

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

Tuesday, May 19, 1981

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

Prayer by the Reverend Howell Lind of the Winthrop Street Universalist Church of Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

May 18, 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 accepted the Majority Ought Not to Pass Report on Bill, "An Act Relating to Referendum Campaign Reports and Finances" (H. P. 959) (L. D. 1150).

Respectfully,
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joing Resolution (S. P. 613):
JOINT RESOLUTION

EXPRESSING HOPE FOR THE RECOVERY
OF POPE JOHN PAUL II

WHEREAS, on May 13, 1981, Pope John Paul II was shot and wounded by a fugitive terrorist while the Holy Father was holding his weekly audience in St. Peter's Square; and

WHEREAS, Pope John Paul II, during his reign, has won the hearts of millions of people throughout the world and has stood as an outstanding advocate for human rights and dignity and an opponent of the use of violence anywhere; and

WHEREAS, the entire world is saddened and shocked by this act of violence against a man of peace; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the Maine Legislature in First Regular Session now assembled, wish to add our hopes and prayers to those of people throughout the world for the speedy recovery and good health of Pope John Paul II; and be it further

RESOLVED: That this official expression of sentiment be sent forthwith on behalf of the Legislature and the People of the State of Maine.

Came from the Senate read and adopted.

In the House, under suspension of the rules, the Resolution was read and adopted in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to the Public Utilities Commission Officials' and Employees' Compensation" (H. P. 577) (L. D. 657) which was passed to be engrossed as amended by House Amendment "C" (H-404) in the House on May 15, 1981.

Came from the Senate with that Body having Insisted on its previous action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-317) and Asked for a Committee of Conference in non-concurrence.

In the House: On motion of Mrs. Kany of Waterville, the House voted to Insist and Join in the Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Further Competition with New Hampshire in the Liquor Trade" (H. P. 382) (L. D. 425) which was passed to be engrossed as amended by Committee Amendment "A" (H-364) in the House on May 13, 1981.

Came from the Senate with the Bill and accompanying Papers Indefinitely Postponed in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Facilitate the Leasing of Existing Subsidized Housing Units" (H. P. 809) (L. D. 970) which was passed to be engrossed in the House on May 7, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-246) in non-concurrence.

In the House: On motion of Mrs. Kany of Waterville, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Incorporate the Cobscook Bay Tidal Power District" (H. P. 1467) (L. D. 1603) which was passed to be engrossed in the House on May 14, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-242) in non-concurrence.

In the House: On motion of Mr. Davies of Orono, the House voted to recede and concur.

Non-Concurrent Matter

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) on which the Majority "Ought Not to Pass" Report of the Committee on Business Legislation was read and accepted and the House on May 18, 1981.

Came from the Senate with the Body having adhered to its previous action whereby the Minority "Ought to Pass" as amended Report of the Committee on Business Legislation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-222) in non-concurrence.

In the House:

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

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

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

Mr. WEBSTER: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Farmington, Mr. Webster, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Brannigan of Portland 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 Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker and Members of the House: This is a bill that we debated briefly yesterday, and I hope briefly today. It is a matter of adding to the already well working and well supported bottle bill.

At the present time, I feel, and the majority, a vast majority of the members of my committee from this body feel that it is not time to tamper with it, not time to change it. This bill tries to pick up tea and lemonade and some noncarbonated beverages. It is only 12 ounce cans, not 13, not 12½ not 11½ only 12 ounce cans. It adds to the problems of the small grocer in having more sorting to do, and I do not believe this is the time to tinker with the bottle bill.

The SPEAKER: The Chair recognizes the

gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I hope that the House will support this excellent amendment to the bottle bill, addition to the bottle bill. This will keep these cans that are slipping through the sieve of the thing right now that are noncarbonated, the iced tea cans and things like this, it will keep it out of the bellies of your cattle and out of the ditches along the road, and I hope you will support it.

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

Mr. DILLENBACK: Mr. Speaker Ladies and Gentlemen of the House: I didn't plan to speak on this bill because I thought it would just die a natural death.

This is a terrible bill because all it is going to do, you are going to be bringing back to the store these little small cans of iced tea and beverage juices, and the big problem with the bottle bill is handling the bottles. It is going to cost you more. We have to hire people to take care of it in the back room, and what are you going to do in the redemption centers? It is going to be more work, more problems and more time for a few items, and this is just the beginning. If you add this to your group, the next legislature will have another bill in to add something else.

They are doing a good job right now. You look at the roads as you travel around the State of Maine. You don't see many cans on the roads, and the few you do see, the children are out picking them up. Drive over the borders and see the difference.

We are doing a good job today; let's leave it that way.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: I say that this is a good amendment. If they want to profit by the sale of iced tea and other noncarbonated drinks, let them also pay for the cleanup. It is better than having this additional refuse in the ditches.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Farmington, Mr. Webster, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Armstrong, Bell, Brodeur, Brown, A.; Brown, D.; Cahill, Carroll, Conary, Connors, Connolly, Davies, Davis, Dexter, Diamond, G.W.; Diamond, J.N.; Fowle, Hall, Hanson, Hickey, Higgins, L.M.; Huber, Hutchings, Jackson, Kany, LaPlante, Lewis, Live- say, Lund, McHenry, McPherson, Mitchell, E.H.; Mitchell, J.; Murphy, Nelson, M.; O'Rourke, Paradis, E.; Paradis, P.; Pearson, Randall, Reeves, P.; Roberts, Soulas, Stevenson, Studley, Swazey, Tarbell, Walker, Webster, Weymouth.

NAY — Aloupis, Baker, Beaulieu, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brown, K.L.; Callahan, Carrier, Carter, Chonko, Clark, Cox, Crowley, Curtis, Day, Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Gavett, Gillis, Gowen, Gwadosky, Hobbins, Holloway, Hunter, Ingraham, Jalbert, Jordan, Joyce, Kane, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Lav- erriere, Lisnik, Locke, MacBride, MacEa- chern, Macomber, Mahany, Martin, A.; Masterman, Masterton, Matthews, McCollis- ter, McGowan, McKean, McSweeney, Mich- aud, Moholland, Nadeau, Nelson, A.; Norton, Perkins, Perry, Peterson, Post, Pouliot, Pre- scott, Racine, Reeves, J.; Richard, Ridley, Rolde, Salsbury, Sherburne, Smith, C.B.; Smith, C.W.; Soule, Strout, Telow, Theriault, Thompson, Treadwell, Vose, Wentworth.

ABSENT — Austin, Benoit, Cunningham, Damren, Hayden, Higgins, H.C.; Jacques, Manning, Martin, H.C.; Michael, Paul, Small, Stover, Tuttle, Twitchell, The Speaker.

Yes, 49; No, 85; Absent, 16; Vacant, 1.

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

Thereupon, a motion of Mr. Brannigan of Portland, the House voted to adhere.

Messages and Documents

The following Communication:

COMMITTEE ON AGING, RETIREMENT AND VETERANS

May 18, 1981

The Honorable John L. Martin

Speaker of the House

State House

Augusta, Maine

Dear Speaker Martin:

The Committee on Aging, Retirement and Veterans is pleased to report that it has completed all business placed before it by the first regular session of the 110th Legislature.

Total Number of bills received 42

Unanimous Reports 39

Leave to Withdraw 16

Ought Not to Pass 2

Ought to Pass 10

Ought to Pass as Amended 10

Ought to Pass New Draft 1

Divided Report 3

Committee Initiated Bills

from Joint Orders 0

Respectfully, submitted,

S/MERLE NELSON

House Chairwoman

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON AGRICULTURE

May 18, 1981

The Honorable John L. Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Agriculture is pleased to report that it has completed all business placed before it by the First Regular Session of the 110th Legislature.

Bills received in Committee 41

Unanimous Reports 34

Ought to Pass 3

Ought to Pass as Amended 12

Ought to Pass New Draft 3

Ought not to Pass 4

Leave to Withdraw 11

Referred to other Committee 1

Divided Reports 7

Bills held in Committee 0

Respectfully submitted,

S/Rep. LUMAN P. MAHANY

House Chairman

Was read and ordered placed on file.

Special Sentiment Calendar

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

Recognizing:

Carla Thompson, the daughter of Mr. and Mrs. Bernard Thompson of Limestone, Valedictorian of Limestone High School, Class of 1981; (H. P. 1492) by Representative McKean of Limestone. (Cosponsor: Senator Violette of Aroostook)

Linda Hodges, the daughter of Major and Mrs. Don Hodges of Loring Air Force Base, Salutatorian of Limestone High School, Class of 1981; (H. P. 1493) by Representative McKean of Limestone. (Cosponsor: Senator Violette of Aroostook)

The University of Maine, Orono Baseball team, top seed in the ECAC New England championship, and coach John Winkin, for an outstanding 26-11 regular season; (H. P. 1494) by Representative Tarbell of Bangor. (Cosponsors: Representative Gavett of Orono, Senator Devoe of Penobscot and Sewall of Penobscot) John Hammond, Jr., of East Stoneham who

has achieved the high honor and distinction of becoming an Eagle Scout; (H. P. 1495) by Representative Twitchell of Norway. (Cosponsor: Representative Kiesman of Fryeburg)

Delmar D. Small, of Litchfield, who is the Valedictorian of Oak Hill High School, class of 1981; (H. P. 1499) by Representative LaPlante of Sabattus. (Cosponsors: Representatives Brown of Livermore Falls and Weymouth of West Gardiner)

Diane L. Johnson, of Wales, who is the Salutatorian of Oak Hill High School, Class of 1981; (H. P. 1500) by Representative LaPlante of Sabattus. (Cosponsors: Representatives Brown of Livermore Falls and Weymouth of West Gardiner)

Vince Cuozzo, of Bangor, who has contributed so much over the years as a teacher, coach and friend to the youth of that community; (H. P. 1501) by Representative Tarbell of Bangor.

David Warren, Andrew Osborn and Aart-Jan Tieleman of Maranacook Community School's mathematic team, who won honors at the University of Southern Maine; (H. P. 1502) by Representative Damren of Belgrade. (Cosponsor: Senator Ault of Kennebec)

Nancy Anne Evans, who has been selected as Salutatorian of the Class of 1981 at Lincoln Academy; (H. P. 1503) by Representative Curtis of Waldoboro.

Michael Corson, of Albion Boy Scout Troop 446, upon attaining the high rank and distinction of Eagle Scout; (H. P. 1504) by Representative Hunter of Benton. (Cosponsor: Senator Teague of Somerset)

Robert Kanzler, of Albion Boy Scout Troop 446, upon attaining the high rank and distinction of Eagle Scout; (H. P. 1505) by Representative Hunter of Benton. (Cosponsor: Senator Teague of Somerset)

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

House Reports of Committees

Leave to Withdraw

Representative O'Rourke from the Committee on Judiciary on Bill "An Act to Require Prior Notice and an Option to Purchase to Tenants of Buildings Being Converted in Condominiums" (H. P. 420) (L. D. 467) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Representative Walker from the Committee on Aging, Retirement and Veterans on Bill "An Act Relating to Retirement for Justices and Judges." (H. P. 942) (L. D. 1118) reporting "Ought to Pass" in New Draft (H. P. 1497) (L. D. 1617)

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

Ought to Pass

Pursuant to Joint Order (H. P. 264)

Representative Wentworth from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1981 (Emergency) Reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 264) (H. P. 1498) (L. D. 1618)

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-422) on Bill "An Act Concerning Drug Abuse by Registered Pharmacists" (H. P. 1117) (L. D. 1334)

Report was signed by the following members:

Senators:

SUTTON of Oxford
CLARK of Cumberland
SEWALL of Lincoln

— of the Senate.

