people tend to drop the "T" and what it really is a VDT bill; it is a Video Display Terminal issue. It is a "first in the nation" bill. It was designed, first of all, to serve as an educational tool for both employees and employers. My personal interest in the whole area of the wonderful world of computers and all its proliferation in the work place is one tool that is now becoming a condition of employment factor that has been in my interest for over two and a half years.

My concern about the potential impact associated and now documented to safety considerations that need to be addressed on behalf of the employees who work with this technology is very important. Safety on the job issues is not a new field of endeavor to me. Most of you who know my legislative record on safety issues know that it ranges from school buses to asbestosis, so introducing this measure should have come as no surprise to those of you who know me well.

There are millions of VDT's being used nationally and ever-increasing numbers are showing up in our state, from large institutions all the way to the kitchen table, and already as a teaching tool in some of our schools. Someone needs to pay attention now and not later.

For six months or better, I have researched the issue. I have talked to workers at all major employers, including those workers here at the State House. We have approximately 500 of those machines being used by our workers. I have talked with eye doctors and I have asked the press and other media to raise the issues to the general public and the results have been rewarding. Critical and constructive comments have come forward, and the national attention given to this bill has generated a flood of requests for more information, more details, from all over this country. I have been contacted by either magazines, computer center documentations, newspaper writers from over 30 states. I even was granted the wonderful opportunity to speak to former Senator Bill Hathaway, whose firm now represents IBM.

My personal exposure to the use of the VDT's is where I work. I work in a newsroom, I clean around the machines constantly at hours where I am in a position to observe my fellow professional workers' comments, their discomforts and reactions to their use. I witness the eye rubbing, the "please put out that light" requests. I know who has had to have a change of glasses, what for, and who has had to get glasses for the first time, and these people are only intermittent users of these machines. Other comments include, I wish there was a shelf on this thing, why do they insist this machine face the window, I wish this keyboard was not attached to the screen, I hate this thing, my eyes are killing me, why can't they take a bulb out of the ceiling, and the list is endless. Even at the hearing, one representative from the Bangor Daily News indicated that whenever their people had a problem, they brought out the old green eyeshades. If they have to bring them out, then apparently there is a problem.

Questions that have been asked of me are endless — like, Edie, you are only a cleaning woman at one company, since you don't work with them, how do you know what it is like? What makes you place so much faith in reports you cite? What experience do you have in disseminating such detailed medical data? Where did you get all this data? The answers are there. I wasn't always a cleaning woman. At the age of 19, I was taking dictation at post-mortem exams for a pathologist at a hospital where I was employed as a histology technician, so medical terminology is not new to me. I participated in the setting up and preparation of statewide surveys on various issues, correlated income data on the issues, and in my civic elected local and the legislative careers, I have been involved in numerous evaluation programs where the ability to collect, evaluate and condense rather detailed data was mandatory, so this issue is not foreign to me.

I got the data from those who have been in the forefront of requesting the studies and knew the resource people who could help me; namely, my own newspaper guild, after I asked Legislative Research back in November to prepare this document. I have reams of documents and I assure you that every line has been read and I am convinced that we must deal with some of the issues concerning working with these machines, even it is a minimal effort now.

I am constantly amazed by those who purport that not enough study has been done, that the latest report on visual acuity problems from the National Institute of Occupational Health and Safety is not relevant, it is inclusive, not enough detail, only employee input was solicited; therefore, it is not valid. To my knowledge, based on the calls during the past six weeks from all over this country and especially in Maine asking me where they could get this report and other data reports, I rightfully contend that very few in Maine should have the gall to plead any of the above reports of cases of inclusiveness, because none of them even knew this data existed.

As a matter of fact, the day of the hearing

there was a great big newspaper article that the Food and Drug Administration had come out with a report saying that radiation was not a factor in the use of these machines. That report, ladies and gentlemen, was four months old. It was interesting that it came out the day we were having the hearing in Maine, and last week a Senate study panel sent the Food and Drug Administration back to the wall to study it again because of very young people now being documented as having cataract problems.

Studies cited have had participation from such prestigious firms as the Bureau of Radiological Health, the Ontel Corporation, Narda Microwave Corporation, University of Wisconsin, University of Miami, not exactly lightweight input and with far more credentials than the administrators who have made the use of VDT's a condition of employment and do not but rarely use the machines themselves. Studies on the issue of visual acuity have been conducted since 1968 about the use of the machines.

In London, by the U.S. Department of Labor, the U.S. Printing Office, the American National Standards Institute, the American Optometric Association, the Germany Industry Standards Commission, the American Conference of Governmental Industrial Hygienists, the Austrian Trade Union, the Swedish Telecommunications System Committee, the U.S. Department of Defense, the International Business Machines Association, and I could go on, and the most often mentioned studies have been done since 1973. All reports, and I documented that again this weekend, contend that there certainly is visual impairment potential and documentation of actual visual impairment in the use of the machines. I have contended and I will continue to contend that this bill is what I call an ounce of prevention now that could prevent having to find a cure later.

One major manufacturer, The Systems Integrates Incorporation of Sacramento, is now offering shields to all the purchasers of their plastic encased VDT's, so apparently even industry is beginning to pay attention.

The bill, in original form, asked for detachable keyboards in future purchases and replacement process. It asked for elimination in glare factors, it asked for adjustable furniture, such as chairs, it asked for a lot of things that could not be done.

The new draft does substantially less. What it basically calls for is that the employers will fund annual eye exams for the operators of these machines if they work more than four consecutive hours on the machine. It adds a narrow definition of the terminal operator. It removes the list of work place requirements. It allows an option of either ophthalmological or optometric exams. It removes the employer's liability for providing eye glasses. It provides the option of rest periods or alternative work periods for 15 minutes every two hours, but only for the person who works more than four continuous hours. It also gives the Bureau of Labor the opportunity to serve as a resource center for industry to go to find out what they should be doing and why in this area.

I took the advice, for example, of several communications, one from Bangor, another one from Portland, who wrote letters decrying the Bill in specific areas but came to a consensus that they were in favor of break periods, terminal maintenance, paid eye exams for the terminal operators, if I could define them better than just interim operators, and on the subject of employee education. A lot of work, a lot of energy, a lot of study has gone into this bill and it has been literally gutted to meet the objections of employers, and I suspect that industry itself will take care of many of the issues that I raised at the hearing and to the bill.

I think what we have now is an issue before us that cannot be ignored, and if you choose not

to deal with it this session, I am the most persistent woman in the State of Maine.

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

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: As one who sat through four hours of testimony on this VDT bill, you might not know what they are so there is one over here in the corner. I have got to explain a little of this to you.

One, the bill mentions having to provide everyone with a pamphlet. Now, this pamphlet has been written by a Toby Borgman, who is not with NIOSH, which is the national federal organization. NYCOSH is the New York group of New York City's group of people and it is an organization of worker's unions, health and legal professionals, and after receiving this little pamphlet, you would read that the first step to a safer job is to join NIOSH, NYCOSH, not NIOSH. So that is the confusion right there. There are two different groups, NIOSH and NYCOSH. Everything that this bill provides that you buy is from NYCOSH.

And the reason that the bill has been gutted in many instances is because, if you read this pamphlet, they mention glare, they mention stress. Some people are troubled by glare, some by stress, but no one can tell why. So one thing they say, maybe you should sit in a room with the shades drawn and the walls dark and that might help, but that might make it very depressing for someone else and then they will be upset. So, then it mentions, it says, "Remember, a good solution must take individual preferences into mind." Can you imagine sitting in a room with two or three of these machines and someone wants it dark and someone wants it light and someone wants it this and someone wants it that, because at this time there is no evidence to tell whether it is better or worse to be in dark or light.

The other thing in this bill is, it mentions rest periods. Well, can you imagine giving someone that has worked on one of these two hours of rest? Then it says they can have 15 minutes away from the terminal either as a paid rest period or performing appropriate alternative tasks. If I was hired to work on one of those and I had a 15 minute rest period and had to go wash the windows or sweep the floors, I wouldn't be very happy in my 15 minute break. So I really don't like that part of it very much.

Then we get to the enforcement. We have a Bureau of Labor that, because of the size of Maine, could not possibly assemble the resources necessary to develop, adopt or enforce adequate standards of occupational health and safety. This is left in the hands of the U.S. Department of Labor. The United States Department of Labor has not seen fit to put anything into effect at this time. I really think that it would be foolhardy on our part to start legislation of this magnitude without first the federal government having some reason for doing this.

Having sat through four hours of testimony, read the pamphlets, looked at all the information available, I do not believe there is need for this legislation by the State of Maine, and it should be left up to the National Institute for Occupational Safety and Health — that is NIOSH — to make their recommendations to the federal government and should be done on those terms.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I am going to raise a few points on this bill because I feel that it is a very important issue of health and safety in the work place. I would first like to say to the gentlelady from Ellsworth, Mrs. Foster, if we waited for the federal government to do everything that is right, some of us might be waiting for a very long time.

I would like to read a letter. It is addressed, "Dear Representative Edie Beaulieu: I am

very much in agreement with the bill that you are sponsoring in regard to video display terminals. My 22-year-old daughter works for one of the largest users of VDT's in the State of Maine, Union Mutual of Portland. After just four years, her vision has deteriorated from 20-20 to the point where she has two prescription changes in eye glasses. She has told me that many of the workers are having the same problems but are afraid to come forward for fear of losing their jobs. I believe that business should take every precaution to protect their employees' eyesight and health." I won't tell you who signed the letter.

The second point I wish to make comes from the Women's Occupational Health and Resource Center News concerning video display terminals. They have taken quite an interest in that since many women are employed in this area. The most common complaints among VDT operators are: Eye strain with such symptoms as soreness, redness, stinging, itching and general discomfort, pains in the neck and back, dull headaches, blurred vision, dizziness and nausea, problems of eye glasses and contact lenses, a general feeling of tension and irritability.

From the study conducted in Austria, an example is the increase of complaints from data typists working at data display screens connected to VDT equipment where headaches, eye strain, optical spots, a deterioration of visual acuity and, in some cases, changes in color perception. The original skeptical attitude regarding such complaints was soon abandoned when the sample phenomena were reported by a number of widely variant Austrian plants and businesses and also from abroad.

They go on here to describe what happened when they ran an experiment on video display terminal operators to see if there was any relation here. They used an experimental setup designed for this purpose. They took a total of 14 female and male colleagues and they underwent a number of tests. They had to work at a display screen, once uninterruptedly for four hours and once in two one-hour segments, solving a variety of problems. Visual acuity and color vision were measured before and afterward with special equipment, and the subjective reactions of the subjects were recorded on questionnaires.

Now, the persons selected for these tests, that were all employed doing work at display screens, were familiar with this type of work. On the average, these persons had worked about one and a half years at a display screen. The time spent daily with this type of work amounted to about 3-1/2 hours on the average. The subjects had to have normal vision or wear corrective glasses or contact lenses. The study showed that the above-mentioned complaints actually occur, some of them in a large percentage of the cases. Concerning the ability to see, the experiment involving the four-hour work period showed in nine cases—I repeat—involving the four-hour work period, and this is referred to in the legislative document, showed in nine cases the deterioration of vision that amounted to about one-fourth diopter. About 15 minutes later, the normal visual acuity, such as has been determined before this experiment, had returned in six persons, while for the remaining three the recovery period was 30 minutes and more.

In a second experiment, there was deterioration of visual acuity in persons after the first hour, and in six after the second, with average values, and it goes on and on. This is the whole report I have got here.

I guess the point I am trying to get at is, there have been a number of studies conducted in the area. It points out clearly that people who have been working at these things for a prolonged period of time do suffer problems with their eyesight. How much longer do we have to wait? Why is it that we have to take so much time before we decide that the health and

safety of a worker means something? I leave that question to you.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If Mr. Baker and Mrs. Beaulieu are backing up their convictions on the number of studies that have been done dealing with this issue, and if I understood Mrs. Beaulieu and I believe Mr. Baker to say that the bill we have before us is a watered down bill that has been gutted, based on all the information that I have been able to grasp by the debate in here this morning, I would think we would be wise if we voted to indefinitely postponed this bill. It doesn't seem to have the backing of the committee. If they are so firm on the grave position that they tried to express to the House this morning, Mrs. Beaulieu just completely covered me with information and it was hard to follow her because she had so many detailed points that she was trying to give, but if this is such a major problem nationally, then why hasn't the Congress acted and why hasn't other states in this union acted?

More importantly, if this bill is as watered down as presented by arguments from the chairperson from that committee, I think we would be wise to kill this bill this morning and then let Mrs. Beaulieu and the Labor Committee report out some kind of a study order that will be done in Maine and where you can put both factions of that committee together to try to appreciate what they say the problems are, and not based on the testimony that they have heard for four hours in their committee.

I would urge the House to support the gentlewoman's position this morning and indefinitely postpone this bill.

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

Mrs. BEAULIEU: Mr. Speaker and Members of the House: I am not going to prolong this, but I feel that I must respond to Representative Kelleher's comments.

First of all, the NIOSH Report came out approximately four months ago. Secondly, other comments have been made that the major reason why I gutted the bill out on the furniture requirements and on the detachable keyboards to the computers is because I have been assured through my studies and through my talking with firms such as IBM, this situation is going to become standard equipment anyways. We have exceptional employers in our state like Union Mutual who have gone into the field of furniture replacements and what not.

In my study and review of the issue, I find there are buildings that can't be retrofitted to accomplish the glare requirements that are being recommended by these reports, so it would become a handicap and a financial hardship to the people, to the employers, to try to retrofit their buildings, so I took the minimal approach, Mr. Kelleher, to try to do something which is so simple, and that is, if you are employing people, they must work with the machine, provide them with an annual eye exam. It may not cost you, the employer, a dime or minimal monies if you put it into your contractual agreement—annual eye exams, employee education, a resource area for other employers to use to get the information as they set up their computer systems and what not. I don't think that is too much to ask.

Who wants to take anything to OSHA right now at the Washington level for their consideration, for the setting up of rules and standards when we don't even know if OSHA is going to even exist in another year or so? I took the less meaningful way. What I was trying to do to you here this morning was to cite and prove that this is not a new issue, and I have a wonderful copy of what the rules and regulations are in Germany concerning how industry uses these machines, and God forbid we should ever have that kind of rule and regulation in the United States.

I contend, and I have been at it long enough, that there is an eye problem. As for studying it, there are far more important issues like asbestos and other things that we need to consider for our workers. And why should Maine do it and not the rest of the country? We have some very exceptional workers in our state, and why don't we try to do something then that isn't going to cost a heck of a lot but that will protect them and make them aware that there are problems associated with the use of the machines.

Let me say to you, that operator who is rubbing her eyes working in a bank, who will punch one number, is going to cost a heck of a lot more than what her employer could be doing for her.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire for 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 Ellsworth, Mrs. Foster, 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 — Alopis, Armstrong, Austin, Bell, Benoit, Berube, Bordeaux, Boyce, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Conary, Connors, Crowley, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gwadosky, Hall, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Kelleher, Kiesman, Kilcoyne, Lancaster, Lewis, Lisnik, Livesay, Lund, MacBride, Macomber, Manning, Masterman, Masterton, Matthews, McKean, McPherson, McSweeney, Michael, Michaud, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Pouliot, Randall, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Treadwell, Twitchell, Walker, Webster, Wentworth, Weymouth.

NAY — Baker, Beaulieu, Boisvert, Brannigan, Brennerman, Chonko, Clark, Connolly, Cox, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gowen, Hayden, Hickey, Higgins, H.C.; Kane, Kany, Ketover, LaPlante, Laverriere, Locke, MacEachern, Mahany, Martin, A.; McCollister, McGowan, McHenry, Mitchell, E.H.; Mitchell, J.; Nadeau, Norton, Paradis, P.; Perry, Prescott, Reeves, P.; Richard, Rolde, Soulas, Soule, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT — Carroll, Cunningham, Davies, Gillis, Hobbins, Jalbert, Joyce, Martin, H.C.; Moholland, Nelson, M.; Paul, Pearson, Post, Racine.

Yes, 89; No, 47; Absent, 14; Vacant, 1.

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

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

Mr. KELLEHER: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action and vote against my motion.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, having voted on the prevailing side, now moves that we reconsider our action whereby this Bill was indefinitely postponed. All those in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the motion did

not prevail.

Sent up for concurrence.

Consent Calendar

First Day

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

(S. P. 454) (L. D. 1300) Bill "An Act to Improve Enforcement of the Plumbing Code"—Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-218)

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

Tabled Unassigned

(H. P. 381) (L. D. 424) Bill "An Act to Reduce Multiple Injury Litigation before the Workers' Compensation Commission"—Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-410)

On the objection of Mrs. Mitchell of Vassalboro, was removed from the Consent Calendar.

On motion of the same gentlewoman, tabled unassigned pending acceptance of the Committee Report.

Tabled Unassigned

(H. P. 524) (L. D. 590) Bill "An Act to Amend the Workers' Compensation Second Injury Fund"—Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-409)

On the objection of Mrs. Mitchell of Vassalboro, was removed from the Consent Calendar.

On motion of the same gentlewoman, tabled unassigned pending acceptance of the Committee Report.

(H. P. 1192) (L. D. 1416) Bill "An Act Relating to the Maine Sardine Council"—Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-408)

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

(H. P. 317) (L. D. 383) Bill "An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1982 and June 30, 1983"—Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-414)

On the objection of Mr. Jacques of Waterville, was removed from the Consent Calendar.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: We do not want to do anything to slow down this bill going through the process, but the committee did have a particular reason for putting this aside.

We are very limited in the Fisheries and Wildlife Committee on what we can do as far as controls on the Fisheries and Wildlife budget, but we did have one particular, what we felt serious, recommendation to make to the commissioner and to the department. It was very apparent to me that the commissioner was going to disregard our recommendation, so we wanted to have it on the record so that at a later time this can be referred to.

The committee has recommended that we take a long and serious look at our warden, sky king, air force that we have. We have a very expensive aviation division that costs us about a quarter of a million dollars a year and we have some pilots that like to play sky king. It is a very expensive hobby. So we recommended to the department that since we have closed our

aircraft hanger in Greenville, we no longer need a chief flying warden, we would like to see the pilots be responsible to the lieutenants of their division and answer to him only and have them in turn answer to the chief warden or the deputy chief warden.

We also recommended that it be looked into to see how much money we could save by leasing the planes for our biologists to go out on their assignments. The committee feels, or I feel especially, that the flying wardens should go back to being wardens and not just pilots to fly these biologists all over the state whenever they want to. Their job is law enforcement, and the committee wanted to see them move back in that direction.

The feeling I got from Commissioner Manuel was that he had no intention of doing this, and that is okay, because right now he is the commissioner for the time being, so the committee felt, or I felt especially, and the committee seemed to go along with it, we wanted to make mention of this fact because we feel there can be some considerable savings there, but because we have very little authority in what we can do with the budget, there was nothing we could really do except make a recommendation, and that is a recommendation that we made.

I just wanted that to be on the record, and I hope you will let the bill go through in its normal way.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-414) 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.

(H. P. 548) (L. D. 624) Bill "An Act Authorizing Reasonable Fees for Nonresident Users of Public Libraries"—Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-415)

There being no objections, the above item was given Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for concurrence.

Second Readers

Later Today Assigned

Bill "An Act to Amend the Unfair Sales Act" (Emergency) (H. P. 1479) (L. D. 1610)

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

Later Today Assigned

Bill "An Act to Amend, Revise and Codify the Landlord Tenant Laws" (H. P. 1476) (L. D. 1608)

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

Mrs. MacBRIDE: Mr. Speaker, I would pose a question through the Chair. I would like to have a little discussion and explanation of this bill. I am particularly interested in Section 7, 1 and 1-A, Illegal Evictions and 2-B, the remedies for that, and in Section 9, the dangerous conditions. I would appreciate it if someone would discuss those items.

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

Passed to Be Engrossed

Bill "An Act to Prohibit Hunting of Bear with Bait" (S. P. 64) (L. D. 91)

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

Mr. MacEACHERN: Mr. Speaker, I am going to try just one more time to move the indefinite postponement of this Bill and all its accompanying papers and would request a roll call vote.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves that this Bill

and all its accompanying papers be indefinitely postponed in non-concurrence.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I do not want this bill indefinitely postponed and I will give you my reasons for it.

The point we should consider and remember is this—for 45 years, since the black bear was declared a big game animal in 1931, and through 1976, our black bear were never in danger of being over harvested. There were times when there were too many bear and they were a nuisance, and to correct the situation, a bounty was declared and was repealed in 1957.

In 1975, and this is important to remember, the legislature abolished hunting with dogs during May, June and July. This set the stage for hunting with bait. Bait hunting is deadly and it is also very profitable.

With this method, the commercial bait outfitter was born. By using bait, the commercial outfitter would hunt hundreds of square miles of prime bear habitat that previously was a sanctuary for the bear, their breeding area.

In recent years, the lumber companies have built roads throughout all our back woods so that today there is hardly a square mile of prime bear habitat that isn't accessible to the bait hunter. No other method of hunting bear is so effective.

The real question about bait hunting is—why is it so effective? Let's look at the setup. First, a suitable spot is selected near where bear den, a bear crossing or a natural feeding area. The bait is deposited in an area where it can be observed from a stand built up in a tree nearby. The bait is put out two or three weeks prior to the handling of the bait, a certain amount of human scent is left at the bait location. The bear is, by nature, wary of human scent, but once he starts to feed on the bait, he becomes less wary of the human scent. Every two or three days the guide refreshes the bait, thus leaving more human scent. After a few days of feeding on a bait, the bear begins to lose his natural instinct to be wary of the human scent and then become more brave to approach the bait during the daylight hours.

The stage is now set for the hunter to climb up into the stand and wait for the chance to kill Mr. or Mrs. Bear. It is as easy as all that. The bear is hungry, his natural instinct to defend himself has been broken down by feeding him bait for several weeks. It is easy now to explain why 84 percent of all the bear killed in 1980 were killed over bait. Bait is a curse and it is deadly.

In the true definition of a sportsman, one who is fair, is it fair to feed a bear and bait him until he has lost his instinct to protect himself and then kill him?

Unless baiting is abolished, we will see more and more tree stands with bait and more and more nonresident affluent bear hunters until the bear harvest will reach to a point where only a few days of open season will be sufficient to kill any reasonable quota.

Bear hunting should be a sport and not a commercial enterprise. As long as bait hunting is permitted the sport of bear hunting is in jeopardy.

Ladies and gentlemen, I request a roll call and wish you would pass this bill.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the members of the House that lives among the bears.

First let me tell you, if the biologists know anything about what they are talking about, they say a very small percentage of the bear in the state of Maine are meat eating animals, maybe as low as 4 or 5 percent.

I am not interested in bear hunting or baiting a bear, but I don't think most people in the House know enough about it. What happens up

in my area, we have sheep, and those that do eat meat are very deathly on sheep, and the game wardens and the people involved have to put some of the same sheep, meat, in other words, to catch the bear, to get that bear, but they don't bait the other bear because most bear live on vegetation, any type of vegetation, berries especially. So if the biologists know what they are talking about, you are talking about a small percentage of the bear in my area, because there are very few of them that eat meat.

This is the only way that we can save a whole sheep herd, by baiting this particular bear and getting his particular bear. This is the thing I wanted to be sure to point out to you people, because a lot of you think that you can bait any bear with meat or bones or something, and this is absolutely not so.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I have to agree with the gentlewoman from Brunswick, Mrs. Martin, about the sportsman who draws game with bait, but for those who are concerned about the method of the kill, you may find this method is the most effective and most humane method. A clear, clean shot leaves less chance of a wounded bear and then not finding him, leaving him to suffer.

As many of you know, those out-of-state hunters come to Maine with guns of a much higher caliber than those used by the Maine hunters. So for a quick, effective kill, I will have to say that baiting is the best method.

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

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

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: My heart goes out to the black bear, but my heart also goes out to the people that are farming in the state of Maine and have an industry of sheep and cattle.

I, myself, two years ago, had a prize cow, bred to a special bull at a fee of a hundred dollars. We put her in a special field with five other cows that were about to bear young, and at two-o'clock in the afternoon, a neighbor told me, you have a new calf down there. At three o'clock I went down there, the cow was over the wall and the calf was dead. It had been killed by a black bear. He had buried the calf, and I got a warden there, took pictures of it and the tracks of the bear were right there in the mud. Saturday and Sunday I turned out 62 head of cattle, they are part of my livelihood and my family's—four different pastures. This past week, my son was walking between two of our plots of land and he met Mr. Black Bear again. What are we going to do about this particular bear? Are we going to kill all the bear in York County to get him or are we going to bait him with meat?

I am concerned. I have eight dry cows standing in the barn right now being fed that could be out there in that particular pasture and I don't dare to turn them out.

I want to know, if you are considering everybody when you consider what you are doing here, I would like to ask you to allow them to bait bear to protect my herd so I can turn my cattle out, and this particular killer bear that is running loose in York County, right down in among a lot of people, if he does anymore damage, that we can get him, because there are a lot of cattle in my area, there is a big beef farm just below me, we had to go out early this morning and put one of the heifers in. We don't

know what panicked that heifer to go through the fence, but I do know that that particular black bear is hanging in that area, and I want to know how we are going to get that particular black bear if we don't have the privilege of baiting?

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

Mr. JACQUES: Mr. Speaker and Members of the House: Friday, the assistant floor leader and myself were talking about this particular bill and he said, you know, I think you guys would call back all your marbles when you had the emergency bear bill. I said, that is probably true, but that is not going to discourage me from trying one more time.

I understand why the gentlelady from Brunswick is pushing for this bill. I understand her feelings and her reasoning. But Mr. Carroll has just brought up a very good point. If the object of this particular bill is to protect our bear, which we all want to do, it is not going to do that, because what is going to happen is, if Mr. Carroll calls that the bear has killed one of his calves or his sheep, some guy is going to come in there with the dogs, and when they get done, they are going to kill every bear in that area, and still they won't know if they got the bear that killed the sheep or the calf.

I just want to put that on the record so that everybody will know this, everybody will remember it when the time comes, because if you prohibit this particular baiting of bear here, you are going to have this problem, I will guarantee you that.

The second point, which I made last week that seemed to fall on deaf ears, I am afraid, is that this law is completely unenforceable. It is the duty of this state to prove that somebody is illegally baiting bear, and the wardens have told us that they would actually have to see somebody putting the bait out, sitting over the bait for bear, shooting the bear and proving that that person put that bait there with the intention of shooting the bear over it, which is impossible to do, because all he has to do is say, I was hunting bear and I happened to come up to that bait and I didn't know what the bear was doing and I shot him. It is going to be completely unenforceable.

The gentleman from Lincoln, Mr. MacEachern, had an L.D. in our committee that would have taken care of 95 percent of this problem, and that is one that puts restrictions on the slob hunters that these people are addressing themselves to that would limit the amount of bait they could have and limit the way they do things, limit where they put the bait, and it was a good L.D. That is the answer to this problem, not doing away with it altogether, because you are only going to be hurting one thing, and that is the bear, believe me.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think this is the fourth or fifth bear bill. These are the 'bear' facts. We hope you bear in mind that the bear can't bear to pass up a bait. Barely any bear can resist a bear bait, so protect the bear's right to live and vote green against the bear bait.

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

ROLL CALL

YEA — Armstrong, Austin, Bell, Bordeaux, Boyce, Brannigan, Brown, D.; Callahan, Carroll, Chonko, Clark, Conary, Connors, Crowley, Curtis, Damren, Day, Dexter, Drinkwater, Dudley, Erwin, Gavett, Hickey, Hunter, Jacques, Jordan, Kilcoyne, Laverriere, Lewis, Lisnik, Lund, MacEachern, Masterman, McCollister, McGowan, Michael, Michaud, Nelson, A.; Norton, Paradis, P.; Paul, Perry,

Peterson, Pouliot, Prescott, Randall, Reeves, J.; Ridley, Roberts, Salisbury, Sherburne, Smith, C.B.; Soulas, Soule, Stevenson, Strout, Tarbell, Telow, Theriault, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, The Speaker.

NAY — Aloupis, Baker, Beaulieu, Benoit, Berube, Boisvert, Breneman, Brodeur, Brown, A.; Brown, K.L.; Carrier, Carter, Connolly, Cox, Davies, Davis, Diamond, G.W.; Diamond, J.N.; Dillenback, Fitzgerald, Foster, Fowlie, Gowen, Gwadosky, Hall, Hanson, Hayden, Higgins, H.C.; Higgins, L.M.; Holloway, Huber, Hutchings, Ingraham, Jackson, Kane, Kany, Ketover, Kiesman, Lancaster, LaPlante, Livesay, Locke, MacBride, Macomber, Manning, Martin, A.; Masterton, Matthews, McHenry, McKean, McPherson, McSweeney, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Nelson, M.; O'Rourke, Paradis, E.; Pearson, Perkins, Post, Reeves, P.; Richard, Rolde, Small, Smith, C.W.; Stover, Studley, Swazey, Thompson, Wentworth, Weymouth.

ABSENT — Cahill, Cunningham, Gillis, Hobbins, Jalbert, Joyce, Kelleher, Mahany, Martin, H.C.; Moholland, Racine.

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

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

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

Mrs. **MARTIN**: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I move reconsideration and hope you all vote against me.

The **SPEAKER**: The gentlewoman from Brunswick, Mrs. Martin, moves we reconsider our action whereby this Bill failed of indefinite postponement. All those in favor will vote yes; those opposed will vote no.

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

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

Bond Issue

Tabled Unassigned

An Act to Authorize Bond Issue in the Amount of \$12,800,000 for Highway and Bridge Improvements (H. P. 336) (L. D. 375)

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

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending passage to be enacted.

Passed to Be Enacted Emergency Measures

An Act to Simplify the Requirements for the Granting of Permission to Additional Institutions to Use Established Satellite Facilities" (H. P. 998) (L. D. 1221) (S. "A" S-201; C. "A" H-327)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Concerning Secondary Vocational Education (H. P. 1454) (L. D. 1593)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Promote Tourism by Providing Directional Signs for Publicity Bureau Offices (S.