Representatives:

RACINE of Biddeford
JACKSON of Yarmouth
POULIOT of Lewiston
PERKINS of Brooksville
TELOW of Lewiston
GAVETT of Orono

— 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:

GWADOSKY of Fairfield
BRANNIGAN of Portland
FITZGERALD of Waterville
MARTIN of Van Buren

— of the House.

Reports were read.

Mr. Brannigan of Portland moved that the Minority "Ought Not to Pass" Report be accepted.

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act to Revise the Law Concerning Absentee Voting" (H. P. 373) (L. D. 411)

Report was signed by the following members:

Senator:

PRAY of Penobscot

— of the Senate.

Representatives:

CAHILL of Woolwich
ROBERTS of Buxton
HANSON of Kennebunkport
BORDEAUX of Mount Desert
WENTWORTH of Wells
BOISVERT of Lewiston
WEYMOUTH of West Gardiner

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1506) (L. D. 1619) on same Bill.

Report was signed by the following members:

Senators:

PIERCE of Kennebec
CARPENTER of Aroostook

— of the Senate.

Representatives:

BENOIT of South Portland
DIAMOND of Bangor

— of the House.

Reports were read.

Mr. Diamond of Bangor moved that the Majority "Ought to Pass" Report be accepted.

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

Consent Calendar

First Day

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

(H. P. 1272) (L. D. 1487) Bill "An Act to Establish an Arson Reporting Immunity Act"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-427)

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

(H. P. 1011) (L. D. 1207) Bill "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-426)

On the objection of Mrs. Higgins of Scarborough, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-426) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

(H. P. 636) (L. D. 726) Bill "An Act to Clarify the Domestic Violence Statutes"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-425)

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

Passed to Be Engrossed Amended Bill

Bill "An Act Requiring Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats" (H. P. 1360) (L. D. 1545) (C. "A" H-411)

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

The SPEAKER: The Chair recognizes the gentleman from Lincolnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Mr. Speaker, Ladies and Gentlemen of the House: I would simply like to explain why I voted "Ought Not to Pass" on this bill. This is a very much watered down version of the original bill. In fact, it is so watered down that it is like pouring from a boot. This was a terrible bill when it was first presented to our committee and it is no better now.

The original bill said that child restraints would be mandated and fines implemented of \$25 and \$50 for first and second offenses for parents who had children under 4 years of age if they were caught without these child restraints in their automobiles.

At the hearing, we had many young parents, doctors and others, I am sure all very well meaning, and I certainly agree that this is a good idea; however, I totally disagree that we should mandate it or interfere with the rights of parents, and, in fact, it would be an impossible bill to implement and to prosecute.

The bill before you now is considerably changed, apparently in response to many of the complaints to the sponsor of the bill, my good friend from Pittston, Mrs. Reeves. I, in fact, had a letter from one parent who has six children, four of them under four, and she told me that she had bought an energy efficient, very small automobile, she could take four or five of the children with her but not in the seats that would have been mandated, they just took up too much room.

I am suggesting that we don't need this bill, we don't need to clutter up our laws with more mandates or more suggestions. This can be a voluntary program, administered by PTA's, the Extension Service, young parents who really want to be some good in their community. We just don't need this bill, and I think this would, too, would be impossible to carry out. It simply says now that if you should be stopped for a minor infraction, such as a sticker overdue on your car, or brakes or lights, the policeman who stopped you would look in the car and see if you have a child who is under four years of age, and if so, he would hand to you some educational information.

I really do not think this bill is necessary, and I hope you agree with me.

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

Mrs. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote for this bill. As amended by the Transportation Committee, it is not a mandate but it encourages voluntary use of safety seats and seatbelts for children under four. This is based on a California law. It is a public information and education program which I think is really suitable for Maine but is certainly not ready for any kind of mandate in this area.

The Commissioner of Public Safety would administer this information and education program. Public service radio and TV messages will emphasize the importance of safety seats and belts for young children. The State Police and municipal police and county police are all eager to cooperate in an organized effort to inform drivers, whose cars have been stopped for other reasons and who have unbelted young children passengers, by giving them oral and written safety information on the value of using safety seats and seat belts to protect young children from accidents.

The State Police and the Maine Chief of Police Association strongly support this bill and they are very eager to implement it. They also strongly stress that this legislation is necessary to implement the program. Unless the legislature shows enough interest in this issue and takes the responsibility and leadership of passing this law, police departments aren't going to have the incentive to take the trouble to organize and implement this program of safety awareness.

Nationwide, the automobile crash is the leading cause of death and serious injury for children beyond infancy. In Maine, 47 children under the age of five have been killed in automobile accidents since 1970, and 3,000 have suffered very serious injuries. More than 90 percent of young children ride with no safety seats or seat belts, and even the slightest car accident, when they are called crashes that never happen, they are highly vulnerable to death and irreparable injury.

It has been proved by many studies that safety seats reduce chances of death by more than 90 percent and injury by 80 percent. National studies have shown that death and injuries to our small children in car crashes can be almost entirely eliminated by proper use of safety seats. Legislation in this area is a top priority recommendation all around the country and 35 states are considering it. It think this bill is appropriate to the state of Maine and will do a lot of good and I urge you to vote for it.

The SPEAKER: The Chair recognizes the gentleman from Lincolnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Mr. Speaker, I would like to make a motion to indefinitely postpone this bill and all its accompanying papers and would ask for a roll call.

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

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in favor of this bill. As the lady from Lincolnville said, it is not a strong bill, it is an attempt on the part of the Transportation Committee to put the state's name in back of a program to educate people as to the advantages of having safety chairs for the young children. There is nothing here that says anything is mandated, there are going to be no tickets issued. The only thing that will happen is, if a state trooper or local policeman stops you for some other violation of some kind and he sees a young child bouncing around in the car, he will give you a small card which will tell you about the benefits of having safety seats. The safety seats, many of them have already been purchased by different groups.

We realize there are things in the bill that we just can't handle. For instance, one man said he owned a pickup truck and had four children, how would you handle it? As far as I am concerned, there is no way that I know of that you

could handle it. But all we are trying to do is put the state's name behind a program that would educate the people in the state as to the feasibility of wearing seat belts.

There is no fiscal note attached to it and I hope you would support the motion and vote against the motion to indefinitely postpone.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Lincolnville, Mrs. Hutchings, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Armstrong, Bell, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Conary, Connors, Curtis, Day, Dillenback, Dudley, Gavett, Gillis, Holloway, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Lancaster, Lewis, MacBride, MacEachern, Masterman, Masterton, McCollister, McHenry, McPherson, O'Rourke, Paul, Pearson, Perkins, Peterson, Reeves, J.; Ridley, Roberts, Salisbury, Sherburne, Smith, C.W.; Stover, Strout, Studley, Treadwell, Walker, Webster, Weymouth.

NAY — Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Davis, Dexter, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Foster, Fowlie, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Huber, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, Lund, Macomber, Mahany, Martin, A.; Matthews, McGowan, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, Paradis, E.; Paradis, P.; Perry, Post, Pouliot, Prescott, Racine, Randall, Reeves, P.; Richard, Rolde, Smith, C.B.; Soule, Stevenson, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Vose, Wentworth, The Speaker.

ABSENT — Austin, Cunningham, Damren, Hayden, Jalbert, Livesay, Manning, Martin, H.C.; Small, Soulas, Twitchell.

Yes, 54; No, 85; Absent, 11; Vacant, 1.

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

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

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) (C. "A" H-412)

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

Orders of the Day

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

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 18 (Till Later Today) by Representative Diamond of Windham.

Pending — Motion of Representative Hob-

bins of Saco to Indefinitely Postpone Bill and all Accompanying Papers.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Mother's Day has come and gone, Father's Day is right around the corner, and as the father of two juveniles, I think this is a good bill.

Look at the bill, look at the amendment, the amendment is a good-faith compromise. We are talking only about the second offense and we are talking about D crimes. This House, a couple of weeks ago, gave this bill a good vote, it has passed the other body, it is ready to be enacted. I would hope that you would vote against the motion to indefinitely postpone.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I had not planned to say anything on this particular bill, but I made a phone call this morning to the chief of police in my hometown and discussed this bill with him. Last year about this same time, our towns people got together and where we had built the new dam, we put up a park, a nice little place with a few picnic tables for people to go and enjoy themselves in the summer. But we had a few people in town, juveniles, who decided that this was not what they wanted, so they tore up the picnic tables and they threw them in the dam. That was last year; we have progressed since then. This year, in fact just this past week, we now have closed our track and lake recreational area and it may not be open for the summer. Let me tell you why.

The suspects in the case are juveniles, and what did they do? They completely tore down the bath houses, they completely tore up all the picnic tables, they just did widespread damage and now we don't even have a recreational area out by our lake. Also, last week they broke into the elementary school, did thousands upon thousands of dollars worth of damage. This is all taxpayers' money down the tube. But that wasn't good enough. They stole radios out of automobiles — this all just occurred last week — stole radios out of pickup trucks, they damaged some automobiles, they did some damage to some homes, including one senior citizens home and terrified that poor old lady to death, and I will tell you, I would like to see their names in the paper, I would like to know who to watch out for in my town.

I think this bill would help in this particular case. I wouldn't want to see this be indefinitely postponed. This is terrible and it is not getting any better, not getting a bit better. If you don't believe me, take a look at the number of juvenile arrests and convictions from last year to this year, and every time we make the laws a little more lenient, we find that those figures go up. It is time to put the screws down, not up.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: The examples which were given to you by the good gentleman from Limestone, Mr. McKean, are all crimes that are now under the Maine Juvenile Code allowable for publication in any newspaper. In fact, those crimes which he discussed earlier are Class C crimes, which are, under the present Juvenile Code, treated as an adult crime. We are talking about Class D and E crimes.

Breaking into a home at night is a Class B or C crime, depending upon the circumstances that that person is involved. Destroying property in the magnitude, as the good gentleman has related to you in his presentation, is presently a Class C crime and that juvenile can be handled as an adult.

We are talking about Class D and E crimes. Last week, I explained to you the process whereby the Juvenile Code came into existence. I explained about how the Juvenile Code was a delicate balance that treats juveniles

who commit serious crimes as adults but is consistent with the overall philosophy of the Juvenile Code, which is rehabilitation, in the areas that are not considered to be as severe as a Class A, B and C crime.

I urge you to think about that delicate balance and to think about—you can use examples as the good gentleman will use and you can stand up, but I would hope you would think about those examples and relate it to the present law, because I think you will find in most instances, those examples which you can come up with are presently dealt with in an adult way through the Juvenile Code.

I urge you today to vote to indefinitely postpone this bill.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: This is our second round of debate on this bill as it is returned to us from the other body pending enactment by this body here.