P. 352) (L. D. 995) (C. "A" S-186)

An Act to Forbid Payments for Signing or Distributing State Referendum Petitions or Absentee Ballots (S. P. 198) (L. D. 566) (C. "A" S-195)

An Act to Increase the Bonding Limit on Maine State Housing Bonds Secured by the Housing Reserve Fund (S. P. 418) (L. D. 1241) (C. "A" S-187)

An Act to Permit the Opportunity for Continuing Health Insurance (S. P. 477) (L. D. 1360) (C. "A" S-188)

An Act Concerning Energy Efficiency in Buildings Financed with Public Funds (S. P. 480) (L. D. 1363) (S. "A" S-211 to C. "A" S-183)

An Act to Provide for Notification of Employees When a Business Plant Leaves the State (H. P. 322) (L. D. 351) (C. "A" H-350)

An Act to Amend the Municipal Securities Approval Act (H. P. 371) (L. D. 409) (C. "A" H-345)

An Act to Amend the Maine Unfair Trade Practices' Laws (H. P. 707) (L. D. 832) (H. "A" H-360 to C. "A" H-337)

An Act to Amend the Municipal Securities Approval Act (H. P. 711) (L. D. 836) (C. "A" H-346)

An Act to Reduce the Bonding Authority of the Maine Guarantee Authority (H. P. 756) (L. D. 893) (C. "A" H-358)

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

An Act to Regulate Entrance Fees Charged by Mobile Home Parks (H. P. 779) (L. D. 924) (S. "A" S-184)

An Act to Provide for an Offset for Holiday Pay under the Employment Security Law (H. P. 879) (L. D. 1048) (H. "A" H-343)

An Act Concerning Land Conveyed by the State to the Town of Bridgton (H. P. 887) (L. D. 1056) (C. "A" H-357)

An Act to Regulate Motorized Bicycles (H. P. 906) (L. D. 1073) (H. "A" H-367 to C. "A" H-287)

An Act to Amend the Campaign Reporting Law (H. P. 974) (L. D. 1162) (S. "A" S-199 to C. "A" H-334)

An Act to Clarify the Laws Pertaining to Municipal Personnel Records (H. P. 1092) (L. D. 1289) (C. "A" H-355)

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

An Act Concerning Insurance Proceeds under the Maine Insurance Code (H. P. 1266) (L. D. 1481) (C. "A" H-356)

An Act to Allow Out-of-State Credit for Teachers Entering the Retirement System on or After January 1, 1976 (H. P. 1385) (L. D. 1562) (C. "A" H-353)

An Act Making Certain Changes in the Law on Boilers and Pressure Vessels (H. P. 1447) (L. D. 1588) (H. "A" H-359)

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. 10 were taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measures

An Act Clarifying the Authority of the Caribou Utilities District to Acquire the Caribou Water Works Corporation (H. P. 1451) (L. D. 1591) (S. "A" S-215)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1981 (H. P. 1358) (L. D. 1540)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of same and 5 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

Passed to Be Enacted

An Act to Reorganize the Department of Business Regulation to Insure the Independence of Regulators (S. P. 222) (L. D. 609) (S. "A" S-226; C. "A" S-210)

An Act to Provide for Reimbursement under the Education Finance Act for Programs for Gifted and Talented Children (S. P. 223) (L. D. 610) (C. "A" S-197)

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

An Act to Authorize the Department of Environmental Protection to Provide Technical Assistance to Municipalities and other Quasi-municipal Entities Regarding Solid Waste Management (S. P. 475) (L. D. 1358) (C. "A" S-206)

An Act Providing for Administrative Changes in the Tax Laws (H. P. 118) (L. D. 152) (S. "A" S-202 to C. "A" H-344)

An Act Concerning the Taking of Wood without Permission of the Owner (H. P. 144) (L. D. 170) (C. "A" H-354)

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. 12 were taken up out of order by unanimous consent:

Passed to Be Enacted

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

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

An Act to Require Immediate Public Notification of Radioactive Releases and Other Safety Related Events at Nuclear Power Plants (H. P. 1181) (L. D. 1405) (C. "A" H-366)

An Act to Amend the Probate Laws (H. P. 1232) (L. D. 1457) (S. "A" S-207; C. "A" H-341)

An Act to Provide Greater Local Control over Liquor Licensing (H. P. 1452) (L. D. 1592) (S. "A" S-212)

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

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

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: This bill went through here the other day without reference to a committee, as I recall, and before we enact it today, I just wonder if someone here could inform the House what the Resolve purports to do?

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

On motion of Mr. Higgins of Scarborough, tabled pending final passage and later today assigned.

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

On motion of Mr. Higgins of Scarborough, the House reconsidered its action of earlier in the day whereby House Paper 1489, recognizing the Honorable Forrest and Madge Nelson of New Sweden, who will celebrate their golden wedding anniversary on May 16, 1981, was passed pursuant to Special Sentiment Calendar rules.

Thereupon, the Order was read.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for the delay, I guess, in bringing this forward, but last week Forrest's wife was not here and I didn't feel it fitting for the House to celebrate or at least acknowledge the celebration of the anniversary, although the gentleman from Mars Hill, Mr. Smith, did bring people's attention to it, but I had intended to introduce this when they both were here. I would inform members of the House that we have a small cake in the Speaker's Office and we hope that Madge will come down and join Forrest and have a little cake with us, and on behalf of the members of the House, we congratulate you. Fifty years is a long time, and I know we hope you have another 50 together. (Prolonged applause, the members rising)

Thereupon, the Order received passage and was sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Nadeau of Lewiston,
Recessed until four o'clock in the afternoon.

After Recess
4:00 p.m.

The House was called to order by the Speaker.

Orders of the Day

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

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)

Tabled—May 15 by Representative Diamond of Windham.

Pending—Passage to be Engrossed.

On motion of Mrs. Kany of Waterville, tabled pending passage to be engrossed and especially assigned for Wednesday, May 20.

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

RESOLVE, to Authorize Expenditure of Certain Federal Funds for New or Expanded Pro-

grams (Emergency) (H. P. 1361) (L. D. 1546)
Tabled—May 15 by Representative Kelleher of Bangor.

Pending—Adoption of House Amendment "A" (H-271)

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

Mr. KELLEHER: Mr. Speaker, I move the indefinite postponement of House Amendment "A".

This amendment that was offered here on Friday has caused the Appropriations Committee no end of trouble. Once we recommitted this bill to try to get a little better understanding of it, and it deals with running a program for funding migrant workers not only in the state of Maine but elsewhere in the United States. Apparently the federal government has a study program that is dealing with six states in this nation, a rural southern state, which is Mississippi, a rural northern state, which is Maine, an urban southern state, which is Florida, an urban northern state, which is Massachusetts, urban southwestern state, which is Texas, and a rural urban western state, which is California. Now, there are six states in this nation that have been earmarked for a study by the federal government.

Our question was, why was the state of Maine suggested by the feds to run this survey program, and the reason is that they hold in high regard the program that is operating within the state now dealing with migrant children.

There are approximately 680,000 migrant children in the United States and 410,000 of them are being serviced. Much to our surprise, at the Appropriation Committee hearing, we found out that there are 4300 migrant children and the size and location of the state that we live in, we came under consideration and supervision of the federal government to monitor this program.

There have been some questions raised by members of the House that it is not needed. Well, the federal government says that it is needed, and if we don't do it here in the state of Maine, if we don't supervise the administration of this program, they are going to do it elsewhere in this country, in one of these five other states. The first question I raised or was considering was, why would we want to lose the federal jobs that will be provided here in the state of Maine to supervise the administration of this program? If you don't want to support the expansion of this program, it is going to be done in the state of Maine but it will be run by some other state, so it is inconceivable for me to understand why we want to object to this program if the state of Maine is going to be part of the program anyway in terms of the study.

So, I would suggest that we kill this amendment, reserve and keep the program here in the state of Maine and benefit at least by one shot from the federal government by them spending our tax dollars and somebody else's here in the state.

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

Mrs. HUBER: Mr. Speaker, Members of the House: When I asked a few questions about this program a couple of weeks ago, I hadn't realized the full extent of the program and I guess I have to say that now that I do, I am still singularly unimpressed.

Very honestly, there are still a number of questions which I don't think were answered even as a result of the recommitment of the bill. Number one, I haven't been able to get from any member of the committee a definition of a migrant child. I have heard some rumors that basically it just applies to people who move around some. That is not a very good definition and I wonder if anyone could perhaps do better than that.

Another question I would like to raise through the Chair, are there any migrant chil-

dren in the state of Maine during the school year? It appeared to me that perhaps they were involved in seasonal harvesting and that would fairly restrict them to a certain part of the year here in Maine as opposed to, say, Texas or California.

I would also like to know, and I understand there is an office through which this grant would be funneled, i.e., the Department of Education is simply the conduit. I still don't know the answer to the question I raised earlier with some individual members as to whether the grant was a function of this independent office, did they take the initiative once they heard the money was available, or was it the Department of Education initiative?

Very honestly, when you look at the salaries of \$30,000 a year for a part-time job, or \$25,000 a year for some subsidiary part-time jobs, I find that pretty indefensible as a taxpayer and, frankly, although the money may go elsewhere in this particular year, if it hasn't been already rescinded, I suspect that on the basis of the information that at least I am aware of, the current administration will soon be deleting that particular program entirely. I think it is very appropriate for the state of Maine, who certainly has many, many needs, a great dependence on federal dollars, to look to the federal government for assistance in areas where currently we were told right now there will be no assistance.

One awfully good example is the entire program of winterization which means so much to our low income elderly here in the state and which will not be funded if the administration's current proposals are approved by Congress. That \$237,000 could clearly winterize an awful lot of Maine homes, and I just think it is time we sent that message to Washington.

I urge your approval of House Amendment "A" and to vote against the pending motion.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to try to attempt to answer Mrs. Huber's questions before she urges you — she has asked four or five of you, and apparently she either doesn't want to hear the answer to the questions or she wouldn't have made the motion to urge you people to support the Jackson amendment. There is a program operating in Aroostook County, and I understand that it operates in Mars Hill. The reason that the federal government selected Maine is because they do hold high regard for the program that is in Aroostook County, which speaks well of the program in Mars Hill and it speaks well of the people in Aroostook County that are running it.

I am not sure I can remember all of your questions, Mrs. Huber, but I would be delighted to have you get up and ask them again.

In regard to the children that are in the state, the 4300 of them, are they now part of a rotating program, through their families working in different areas of the state during the school year? My understanding is that the answer to that is yes and they do move around. To tell you the truth, a lot of us were puzzled on the committee that there were 4300 children, and not like California because of the growing season and the distance between one end of the state to the other to provide job opportunities. We were assured by the Department of Education that this, in fact, is happening at the moment here in Maine, that they are moving from one part of the state to the other. I had a hard time accepting that but I had no reason not to, based on the information that was provided to this committee.

You raised the question — of course, I don't know how much relevance it has to this bill but I am going to try to answer it anyway — about the money dealing with winterization. We just worked down in the committee this afternoon to put \$2 million into a winterization program here in Maine because we know full well that

the federal government is not going run the program at the level that we had in the past and may not even consider running it at any level at all.

There is no doubt that there is a lot of waste in the federal government, but the federal government is going to run this program whether it is in Maine or whether it is in the state of Texas or the state of Mississippi, and I would be delighted if the good lady, and all of us are concerned about waste as we see it to be with the federal government in Washington, but maybe we would be better off if we got hold of Senator Cohen and Senator Mitchell and told them to cut back on monies that we are shipping to the far east, to Europe in dealing with foreign aid to those particular countries.

I think we would be biting off our nose to spite our face if we failed to accept the recommendation by the federal government and the request to see that this program is supervised here in Maine along with the other five states that I have already stated.

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

Mrs. HUBER: Mr. Speaker, I do have one more question I would like to pose through the Chair to the good gentleman from Bangor and that is, to his knowledge, is there any connection whatsoever between the Mars Hill program which I am aware of, and the Augusta Office, which is the grantee for this evaluation?

The SPEAKER: The gentlewoman from Falmouth, Mrs. Huber, has posed a question through the Chair.

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

Mr. KELLEHER: Mr. Speaker, I don't know the answer to it and I would like to have you tell us what the Mars Hill program is, because I never heard that mentioned down in the committee. Why don't you give us what you have for information, Mrs. Huber, and maybe it will enlighten me as well as this House?

Would you mind explaining what that program is you are talking about?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair.

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

Mrs. HUBER: Mr. Speaker, Members of the House: My understanding is that there is a current program in the SAD which is in Mars Hill concerning Mars Hill, which does concern itself with the education of migrant children. There is also an office here in Augusta called the Office of Migrant Education or something like that, which is a grantee for this particular federal program. To the best of my knowledge, there is no connection between the two and if the good gentleman could elucidate and inform me on that issue, I would appreciate it.

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

Mr. KELLEHER: Mr. Speaker, I would yield to the good gentleman from Mars Hill.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: According to my knowledge, Mars Hill, SAD 42, handles the statewide migratory program which goes into a lot of different localities. I think all they have to do with the state program is that it is administered by SAD 42, which is Mars Hill, for the whole state. Connecting with this federal program, I can't seem to find out. I do know that they have a summer office, I guess you would call it, down here in Augusta. I really don't know all the connections. I am sorry I can't give anymore answers.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: As I understand this federal program, it is an attempt to try to be

able to help the students who transfer from one school to another on a frequent basis so that their records are put into a central location, so if on a Friday afternoon you look into your classroom and Susie Smith has gone and she has not told anybody where she was going to go, pretty soon she appears in another school, maybe in another state, and this program is going to try to provide the records that she had in the school district, maybe in Washburn, will be put into a central computer somewhere in this country so when she appears in another school district, maybe in another state, maybe in another region of this country, they can get those records so that her experience in school can continue to be on at least a coherent basis. They are going to try to standardize the reporting of how far along she is in her reading abilities, her math abilities and whatever so they can pick it up when she appears at the next school. They have selected Maine to be the one that administers it in these various states.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess I have a problem seeing federal dollars that are sent on the state as something that doesn't concern us and comes from some other place, some other planet that we have no connection with, they are our tax dollars, maybe they don't go through this state but they are paid in.

I also have a problem with this particular program. There are three steps to this bill. I am not too happy with one of the other ones, but this one is the most blatant, and, as I said, probably deserves the golden fleece award. We talk about a program — we are talking about migrant children but we aren't even talking about a definite program. This is a study to see if they will do a study to see if something is needed. I find myself wondering if two legislatures ago maybe we had another bill like this to do a study to see if they should do a study to see if they should do a study to do something about it.

We are talking a lot of money. Maybe on the federal level it is not a lot of money, but it seems like a lot of money to me, \$239,000. It reminds me of a story a while ago. I saw a guy in Massachusetts on a sea grant and we were talking about marine resources, and he was telling about a sea grant study that was about \$100,000 to study how to row a boat and they were going to figure out all the motions and everything on rowing a boat because someday there might not be any fuel oil and the lobstermen might have to row out to pull their catch. I think this falls into the same type of thing.

Probably it is good for Maine, it is bringing money in. We are going to pay a consultant \$150 a day. We are going to pay the state coordinator for 10 hours of work a day at \$20 an hour, not very much money but it is enough, and I think this amendment is a good amendment. Let's take this particular thing out of the bill. I hope you will vote for the amendment.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Representative Jackson said he can't understand why the state of Maine would get involved in this, that it really doesn't concern us. Well, there are 4300 children in this state that concern us; that is one reason why the committee voted it out unanimously.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: Just a point of information. One town that is in my district, there is a family there, this gentleman stayed there and worked in the town. His wife and the two school-age children went into the next county and worked there two weeks and moved back into the same town with her husband and now both of those children are under the migrant

worker law. So, I think everyday there are two teachers who come in and pick up 25 children out of that small school. The population of the entire town is 900 to 1,000 people, they pick up 25 pupils there that are under the migrant worker classification and take them away for half to three quarters of an hour, regardless of what type of class they are in. So, it seems to me, in a town that has no industry, they can leave and go for a couple of weeks and come back and have them classified under the migrant workers, I think is something that is just a little bit ridiculous.