The bill before us, if you will take a look at the Committee Amendment, which is H-300, it is a pink amendment, it is a very modest amendment. Basically what it says is only when a juvenile is being charged with a second offense Class D crime, and we read the list to you a couple of weeks ago as to what crimes were included in Class D offenses, and they are serious offenses, only when that juvenile is being charged with a second offense Class D crime would the publication of the name become possible.

The way the juvenile system usually works is that the juvenile offender, when he or she is first caught involved in committing offenses, is brought in to the intake worker. We set up the intake worker with our new code several years ago, and the intake worker formally adjusts, it is called an informal adjustment, works with this juvenile on an informal basis to try to rehabilitate, to try to work with the parents or parent, to work with the family counseling services in the community, to bring into play all the human and social service agencies and services that are available in that community to work with that juvenile so that it isn't necessary to run that juvenile through the judicial process through the courts. They work with that particular juvenile offender to try to rehabilitate and bring about some kind of probationary period.

Then, if that juvenile offender commits another juvenile offense, they work with them again, informally, with all the services available. Not until you have got at least two, maybe more, serious offenses, and usually the offenses at this point in time are becoming increased in terms of aggravation, becoming more and more aggravated, this particular young person is moving up the ladder of crime, not until that occurs and there is a serious offense and they have worked with this individual on an ongoing basis and there is just no hope do they finally bring that person into the judicial process and actually prosecute them under the law.

If it is a typical case, that first case brought to the court is not the first case but it is finally the last straw that occurred and they brought him into the court proceeding, but his or her name will not be published.

This bill says the second time they bring them into the court after they have had their first run through the judicial process before the judge, the prosecutors, the hearings, the trials, just like any other offender in our state, and they commit another offense, then, if that is a Class D offense, the names can be published.

I submit to you that this is a pretty modest bill, because the typical case will be several offenses and the system will have been working with that particular offender for quite some period of time, over several offenses, before you ever get to this second offense which is actually prosecuted in the courtroom, and that is

what this bill addresses. By the time that offender reaches that second Class D offense in the courtroom, that offender has been worked with with all the services that we have available in our state to rehabilitate long, long prior to that.

So, this really is a fairly modest bill and it is watered down and it is a decent committee amendment, so I urge you to oppose the motion to indefinitely postpone. Let's enact it today and send it to the other body.

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

Ms. LUND: Mr. Speaker, Ladies and Gentlemen of the House: Mother's Day may have gone but the mother's are always with you. I want to speak for just a minute to this body about the power of the press. I think most of you remember debate from last week that had to do with people of sexual orientation being denied housing and work rights. How many of you knew while we were debating that issue that our voices were being recorded and by six o'clock that evening, the debate was going to be on public radio for the whole state to hear? I submit to you that when something goes into the public record, in the newspaper or on the radio, you can't take it back.

Now, let's speak about young people. Young people are at the mercy of their peers more than anything else. If a young person becomes known as somebody who breaks the law, there is a certain group of people who will look up to him, a certain group of youngsters who will egg him on, who will say, isn't this more fun than obeying the law? Doesn't this make you feel more important? Isn't this a great life? Then we really have lost him.

I say that we should not give up the principle of working with young people who do the minor crimes, doing it quietly, calmly and efficiently, and I hope you will support the motion on the floor today, which is to send this bill and all its accompanying papers, watered down as it is, floating down the Kennebec River and out to sea.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I have heard this bill described today in all its details, A, B, C, D and E, but let me tell you sincerely, the word "mechanics" in this House cannot give us the words to describe this as a good bill.

This is a bad bill.

Sure, I am in favor of using names, the names of the parents, those parents when I carried that 8 year old home, and these are the arms that carried that 9 year old home to an empty house one or two o'clock in the morning. Yes, don't blame the child on this one. This is a bad bill and will hurt many of our children.

I rise today to speak for those children, those children in the north and the south and I want to include those wonderful two Brown children, they are wonderful people. We debated this at great length in our committee.

I have one item here, and this item is a letter that our committee received from Kevin W. Concannon. Now, Kevin, most of you know, Kevin is really a true shepherd of his flock and he appears manytimes to your committee and mine. He wanders the halls out here—yes, he is the Commissioner of the Mental Health and Corrections. This is a bill that has been close to him. He doesn't want those names, and I will quote from his letter: "Minor offenses that lead to a stigma and a lessening of individual's self-esteem which could follow these individuals for their rest of their lives and which could encourage, rather discourage, further anti-social behavior."

Yes, there are no typical juvenile cases, they are all different. When you are talking about these kids, 8, 9, 14, 15 years old, don't look to the correction of this, problem in a bill like this for it really lies somewhere with those parents.

I urge you to vote for the indefinite postpone-

ment of this bill.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I listened a few moments ago to Mr. McKean speak of his frustrations and his people's frustrations, and I think those frustrations are not typical of his area or mine, I think they go statewide.

Mr. Hobbins spoke to you earlier about a delicate balance. People in my area, and I suspect people in my area, have seen that balance in action and have concluded that the system, unfortunately, is not in balance, it is out of balance. The system is tipped too far on the side of the offender rather than the person against whom the crime was committed.

Ms. Lund spoke very eloquently about the young people being at the mercy of their peers, but, Ms. Lund, I would ask you, a question, and that is, where does the parent's responsibility come to play here?

This bill is not an anti-child bill or anti-juvenile bill, far from it. It is one that addresses a very serious problem, it is one that I hope will not only wake up a few juveniles but will also wake up a few parents and make them realize, make us realize that we have certain responsibilities that cannot be neglected, responsibilities that have been neglected for too long.

Ms. Lund spoke about the media and the fact that we are all on record, at some point we may be quoted, we may be called to task for what we say or do, and that is a wonderful thing, it is good that we are, but where are we ever going to learn that if as juveniles and if as children we are taught that it doesn't matter what we say or what we do.

Mr. Tarbell from Bangor outlined the case very, very well. We are dealing with the second offense, and by the time we reach that point, there has been an awful lot of counseling, an awful lot of work, an awful lot of help provided that young person, as it should be. Let's take one very small step towards restoring the balance for the rights of all of the people. Vote no against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a terrible bill. It is a newspaper bill where the newspaper will be judge and jury over which kids are rotten kids and which kids are the nice kids. I think all kids should be given consideration and a chance. I think this bill is just going too far and I hope you vote to indefinitely postpone it.

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

Mr. DRINKWATER: Mr. Speaker, Members of the House: We had a very good hearing on this bill back a few days ago. It was described what Class D crimes are and they are not small crimes.

I am not a mother but I happen to be a grandfather of seven grandchildren and I am concerned, I am concerned that we do the proper thing, and I think the proper thing is to pass this bill.

Usually in most cases, and I was former deputy chief in my city and worked with the youth of the city, and usually these children are out of hand at home for one reason or the other. Then, as Representative McKean stated, you heard a lot of the Class E crimes that they have been involved in, and now they have graduated into Class D crimes, and the list that you heard included attempted rape and many other things. They are just not minor crimes, it is getting serious. Somewhere along the line we have to stop this before they go one step higher, to Class C.

I think that this might be a deterrent, maybe not to the youngster, but hopefully the parents wouldn't want to see their youngster's name in the paper. Something, just something, has got

to be done, and I hope today that you will vote against the motion to indefinitely postpone so we can push this bill along.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Don't use the press as the scapegoat and the boggie man in this case. The way the press usually covers these matters, this would be a typical matter in the district court of our state, and usually what the press does is, they have a reporter whose job it is to cover the cases in the district court and/or the superior court in that community and that region of the county. A member of the press will come over to the clerk of the district court or the superior court, unless it is a very celebrated case, that they are going to sit in the courtroom for hours and watch all the testimony and report on it, which most of them don't do, they will come over to clerk of the court and say, can I take a look at your docket, can I see what kind of cases passed through the district court today and what types and nature of the cases were and what the deliberations and the decisions were? You have seen the routine cases printed in the papers from the traffic offenses, the OUI, the criminal threatenings, the disorderly conducts and you have seen brief blurbs in the paper about them—that is the way the press reports these. If it is a celebrated case and it is a major case and a very aggravated case, chances are it is going to be a Class C, felony offense, and the juvenile is going to be treated as an adult and guided by a grand jury to begin with. That is clearly, under our law, reportable and publishable now. So, don't use the press as a scapegoat and a boggie man to scuttle this bill.

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

Mr. SOULE: Mr. Speaker, Members of the House: I think my objections to this bill are threefold. First of all, the Juvenile Code has had less than two years' experience. Prior to July of 1978, all of the juvenile crimes were kept secret.

Secondly, this bill wants not only the incorrigible youths that we have talked about this morning, and I share that frustration equally with all of you, but it lumps those incorrigible youths together with those youths who, due to perhaps circumstances, due to their age or their circumstances at home are beyond their control, have gotten off on the wrong foot, lumps those altogether in one group and treats them the same. It treats them this way, not only does it publish the names in newspapers, which is all we have heard about, but it also opens up that record to public scrutiny, and this is where my real problem lies, in that those people who perhaps have a chance to make it in the future life have a record on file which may affect future employment opportunities and future opportunities in the service.

Mr. Speaker and members, I urge you to vote for the motion to indefinitely postpone and if a roll call has not been ordered, I hereby request one.

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 Madawaska, Mr. McHenry.

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I think I am a little bit confused here. I hear people talking about refusing to put some juveniles' names in the paper, and those same people are willing to use deadly force against them. I think it is a good bill and I hope you do not vote to indefinitely postpone.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that you will vote not to postpone this bill this morning. This is a good bill.

There have been different remarks made which we could argue about, but the remark that bothers me the most is the fact of insinuating that it is the parents fault, and take these kids back to their homes and let the parents take care of them. Well, I think this is a good way to do it at times. In certain circumstances it is good, but at times it isn't.

Let's not forget what was said about carrying the kids home at two o'clock in the morning, and let me tell you, ladies and gentlemen, this is really upsetting because it is a hard task on the enforcement officers, it is a hard task on the parents that receive their kids under such conditions. But this should not stop us from passing a bill of this caliber.

Let me tell you and the Representative from Portland that it is much easier to carry somebody else's kid in someone else's house than it is to carry your own kid. This is a fact and a fact which I hate to admit but which some of you know, this might happen to you and I hope it never does.

I had to go get my kid in the hospital for being stabbed seven times at four o'clock in the morning 35 miles away from my house. I submit to you that if you think this is the fault of the parents, they had the best upbringing that my wife and I could give them. They know this, but he was the victim of some vicious kid who was 17 years old. We had to argue with the court and beg the court to try him as an adult. Today he is in the state prison, but they didn't send him up to the state prison the first time; oh, no, they had this bleeding heart affair that we should not do this to kids. They have a bunch of them down in the same place, down in Poland or wherever it is, all incorrigibles. They come from all other states but they are out on the streets and they will do it to your kid and to my kid again. Actually, this is not the end. You can fight for them and find out how nice they are inside, but this same kid, from the report that I got, was sent to the Correctional Center in South Portland, he attacked a guard down there, he dislocated his arm from the shoulder. Then he also attacked some guards down at Thomaston. Is this the kind of people that you want to protect? This is what you will be doing by the indefinite postponement of this bill.

Let's take care of the good kids and let's show them the right way to go. If they do wrong, let them have the proper punishment. I really feel very strong about this bill. I couldn't care less what the Commissioner of Mental Health and Corrections thinks, and I know who he is, don't you forget it, and I know his background. But, if you have young children today within that age, a little punishment won't hurt them, but if you don't give them that, later on you might really suffer and cry about it.

I hope you vote against the indefinite postponement today.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Saco, Mr. Hobbins, that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. PEARSON: Mr. Speaker, I would like to pair my vote with the gentlelady from Belgrade, Mrs. Damren. If I were she and she were me, she would be voting nay and I would be voting yea.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, wishes to pair his vote with the gentlewoman from Belgrade, Mrs. Damren. If Mrs. Damren were present and voting, she would be voting nay; if the gentleman from Old Town, Mr. Pearson, were

voting, he would be voting yea.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Saco, Mr. Hobbins, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, J.N.; Fitzgerald, Gowen, Hall, Hickey, Higgins, H.C.; Hobbins, Huber, Joyce, Kane, Kany, Kilcoyne, Locke, Lund, MacEachern, Macomber, Masterton, McGowan, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Perry, Reeves, P.; Richard, Rolde, Soulas, Soule, Stover, Swazey, Thompson, The Speaker.

NAY — Aloupis, Armstrong, Austin, Beaulieu, Bell, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Carrier, Carroll, Carter, Conary, Conners, Curtis, Davis, Day, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Dudley, Erwin, Foster, Fowle, Gavett, Gillis, Gwadosky, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jalberty, Jordan, Kelleher, Ketover, Kiesman, Lancaster, LaPlante, Laverriere, Lewis, Lisnik, Livesay, MacBride, Mahany, Martin, A.; Masterman, Matthews, McCollister, McHenry, McKean, McPherson, McSweeney, Michael, Michaud, Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Perkins, Peterson, Pouliot, Prescott, Racine, Randall, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevenson, Strout, Studley, Tarbell, Telow, Theriault, Treadwell, Tuttle, Twitshell, Vose, Walker, Webster, Wentworth, Weymouth.

ABSENT — Cunningham, Hayden, Manning, Martin, H.C.; Post.

PAIRED — Damren-Pearson.

Yes, 45; No, 98; Absent, 5; Paired, 2; Vacant, 1.

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

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

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

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 18 (Till Later Today) by Representative Mitchell of Vassalboro.

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

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Too bad that the next bill that came up is also a judicial bill. I think we ought to have a little bit of debate before this goes under the gavel. It is a divided report, it is a change, it will affect the administration of our judicial system, and basically what it does, it removes the opportunity system, and basically what it does, it removes the opportunity for criminal defendants, who now have an opportunity at the District Court level on Class D and E offenses, to have a trial before the judge, the district court judge. If they lose and they are convicted by the judge, then they are able to remove their case and transfer it and appeal it to the Superior Court and have a second trial, so you get two bites of the apple. It sounds very, very unfair that a person gets to get two trials, they ought to settle for one,

either have a judge trial at the District Court level or a jury trial at the Superior Court level but not both. That is the argument in favor of the bill that the proponents will make.

The only problem is, the bill doesn't have a fiscal note on it and what will happen is, and this is not a new bill, we have discussed this over the past few years, what will happen is, if you are charged with an offense, Class D or E, and you are taken to the District Court and you are given the option, do you want to have a judge trial at the District Court level or do you want to go up to the Superior Court level and have a jury trial and you think that you are innocent? The lawyer is telling you no, the chances of your winning are very, very remote, we ought to plead guilty or, if you want a trial, let's have a trial which is informal here at the District Court level, it doesn't take much time, we don't have a jury, it is not very costly and it is easy. Manytimes your client will say, I want a trial, I don't care, I want a trial. What a good lawyer will do, he will say, all right, let's have a trial at the District Court level with the District Court judge, but if you lose, then let's let that be it. You're getting some facts and figures on the back of this bill under the Statement of Fact. In most cases, the District Court trial is enough. Sometimes there will be an appeal at the Superior Court wanting to have a new jury trial, but that isn't most cases.

What this will do, I think, it will encourage those kinds of clients who say, I want a trial, I am innocent and the lawyer saying, well, it is not that clear cut—I still want a trial, I am innocent and they will wind up going to Superior court level and having a jury trial, \$1500 a day to call in a jury just to sit there whether they have a trial or not, just to be there, \$1500 a day to the taxpayers.

Secondly, you know and I know that our criminal dockets are backlogged, and if you have a Class D or E offense and you are entitled to a jury trial and you appeal it up to the Superior Court level under this bill, and you say, I am going to have a jury trial, you will be put on the bottom of the docket and you will be able to buy some time, a long time before your case comes up for a criminal jury trial.

I think that the bill, although on its face, superficially, is very appealing, because it doesn't make sense superficially to be able to have the option of having two trials, one before the District Court judge and then one at the Superior Court level; on its face it looks good, but in terms of the inner workings of the judicial system, I am not so sure that it is going to be that good.

It is the second time we have had this bill before us. The legislature, the last time around, rejected it, and I think you ought to consider this carefully and I would ask for a division.

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

Ms. BENOIT: Mr. Speaker, I would request a Division.

The SPEAKER: The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that the Majority "Ought to Pass" Report be accepted.

All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Ms. Benoit of South Portland 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. 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 South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker and Members of

the House: I signed the Minority "Ought Not to Pass" Report. I am not a lawyer. Fortunately, I haven't had much exposure to the court system, but when I had to make a decision on this bill, there was one question that I couldn't answer, and that was, why did we need the bill and why was it necessary. I heard the arguments and I still was not convinced.

I guess my first and primary concern was the choice that must be made at some point. I don't think it is clear at all, as I read the bill, when that choice must be made. Is it at arraignment? If it is at arraignment, have you had time for proper counsel as to the choice that you are going to make? And remember, the choice is whether you want a trial at District Court before a judge, or a trial at Superior Court with a jury.

I would like to give you some of my other concerns. This is the instance of the public defender. The public defender may not really be that interested in the case, may wish to get things over as quickly as possible. The quickest route is district court and it is the least costly route. The cost to the defendant, as Mr. Tarbell has said, is less costly to go to District Court, much more costly to go to Superior Court. Therefore, there may be that urging for the defendant to go to District Court.

I have heard other comments from lawyers. Over the weekend, I spoke to many lawyers, to DA's, to law professors. Some of the comments I heard from some lawyers was it is like playing Russian Roulette when you go to District Court, you don't know what judge you are going to get. Some lawyers feel that if they get a certain judge, they have automatically lost. But they know that if that happens, they can appeal their case to Superior Court and have a jury trial.

One lawyer told me that the gavel comes down like the Speaker's in some of the District Courts; that is how quick the decision is made.

I think one of the most important concerns I had is the issue of the appeal to Superior Court. If we were to have this bill and you chose District Court and you wanted to appeal it, the only appeal could be made on point of law.

It is my understanding that in District Court quite often there is no recording made. You have to request a recording. If you do request a recording, that recording is not always terrific. If you are going to appeal on a point of law, then you want to have a good record from which to appeal on; thus, I think that appeal may be made quite difficult.

Part of the motivation behind this bill, as I understand it, was to hopefully clear up portions of the court. If it is to clear up the Superior Court docket, I don't see that it would accomplish that.

Put yourself in the position of being a defendant. Your lawyer tells you you have got one shot, go to the District Court before a judge or go to Superior Court before a jury. I know which one I would take. I think I would really want to take my chance with the jury.

Jury trials are costly. It would also increase the caseload at the Superior Court level.

I also see the District Court as a filtering process. It is true that some cases are appealed and perhaps some are even appealed in hopes of delaying a final decision. But I hope that you will look at the Statement of Fact on this bill. It says, "In 1979, 17 percent or 76 of 447 criminal jury trials were in cases on appeal from District Court." I really don't think that 76 cases is that many cases when you are talking about it on a statewide level.

Mr. Speaker, I would move for the indefinite postponement of this Bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. O'Rourke.

Mr. O'ROURKE: Mr. Speaker and Members of the House: I wish to speak in support of L.D. 1527. I don't think I need to tell anyone in this House that we are operating in troubled times,

particularly in the field of enforcement. Our police are overworked, our court system is struggling under an almost impossible load, and the Chief Justice of the United States Supreme Court recently told us that our system is floundering and at the point of collapse.

Maine is a little different from most of the rest of this country. Something must be done and done soon if we are to get the system under control. Recognizing this problem, our Governor made a very comprehensive study, and he has presented the legislature with a comprehensive package. This bill is just one portion of that package that we will be called upon to act on. It is, however, a very important portion of that program.

The bill calls for an election by the defendant charged with a Class D or E crime, with the right to be heard either in the Superior Court by a judge and jury, or by the District Court judge.

The bill is aimed primarily at those people who are charged with motor vehicle offenses, operating under the influence, driving to endanger, reckless driving, other of the lesser crimes. It seems very illogical to me that a person charged with a Class A, Class B or Class C crime, such as murder, rape, arson, is entitled to one trial and one trial only, and yet the person charged with the lesser crime is going to be given two bites at the apple.

I listened to my brother from Bangor, Mr. Tarbell, and I think he made his position quite clear. It gives the defendant, under the present system, the defendant and his attorney, and I was part of that system for many years, an opportunity to work the system.

Why should a person charged with a lesser crime of misdemeanor be entitled, as a matter of right, to two trials? I don't think that they should.

I would point out to you that there is a very logical reason as to why this system came into being. Under the early municipal court system, we had practicing attorneys acting as part-time judges. They were not highly professional people, and if a person were charged with one of these lesser crimes and appeared before the municipal court, the chance of error was much greater, and so the person was given an opportunity to go and have what they call a trial de novo, a trial from the beginning, in the higher court. We are no longer under the old municipal court system, we are under a District Court system and we have full-time, highly trained professional and highly qualified judges acting in that court. It is not an informal type of a hearing that they go through in the District Court, it is a very formal type of hearing.

District Court judges are demoralized, really, they are paid to represent our state. A person goes before them, they give them a thorough and competent hearing, they make their decision and then the defendant feels that he wants a second bite at the apple, or the attorney feels that he wanted to go on a fishing expedition, he was really there not on any serious matter, so he disregards the ruling of the District Court judge and goes and asks for a full and complete hearing again in the Superior Court. I don't think this is right.

I would ask you to ask yourself once again, what does this bill do? It calls for an election to be made by the defendant. Does he wish to be heard in the District Court or does he wish to be heard by a jury in the Superior Court? Once he has made that election, he is going to be bound by that election.

If he makes the election to go to the Superior Court to be heard by jury and then changes his mind, he can be heard by the District Court judge but the hearing will be held immediately, so there will not be a great deal of delay.

I believe a person is innocent until they are proven guilty, but I don't think that a person should be innocent until they are proven guilty twice. Therefore, I would urge that we support L.D. 1527.

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

Mr. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief, but I did sign this bill out "ought not to pass" for some of the very reasons that you have heard, and I will try not to be repetitious.

I do agree with the gentlewoman from South Portland in her comments. I agree with some of what the good gentleman from Bangor said, but the thing that bothers me, ladies and gentlemen, is that this system has been good enough for the present generation, it has been good enough for you and I, our ancestors and their ancestors, and what we are doing if you pass this bill, like my friend Representative Tarbell said, you are taking a bite of the apple away from the defendant. I feel what was good enough for me and our ancestors is good enough for the coming generation.