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

Mr. BRENNERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I think I should try to clarify, as two other members of the committee have, what this study is supposed to do.

As children move from state to state, many-times the school records don't go with them or they are difficult to find. Seeing that the federal government now spends \$239 million on migrant education, it seems appropriate that there ought to be some study done or work done to come up with consistent and standardized tests and record keeping so that when these children move from state to state there can be a place that the school system can get in touch with and they can get the records of that student. Also, the study would develop a test in probably reading and math so they can determine which grade level the student should be at when the student arrives in that school system. All the study does is determine what kind of standardized testing should be done as the student moves from state to state. It also helps to provide the information that anyone can receive by getting in touch with a central computer which is located in Little Rock, Arkansas. It seems to me that although the money is quite a bit, considering the total amount of \$239 million that the federal government is spending on migrant education, they ought to do a better job of record keeping and of standardized testing, and this is the method by which they have chosen to do it.

I would ask you to also oppose the House Amendment.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think we are getting ahead of ourselves. We are talking about what the study that we are studying to see if we are going to do it is going to do.

If you look at the background information on this particular bill, it says, "to find the pilot project to determine the feasibility of a national evaluation of migrant children." We are not studying the migrant children, we are not doing anything to find out about their educational needs, we are trying to find out if we want to do a study to do this. We are a step ahead. Next year, I guess the other shoe falls and then they come in and at that point they are actually going to get around to studying the migrant children. This is just a study whether we are going to study the migrant children and it just seems a little ridiculous.

It is like some of these other things that come through that you study two or three times and then maybe you drop it in the end. I don't think we should be okaying this kind of thing. I think confusion has existed here. This bill was resubmitted to the Appropriations Committee, there is a lot of confusion surrounding it and this particular part of it, and it really bothers me. If we were trying to do something for somebody, maybe then you could argue a defensible position. This is just to see if maybe we want to do something about it sometime in the future.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Bangor, Mr. Kelleher, that House Amendment "A" be indefinitely postponed. Those in favor will vote

no.

A vote of the House was taken.

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

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

The Chair laid before the House the third tabled and today assigned 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)

Tabled—May 15 by Representative Benoit of South Portland.

Pending—Adoption of Committee Amendment "A" (H-363)

Mr. Baker of Portland offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-417) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, could the gentleman from Portland inform the House what the amendment does?

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to the gentleman from Portland, Mr. Baker, who may answer if he so desires.

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

Mr. HIGGINS: Mr. Speaker, I would move the indefinite postponement of House Amendment "B" to Committee Amendment "A".

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I am going to ask for a division.

I guess I have to explain the bill and take up your time. I really didn't want to have to do this—here goes.

You know, a long time ago, the Board of Registration in my community came to me with a problem that they were having. It is a problem that a lot of boards of registration are having all across the state, and that is they were finding that on election day and in the days preceding election day, they were backed with a log jam of voters that were trying to get registered. As a result, the lines were very long, the process was very cumbersome, and they were unable to deputize people to help them register voters.

Earlier in this session, we debated election day registration. One of the complaints I heard was that when people stand in line so long, they don't want to enroll in a party because they have been standing in line so long. Now a bill comes along that would help alleviate that problem, that is all it does. I will read it to you.

It says, "A board of registration may appoint one or more persons to act as deputies only for the purpose of registering voters at the location where the board of registration meets." I had to take out a little section that was put on in committee, but that is what we are left with—board of registration may appoint one or more deputies where the board of registration meets.

I would like to point out that registrars of towns already have this ability, so all we are doing is saying that if the small town registrars can do this, the boards of registration shall have the same power.

We took some time to write into the statute that the appointment of deputies shall be based on the makeup of the party affiliations of the board wherever it is possible so we can all be fair and even handed.

I did something else with this bill, established a cut-off date for taking outsider voter registration cards for special elections for cities of 24,000 or more, the same as it is for a

general election, because what we found in a special election was that these outside voter registration cards were coming in on the Friday before the Tuesday of the election. That created a lot of confusion and a lot of errors, and a lot of people showed up to vote who didn't find their names on the voting list.

I have spoken with several people about this bill, and most people say, well, I don't see any problem with that, no problem, and yet I find it is being made an issue here. That is all the bill does, it doesn't even have a fiscal note on it—makes it a little bit easier for the boards of registration to do their work, that is all.

I will leave you with one parting thought. Those of us that are concerned with fraud, just remember this, it is a lot easier when you have help there to take the time to make sure that those persons have got proper identification of where they live as opposed to when your lines are backed up and you are under a lot of pressure, and you might be tempted to just let those people register without asking for that proof of residency. So if you want to make it easier not only on the day of elections—I don't care if you don't believe in election day registration—I am talking about the days before that, because no matter when you cut off election day registration, you are still going to have that line of people trying to get registered to vote. That is it.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I had no intention of making this an issue at all. I simply asked a question and I think it is incumbent upon a member of the House, if they present a House Amendment and some one asks for an explanation, that a brief, concise description be given, that was my only request. While it hasn't been brief, it has been somewhat concise, and I withdraw my motion to indefinitely postpone the amendment.

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

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

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

At this point, the rules were suspended to allow members to remove their jackets.

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

Bill, "An Act Clarifying Municipal Authority to Invest Funds" (H.P. 884) (L.D. 1053) (C. "A" H-393)

Tabled—May 15 by Representative Diamond of Windham.

Pending—Motion of Representative Armstrong of Wilton of Reconsider Passage to be Engrossed.

Mr. Armstrong of Wilton requested permission to withdraw his motion to reconsider passage to be engrossed, which was granted.

Sent up for concurrence.

The Chair laid before the House the fifth tabled and today assigned 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—May 15 by Representative Hobbins of Saco.

Pending—Motion of the same gentleman to Indefinitely Postpone Bill and all Accompanying Papers.

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

Ms. BENOIT: Mr. Speaker, I would request that this be tabled until later in today's session because Mr. Hobbins is not here yet and I believe he did want to debate this bill.

Thereupon, on motion of Mr. Diamond of

Windham, tabled pending the motion of Mr. Hobbins of Saco to indefinitely postpone and later today assigned.

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

HOUSE DIVIDED REPORT—Majority (8) "Ought to Pass" as Amended by Committee Amendment "A" (H-394)

—Minority (4) "Ought Not to Pass"—Committee on Labor on Bill "An Act to Increase Job Security for Employees Covered under Provisions Dealing with Teachers" (H.P. 401) (L.D. 444)

TABLED—May 15 by Representative Tuttle of Sanford.

PENDING—Acceptance of either Report.

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

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

The SPEAKER: The gentleman from Portland, Mrs. Beaulieu, moves that the Majority "Ought to Pass" Report be accepted.

The Chair recognizes the gentleman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: This bill is fast becoming an old chestnut, since many of you debated it here a couple of years ago and I have been reading the record of that debate. It is a terrible bill and its title ought to be "An Act to Force Employers to Find a Replacement Employee." I would like to explain to you exactly what this bill does.

What this bill does is, it says that if you were an employer who employs more than five employees, and one of your employees wants to become a member of the legislature, you must allow him to become a member of the legislature. This means that you will have to find a replacement for him. So let's say that you have just hired a replacement for him and your legislator comes back, you lay off that replacement and he goes off and collects unemployment; that is one problem with this bill.

Or, what if you are an employer and the job that you must find a replacement for is a rather complicated job and yet you have to advertise the job as a temporary position? Can you find a good person to fill this temporary position? Perhaps you cannot find anyone decent to fill this job, so that certainly will cause a hardship on many employers in this state.

Or, what if the employer was lucky enough to find a fantastic replacement who was a much better worker than the legislator and yet he is forced to lay off this super worker in favor of this incompetent legislator who now returns to work?

Or, what if the legislator decided not to return to the job, then the employer is really stuck?

Or, what if the employer decided to make do without the legislator and discovered that the job was not really necessary and wants to phase out the job and yet he is not allowed to do that?

We can see that this is really a bill full of problems. Not only is it full of these kinds of problems, but it is a terribly unfair bill, because what the bill says is, when this legislator, if this legislator, returns to his job, he must have the same status, etc., as when he left.

Let's say that I worked in that job the whole time, I never came to the legislature, and yet the gentleman next to me left the job, became a legislator and comes back. We are both entitled to vacation. He gets vacation and he wasn't even there for six months, and yet I, the hard worker who was there all the time, get exactly the same benefits that he got. I find this very, very unfair for the coworker.

We also have to think about this bill in relationship to all other elected officers. What this bill says is that to come to the legislature you

get a leave of absence. But what if you want to run for U.S. Congress, or what if you want to become a sheriff or whatever? You don't get a leave of absence, and that means, of course, that it is much more advantageous to be a legislator than it is to join the U.S. Congress.

Or, what about a situation in which you were an employee of a small business? Then you never get this advantage, period; whereas, if you worked for an employer who had six or more employees, you do have this kind of advantage.

On top of all of these many, many problems with this bill, I find this bill absolutely unnecessary. When I look around this fine body, I see people from all walks of life. I serve on the Labor Committee with people who work hard in the mills. I sit near people who are self-employed. I look at other people who are housewives and homemakers who never worked, and I think this is a great advantage of our body, that we have people from all walks of life. I hope that we will continue to have a body from all walks of life, and we certainly don't need this bill to do that.

For that reason, I move that this Bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentlewoman from Auburn, Miss Lewis, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. TUTTLE: Mr. Speaker and Members of the House: I will try to be brief. After Miss Lewis's fine commentary, I would like to straighten a few things out about what this bill actually does.

I am the sponsor of this bill and, as she said, it may be an old chestnut but I think it is an issue that needs to be addressed irregardless of whether it is a chestnut or not.

The basic purpose of this bill is to allow a person to request a leave of absence from his work while serving in the legislature. It would require that an employee give his employer notice of intent to become a candidate for the legislature in writing 60 days before becoming a candidate after taking action under Title 21.

Another provision of the bill that is different from the one that was submitted two years ago is in Section 824 of the bill, if you all get a copy of it. It gives the employer an appeals process, where an employer who feels a reasonable hardship will result, to the State Board of Arbitration for a decision. I think that was one of the questions that Miss Lewis asked. This is similar to the law that is presently on the books in the State of Vermont. It gives certain guidelines that may be followed in reaching a decision on behalf of that employee by the employer, the number of employees in the employer's business, I believe another question that Miss Lewis asked, the nature of the position held by the employee and the ease of difficulty and cost of filling that position during the leave of absence, and an agreement entered into between the employee and employer as a condition of employment, the exception being that this provision would not apply to any employer who employs five or fewer persons, something that was mentioned a few years ago.

I guess on a personal note, as most of you know, before running for the legislature I was an emergency medical technician for the Sanford Fire Department. Unfortunately, after getting elected, I found myself without employment or job security. In my opinion, this wasn't right.

This proposal would be limited to, at most, not more than 184 employees that could require job security, a situation that presently exists for teachers.

This bill, I feel, is a reasonable step toward assuring that people from all walks of life have a chance to serve in the Maine Legislature. I feel that presently a man or woman who de-

pends upon a job to put food on his or her table or family's table must sacrifice their job if he or she wishes to serve in the legislature. I feel that only until a bill of this nature is passed will Maine's Legislature truly be a citizen's legislature, as I am sure we all desire.

I hope you will defeat the motion to indefinitely postpone this bill.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I was very sorry to hear that the gentledady from Auburn wants to restrict access to these two bodies, and also very very to hear from her that housewives don't work. Thank God some of the old chestnuts do come back and are passed into law.

Every Maine Government textbook and League of Women's pamphlets calls the Maine Legislature the citizen's legislature. I agree, but I took our new register in hand and looked up the occupations and kept a tally. I counted up the number of members who are self-employed, retired, real estate, insurance, teachers and lawyers. That was 67 percent of this House at that point. I have got to stress that this very unscientific. I added in housewives, those who identified their occupation as legislator and our two ministers. It now added up to 115 members of a 151 members House, 77 percent of the membership of this House. That meant that only 36 members or 23 percent of this chamber is drawn from Maine's blue collar and salaried employees. We may be the citizens legislature, more so than any other legislature, but not all of Maine Citizens have the opportunity to serve in these bodies without destroying their work and professional careers.

Under current law, an employee, other than a teacher, who decides to run for the legislature has no job protection. The work career has to be sacrificed to run. Two to three decades of accomplishments and career advancements can go out the window for the desire to serve the people at \$7,000 for a two-year term.

You have seen this bill before, as you were told, but the problem hasn't gone away since the last session, but there are substantial changes in the bill, which gives it a proper employer/employee balance which wasn't in the bill in the 109th. L.D. 444 provides that business with five or less employees are excluded. It provided an appeal process for the employer for unreasonable hardship, and there are clear written deadlines, 60 days for notice before becoming a candidate. The rights of the employer have been protected in this new bill.

Last spring, as a teacher who had decided to run for the legislature, I was entitled, under existing law for teachers, to a leave of absence. But since I had followed this issue in the 109th and believe firmly that the leave right should be available to all Maine citizens, I resigned instead. I was asked to take a leave but I refused because I felt it would be personal hypocrisy on my part.

This issue is of even greater importance for the women of Maine and their continued access to state government. Finally, in the 1970's, women gained access to real jobs and the opportunity to advance to higher paying, managerial, responsible positions. In the past, when women were at the very bottom rung of the economic ladder both salary and career-wise, women didn't have much to lose when they decided to run for the Maine Legislature. Today, like her male counterpart in the mill or the office place, she would have to destroy her hard won career and a decade of gains for the opportunity to serve the people for one or two terms in the legislature. We should remove barriers for working women and salaried employees to serve in this legislature.

Access to government service isn't and should never be a partisan issue. We have an opportunity here today for an even broader base citizen's legislature, and I urge you to

defeat the motion to indefinitely postpone.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Every time this bill has come up, I have spoken on it because I feel very strongly about it. I think that everybody ought to realize that democracy in this country has its price, and its price is sacrifice, and sacrifice is being performed by a good many people in here, in this legislature, and it would also be a part of the employer's responsibility, they should have to sacrifice too, in order to make democracy work.

This is, as the preceding gentleman said, a citizen's legislature. It starts to get away from that, though, when it becomes necessary for somebody to stay home because they can't get off from their job. I think if you want a professional legislature, that is one thing; I don't. I think that we ought to have people from all walks of life in here, and I don't think we do now.

I think that Representative Lewis's remarks are such that if her philosophy were adopted and continued to be adopted, you would have only retired people in here, wealthy people in here, single people in here, or people with small families. You would limit the ability of people to serve in this legislature, and I don't think any price is worth that. We ought to be able to look people in the eye and say—I am in the legislature, but I think you ought to be able to run against me, I don't fear you running against me. Everybody in this state, no matter who they are, man or woman, wealthy or poor, ought to be able to run for this office and not be tied down by a dollar bill or a restriction that is put on by their employer.

For goodness sake, if you don't understand the fundamental thing about how government works and how important it is for people to function and vote and participate in this country, we are going to lose one of our essential freedoms. It seems to me to be elitist to say that only certain people, with some restrictions that Representative Lewis seems to want, can serve in this House.

I really feel very strongly about this bill. I haven't been very articulate on it because my thoughts are so random, but I think that we ought to adopt this because it is in effect for teachers now in this state and it ought to be in effect for everybody in this state, regardless of who they are.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a few brief points in rebuttal. First of all, I agree, housewives do work and they work very, very hard, what I meant is that they don't work outside that home in many cases and are not covered by workers' compensation and unemployment insurance.