It was mentioned that this might help relieve the log jam at Superior Court level. Ladies and gentlemen, I honestly, totally, disagree with that philosophy.

I can't imagine any respondent, if he thinks that he has got an ounce of a chance, that he is going to elect to go to District Court and be tried by one judge, period. I believe most sincerely that he is going to elect to go to Superior Court and be tried by a jury of his peers, and this, ladies and gentlemen, as has already been pointed out to you, will cost about \$1,500 for that jury trial.

As my good friend from Camden, Mr. O'Rourke, pointed out, it will be the defendant's decision. I wholeheartedly agree, it will be his decision, and I, again, honestly believe that his decision is going to be to go before a jury, not a single judge.

In closing, I would just say this — if you think that the Superior Court system is overloaded and jammed at the present time, you just wait and see what it will be like if you pass this bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge this House to support Representative Benoit's motion this morning for a couple of very simple, honest reasons. I think that the citizens of this State should be afforded the opportunity to present their case whether it is in the District Court or whether it is in the Superior Court.

Brother O'Rourke was complaining about certain crimes in this state only have an opportunity to be heard once, major crimes to be heard once in the judicial system. Well, he forgot to remind this House, and I was thinking of it when he was talking, that we have a grand jury system where the state has the opportunity to present its case without the defendant being there. Then the defendant has his opportunity, at that time, to go to the Superior Court.

The argument of costs and overburdening the court with unnecessary work is a bad argument, and it is bad because you want to give each and every person in this state an opportunity to defend himself or herself. The argument that we should only give them one shot at going to court is absolutely inconsistent with you and I, who sit in this House, that pass on legislation everyday, and we have four or five cracks at it, to pass it or to kill it. We have an opportunity to present our arguments repeatedly in this House on different issues, and I should think that someone who is being charged with a crime and has to go to court should be afforded that opportunity.

I think what Representative Reeves was talking about to give the system an opportunity to continue to work, as it is working well, is advice we all should adhere to this morning.

The argument that was presented by another member of the House of how difficult it is and the cost burdens down the road in this case, we should not even consider, because how can you put a cost on justice? How can you distribute

the right of people to have an opportunity to justice? That is why we set up a two-tier system court in this state, to be sure the people were served honestly and fairly. Errors can be made, and we should provide each and every one an opportunity to overcome errors in judgment.

I would hope this House would support the motion to indefinitely postpone.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: It has been argued that this bill could cost money; there is no price tag on this bill.

This legislature, on several occasions, and probably rightfully so in many instances, vote to create laws which will be needed to have in force, and therefore the court system has to be brought into effect.

This legislature, earlier in this session, voted in this House to recriminalize the possession of a can of beer for a juvenile, making it an adult crime for a juvenile to have a can of beer. Under the present system, if that had passed, a person who is a juvenile could have two bites at the apple, that juvenile could have had a District Court trial and then that juvenile, if that juvenile lost, could have asked for a jury trial.

When we argue cost of bills and justice and the Criminal Code, I submit that whenever we enact a law dealing with the Criminal Code or dealing with the Juvenile Code, it costs the system, directly or indirectly, money.

It is hard to tell a client that you are going to have your day in court. Sometimes lawyers won't tell the client, well, don't worry about it, if we lose now we will go up to the Superior Court because you want to make sure that that client cooperates with you.

So what happens, you go to court, District Court, you put your case on, the prosecutor puts the case on, the defense lawyer puts the case on, there are witnesses called, there are law enforcement officers who have to leave their post, that have to be paid witness fees. Other witnesses may be subpoenaed and cost the taxpayer's money, and you go through the trial, that person gets their day in court, and then you are found guilty. But then you can come out of the courtroom and say, don't worry about it, we went through all that, we had the officer come off the beat, probably that officer was on his day off and had to be paid court time, don't worry about it, we are going to bump it upstairs and we are going to go to Superior Court and we are going to try the whole case. Who knows, maybe the officer will quit, maybe they won't want to bother with it in the Superior Court because it will cost money, and who knows, we might be able to get the case dismissed. That can occur.

I know that the roles are reversed and I sound like a law and order type, but I look at it from a logical standpoint. I try to say to myself, how come that a person who commits a murder has one trial, their one day in court, and then you find an individual who commits a Class D crime, or any crime, or is caught for drunken driving or is caught shoplifting or caught doing something which is not as severe as killing someone, that person gets two trials, he has two shots at getting off, if you may use the word "getting off."

The Governor presented this bill because I think he had a problem with the logic of a person who is caught for drunken driving gets two trials but a person who commits a murder or commits a robbery gets one trial.

I urge you to accept the Governor's proposal and vote against the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: This whole discussion this morning has revolved around the philosophy that all of these people that go into the District Court are going to lose and then they are

going to go on up to Superior Court.

Now, this system is designed where you take care of the court problem at the lowest level. As has already been pointed out, a jury trial, when you sequester a jury, it costs about \$1500 a day to have them sitting there. The system is designed so that you will take care of it at the lowest level. Don't go on the assumption that every case that goes before the court is going to lose and then going to be appealed on up to Superior Court. A lot of them are going to be taken care of right there at the lowest level, and even if the individual loses, once he faces the trauma of appearing in court, he decides that he has had enough and he will pay his fine or take his penalty, whatever it may be, rather than go on with the knowledge that it may get worse instead of better if he goes on.

I think all of us here that are not experts in everything have someone back home that we depend on, someone we look to for advice and counsel. I have a number of attorneys in my district, but I have one in particular that I go to when I have a troublesome L.D. that I don't know which way to go on. I have an attorney that was for a number of years an Assistant U. S. Attorney General. He can plead before the U.S. Supreme Court, the Courts of Massachusetts, the Courts of Maine and the Courts of New Hampshire. He is a pretty competent individual and I have a lot of confidence in him. I took this L. D. to him and sat down and discussed it with him at great length, and he tells me that it is a bad bill. It takes away a lot of the latitude that an attorney has to counsel his client, that this is as far as you had better go, old boy.

What this will do, if an individual is going to court, he will elect to go to the Superior Court, even though he might win his case at the lower court, because he wants to be that sure. If you don't have this handcuff on the defense attorney, he can keep this at the lower court, dispose of it in the least expensive manner to the taxpayers.

I urge you to support the indefinite postponement of this Bill.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This is a law and order bill. This bill spent a few months in the Judiciary Committee and that committee hammered out this bill on the anvil of justice and then we voted. A majority of 10, a minority of 3, were in favor of this bill.

We are hearing here today the two trial system. What is it really like? Well, let me tell you this, it is a rehearsal for lawyers before the performance several months later in the Superior Court.

It is rather difficult to explain to people in law enforcement in other states how in Maine a person operating under the influence can have those two trials, but if he commits murder, he can only have one.

Yes, it is rare that I disagree with my good friend Representative Kelleher. I often would go to him and ask questions about public utilities because that is where his expertise would lie. I must confess that my knowledge of the utilities could be put in an Everready nine-volt battery.

This truly is a law and order bill. It was accurately described in this House by our committee member, Representative O'Rourke. He hit all the nails on the head. Yes, I am very much in favor of this step forward to modernize our court system and to stop that ever-increasing march to the Superior Court on D and E crimes.

I urge that you vote against the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I really hadn't in-

tended to get into this debate. I have been sitting here listening very carefully to the arguments pro and con, and while I will agree that on the surface this does seem like an attractive bill which might break the log jam in our courts, I have a feeling in my bones that there is something very much wrong with it. I do believe that it is a bad bill.

I am looking at our State Constitution here, and Section 6, which is a part of our State's Bill of Rights and modeled after the Federal Bill of Rights, says: "In all criminal prosecutions, the accused shall have a right to have a speedy, public and impartial trial and, except by trials by marshall law or impeachment, by a jury of the vicinity." Furthermore, in Section 6-A, "No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights, or be discriminated against in the exercise thereof."

It seems to me, if we do not allow this minor criminal to have a chance for an appeal de novo in Superior Court, we are denying him his fundamental constitutional right.

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 pending question before the House is the motion of the gentleman from South Portland, Ms. Benoit, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Armstrong, Baker, Benoit, Boisvert, Bordeaux, Brodeur, Callahan, Carrier, Conary, Connolly, Crowley, Curtis, Davis, Diamond, G.W.; Dillenback, Hanson, Hunter, Jalbert, Jordan, Kelleher, Kiesman, MacEachern, Martin, A.; Masterman, Masterton, Matthews, McHenry, Mitchell, E.H.; Mitchell, J.; Murphy, Pearson, Reeves, J.; Sherburne, Small, Stover, Studley, Treadwell, Twitchell, Wentworth.

NAY — Aloupis, Austin, Beaulieu, Bell, Berube, Boyce, Brannigan, Brennerman, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Carroll, Carter, Chonko, Clark, Connors, Cox, Davies, Day, Dexter, Diamond, J.N.; Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadosky, Hall, Hickey, Higgins, H.C.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, Jacques, Joyce, Kane, Kany, Ketover, Kilcoyne, Lancaster, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, Macomber, Mahany, Manning, McColister, McGowan, McKean, McPherson, McSweeney, Michael, Michaud, Moholland, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Perkins, Perry, Peterson, Post, Pouliot, Prescott, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Salsbury, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Strout, Swazey, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Webster, Weymouth, The Speak-

er.

ABSENT — Cunningham, Damren, Hayden, Martin, H.C.

PAIRED — Higgins L. M.; Tarbell
Yes, 39; No, 105; Absent, 4; Paired, 2; Vacant 1.

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

Thereupon the Majority "Ought to Pass" Report was accepted and the Bill read once.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed

and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders of the Day

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

House Divided Report — Majority (12) "Ought Not to Pass" — Minority (1) "Ought to Pass" as Amended by Committee Amendment "A" (H-384) — Committee on Education on Bill, "An Act to Require Instruction in the Public Schools on the Ill Effects of Alcohol, Tobacco and Other Substances" (H. P. 54) (L. D. 75)

Tabled—May 15 by Representative Connolly of Portland.

Pending—Motion of the same gentleman to Accept the Majority "Ought Not to Pass" Report.

On motion of Mr. Connolly of Portland, tabled pending the motion of the same gentleman to accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday, May 21.

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

House Divided Report — Majority (9) "Ought to Pass" in New Draft (H. P. 1483) (L. D. 1611)

— Minority (4) "Ought Not to Pass" — Committee on Business Legislation on Bill "An Act to Control the Cost of Workers' Compensation Rates to Maine Employers" (H. P. 1291) (L. D. 1504)

Tabled—May 18 by Representative Brannigan of Portland.

Pending—Motion of the same gentleman to accept the Majority "Ought to Pass" Report.

On motion of Mr. Brannigan of Portland, tabled pending the motion of the same gentleman to accept the Majority "Ought to Pass" Report and later today assigned.

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

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)

Tabled—May 18 by Representative Carter of Winslow.

Pending—Motion of the same gentleman to Reconsider whereby the House Insisted and asked for a Committee of Conference.

On motion of Mr. Carter of Winslow, tabled pending the motion of the same gentleman to reconsider whereby the House insisted and asked for a Committee of Conference and tomorrow assigned.

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

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

Tabled—May 18 by Representative Higgins of Scarborough.

Pending—Final Passage.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that there have been some discussions off the floor of the House on this measure that we are waiting for some kind of ruling or further elucidation of exactly what this does. This does pertain to the Indian Land Claims.

Could my counterpart in the other corner ask that this matter be tabled until later in today's session?

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

Mrs. POST: Mr. Speaker, Men and Women of the House: There was some discussion earlier on the bill that I believe was supposed to have

been put into this body having to do with clearing titles for the Indian land claim purchases. I was going to cosponsor that bill; I am not sure whether this is the same bill or not. It does have a single sponsor. I have no background on exactly what has happened. I don't believe it has been to a public hearing, so I really can't answer any questions that have been posed earlier because I am not really sure whether this is the bill that had been discussed earlier or whether, in fact, it was a different bill.

On motion of Mrs. Mitchell of Vassalboro, tabled pending final passage 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-413) — Minority (5) "Ought Not to Pass" — Committee on Education on Bill "An Act to Add a Class Size Adjustment to the School Finance Act" (H. P. 1176) (L. D. 1400) Tabled—May 18 by Representative Connolly of Portland.

Pending—Motion of the same gentleman to accept the Majority "Ought to Pass" Report.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: This bill, L.D. 1400, which was sponsored by four members of this body from both sides of the aisle, represents perhaps the most interesting, progressive, the most forward-looking piece of legislation that came before the Education Committee in this session.

The bill recognizes a state policy that small class size, particularly in the earlier grades, has the single-most positive influence upon the learning process. The bill recognizes that smaller classes produce increased student achievement and it recognizes that smaller classes have a positive effect upon classroom environment, student attitudes and behavior and teacher satisfaction.

The legislature encourages school units across the state to implement a plan for smaller class sizes by providing a financial incentive to those units that choose to reduce their classes below 20 pupils per class in grades K through 3. Units that currently have class sizes below 20 would make an adjustment in that unit's state local allocation of \$500 per student and that would be pumped into a formula and that unit would be entitled to a reimbursement under the State School Finance Act one year later on down the road. School units that now have students that number above 20 and choose to reduce that number to below 20 would have the exact same kind of a financial incentive, except the reimbursement to them would occur two years later under the School Finance Act.

The bill, as it is drafted, is completely permissive. It doesn't require anything or place any mandates on any school unit in the state, but rather it provides an incentive if school units choose to implement the policies outlined in this particular bill.

The bill, it seems to the majority of the Education Committee at least, represents a unique approach to deal with everyone's concern about the quality of public education.

During the past several years, we have all heard generalized criticisms about the state's and the nation's public education system. In Maine, the Christian and the independent school movement have been growing as parents grow more and more frustrated with public education. There is a legitimate concern over basic reading, writing and math skills, and in this session of the legislature alone, our committee heard two separate and distinct approaches to deal with the discipline problems in public schools.

There is almost universal agreement by educators, parents, teachers and administrators that the more individualized attention given to

students by teachers, the more improved the learning process will become.

The focus in this bill is on grades K through 3, because those are the years when the learning process is established. What happens or doesn't happen in those particular grades is often irreversible later on. As one of the educators who testified on behalf of this bill before our committee told us, if by the third grade my kids are doing fine, I stop worrying about them.

One of the arguments, and perhaps the major argument that opponents to this legislation will make, is that while the bill has merit, it should be defeated because of the fiscal note that appears on the committee amendment that could result in a substantial cost to the state. The price tag that was put on this bill was provided to the committee by the Department of Education and it was, for all intents and purposes, pulled out of the air, because there is no way to determine how many school units, if any, across the state will decide to implement anything, represents an absolute maximum cost that could accrue to the state and local school districts, but the cost, in fact, would probably be substantially less.

But it seems to me that today when we vote on the legislation we shouldn't be doing it because of a fiscal note but rather we should be voting on the educational policy question, does smaller class sizes make better sense? Does it make sound educational policy.

This bill, if it makes its way to the Appropriations Table and there isn't sufficient money to fund it, can be amended in a variety of ways to reduce the cost. Instead of having 20 pupils, we can raise it to 25; instead of dealing with grade K through 3, we can deal with grades 1 through 3 or any combination of those grades.

I would hope today, after you hear the arguments on both sides, that your vote would be based on the education policy question that is presented in this bill. This legislation, in my opinion, is a very significant and very important educational policy issue that has come before this session of the legislature, and I would hope that you would support the Majority Report of the committee.

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

Mrs. THOMPSON: Mr. Speaker, Men and Women of the House: There are four major reasons I think this bill should be supported. I would like to explain those to you briefly. First of all, it offers a local option to the community. It offers a financial incentive to municipalities who see the need to place more emphasis on the very early grades in school. There is no mandate in the bill.

It offers an economical approach to good education. It says, "improve the quality of teaching at the early grades where teaching is so crucial." It says, "individualize, meet the needs of little ones, so that when learning problems arise, the teacher can effectively correct that problem early on, rather than losing the child, letting the problems increase and magnify until the child reaches junior high and high school." In those grade levels, we see the high cost of special programs and remedial programs, so this bill offers an economical approach. In the long run, it saves money.

It is a creative bill. It does not only seek to provide a better teacher-pupil ratio in the early grades, but it also says that in order to obtain this financial reward, the school board, administration and the teachers shall confer to write a plan explaining how the quality of teaching shall improve, how instruction will be more appropriate with the smaller class size.

But the major reason that this bill should be supported, providing more individual instruction in the early grades, is because we are discussing a public institution that is expected to teach children who bring into their experience all of the hard statistics of American life. For instance, the stress of families struggling with

inflation; the emotional difficulties posed by a very high divorce rate; the effects of at least 51 percent of American families where both parents of young children now find it necessary to work outside of the home either full time or part time; and the potentially negative influence of the TV culture where three and four year old children learn to laugh at violence portrayed in cartoons and where TV children of all ages passively witness violent events on TV that most of us would live our lives without ever seeing in real life.

These reasons I cite to illustrate the complex problems a child can bring to a classroom, and in order to teach reading, writing and arithmetic, in order to motivate and deal with any emotional or learning barriers, the teacher must be able to counsel, nurture and guide and deal with those difficulties as they manifest in the classroom. The process happens when the teacher has time to devote to each child, to set up an individualized program suited to the specific problems as they arise.

I hope that you will vote for the Majority "Ought to Pass" Report.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This bill probably should have been given a different title. It should have been referred to as "An Act to Attempt to Create Utopia in the Classroom." Well, we all know that utopia really doesn't exist, it exists in our minds but not in reality.

I would like to congratulate my House chairman, Representative Connolly, for outlining to you the various aspects of the bill. He always does a very fine job in presenting the committees position on the bill.

At first blush, this looks like a good bill, it looks like a great concept, and when you hear it the first time, it sounds terrific. It sounds to be all of those things that have heard the proponent say that it is, but I ask you, before you vote for it, to consider it very carefully. When you consider it very carefully, you will begin to see some of the implications that are contained in the bill.

Those who have spoken in favor of the bill say that it provides a financial incentive to those local units who voluntarily decide on their own to reduce class sizes in grades K through 3. Consider the implications of that. Let's look at Unit A versus Unit B—Unit A has 26 children in grade 2; Unit B has several grades 2 with a total of 300 kids. Which unit is going to be realistically in a position to reduce class size? Is the small unit, who probably already is having a tough time making ends meet in the school budget, going to be able to create two grades 2 with 13 children in each grade? Of course not. The larger unit, with the large number of students, obviously is going to be able to have the kind of flexibility that is going to provide the incentive to attempt to do that. So right away we have unfair advantage when competing for tax dollars.

Mr. Connolly pointed out that all kinds of things can be done when this bill reaches the Appropriation Table. That is what scares me, because the bill does have a fiscal note on it. We all know what the situation is regarding state dollars this year, and the bill would probably be stripped of its fiscal note, thereby putting those units who are having a tough time even in a more unfair position for competing with tax dollars or school funds.

What about the possibility for misuse of this kind of legislation? What I am talking about is something that we have all heard about, is something that kind of came to me and it is a question of busing, where we are looking at school districts who might consider that the economic gain from this bill would make it worthwhile to redistribute children all over the district, thereby getting involved in a busing situation where children are riding the bus to and from school at greater hours than they are

already doing.

We seem to be overlooking the most important part of education, and that is the classroom teacher. I will admit that the classroom teacher, in many situations, has at an unfair vantage point in the classroom, sometimes because of overcrowding, and that is a real issue that must be addressed and must be addressed by the local people. But the classroom teacher, the instruction, is really the thing that is going to determine the quality of education that that unit is going to produce.

I think it is sad that the sponsors and the proponents of this legislation are equating good education to the bottom line of money. We are going to be competing not for those dollars, putting those units that are in a better position to compete for those dollars in an even better position and the risk of those smaller units that are in the position where they can't afford it.

Finally, this bill adds one more complication to an already miserably complex School Finance Law. I would ask each and every one of you, do you understand the School Finance Law, and I don't say that in a belittling way because I serve on the Education Committee and I will frankly admit that even after one session of serving on that committee, I still don't understand all of the aspects of the School Finance Law. It is one of the most miserably complex pieces of legislation that has ever been put in place. This, if you look at the bill, is going to make it even more complex. I urge you, ladies and gentlemen, to vote against the "Ought to Pass" Report.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: First, I must tell you that I do not speak as the Majority Floor Leader but I am one of the sponsors of this piece of legislation. This place is a wash in red herrings, so I will tread lightly.

This bill, let's cut through all the fancy talk about school formulas and all the other things and let's talk about educating young people in the State of Maine. When I came to this legislature in 1974, I had the privilege of serving with Authur Lynch on the Education Committee. We always talked about how upside down the school funding formula is, because we pay more to educate high school kids than we do to educate people in the lower grades. Yet, almost every one of you in here will talk about getting back to the basics, and any of you who have dealt with children know how the very important reading skills and mathematic skills must be achieved at the beginning grades. A child who reaches grade four, who is behind in his reading, is behind in everything, and then we come to dropout problems, and I think we have had legislation dealing with that this year. It seems to me that this is the first time we have a real opportunity to turn that pyramid back over. As Mr. Lynch always said, we have an upside down pyramid in the funding of our education.

Today we spend, and this is approximate, about \$1100 for an elementary school child but \$1400 for every secondary school child. I think we have our priorities wrong. I don't know any other way to go about it. This is permissive. A school unit is not required to make the change, but they are encouraged, and the state says, and it is very legitimate for the state to set social policy by offering money because it is very difficult to make changes. We are not equating good education with dollars but we are trying to make possible a change in a way that really is possible.

I hope you will vote with the majority of the committee.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In his impassioned plea, my good friend from Livermore Falls said that the one thing that really scared him was "that the Ap-

propriations Committee would take off the fiscal note on this bill." I would like to inform you, Representative Brown, and any member of this House, that in my service with the Appropriations Committee in three decades plus, no bill has ever come before us on the appropriations table that we would take any money off it, any fiscal note off it, and pass on a bill that would show up ad infinitum in Part I. That just doesn't happen.