A second title that we could use for this bill is "An Act to Increase the Workload of the State Board of Arbitration and Conciliation" since this bill would definitely do that. The speakers who preceded me said that any problem any employer can clear through this board, and we all know that this board already has a heavy workload and we certainly don't need to give them a heavier workload.

But the most important point that I think needs to be made now is in response to Mr. Pearson's question, and that is in response to sacrifice. Who should make the sacrifice? Should the burden of the sacrifice be borne by the employer? Right now, the burden of the sacrifice is a joint sacrifice. I will clear my situation with my employer and my employer and I will share that sacrifice if we so desire. However, under this bill, the employer would be expected to bear that burden.

The gentleman from Old Town, Mr. Pearson, suggested that this body has only retired, wealthy and single people. Look around. My

seatmates don't fall into those categories particularly, and I don't think that your's do either.

Right now we have a citizen's legislature, we have a good cross-section of Maine society, so why try to tamper with it?

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I make a great sacrifice to come here and I know some of you other people do, but we come here because we think we can do something for society. I think that the present system is working fine. I think it is not right to put the burden of sacrifice on someone that is not coming here, the employer, and that is what we would be doing. We would be putting the sacrifice on someone that isn't here. If you are thinking straight this afternoon, I don't think you can do that either.

Those of us who are here are making quite a sacrifice to be here, and I have down through the years. When I first came here, it was an even greater sacrifice. I think I got \$500 or \$550 for a session and we paid our own hotels, if I remember, at the Augusta House. It wasn't much but we still had to pay it. I left work behind, and I still don't consider myself a retired person yet, I am working every weekend and I work every time I get a chance. I don't see many people around me who are completely retired, a few, and I think it is a well mixed House. It seems to me from where I am sitting in the back row, I can see people from all walks of life, and that is the way it always has been, I hope that the House will indefinitely postpone this bill. I won't take any more of your time but there is a lot that could be said about it.

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

A vote of the House was taken.

Whereupon, Mr. McHenry of Madawaska requested a roll call vote.

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

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

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

Mrs. DAMREN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote to indefinitely postpone this bill today. I don't think we should mandate to employers that they should continue to hold a job for an employee who decides to run for the legislature.

You all know how few hours we are available for any service to that employee when we are member of the body. I think the person who decides to run for this legislature should have to make his or her own decision as to whether or not he or she gives up a position, salary, job benefits or seniority. I know that for many of us it is a hard decision to make, we must change our way of living and, in many cases, it is a financial hardship to serve in this body. But, I do feel that each person should have to make that decision themselves and not expect a law to be created or passed to force their employer to hold their job and their benefits for them until they decide to return full time to their job.

I have changed jobs since I came to this body, giving up a position I held for 27 years, and I made that decision with my family in order to run for office.

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

Mr. TUTTLE: Mr. Speaker and Members of the House: I don't mean to belabor the debate

here, but I think that a lot of the questions that have been asked pertaining to this bill, pertaining to the employers, have been addressed in the new bill that has been presented this year. I know that we all have to make a tremendous sacrifice to serve in the legislature, but I honestly feel, after being here my third year, that this is an issue that needs to be addressed for a citizen's legislature for the state of Maine.

When you vote today, I wish you would vote for what you feel is fair and equitable. And as I said before, I think until a bill of this nature is passed, we truly will not have a citizen's legislature. So I hope that you will vote against the motion to indefinitely postpone and at least give us a chance for the working people and for all the citizens of Maine.

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

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kelleher, Kiesman, Kilcoyne, Lancaster, Lewis, Livesay, Lund, MacBride, Macomber, Mahany, Masterman, Masterton, Matthews, McCollister, McPherson, Michaud, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Post, Racine, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soule, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Twitchell, Walker, Webster, Wentworth.

NAY—Baker, Beaulieu, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Carroll, Carter, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowle, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Kane, Kany, Ketover, LaPlante, Lisnik, Locke, MacEachern, Manning, Martin, A.; McGowan, McHenry, McKean, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Paradis, P.; Pearson, Perry, Pouliot, Prescott, Randall, Reeves, P.; Richard, Rolde, Soulas, Swazey, Theriault, Thompson, Tuttle, Vose, Weymouth.

ABSENT—Chonko, Cunningham, Hobbins, Jalbert, Laverriere, Martin, H.C.; The Speaker.

VACANT—Leighton.

Yes, 80; No, 63; Absent, 7; Vacant, 1.

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

Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought to Pass" — Minority (3) "Ought Not to Pass" — Committee on Judiciary on Bill "An Act to Provide for the Election of Jury Trials in Certain Criminal Cases" (H. P. 1328) (L. D. 1527)

Tabled—May 15 by Representative Connolly of Portland.

Pending—Motion of Representative Hobbins of Saco to Accept the Majority "Ought to Pass" Report.

On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of the Majority Report and later today assigned.

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

SENATE DIVIDED REPORT — Majority (10) "Ought to Pass" as Amended by Commit-

tee Amendment "A" (S-208) — Minority (3) "Ought Not to Pass" — Committee on Appropriations and Financial Affairs on Bill "An Act to Make Funding of the "Local Government Fund" Part of the Appropriations Process" (S. P. 90) (L. D. 206) — In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-208)

Tabled—May 15 by Representative Pearson of Old Town.

Pending—Pending motion of the same gentleman to Accept the Majority "Ought to Pass" Report.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill is a very simple one and what it says is that the amount of money that the state gives in revenue sharing to the local communities shall be reflected in the budget document, and that an appropriation will be made each year to cover that amount of money.

Now, in a manner of explanation, some people in here, maybe many people in here, don't realize that 4 percent of all the money we collect in sales taxes and 4 percent of all the money we collect in income taxes, both corporate and personal, are allocated to the local communities of this state in revenue sharing.

I would be willing to bet that probably until this week, 90 percent of the legislature did not realize that. That source of money, sales tax and income tax, grows every year as other economy gets larger and prospers. Consequently, that means to the local communities that they are receiving from the state money collected through sales and income tax, more money every year. For example, last biennium, the amount of money that we turned over to the communities was \$33 million, it was \$32 million or \$33 million. Next time, it will be \$42 million. It has grown by 27 percent.

Many of you in here have been told by the Maine Municipal Association or other people that we never do anything for the local communities. It is not so, we do, and this is the way we do it. And this bill simply says that we want to highlight that so that people realize that the state does share in its taxing on sales tax and income tax and that it be allocated each year as a matter of the budget; that is all it does, nothing more.

There will be people who will argue that we shouldn't do that because it does highlight it and that we might not be giving money to the communities, that that might be so apparent that we would be tempted not to give them the amount of money we have in the past. That is not the intention of this bill. It is simply to let everybody know that that is exactly what we have been doing, so that you will know and the citizens of the state will know that the state is helping communities not only with education but also with revenue sharing in a way that grows every year.

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

Mr. BRENNERMAN: Mr. Speaker and Members of the House: I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Portland, Mr. Brennerman, moves that this Bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. BRENNERMAN: Mr. Speaker and Members of the House: Despite the arguments you have just heard about the importance of this bill, I just think that this bill is nothing but a raid on the revenue-sharing account that the state has for local governments. And as you know, the revenue-sharing program is an important program of tax relief to towns and cities.

Under the present revenue-sharing program, 4 percent of all income, corporate income and

sales taxes, are distributed monthly to the towns, and that is what revenue-sharing is all about. As the state receives these revenues, they share them, they send them back to the communities, and as the state receives more revenues, obviously, so do the municipalities. But there is nothing wrong with that. Much of the money that comes into the state comes to the state because the towns have brought about some economic development or business has been better, and while the towns don't benefit directly, they do benefit indirectly through the revenue-sharing program.

A major argument for this bill is that the people ought to know how much the state is sharing with municipalities and therefore it ought to be part of the budgetary process. All someone has to do is multiply 4 percent times the amount of money that the revenues have brought in by the sales, income and corporate taxes, and you will know how much money goes back to the towns in revenue sharing.

Secondly, if we really wanted to know, we could have the Governor in his budget message tell us how much money he estimates would go back to the communities in revenue sharing.

I want to tell you a few things that are wrong with this bill besides the philosophy of it. First of all, if the legislature wants to cut back on revenue sharing, then maybe someone should introduce a bill to cut the percentage rather than doing it through a backdoor method as we have in this bill. Through this method, the revenue-sharing program would go into the Part I Budget with a cut in the revenue-sharing program, it could be difficult to amend the Part I Budget on the floor of either the House or the Senate.

Let me make two or three more arguments that are in this bill. This bill says that if the state underestimates the amount of revenues that it will get, then the shortfall in funds sent to the municipalities would be restored the year after. After the experiences that we have had in the legislature with tree growth, with the inventory tax, with state aid highways, how can we say that the legislature will return the amount of money that it should to the municipalities?

Secondly, if the state overestimates revenues, according to this bill the amount of money that the towns receive in this overestimation would be deducted from the next year's receipts, so the towns would be counting on the money and then the next year they would receive less money. I think that would disrupt their local budgeting process.

Finally, I would say that the procedure for putting this in the budget should be no different from either the snowmobile or boat fund, and it seems to me that if we want to highlight the revenue-sharing account, maybe we ought to highlight the snowmobile and the boat fund account and put those in the budget as a Part I item.

Mr. Speaker, I ask for a roll call.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: There is no attempt to cut revenue sharing in this bill. It is simply and clearly just to show the amount of money that goes back to the communities. There is no backdoor attempt to do that.

I think, personally, just from my own personal point of view, that anybody that suggests that we cut revenue sharing to the towns would not be successful in this legislature. I would also add, in a remark made by my colleague just preceding me about snowmobiles and boats, that is in the budget document now. It is put in there so that you can look in the budget document and find out how much money is coming in from snowmobiles and boats and that much of that money is dedicated to the Inland Fisheries and Wildlife Department, which is not a part of the General Fund, but it is clearly identified and this isn't, and we

wanted to identify it because we think everybody ought to realize that the state government isn't that monster in Augusta that everybody says it is and that we do share the wealth, that as the economy improves, there is more money going back to the local communities.

Many of you, and some of you have sent me notes, did not know that, did not know that we gave 4 percent back on income tax and sales tax. If you didn't know that you can imagine what the general population doesn't realize.

Many of your local town fathers and city councils probably figure that somehow or other they get some money but they don't know where it comes from. This is just a way of letting people know things.

This is not a bill that I sponsored, my co-chairman did, but I support it, I think it is a good bill.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This is a good bill and I hope you don't vote to kill this bill. This puts it right out front and shows the people just exactly where the money is going and how much. It should have been done, as far as I am concerned, a long while ago.

I hope you won't vote to kill this bill.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It is not very often that you will see me stand up and oppose my good friend from Old Town, Representative Pearson, and split with the committee, like this bill is split, but in this case, I have no choice.

My good friend from Old Town tells you that all this bill is designed to do is to highlight that amount of revenue-sharing monies going back to the communities. If that were the case, I would not be standing up here before you urging you to follow the good gentleman from Portland in voting to indefinitely postpone this bill.

If you will take a look at the bill, the Statement of Fact tells you, this bill will require that funding of this program become part of the appropriation process. Simply put, this means that these dollars will have to compete with every other dollar, just like any other existing program in the state, in the Part I Budget, or in the Part II Budget.

Those of you who have been around for a few years will recall that the legislature in the past has had the mind, in many cases, to pass on programs to the local municipalities without adequate funding, and in an attempt to put a halt to this, a bill was passed several years ago, recently, I can't remember which legislature it was but it was in the recent past, that required a fiscal impact note on any bill that is going to affect municipal funding.

What we are dealing here with are estimates and estimates only. The 4 percent is based on an estimate, and if we try to put this into the budget, we will be dealing strictly with estimates. If we underestimate the amount of dollars that will be coming in the course of a year, the bill would require a fiscal note.

If we overestimate, we will be faced with the same problem, except that it will serve to disrupt municipal budgeting processes, because the municipality will have to remit those dollars to the state.

All this really is, it is not a mechanism to highlight the amount of dollars going back to municipalities, it is a subterfuge to try and get at these dollars.

For example, in this session, we are faced with a crisis, you have all heard about the deficits in the highway budget, if these dollars were available, don't you think for a minute that we in Room 228 might not have been tempted to dip into these funds and incorporate them in the Part I Budget? I don't have to tell you that once the Part I is wrapped up and hits the floor of the House or Senate, for all the

years that I have been here, I don't recall the Part I ever being amended successfully on either floor, and I would urge you to follow the light of my good friend from Portland, Representative Brennerman, and vote to indefinitely postpone this bill.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you would follow the light of Mr. Pearson, because, in one short statement, I feel that the local municipal governments certainly have a right to know what we are doing down here, even if it is only estimates. After all, they have local budgets and they have to make estimates, so I would certainly hope that you would go along with Mr. Pearson.

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

Mr. SWAZEY: Mr. Speaker and Members of the House: I would recommend that you go along with Representative Carter on this. I think that once and for all the towns would forever lose this amount of money and would be at the mercy of the Appropriations and Financial Affairs Committee, and the taxpayers in your towns and cities would pay more, especially the cities of Portland, Bangor and Lewiston, the larger cities which are crying now for tax money, they would lose that or a good deal of it. They would dole it out in small portions, possibly.

As for not knowing where your revenue sharing goes, you don't have a town report or town meeting anytime but what this not only shows you where this money comes from, it shows you what it is going to be spent on and you vote it. Therefore, I believe, as the Dean of the House would say, this is a very, very bad bill and it should be indefinitely postponed.

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

Mr. PEARSON: Mr. Speaker and Members of the House: I now know what it is like to come from Portland, because we are always picking on Portland and Mr. Swazey has cleverly turned that on the Appropriations Committee by saying—who would ever want to be at the mercy of the Appropriations Committee.

During the process of our committee meeting and meeting of the legislature, we did enact a bill this year that I think might be interesting to you. In an attempt to put as much information in the budget document and make it as clear as possible, L.D. 1148 was introduced which said, it was an act to make revenue losses due to tax credits for example, if we were to pass a tax credit or an exemption or a deduction—part of the budget document. The sponsor of that bill said we ought to show everything in the budget document. If we pass something here that is going to mean that our revenue is going to drop off, we ought to show that in the budget document. Everybody on the committee said, that is true, we should, and when it came to this bill about showing how much goes out to the local communities, we had a spread of 10 to 3. You have heard from two of those people who disagreed with the other ten. But I think if you buy one argument, you should buy the other, that everything ought to be aboveboard and you ought to be able to see it.

I try to pride myself in being able to see both sides of every argument, and I can see the other side. The other side is a fear that we will cut revenue sharing if it appears in the document. Now that I have told everybody that we have 4 percent going out, anybody could cut it anyway, a special bill or whatever. You can't cut it any better that way than you can right now. The mechanism is there. You can, if you wish, not give revenue sharing to the local communities right now, or cut it back. So there is no sinister plot here to take money away from the communities. It is only to be able to say to the communities, look right here. We

gave you \$42 million, what do you mean when you say we don't care about the local communities?

On top of that, we gave 50 percent of the cost of education in this state. I don't know how often you get lobbied, but I get lobbied a lot by local officials and by the Maine Municipal Association saying "you don't do enough; you don't do enough." They never mention how much we do do, and I think this is a way of showing it, and I honestly don't see any sinister plot of dipping into this money to fund something else.