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

Mr. MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I had to rise to my feet because the gentleman from Livermore Falls had thrown so many red herrings into the water that the water level rose all the way back to the back row on this side.

This bill let a little refreshing air into our committee when it was presented and discussed. It leaves an educational issue or decision, class size of K through 3 grades, where the crucial learning skills are first introduced, up to your local school boards. What it does say is that we recognize the studies do show that class ratio is crucial to learning those basic skills. We pay a tremendous price later in junior and senior high and in society when Johnny can't read, write and do his math. In our secondary schools, remedial specialists try to correct what couldn't be done in a crowded second grade classroom of 34 students. This bill is a preventive, positive breath of fresh air.

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

Mrs. KANY: Mr. Speaker and Members of the House: I plan to vote for this bill as is, but I do have a question for the Education Committee. It seems to me that the complaints that I have heard have more to do with class size and our present mainstreaming of students. I am wondering if you considered limiting class size when you were, indeed, mainstreaming certain students? That is what I have been hearing from teachers throughout the state.

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

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to the question, the issue of mainstreaming isn't specifically addressed in this particular legislature, but it seems to me that it is one of the reasons why we would want to pass this type of a bill. One of the reasons why there are problems in larger classes is because of the special demands that are put upon teachers, and one of those special demands is to deal with the special education student who is mainstreamed. Passage of this bill would encourage smaller class sizes and thereby would give the teacher more room to maneuver to deal with those special need children.

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

Ms. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: How ridiculous can we be to even put a bill in like this at this time? At a three hour workshop session in Gorham last week, the town council told the school department to pare its \$3.4 million budget by about \$127,000. According to the school committee chairman, most of the money is going to have to come from instruction because a lot of the other items are fixed. It probably will mean elimination of some programs and some more faculty.

The department already plans to lay off two part-time teachers and six aides and assistants. Due to the reduction of the state's share of the leeway funding, it is going to raise the local appropriation to about \$270,000, an amount that would have forced a tax hike of more than \$1.60 for every 1,000 in assessed valuation.

Gorham is not the only community that is faced with the same problem. I can't see why we would even consider such legislation at this time. It is merely a waste of time.

I hope, that you will vote against the "Ought to Pass" Report and I ask for a roll call.

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

Mrs. THOMPSON: Mr. Speaker and Members of the House: Just to respectfully respond to Representative Brown's comments pertaining to the cost to the local community when they are looking at their school budget currently. This bill, and it needs to be restated, provides a measure for saving money in the long run. We are saying that if we deal with problems when they arise in the very early grades, that we will no longer need as many remedial reading specialists and special program teachers and people dealing with high school dropouts in the junior high and high school age. I think that makes us look at the long-range implications in this bill.

I urge you to support the Majority "Ought to Pass" Report.

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

Mr. MATTHEWS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. As a past teacher of quite a few years, I can answer the questions in one brief statement—it is the quality of the teacher, not the size of the class. If you are going to cut down the size of these classes, let's do it in grades six, seven and eight. That is where we have the baddies. In the first three grades, our most serious problems are hauling their pants up and putting their coats on.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I will be even more brief than the gentleman from Caribou. I took a poll in my town of what people felt about the quality of our schools and whether they were satisfied with it. Something like 98 percent of the people said no. Yet, we are pouring a great deal of money into the existing structure or our schools, more than \$200 million from the state. This is the first attempt that I have seen to change the system so it would work in the interest of quality, and I hope you will support the bill.

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

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

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

ROLL CALL

YEA—Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, H.C.; Hobbins, Holloway, Huber, Jalbert, Joyce, Kane, Kany, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, McCollister, McGowan, McHenry, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, P.; Paul, Pearson, Perry, Prescott, Randall, Reeves, P.; Richard, Rolde, Soulas, Soule, Tarbell, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Wentworth, Weymouth, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Higgins, L.M.; Hunter, Ingraham, Jackson, Jacques, Jordan, Kelleher, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Martin, A.; Masterman, Masterton, Matthews, McKean, McPherson, Michaud, Moholland, Nelson, A.; Paradis, E. Perkins, Peterson, Post, Pouliot, Racine, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Sr. all, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Strout, Studley, Swazey, Treadwell, Twitchell, Webster.

ABSENT—Cunningham, Damren, Hayden, Hutchings, Laverriere, Martin, H.C.

Yes, 78; No, 66; Absent, 6; Vacant, 1.

The SPEAKER: Seventy-eight having voted in the affirmative and sixty-six in the negative, with six being absent, the Majority "Ought to Pass" Report is accepted.

The Bill read once. Committee Amendment "A" (H-413) 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 by Committee Amendment "A" and sent up for concurrence.

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

House, Divided Report—Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (H-406)—Minority (6) "Ought Not to Pass"—Committee on Appropriations and Financial Affairs on Bill "An Act Establishing the Women's Training and Employment Program" (H.P. 568) (L.D. 644)

Tabled—May 18 by Representative Pearson of Old Town.

Pending—Acceptance of either Report.

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

Mr. PEARSON: Mr. Speaker, I move the Minority "Ought Not to Pass" Report.

This is really complicated. I am moving the "Ought Not to Pass" Report because the bill, as it was presented to the committee, in my opinion and the opinion of a number of others of us, was bad. Consequently, it becomes my job to move that report.

It is a women's training program which calls for an appropriation of \$95,000 each year. It would hire four people, three of them would spend 70 percent of their time in the field and they would take out of the \$95,000, \$73,500 in the first year for salaries. I thought that that was an inappropriate use of money so, consequently, I and a number of others on our committee reported it out "Ought Not to Pass."

It was always my opinion that there were a number of women's programs that needed to be funded that were serving in a useful way the needs of Maine's women. I did not think that this addressed those programs.

However, having said all that, I now understand that there will be an amendment offered later on that will do just that, and so while I move the "Ought Not to Pass," I hope you will vote against me.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: Again, I do not speak as the Majority Floor Leader; however, I would like to compliment the chairman of the Appropriations Committee for being so patient with us as we have worked through this very difficult subject and he has decided that we women have a very difficult time deciding what to do. But we know exactly what we want to do, Michael, and we certainly appreciate your time.

I hope you will vote against this report, because if you do, we will then ask that the committee amendment be tabled until we can come up by this afternoon with an amendment which gives direct services, because we believe there

is a need for helping women find employment and we hope that you will vote against Representative Pearson's motion.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Old Town, Mr. Pearson, that House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Kelleher of Bangor 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 Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This is one of the few bills that came down before the Appropriations Committee when I was dealing with my budget book, and I etched in it, "this is one particular item that I should support" based on the testimony that was given by a variety of women that came before the Appropriations Committee when the bill was being heard.

I just crossed philosophical lines as far as most of us were concerned, that there is an apparent need out there for the women in the state of Maine to have some help provided to them in going back into the job market.

The bill was presented by some of the House members and, at that time, when they came before the committee, they were attempting to give us a weaker version, to reduce the financial commitment in this particular L.D., thinking it would be more palatable to the committee. Oftentimes, those expressions of offerings are accepted, but in this particular instance, a great many of us felt that there was a definite need out there to provide training for younger women and, more importantly, for middle aged and older women that have to go back in the job market.

I would urge the House this morning to reject Mr. Pearson's motion and let's see what can be offered, if it is agreeable by this body to make this a more workable bill.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how much more palatable a new bill would be, because, I hate to admit it, but I may be in the bracket that the gentleman from Bangor just said, age and all; however, I don't think I would be eligible according to the bill which is before us, and I quote from one of the coordinators of this present program: "Serving low-income women"—of course, I come under that too, probably—"disenfranchised women." Most of the women in this state would not qualify, and I would base myself on the past record of this group which has been in existence for going on to two years, I guess, that the women that they maintain that they have helped, and it is 12 women, it is my understanding, in actual training, none of those women came from outside the low income group. I am not saying that they shouldn't be helped, but I am saying that this is a triplication of existing services because we have the WIN program, we have vocational rehab program, we have the University of Maine which is now doing this type of training and advice. I really think it is duplicative.

In 1980, they spent, they being this Women's Training and Employment Program which was set up by CETA, if you remember CETA, \$76,000. This year, as of the 30th of April, which is 10 months in the fiscal year, they have already spent over \$149,000, and I won't go into the breakdown, but I do have the computer printout of their expenses, most of which is, of

course, salaries, retirement. They have a large appropriation for rent, and it is this sort of thing.

I would like to touch briefly on what someone said that they would train women who are middle age. Well, they did hold a training session, it was actually a pre-vocational training session, I noticed in my mail yesterday that I had received one also, a pamphlet that describes a new program that is called a Vocational Exploration. Well, they did hold one for one week at the Washington Vocational-Technical Institute, and as a result of that, 12 women, and they are correct, they did get 12 women to go to school, there were 32 women from four towns in the state that participated and there were four counselors, or course, from the training office here, the women's group, who stayed with them because it is my understanding that they had to remain with them in order to organize the activities after the school hours, for the evening.

So, they had a one-week seminar, and as a result, 12 women were accepted in the vocational school. Two signed on for automotive, and they are correct when they had a news release that two women went into a vocational course for automotive, but both dropped out at the beginning of the second semester. Three took on an electronic job course, but since this was after the start of the semester, the school had to hire an added instructor for the remain of the semester to work with those three in order for them to catch up. Two of those three dropped out, although the instructor remained for the one remaining lady, and he was paid from a disadvantaged money account.

I just bring this out because I don't see what kind of a change we can make without having a redraft.

Some of the advice that they have had were workshops, one of which was body awareness and self image, and there is an expense sheet for that, I don't know how long that lasted. There was one workshop on stress management, there were therapy sessions for some with a psychologist. There was a course which the department paid to instruct the women on their legal rights, and in looking over the annual report, you will find that there are other departments that also do this, give legal advice. I discovered another department that also passed out information, and that is MOICC, that is a new department.

I hope you don't take this to mean that I am opposed to women learning a trade, because I favor it a hundred percent, but I don't think this is the approach to use and I don't think creating a new department merely to retain a bureaucracy that has been paid by CETA is the right way to go, especially when we have to pay for it out of the General Fund.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: The remarks of the gentleman, Representative Berube, and the division show clearly that there is very little support for the bill as drafted. I simply ask for the courtesy of offering an amendment which does not do what she is describing, but rather offers direct services for women.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: Mrs. Berube has noted many other programs that are available to women, and as I sat here I thought of two or three more. We have the adult education program in our high schools, and we had a large turnout of ladies of all ages supporting that program and we have helped them. We have given them money in that program and hope they do continue to get an education there which will allow to get into the job market as well as give some of the older women a little therapy which they needed after having been left alone.

Also, we have programs at the VTI's that can

be attended at night, and the ladies can certainly enjoy those as well as the men and again learn a profitable vocation, and we have the homemaker's program. It just seems to me we have enough programs going here so that we should stop and see how these are going before we enter into another bureaucracy.

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

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Connors, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Hanson, Holloway, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Kiesman, Lancaster, Lewis, MacBride, MacEachern, Macomber, Martin, A.; Masterman, McCollister, McHenry, McKean, McPherson, Michaud, Nelson, A.; Norton, O'Rourke, Paul, Perkins, Peterson, Racine, Reeves, J.; Roberts, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Studley, Treadwell, Twitchell, Walker, Webster, Wentworth, Weymouth.