How many of you really believe in here that there are people who would want to do away with revenue sharing on the local level? Why, your property taxes would go up and you know the pressure that you would get by the voters. I think it would be foolhardy to cut revenue sharing to the local level. It is not an attempt to do that at all, it is just to show it.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: Far be it from me to accuse the Appropriations Committee of doing anything sinister; I would never think of such a thing.

But, my city is opposed to this, and I agree with them, and I think many cities are.

Ladies and gentlemen, I think the present law, as might have been said, I am sorry if I didn't catch it, cities can, in their budgeting process, plan on this money being there. It is a set amount, everyone knows it is going to happen. It is an annual thing, it is a certainty. Under this proposal, it would be completely uncertain. Municipal budgeting would be a disaster because they simply could not be certain of the kind of money that would be forthcoming in the next biennium, or however your local government does their budgeting process.

Ladies and gentlemen, I think the present system works well and I think we would be wise if we killed this bill.

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

Mr. CARTER: Mr. Speaker and Members of the House: Just one quick point. My good friend from Old Town suggests that nobody would dare to take dollars away from their municipalities. I would just like to point out to him, remind him of what transpired with the inventory tax reimbursement to the municipalities. I would just like to point out to him, remind him of what transpired with the inventory tax reimbursement to the municipalities. What started at 100 percent level is now down to a very small amount and is scheduled to disappear completely.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Miss Aloupis.

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: There are several questions that I would very quickly like to answer. It was a 10 to 3 report; I am part of that majority, I am from Bangor and the Dean was on the Minority Report. All we want to do is very up front and honestly show that we do support our municipalities and show this in the budget to you so that you know that in this biennium there is \$33 million going, and there is an anticipation of \$42 million coming.

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. Brennerman, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote

yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Beaulieu, Bell, Bordeaux, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K.L.; Callahan, Carrier, Carter, Clark, Conary, Connolly, Crowley, Davies, Dexter, Diamond, J.N.; Dudley, Erwin, Fitzgerald, Foster, Fowlie, Gowen, Hall, Hanson, Hickey, Higgins, H.C.; Holloway, Hunter, Jacques, Jordan, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lancaster, Lisnik, Livesay, Locke, Macomber, Mahany, Manning, Martin, A.; McHenry, McPherson, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Nelson, M.; Norton, Paradis, E.; Paul, Perkins, Perry, Post, Pouliot, Prescott, Racine, Reeves, J.; Reeves P.; Ridley, Roberts, Rolde, Salsbury, Smith, C.B.; Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Webster, Wentworth.

NAY — Aloupis, Armstrong, Austin, Benoit, Berube, Boisvert, Boyce, Brown, A.; Cahill, Carroll, Chonko, Connors, Cox, Curtis, Damren, Davis, Day, Diamond, G.W.; Dillenback, Drinkwater, Gavett, Gillis, Gwadosky, Hayden, Higgins, L.M.; Huber, Hutchings, Ingraham, Jackson, Joyce, Kiesman, LaPlante, Lewis, Lund, MacBride, MacEachern, Masterman, Masterton, Matthews, McColister, McGowan, McKean, McSweeney, Michael, Moholland, Nelson, A.; O'Rourke, Paradis, P.; Pearson, Peterson, Randall, Richard, Sherburne, Small, Smith, C.W.; Soulas, Treadwell, Vose, Walker, Weymouth, The Speaker.

ABSENT — Cunningham, Hobbins, Jalbert, Laverriere, Martin, H.C.; Twitchell.

Yes, 83; No, 61; Absent, 6; Vacant, 1.

The SPEAKER: Eighty-three having voted in the affirmative and sixty-one in the negative, with six being absent, the motion does prevail.

Sent up for concurrence.

Bill Held

Bill, "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies" (H. P. 1040) (L. D. 1259)

—In House, Insisted and Asked for a Committee of Conference on May 15, 1981.

HELD at the request of Representative Carter of Winslow.

Mr. Carter of Winslow moved that the House reconsider its action whereby the House voted to Insist and ask for a Committee of Conference.

On motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Provide for the Limitations of Liability in Regard to Certain Insurance Inspections" (H. P. 631) (L. D. 712) which was tabled earlier in the day and later today assigned pending further consideration. (In the House—passed to be engrossed as amended by Committee Amendment "A" H-369—In Senate—passed to be engrossed as amended by Committee Amendment "A" H-369 as amended by Senate Amendment "A" S-231 and "B" S-239 thereto in non-concurrence)

On motion of Mr. Brannigan of Portland, the House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (Emergency) (H. P. 1411) (L. D. 1576) which was tabled earlier in the day and later today assigned pending further consideration. (In House, passed to be engrossed as amended by House Amendments "B" H-319, "C" H-324, and "D" H-329;—In Senate, passed to be engrossed

as amended by House Amendments "B" and "D" in non-concurrence.

Mrs. Berube of Lewiston moved that the House recede and concur.

Mr. Strout of Corinth requested a vote.

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

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

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

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: If we don't vote to recede and concur, you will effectively, perhaps, be killing the bill, and I realize there is an item that is of some concern to a few people and I would like to briefly rebut some of the arguments that we have heard and I hope that I am not repetitious.

It is not an easy thing to work on an appropriations committee, I suspect it must be very difficult, and it is not any easier to work on our committee, because we have to review programs with the objective to look at the cost effectiveness of that particular program, and I feel that the committee, in bringing out our report, did so without jeopardizing services. If we don't accept recommendations which are carried out in a very rational and impartial manner, then we open the way to proposition two and a half or whatever they are called.

In the case of the motor vehicle inspection, which is what we are talking about right now, there is some concern that the Motor Vehicle Division within the Secretary of State's Office would not be able to do the job as effectively. I submit that they would simply because they are presently doing the automobile dealers, over 800 of them, throughout the state. And if you will look at the manual from the State Police, which I have here, and you look at the manual from the Motor Vehicle, which I have here, you will find that the responsibilities parallel one another. For example, what do they look for—and bear in mind that they are merely inspecting on the highway, we are talking of the inspection of stations alone.

Under the responsibilities of the state police, they make sure that signs are conspicuously displayed, they make sure that the license of the inspection station is current, they look at the tools and equipment requirements, some of which I will name—the wheel puller, they have to make they have go a wheel puller. And if you look at the Secretary of State, Motor Vehicle, they also have to make sure there is a wheel puller. The state police look to see if the lift is capable of lifting the vehicle by use of outer edge of local control arm. If you look at the Secretary of State's manual, it is nearly verbatim, except theirs is plural, so I suspect that they do more than one job.

The state police look at the ball joint gauge, and the Secretary of State, or the Motor Vehicle, does the same thing in the plural.

Last year, the state police made 3,277 inspections of motor vehicle inspection stations, nine troopers with a gun in the holster, with the high powered vehicle. We are not saying that they did not do a good job, we are merely saying that we do not need to have this sophisticated equipment go along simply to inspect the station. And out of those 3,277 inspections, averages about twice a year, and it boils down to about 1.2 stations per day per man—1.2 stations per day.

If you think that the savings of \$124,513 for the first year and approximately \$148,000 for the second year—bear in mind also that these are annual savings—if you don't think that justifies our reasoning, then I don't know what

else to say, but I think we have done a good job.

I would like to mention one other thing that was brought to my attention, that the signs on the outside of these stations would have to be replaced because they are a yellow background with red lettering. That would not have to be done, because of a cost of \$300, the department would simply paste on a reflectorized tape, and that should really satisfy the providers of the reflectorized material.

I will leave this to your good judgment, and I do hope that you will vote with us to recede and concur.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: A number of years ago, this was done by the Motor Vehicle Division, where they want to put it now, and they had a lot of problems with it. It was taken out of there and put into the state police, and since then we have had very few problems with it.

I hope that you will oppose this motion to recede and concur today and then we can move to adhere.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: May I rebut this please. A number of years ago was 20 years ago and, again, I am not saying that the state police didn't do a good job in the meantime, in these 20 years; however, it is my understanding that a very few years ago, like four or five years ago, there were so many problems that our own Legislative Committee on Transportation had to hold hearings throughout the state, public hearings, and as a result, that committee rewrote, in effect, the manual or the rules and regulations for those inspection stations.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: There seems to be one thing that we seem to be mislead about, and that is that the state police, and I was an inspection station for a long time, came and inspected the station and they do two and so many tenths a day or something, but while they were there, their radio is on and if they got a call up the road that some drunk is there, they have to go after him, he drops everything and goes to tend to it, so he is on duty there at the place where he is making the inspection just as much as if he was parked beside of the turnpike waiting for a speeder to come along, except he is doing something while he waits.

I never saw one of them come and inspect my place that he didn't have his radio on and never was out of reach of that, so I don't feel that he was only inspecting my station, he was on duty as much as he would have been if he wouldn't have been inspecting the station and seemed to be doing more good than if he was parked beside of the turnpike waiting for a speeder.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: A lot of discussion on this bill has taken place between last week and now, a lot of lobbying on both sides, I think. I think the bottom line comes down to this. The Audit and Program Review Committee has a particular purpose, purpose is to review periodically agencies and departments, but our prime emphasis is cost effectiveness and overall operation of the department. If a department or agency needs more money, I think we ought to recommend more money; if it needs less money, then we have a responsibility to recommend that. But the bottom line on this issue is fiscal responsibility, something that we have been hearing a great deal about over the last couple of years. I think this House and the other body has exercised that on a number of occasions. I think we have a rare opportunity to exercise that right now.

Again, the bottom line on this issue is \$462,-

000 it costs to administer this program under the state police. Under the Department of Motor Vehicles it will cost \$336,000, roughly, so there is roughly a \$130,000 net savings to the state of Maine for a transfer of responsibility that will, in effect, do nothing in terms of the quality of the inspection of these inspection stations.

I think if we delete this from the sunset bill, it would be a shame, and I would certainly hope that you would support the gentleman from Lewiston's motion and recede and concur on this.

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

Mrs. HUBER: Mr. Speaker, Members of the House: Clearly, I can't add much of substance to what has been said this afternoon in favor of the gentlelady's motion. However, I do feel it is important to impress upon you the committee's strong feeling about the fine training, the excellent equipment that the state police have, is basically best used in their primary function, and to the committee's thinking, and I can't help but believe to most of you when you analyze it dispassionately, that function is enforcing the law, not inspecting an inspection station. That job can be done by well qualified but lesser paid and later retiring other state employees. Let's give them a chance to do it well.

Mrs. Berube of Lewiston was granted permission to speak a third time.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up a third time, but I would like to rebut, if I may, one point that was brought out by the gentleman from Enfield. When they patrol, these law enforcement officers who are inspecting stations, they only patrol and we get this, by the way, I have in my hands, the Maine State Police Officer's Activity Report of each of the nine officers who are in this division. Their patrol hours average 1.3 percent. They have speaking assignments, they have report writing, they do court appearances, they do administrative, and inspection stations are 28.2 percent of their time.

While I am on my feet, if I may, and then I will sit down, what we are suggesting is that the nine people who are presently doing a job which could be handled in a much more cost-effective manner by another division, these nine people will still be listening to their radios, two-way radios, and monitoring calls and going after speeders or whatever they are supposed to be doing, because they will be freed to do this fulltime.

Also bear in mind that the Appropriations Committee, in the Part I Budget that we all passed, and I don't believe there was even a recorded vote, I suspect it was unanimous, that this legislature has given funding for 12 additional, new positions.

I feel that they could handle this very well in the Motor Vehicle Division and I ask very sincerely that you support our motion.

The SPEAKER: A roll call has been ordered. The pending motion before the House is on the motion of the gentleman from Lewiston, Mrs. Berube, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Baker, Benoit, Berube, Boisvert, Boyce, Brennerman, Brodeur, Brown, A.; Callahan, Carroll, Carter, Chonko, Conary, Connolly, Cox, Crowley, Curtis, Davies, Davis, Diamond, G.W.; Diamond, J.N.; Fitzgerald, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Huber, Jackson, Joyce, Kane, Kany, Kilcoyne, LaPlante, Lewis, Lisnik, Livesay, Macomber, Manning, Masterton, McGowan, McHenry, McKean, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, P.; Paul, Pearson, Peterson, Pouliot, Racine, Randall, Reeves, P.; Richard, Rolde, Smith, C.W.; Swazey,

Telow, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY — Aloupis, Armstrong, Beaulieu, Bell, Bordeaux, Brannigan, Brown, D.; Brown, K.L.; Cahill, Carrier, Clark, Connors, Damren, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jacques, Jordan, Kelleher, Ketover, Kiesman, Lancaster, Locke, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterman, Matthews, McColister, McPherson, McSweeney, Michaud, Murphy, Nelson, A.; Paradis, E.; Perkins, Perry, Post, Prescott, Reeves, J.; Ridley, Roberts, Salisbury, Sherburne, Small, Smith, C.B.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Tarbell, Treadwell, Twitchell, Walker, Webster, Wentworth, Weymouth.

ABSENT — Cunningham, Fowlie, Gowen, Hobbins, Jalbert, Laverriere, Martin, H.C.

Yes, 70; No, 73; Absent, 7; Vacant, 1.

The SPEAKER: Seventy having voted in the affirmative and seventy-three in the negative, with seven being absent, the motion to recede and concur does not prevail.

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

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

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

Mrs. HUBER: Mr. Speaker, I move that we insist and ask for a Committee of Conference. Mr. Strout of Corinth requested a division.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Falmouth, Mrs. Huber, that the House insist and ask for a Committee of Conference. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Baker of Portland requested a roll call.

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

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

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out something that I think is very, very important. We are in danger of jeopardizing the entire bill and all of the cost savings involved. All right? Just keep in mind that money is very tight right now and it is very important that we insist and have this Committee of Conference so that we can save the bill and we will have some money saved as a result.

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

Mr. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this item had a very good debate last week and the vote at that time was very decisive.

I would like to say today that we are not trying to kill the bill by adhering. The Senate can recede and concur. If we adhere, we are not killing the bill. We are merely trying to leave the motor vehicle inspection with the Department of State Police.

As I stated last week, I don't think that this bill is going to save money. I feel that it is going to cost money. What it will do is create a new group of people working in the Motor Vehicle Department under the Secretary of State.

It was stated earlier that the manuals and the signs and so forth can still be used. I went at great length to point out to you last week that the manuals will have to be changed because they are all signed rules and regulations by the Chief of the State Police. All of the signs on the buildings will have to be changed. As I

told you at that time, it is an official inspection station but it says "Authorized by the Maine State Police" and that has nothing to do with the background being yellow with red letters. The fact is that it is authorized by the state police and would have to be changed.

As I pointed out last week, all of the station licenses, some 1800, would have to be changed because they are all signed by the Chief of the State Police. The same with all of the inspection mechanic's licenses, because they, too, are signed by the state police.

Ladies and gentlemen, I submit to you that the inspection program has worked well for the past 20 years. Someone mentioned a few moments ago about state troopers inspecting and checking these stations with high powered cars. The reason that they are there with high powered cars is because they are state police officers, they are in uniform, they are on patrol and have traffic under observation when they are going from one station to another or from one town to another or one country to another. They are police officers out there on the road helping to protect you and I and everyone else.

Someone mentioned that these new inspectors under Motor Vehicle could inspect these stations just as well and have good qualified people. Ladies and gentlemen, I submit to you that you have some of the most qualified people in the State Police Department of this state.

Again, I do not feel that this is going to save money; I think it is going to cost money.

I believe it was Mrs. Berube who pointed out a few minutes ago that Appropriations was going to authorize the hiring of 12 new troopers. Again, ladies and gentlemen, as I pointed out to you last week, if the state police loses the inspection bureau, those nine troopers will be retained and it will take most of the money that the Appropriations Committee will allow for these 12 new troopers, to sustain these men. Therefore, the 12 new troopers would most likely be going down the drain. I don't think that that is the direction that we should be taking in this state at this time.

So many of you are complaining about the rise in crime and the rise in operating under the influence, I think we should have some more troopers out there on the road, and if this bill passes and it is transferred, we are going to have less troopers on the road.

I hope that you will stick with us and adhere on this item so we can send it back to the Senate, and again I say, I am not trying to kill the bill, I am just working on the inspection part of it.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to debate the substantive issue that we have just been discussing because I think we settled that with our first vote. I have a lot to say about why I voted with the rest of our committee in the recommendation that we did, but I think what I would like to discuss now is whether we would put this bill into jeopardy by voting to adhere.

It is an important bill, it is a bill that this committee has worked on all year and a good part of last year. It is a bill that would save over \$2 million to the state, and I think the more rational, reasonable approach, without abandoning your position, would be to vote to insist and ask for a Committee of Conference. If we do vote to adhere, we are going to put this bill in jeopardy. Nobody can assure us that we are not, and this is a very, very important bill, and I ask you to think very, very carefully before you vote to adhere.

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 point out to you that it costs you \$34,000 for a state trooper in his first year. This is for his new vehicle, his uniform, including all the fringe benefits.

The second year he gets \$29,000, it drops back, the cost factor. I think we should utilize them in their career, in the profession that they are trained for, not inspecting garages. I think my brother from Newport here is defending the fact that he spent years in this type of work. He was involved in police inspection of automobile inspection stations. He spoke with more authority one time when he thought differently, but it seems he has now changed his color and he now supports his brethren.

I am interested in saving money and utilizing money more proficiently down here, and if you want more potholes to ride on, just go ahead and keep spending the way you are, because if you don't want to send a man out for \$16,000 to do a job that is costing \$34,000 a year to do, then keep spending money wildly because you sure are spending it the wrong way.

The state police should be out enforcing crime, not out inspecting garages. How many criminals do you find hiding in garages? How ridiculous can we get?

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Falmouth, Mrs. Huber, that the House insist and ask for a Committee of Conference. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Baker, Benoit, Berube, Boisvert, Brennerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Chonko, Conary, Connolly, Cox, Crowley, Curtis, Davies, Davis, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Fitzgerald, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Holloway, Huber, Ingraham, Jackson, Jacques, Joyce, Kane, Kany, Kilcoyne, LaPlante, Lisnik, Livesay, Locke, MacBride, Macomber, Manning, Martin, A.; Masterton, McGowan, McHenry, McKean, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, P.; Paul, Pearson, Peterson, Post, Pouliot, Racine, Reeves, P.; Richard, Rolde, Smith, C.W.; Soule, Strout, Swazey, Theriault, Thompson, Walker, Webster.

NAY — Armstrong, Beaulieu, Bell, Bordeaux, Boyce, Brannigan, Brown, D.; Brown, K.L.; Cahill, Callahan, Clark, Connors, Damren, Dexter, Drinkwater, Dudley, Erwin, Foster, Gavett, Hanson, Higgins, L.M.; Hobbins, Hunter, Hutchings, Jordan, Kelleher, Ketover, Kiesman, Lancaster, Lewis, Lund, MacEachern, Mahany, Masterman, Matthews, McCollister, McPherson, Michaud, Murphy, Nelson, A.; Paradis, E.; Perkins, Perry, Prescott, Randall, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.B.; Soulas, Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Tuttle, Twitchell, Wentworth, Weymouth, The Speaker.

ABSENT — Cunningham, Fowlie, Jalbert, Laverriere, Martin, H.C.; Vose.

Yes, 80; No, 64; Absent, 6; Vacant, 1.

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

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

Mr. BAKER: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you vote against me.

The SPEAKER: The gentleman from Portland, Mr. Baker, having voted on the prevailing side, now moves that the House reconsider its action whereby the House voted to Insist and ask for a Committee of Conference. Those in favor will say yes; those opposed will say no.

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

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

Mr. BRENNERMAN: Mr. Speaker, having voted on the prevailing side, I now move that the House reconsider its action whereby Bill

"An Act to Make Funding of the "Local Government Fund" Part of the Appropriations Process" (S. P. 90) (L. D. 206) was indefinitely postponed earlier in the day.

Miss Aloupis of Bangor requested a Division.

The SPEAKER: The pending motion before the House is the motion of the gentleman from Portland, Mr. Brennerman, that the House reconsider its action whereby L.D. 206 was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

40 having voted in the affirmative and 86 in the negative, the motion did not prevail.

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

Mrs. HUBER: Mr. Speaker, having voted on the prevailing side on House Paper 1361, L.D. 1546, Resolve to Authorize Expenditure of Certain Federal Funds for New or Expanded Programs, I move we reconsider our action whereby this Resolve was passed to be engrossed and I would request a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Falmouth, Mrs. Huber, that the House reconsider its action of earlier in the day whereby this Resolve was passed to be engrossed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, D.; Cahill, Carroll, Connors, Curtis, Damren, Davis, Dexter, Diamond, G.W.; Dillenback, Foster, Gavett, Hanson, Hickey, Higgins, L.M.; Holloway, Huber, Hutchings, Jackson, Jordan, Kiesman, Lewis, Lund, MacBride, Matthews, McPherson, Murphy, Nelson, A.; Peterson, Post, Randall, Sherburne, Small, Smith, C.W.; Soulas, Treadwell, Walker, Weymouth.

NAY — Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.L.; Callahan, Carrier, Carter, Clark, Conary, Connolly, Cox, Crowley, Davies, Day, Diamond, J.N.; Drinkwater, Dudley, Erwin, Fitzgerald, Gillis, Gowen, Gwadosky, Hall, Hayden, Higgins, H.C.; Hobbins, Hunter, Ingraham, Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lancaster, LaPlante, Lisnik, Livesay, Locke, MacEachern, Macomber, Mahany, Martin, A.; Masterman, Masterton, McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Pouliot, Prescott, Racine, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Salsbury, Smith, C.B.; Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, Wentworth.

ABSENT — Chonko, Cunningham, Fowlie, Jalbert, Laverriere, Manning, Martin, H.C.; The Speaker.

Yes, 45; No, 97; Absent, 8; Vacant, 1.

The SPEAKER: Forty-five having voted in the affirmative and ninety-seven in the negative, with eight being absent, the motion does not prevail.

The Chair laid before the House the following matter:

RESOLVE: Authorizing the Governor, Acting on Behalf of the State, to Execute Certain Quitclaim Deeds (S. P. 605) (L. D. 1604) which was tabled earlier in the day pending final passage.

On motion of Mr. Higgins of Scarborough, tabled pending final passage and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Unfair Sales Act" (Emergency) (H. P. 1479) (L. D. 1610) which was tabled and later today assigned pending passage to be engrossed.

Mr. Brannigan of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-420) was read by the Clerk.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: This is an important issue and I wish we could just have a brief explanation, please.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: This amendment would change the reporting in this issue from three days to five days in order to give more time. People felt that they needed five days to make this reporting. It is a minor change but an important change to some people.

Thereupon, House Amendment "A" was adopted.

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

The Chair laid before the House the following matter:

Bill "An Act to Amend, Revise and Codify the Landlord Tenant Laws" (H. P. 1476) (L. D. 1608) which was tabled and later today assigned pending passage to be engrossed.

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

Mrs. MacBRIDE: Mr. Speaker, I asked a series of questions about this bill a few minutes ago and asked to have an explanation. I wonder if someone would like to answer those questions and explain the bill, please.

The SPEAKER: The gentlewoman from Presque Isle, Mrs. MacBride, has posed a question through the Chair to anyone who may care to answer.

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

Mr. CARRIER: Mr. Speaker, I wish the gentlelady from Presque Isle would restate the questions because that was this morning and I don't recall what they are.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: After Mrs. MacBride did ask the questions, I did send her a copy of the bill and asked her to please indicate to me the problems she had. I hope that I can answer her. I think it is going to be confusing but I will try to answer them.

On Page 3, Section 7, there was one question she had on illegal evictions. As I understand it, what they have done is made it more clear as to what reasons a landlord can use to evict persons or tenants. If they were to evict people for the wrong causes, they have inserted a remedy here in this bill, and on Page 4 it lists the causes for which a tenant may not be evicted. If the tenant is wrongfully evicted, then there is a remedy, and the remedy is that the tenant shall recover actual damages or \$100, whichever is greater.

Another section that she was concerned about was on Page 5, Section 6026. Her question was, who will decide whether conditions are dangerous within a rent or within an apartment? It is my understanding that it must be a condition which does endanger your health or safety. I think that would be fairly clear whether a condition was going to endanger your health or your safety.

On Page 6, No. 4, she had a concern, I believe, about — I am sorry, I can't remember what her concern was on that section. If she would restate it, I would try to answer it.

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I really do have a number of concerns with this bill, and I have been talking to some of the members of the committee and to some other people trying to fund the answers to them.

One of the problems I do have with the bill is trying to find out who is responsible and just what can be proved. For example, under illegal eviction, when it talks about no landlord may willfully cause directly or indirectly the interruption or termination of services. I think it is quite difficult to define 'indirectly' and find out exactly what that would mean and how exactly that would stand up in a court of law.

Your "dangerous conditions" — I think it is difficult to know what does endanger anyone's health and safety. For example, if the apartment is too cold, if the tenant says the apartment is too cold and that would endanger his health because he would catch cold, is that a cause for impairing one's health? If the apartment is too warm, if there should be just one central heating system, is that also endangering the person's health? If the apartment is on a street where there is a great deal of traffic and there should be dust, is that endangering someone's health or someone's allergies? It just seems to me that it is very difficult to decide and who will decide if a tenant's health is being endangered.

Furthermore, if the tenant decides that there is something unsafe in the apartment, the landlord has 14 days in which to have it taken care of. Sometimes it is impossible to get a repairman in 14 days. Up where I live, there isn't a carpenter always available for 14 days. He might get to you as soon as he possibly can, but perhaps not in that length of time.

Another problem I have with the bill, the tenant, if the landlord doesn't get the repair made in 14 days, can just go out, buy the supplies, do the job himself and then submit the bill to the landlord. Well, I really don't like to have business done that way and I don't think a good many other people would. I don't think that is very good business for the tenant to just subtract the amount of the repairs from his rent or rental payment and just send the landlord the balance. I don't think it is a good book-keeping process and I don't think it is a very satisfactory arrangement.

I do have a problem with all of those areas. Ladies and gentlemen, I move that this bill and all its accompanying papers be indefinitely postponed and would request a roll call.

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

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

Ms. LUND: Mr. Speaker, Ladies and Gentlemen of the House: First, a little history of this bill. When we first came into session, there were 27 different bills that were signed out to different ones of us. Some of them favored the landlord and some of them favored the tenant and some of them were in kind of a no man's land. The Judiciary Committee received most of them and asked the representatives of the landlords and the representatives of the tenants to go away in a padded room and to come back when they were both speaking to each other with as few pages as possible in print. They did that. Much of what you see is the result of agreements on both sides. Both sides gave up a little, some gave up a lot. Some of this was rewritten by the Committee on Judiciary before it came down to you.

I submit that some of Mrs. MacBride's con-

cerns are currently in the law. There is currently a condition, a warranty of habitability. I don't think any respectable landlord would want a tenant to live in a place that was not safe, and I think any landlord looking at a rent could tell whether it was safe or not.

The question of a tenant being able to do his own repairs. There is a limitation on the amount of repairs, it needs to be less than \$100. The tenant has to notify the landlord, the tenant has to do it in a workman like manner. If it is to do with electrical, oil burning or plumbing equipment, he needs to get a licensed repairman to do that.

To my mind, and to most of the Judiciary Committee, this represents a solid compromise between all the parties affected and I think it ought not to be indefinitely postponed.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: The good gentlewoman from Augusta, Ms. Lund, outlined to you the number of bills the legislature had and the procedure we used to address these issues. I wish that all of you would take out the bill and you might be suspicious thinking that this bill is a pro tenant bill, but I think if you look closely at the bill, you will find some provisions which clarify the existing statutes, which I think makes it more palatable for a good, responsible landlord who happens to get stuck once in their history of renting property to have that situation adjudicated quickly, more quickly than under the present statute.

If you look at the bill, you will find in Section 3 of the bill that a seven day notice to terminate a tenancy is addressed. Presently, an individual, if that person is seven days in arrearage or over but also has breached other rights of the landlord, can basically get out the seven day notice by paying the rent within that seven day period. What this bill attempts to do, it states that paying the rent due only negates the rental arrearage basis for a seven day notice of eviction and leaves the other notices intact. The other notices can be creating a nuisance, disturbing the peace, disorderly conduct, committing illegal acts on the premises.

Presently, if someone brings an action for seven day notice and the person pays the rent before it goes to court, then that particular issue is not handled by the court and the landlord has to go back and start all over again and bring an action on another ground. This says that it only negates, if you pay the rent, that one particular issue involved with the seven day notice to quit.

You also see under Section 4 of the bill, the court will have the opportunity to settle two things, an eviction action and settle the issue of whether the warranty of habitability has been breached.

The present situation we have under the landlord/tenant laws causes some problems in that we find ourselves sometimes with a landlord being involved with two expensive court proceedings and having the issues not handled the same day or before the same judge even. What this will do is consolidate that, which I feel will to benefit all the landlords.

If you look at Section 6, 12 and 13 of the bill, all those three sections, it deals with the procedure for abandoned property. Presently, it causes a very big problem with many landlords and what to do with abandoned property once a person's tenancy has terminated. This particular provision clarifies that whole issue of abandoned property.

You also see Section 5 of the bill, which clarifies the current law by specifying a 48-hour period by which a tenant who has been evicted must leave or if that person doesn't leave, he may be a trespasser. This, I feel, again, assists a good, capable landlord in handling a minute situation that could occur.

Overall, this bill is a compromise measure, there is give and take on both sides. The re-

sponsible landlords worked on this bill very carefully, along with the members of the tenants' organizations. It is the first time in recent history that both sides have sat down at one table to discuss this whole issue to come out with some ways to assist both the landlord who is a responsible landlord and the tenants who are responsible tenants. It is my hope that this evening we will not indefinitely postpone as well worked on bill not only by the Judiciary Committee but by both the landlords and the tenants.

I urge you to vote against the pending motion.

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

Mr. WEBSTER: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Saco, Mr. Hobbins. Could you explain to me if this was a unanimous committee report, or exactly what did happen on this bill.

The SPEAKER: The gentleman from Farmington, Mr. Webster, has posed a question through the Chair to the gentleman from Saco, Mr. Hobbins, and the Chair recognizes that gentleman.

Mr. HOBBS: Mr. Speaker, it was a unanimous committee report. However, I should say that several members of the committee stated that if a possible amendment would come by which would strengthen one of their positions, they would vote for that position, and that was the agreement of the unanimous report.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: There is one area in the bill that I have a concern with, and this is on the abandoned property. I don't know what Title 33, Chapter 27 does if property that has been abandoned has a value of a hundred dollars or more. However, I am quite concerned with the paragraph that pertains to property that has value of a hundred dollars or less.

Having worked in housing management for a period of over 12 years, I found that the property that was abandoned that had a value of a hundred dollars or less was junk. Based on what I read in this paragraph, the landlord would be required to store that property for a period of 30 days. I can just see where a beat up dresser, as an example, which may have been left by the tenant, based on the provisions of this paragraph, the landlord would be required to store that. If he has no storage facility of capability at his dwelling, he would have to store that in a storage place. And a beat up dresser, if you try to sell it, probably would not bring any money, so I am very concerned about that particular paragraph.

I would like to ask a question. Was this an agreement by both landlords and tenants at the public hearing? Maybe I am concerned for nothing, but I have found that abandoned property usually is junk and is worthless, and the best thing to do with it is to throw it in the junk can.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: Sometimes I wonder if the landlords have any rights at all. When I heard the lady say this was a compromise measure and that they were giving more right to the tenants, I immediately became alarmed. I could tell you stories on end but I won't take up the time, but I would give you an instance that just happened to me last week. It started a couple of months ago, a lady didn't pay her rent so we sent her a notice at the end of the month that was supposed to be paid at the beginning, and after a week or so I got a letter back from her that said she wasn't going to pay the rent, she was going to leave in a month or six weeks and the reasons she wasn't paying it was because we hadn't done any work on her apartment. Well, I keep and file and I looked it up

and we had done a lot of work on her apartment. In fact, if every tenant had required as much as she had, I would have had to triple my maintenance crew. This was just a gimmick to avoid paying me the money she owed me.

She certainly stayed the full length of time, and when she moved she didn't tell me she was going to move, didn't turn in any key, but naturally I was alerted to the fact that she might be moving about that time, but in order to cover myself in case she changed her mind and didn't want to move, I started proceedings because she did owe me quite a sum of money at this time, so I have already got \$75 or \$80 in legal fees in addition to this tied up, but, anyway, I finally decided that she had moved and I got one of my neighbors to go in with me as a witness in case she hadn't and there were some things there she claimed I tampered with, and you ought to see the apartment. It would bring tears to the eyes of a crocodile. It was just a shambles. She left all the junk that she didn't want. Apparently they had animals and they hadn't been housebroken. I could go on and on.

Anyway, I have got to spend I don't know how much money and how much time to get this thing back. She now owes me in the area of \$400. You know what it is to try to collect money from anyone today. It seems to me they have the law on their side.

What Mrs. MacBride brought out, if you write them a blank check, say this woman decided that she wanted to go ahead and repair this place herself, she can do it and send me the bill — I could go on and on, and there are so many areas there that are a matter of interpretation. The bill bothers me a great deal. I feel that at the moment the weight is on the side of the tenant, certainly enough, and we don't need any more of it, so I am going to go along with Mrs. MacBride and vote to indefinitely postpone this bill.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 Presque Isle, Mrs. MacBride, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Callahan, Carrier, Clark, Curtis, Darnen, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Hanson, Hickey, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kilcoyne, Lancaster, Lewis, MacBride, Mahany, Masterman, Matthews, McCollister, McPherson, McSweeney, Michaud, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Peterson, Randall, Reeves, J.; Ridley, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Studley, Telow, Treadwell, Twitchell, Vose, Webster, Wentworth, Weymouth.

NAY—Baker, Beaulieu, Benoit, Brannigan, Brenerman, Brodeur, Carroll, Carter, Chonko, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gowen, Gwadosky, Hall, Hayden, Higgins, H.C.; Hobbins, Holloway, Huber, Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kisman, LaPlante, Lisnik, Livesay, Locke, Lund, MacEachern, Macomber, Martin, A.; Master-ton, McGowan, McHenry, McKean, Michael, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Nelson, M.; Perry, Post, Prescott, Racine, Reeves, P.; Richard, Roberts, Rolde, Soulas, Soule, Strout, Swazey, Tarbell, Theriault,

Thompson, Tuttle, Walker, The Speaker.
Yes, 68; No, 68; Absent, 14; Vacant, 1.

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

Mr. Carrier of Westbrook offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-424) was read by the Clerk and adopted.

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

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

Divided Report Tabled Unassigned

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Amend the Workers' Compensation Law" (H. P. 685) (L. D. 799)

Report was signed by the following members:

Senator:

DUTREMBLE of York

— of the Senate.

Representatives:

BAKER of Portland

BEAULIEU of Portland

McHENRY of Madawaska

HAYDEN of Durham

LAVERRIERE of Biddeford

MARTIN of Brunswick

TUTTLE of Sanford

— of the House.

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

Report was signed by the following members:

Senators:

SEWALL of Lincoln

SUTTON of Oxford

— of the Senate.

Representatives:

LEWIS of Auburn

DAMREN of Belgrade

FOSTER of Ellsworth

— of the House.

Reports were read.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending acceptance of either Report.

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

Divided Report Tabled Unassigned

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Revise the Method for Paying Permanent Impairment Benefits under the Workers' Compensation Act" (H. P. 878) (L. D. 1047)

Report was signed by the following members:

Senator:

DUTREMBLE of York

— of the Senate.

Representatives:

BEAULIEU of Portland

TUTTLE of Sanford

MARTIN of Brunswick

BAKER of Portland

HAYDEN of Durham

LAVERRIERE of Biddeford

McHENRY of Madawaska

— of the House.

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

Report was signed by the following members:

Senators:

SEWALL of Lincoln

SUTTON of Oxford

— of the Senate.

Representatives:

LEWIS of Auburn

DAMREN of Belgrade

FOSTER of Ellsworth
— of the House.

Reports were read.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending acceptance of either report.

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

Divided Report
Tabled Unassigned

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Clarify the Liability of Employers under the Workers' Compensation Act" (H. P. 570) (L. D. 646)

Report was signed by the following members:

Senator:

DUTREMBLE of York

— of the Senate.

Representatives:

BEAULIEU of Portland

BAKER of Portland

HAYDEN of Durham

MARTIN of Brunswick

McHENRY of Madawaska

LAVERRIERE of Biddeford

TUTTLE of Sanford

— of the House.

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

Report was signed by the following members:

Sensors:

SEWALL of Lincoln

SUTTON of Oxford

— of the Senate.

Representatives:

LEWIS of Auburn

DAMREN of Belgrade

FOSTER of Ellsworth

— of the House.

Reports were read.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending acceptance of either Report.

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 Education reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-407) on Bill "An Act Concerning Equivalent Courses Offered by the Various Campuses of the University of Maine" (H. P. 839) (L. D. 1005)

Report was signed by the following members:

Senator:

CLARK of Cumberland

— of the Senate.

Representatives:

GOWEN of Standish

MATTHEWS of Caribou

LOCKE of Sebec

THOMPSON of South Portland

THERIAULT of Fort Kent

MURPHY of Kennebunk

CONNOLLY of Portland

ROLDE of York

BROWN of Gorham

— of the House.

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

Report was signed by the following members:

Sensors:

TROTZKY of Penobscot

PIERCE of Kennebec

— of the Senate.

Representative:

BROWN of Livermore Falls

— of the House.

Reports were read.

On motion of Mr. Connolly of Portland, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-407) 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. 5 was taken up out of order by unanimous consent:

Divided Report
Tabled and Assigned

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-413) on Bill "An Act to Add a Class Size Adjustment to the School Finance Act" (H. P. 1176) (L. D. 1400)

Report was signed by the following members:

Senator:

CLARK of Cumberland

— of the Senate.

Representatives:

MURPHY of Kennebunk

THOMPSON of South Portland

CONNOLLY of Portland

GOWEN of Standish

ROLDE of York

LOCKE of Sebec

THERIAULT of Fort Kent

— of the House.

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

Report was signed by the following members:

Sensors:

PIERCE of Kennebec

TROTZKY of Penobscot

— of the Senate.

Representatives:

BROWN of Gorham

MATTHEWS of Caribou

BROWN of Livermore Falls

— of the House.

Reports were read.

Mr. Connolly of Portland 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 tomorrow assigned.

The following paper appearing on Supplement No. 6 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 RESOLVE, Requiring the State Planning Office to Conduct an Educational Program on Manufactured Housing, and Directing the Committee on Local and County Government to Monitor and Report on the Program (Emergency) (H. P. 892) (L. D. 996)

Report was signed by the following members:

Sensors:

AULT of Kennebec

PERKINS of Hancock

CHARETTE of Androscoggin

— of the Senate.

Representatives:

WENTWORTH of Wells

RIDLEY of Shapleigh

STOVER of West Bath

CURTIS of Waldoboro

ARMSTRONG of Wilton

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-412) on same Bill.

Report was signed by the following members:

Representatives:

PARADIS of Old Town

SWAZEY of Bucksport

LaPLANTE of Sabattus

McHENRY of Madawaska
ROBERTS of Buxton

— of the House.

Reports were read.

On motion of Mr. LaPlante of Sabattus, the Minority "Ought to Pass" Report was accepted and the Resolve read once. Committee Amendment "A" (H-412) was read by the Clerk and adopted, and the Resolve assigned for second reading tomorrow.

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 Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-411) on Bill "An Act Requiring Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats" (H. P. 1360) (L. D. 1545)

Report was signed by the following members:

Sensors:

EMERSON of Penobscot

O'LEARY of Oxford

USHER of Cumberland

— of the Senate.

Representatives:

FOWLIE of Rockland

MACOMBER of South Portland

REEVES of Pittston

MOHOLLAND of Princeton

McKEAN of Limestone

CARROLL of Limerick

— 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:

STROUT of Corinth

HUTCHINGS of Lincolnville

HUNTER of Benton

McPHERSON of Eliot

— of the House.

Reports were read.

On motion of Mr. Carroll of Limerick, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-411) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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 Local and County Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for a Four-year Term of Office for Sheriff (H. P. 1413) (L. D. 1575)

Report was signed by the following members:

Sensors:

CHARETTE of Androscoggin

PERKINS of Hancock

— of the Senate.

Representatives:

LaPLANTE of Sabattus

RIDLEY of Shapleigh

ROBERTS of Buxton

PARADIS of Old Town

STOVER of West Bath

SWAZEY of Bucksport

McHENRY of Madawaska

— of the House.

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

Report was signed by the following members:

Senator:

AULT of Kennebec

— of the Senate.

Representatives:

CURTIS of Waldoboro
ARMSTRONG of Wilton
WENTWORTH of Wells

— of the House.

Reports were read.

On motion of Mr. LaPlante of Sabattus, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

The following paper appearing on Supplement No. 9 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" (H-406) on Bill "An Act Establishing the Women's Training and Employment Program" (H. P. 568) (L. D. 644)

Report was signed by the following members:

Senators:

PERKINS of Hancock
HUBER of Cumberland
NAJARIAN of Cumberland

— of the Senate.

Representatives:

CARTER of Winslow
KELLEHER of Bangor
CHONKO of Topsham
BRENERMAN 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:

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

— of the House.

Reports were read.

On motion of Mr. Pearson of Old Town, tabled pending acceptance of either Report and tomorrow assigned.

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

Bill "An Act to Create an Excise Tax on Mining Companies and to Amend the Statutes on Mining on State Lands" (H. P. 1496) (Presented by Representative Post of Owl's Head) (Cosponsors: Representatives Mitchell of Vassalboro and Masterman of Milo and Senator Violette of Aroostook) (Governor's Bill)

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

Second Reader Tabled and Assigned

Bill "An Act to Promote the Maine Potato Industry by Improving the Quality of Packing and Marketing Maine Potatoes" (H. P. 1486) (L. D. 1613)

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

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

Passed to Be Engrossed

Bill "An Act Amending the Electricians Licensing Statute" (S. P. 285) (L. D. 810) (C. "A" S-224)

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

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

Consent Calendar

First Day

(H. P. 1095) (L. D. 1292) Bill "An Act to Improve County Budget and Financial Procedures" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-418)

(H. P. 1094) (L. D. 1291) Bill "An Act to Improve the Efficiency of County Government" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-419)

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

The Following Joint Resolution: (S. P. 612)
JOINT RESOLUTION COMMENDING
THE MAINE PUBLICITY BUREAU
ON ITS 60TH ANNIVERSARY OF
SERVICE TO THE CITIZENS OF MAINE

WHEREAS, the tourism industry is a vital and productive segment of the economy of the State of Maine; and

WHEREAS, it is estimated that over six thousand predominantly small businesses and approximately thirty-nine thousand Maine persons earn all or part of their livelihood from tourism; and

WHEREAS, the industry produces considerable new money and taxes for the support of public services; and

WHEREAS, the Maine Publicity Bureau has been organized since 1921 and has established, developed and improved upon a cooperative promotional program utilizing private and public funds for the promotion and enhancement of the state's tourism industry and the general economy of Maine; and

WHEREAS, this being the first and oldest program of like continuity and magnitude in the United States carried out for the common good of the people of a state; now, therefore, be it

RESOLVED: That we, the members of the Senate and House of Representatives of the One Hundred and Tenth Legislature, now assembled, recognize and commend the State of Maine Publicity Bureau on this, its 60th anniversary since its founding, for the outstanding contribution made by the bureau over the years to the business climate of the State of Maine; and be it further

RESOLVED: That we further commend the bureau for its outstanding contributions in bringing to light a growing realization that Maine is once again recognized as a leader in tourism because of its unique qualities of life and opportunities for living; and be it further
RESOLVED: That a suitable copy of this resolution be transmitted forthwith by the Secretary of State to the bureau inscribing these sentiments in honor of the occasion.

Came from the Senate read and adopted.

In the House, under suspension of the rules, the Resolution was read and adopted in concurrence.

Consent Calendar

First Day

(S. P. 93) (L. D. 209) Bill "An Act to Clarify a Sentencing Disposition of Juvenile Offenders" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-235)

There being no objections, under suspension of the rules, the above item was given Consent Calendar Second Day notification, and passed to be engrossed as amended in concurrence.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-221) on Bill "An Act to Undedicate Funds Received from Public Reserved Lands" (S. P. 92) (L. D. 208)

Report was signed by the following members:

Senators:

REDMOND of Somerset
O'LEARY of Oxford
McBREAIRTY of Aroostook

— of the Senate.

Representatives:

AUSTIN of Bingham
HUBER of Falmouth
KIESMAN of Fryeburg
DEXTER of Kingfield

— 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:

MITCHELL of Freeport
DAVIES of Orono
MICHAEL of Auburn
MICHAUD of East Millinocket
JACQUES of Waterville
HALL of Sangerville

— 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-221).

Reports were read.

On motion of Mr. Hall of Sangerville, tabled pending acceptance of either report and tomorrow assigned.

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

Leave to Withdraw

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Regulate the Alteration of Freshwater Wetlands" (S. P. 392) (L. D. 1185)

Report of the Committee on Election Laws reporting "Leave to Withdraw" on Bill "An Act to Revise Governmental Ethics and Election Practices" (S. P. 483) (L. D. 1365)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Reimburse Certain Licensed Drivers who Paid a \$16 Fee During the Transition to the New License Fee System under the Motor Vehicle Laws" (S. P. 95) (L. D. 211)

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Assure the Appropriate Development of the Hydropower Potential of Maine Rivers" (S. P. 491) (L. D. 1396)

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Relieve Public Housing Authorities from Excessive Utility Charges" (S. P. 48) (L. D. 57)

Came from the Senate with the Reports read and accepted.

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

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

Consent Calendar

First Day

(H. P. 1096) (L. D. 1295) Bill "An Act to Adopt the Maine Municipal and Rural Electrification Cooperative Agency Act" — Committee on Public Utilities Reporting "Ought to Pass" as amended by Committee Amendment "A" (H-421)

There being no objections, under suspension

of the rules, the above item was given Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for concurrence.

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

On motion of Mr. Masterman of Milo,
Adjourned until nine o'clock tomorrow morning.