NAY—Baker, Beaulieu, Bell, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Huber, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Livesay, Locke, Lund, Mahany, Manning, Masterton, Matthews, McGowan, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Paradis, E.; Paradis, P.; Pearson, Perry, Post, Pouliot, Prescott, Randall, Reeves, P.; Richard, Ridley, Rolde, Soulas, Soule, Strout, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT—Cunningham, Damren, Hayden Laverriere, Martin, H.C.

VACANT—Leighton.

Yes, 68; No, 77; Absent, 5; Vacant, 1.

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

Thereupon, the Majority "Ought to Pass" Report was accepted and the bill read once. Committee Amendment "A" (H-406) was read by the Clerk.

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

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

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)

Tabled—May 18 by Representative Mahany of Easton.

Pending—Passage to be Engrossed.

Mr. Mahany of Easton offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-430) was read by the Clerk and adopted.

Mr. Mahany of Madawaska offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-423) was read by the Clerk and adopted.

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

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized

today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House Adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

(Off Record Remarks)

On motion of Mr. Jalbert of Lewiston, Recessed until the sound of the gong.

After Recess

12:20 p.m.

The House was called to order by the Speaker.

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

Passed to Be Enacted Emergency Measures

An Act Concerning the Consent Requirements and Termination of Parental Rights for Adoption Proceedings (S.P. 604) (L.D. 1601) (S. "A" S-230)

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. 114 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 to Establish the Cost of the Maine Forestry District in Fiscal Year 1981-82 (H.P. 1303) (L.D. 1500)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Provide Highway Use Permits for Motor Trucks and Truck Tractors not Registered in Maine and Identification Permits for Those Registered in Maine (H.P. 1439) (L.D. 1581) (S. "A" S-203)

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: I wish someone could give us a brief description of what this bill does, how it works and how much money it is expected to raise for the Department of Transportation.

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

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: This is what we call the Moholland Bill. He has been a trucker for years, he has travelled throughout the United States with his trucks and always had to pay fees whenever his trucks went into other states. He could never understand why the State of Maine only charged people a dollar. If he wants to go into Connecticut now, he had to pay \$35. If he wants to go to other states, Massachusetts has gone up on theirs, all the other states are charging. In Maine, they have been paying a dollar, now we are going to \$30, and originally we wanted \$3 for the Maine Identification, too.

This is one of the most important pieces of legislation that we have to offer that is going to raise revenues that should have been raising

revenues for years and years in the State of Maine. I think it is a piece of legislation whose time has come. We have had estimates of as much as \$7 million and we are getting different estimates all the time as to revenues. This is something we just can't put our finger on and say exactly how much it is going to bring in, but we know it is going to bring in a lot of revenue for the State of Maine.

I do wish that Mr. Moholland would stand up and speak to his bill, because I think he is a man that we ought to pay tribute to here today.

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

Mr. SMITH: Mr. Speaker, I would like to ask a question in regards to this bill. Is this going to have enough policing effort put towards it, or is it going to be like one of the other bills that I know of that we have got on the books that we are losing a lot of money on and there is no policing effort on that bill.

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

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

Mr. CARROLL: Mr. Speaker, in this legislation we included an additional six state police. They are to perform this task along with people that have already been assigned to the truck weights and the PUC people, and they have assured us that this will be sufficient along with the people they already have, along with your local cops in your cities and towns throughout this state. Everybody is going to be aware of it. These trucks have got to have a sticker on them and they claim they are going to be able to do a real job on this. If they don't, God help them.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Another good point about this particular bill is, it is going to help identify, in many cases, those trucks where they are traversing the State of Maine and not paying their proper fuel tax. Under the sticker system, Representative Higgins, we will be able to identify these people.

As it stands right now, you have many trucks, out-of-state registered trucks, that are going through the state, coming out of New Brunswick and going south, or coming from the southern states and going north, with 250 gallon tanks, which means they are fueling up in Massachusetts or New Hampshire, across the border, and they are going into New Brunswick and they don't have to buy one gallon of fuel in the State of Maine. They are doing the same thing going from New Brunswick south, so we are losing a lot of money in our fuel revenues there. This is going to be a big help in that particular area.

This is one of the finest pieces of legislation that I have seen come through this House in the years that I have been here, and I would like to pay tribute — I don't know if Representative Moholland is going to get up or not.

Everybody said when he came in here, he is a trucker and he is going to look out for the trucking industry. Well, I am going to tell you, I don't believe that, I think the man has done one wonderful job on this piece of legislation; it is his bill. I would pay a particular tribute to Representative Moholland for his efforts, and I wish he would get up and say something.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to thank you, one and all, and I hope this brings in \$20 million instead of \$10 million.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.
126 voted in favor of same and 0 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 Cumberland County for the Year 1981 (H.P. 1475) (L.D. 1605)

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, 124 voted in favor of same and 3 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1981 (H.P. 1474) (L.D. 1606)

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, 131 voted in favor of same and 2 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Reimburse Owners of Livestock, Poultry or Beehives which are Destroyed or Damaged by Dogs or Wild Animals (S.P. 582) (L.D. 1558) (S. "A" S-205 to S. "A" S-157 and H-323)

An Act Amending the Statutes Relating to Restitution (H.P. 1185) (L.D. 1409) (C. "A" H-375)

An Act to Update and Clarify Legislation Concerning Agencies within or Affiliated with the Department of Business Regulation (H.P. 1453) (L.D. 1597)

Finally Passed

RESOLVE, Authorizing and Directing the Bureau of Public Lands to Convey a Perpetual Easement and Right-of-way in a Certain Parcel of Land in Augusta to Mobil Pipe Line Company, Subject to Certain Conditions (H.P. 987) (L.D. 1175) (C. "A" H-376)

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

(Off Record Remarks)

Reference was made to (H.P. 577) (L.D. 657) Bill "An Act Relating to the Public Utilities Commission Officials' and Employees' Compensation"

In reference to the action of the House on May 19, whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following members on the part of the House as conferees

Representative DAVIES of Orono
Representative WEBSTER of Farmington
Representative DILLENBACK of Cumberland

On motion of Mr. Brannigan of Portland,
Recessed until four o'clock in the afternoon.

After Recess 4:00 p.m.

The House was called to order by the Speaker.

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

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

Passed to Be Engrossed

Bill "An Act Relating to Retirement for Justices and Judges" (H.P. 1497) (L.D. 1617)

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

Second Reader Tabled and Assigned

Bill "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime" (H.P. 1011) (L.D. 1207) (C. "A" H-426)

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

On motion of Mr. Hobbins of Saco, tabled pending passage to be engrossed as amended and tomorrow assigned.

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

Divided Report

Tabled Unassigned

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act Concerning Information Provided by Insurers Prior to Rate Approval" (S.P. 345) (L.D. 988)

Report was signed by the following members:

Sensors:

SUTTON of Oxford
SEWALL of Lincoln
DUTREMBLE of York

— of the Senate.

Representatives:

FOSTER of Ellsworth
MARTIN of Brunswick
BAKER of Portland
BEAULIEU of Portland
LEWIS of Auburn
HAYDEN of Durham
LAVERRIERE of Biddeford
TUTTLE of Sanford
McHENRY of Madawaska

— of the House.

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

Report was signed by the following members:

Representative:

DAMREN of Belgrade

— of the House.

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

In the House: Reports were read.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending acceptance of either Report.

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 Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-227) on Bill "An Act to Limit the Amount of State Expenditures which may be made from Undedicated Revenues without Voter Approval" (S.P. 377) (L.D. 1135)

Report was signed by the following members:

Sensors:

HUBER of Cumberland
PERKINS of Hancock

— of the Senate.

Representatives:

JALBERT of Lewiston

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

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-228) on same Bill.

Report was signed by the following members:

Senator:

NAJARIAN of Cumberland

— of the Senate.

Representatives:

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

— of the House.

Came from the Senate with the Majority "Ought to Pass" as Amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-227).

In the House: Reports were read.

Mr. Pearson of Old Town moved that the Minority "Ought to Pass" Report be accepted in non-concurrence.

On motion of the same gentleman, tabled pending his motion to accept the Minority Report in non-concurrence 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 Bill "An Act to Reorganize the Government of Arrostook County" (Emergency) (S.P. 533) (L.D. 1494)

Report was signed by the following members:

Sensors:

PERKINS of Hancock
CHARETTE of Androscoggin

— of the Senate.

Representatives:

RIDLEY of Shapleigh
LaPLANTE of Sabattus
ROBERTS of Buxton
CURTIS of Waldoboro
ARMSTRONG of Wilton
PARADIS of Old Town
McHENRY of Madawaska
SWAZEY of Bucksport

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (S.P. 611) (L.D. 1616) on same Bill.

Report was signed by the following members:

Senator:

AULT of Kennebec

— of the Senate.

Representatives:

WENTWORTH of Wells
STOVER of West Bath

— of the House.

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

In the House: Reports were read.

The Majority "Ought Not to Pass" Report was accepted in concurrence.

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

Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Establish the Maine Condominium Act" (S.P. 112) (L.D. 266)

Came from the Senate with the Report read and accepted.

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

Non-Concurrent Matter

Bill "An Act to Abolish the Position of Elected County Treasurer in Aroostook County and Replace it with an Appointed Treasurer" (H.P. 881) (L.D. 1050) which was passed to be engrossed as amended by Committee Amendment "A" (H-392) in the House on May 15, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-392) as amended by Senate Amendment "A" (S-243) thereto in non-concurrence.

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

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

Non-Concurrent Matter

Bill "An Act to Make Funding of the 'Local Government Fund' Part of the Appropriations Process" (S.P. 90) (L.D. 206) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on May 18, 1981.

Came from the Senate with that body having adhered to its previous action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-208) in non-concurrence.

In the House:

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

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

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

Mr. HIGGINS: Mr. Speaker, I move that we recede and concur.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: This is the bill that we indefinitely postponed yesterday by over 20 votes, and I would hope that the House would defeat the motion to recede and concur and then we would adhere.

This is the bill that targets the state-local revenue sharing program, puts it in the Part I appropriations process and, in effect, allows the legislature to erode the revenue sharing program and allow that money to be placed into other programs.

I would ask the members of the House to please vote against the recede and concur motion and, Mr. Speaker, I would ask for a roll call.

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

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: We sincerely are not trying to target the local government fund. All we are saying is, let us be honest about this and put it up front that we are sharing this money and it is going back to the municipalities. All we are trying to say is, let it show, because everyone back home says you are not sending us back any money. We are, in fact, as we said yesterday, it is \$33 million for this biennium; the projection for the next would be \$43 million.

We are not trying to attack that fund. I know Maine Municipal has been lobbying quite heavily on this saying that perhaps it will be reduced or perhaps in future legislatures that money would be targeted. I am from a large municipality, I certainly wouldn't do anything wrong that would hinder my municipality, but I do feel that we should be honest and straightforward and have this up front within the budget.

I sincerely hope that you will recede and concur.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: We are being urged to be straightforward and I will repeat briefly what I

stated yesterday. If you will look at the Statement of Fact on L.D. 206, the last sentence states, and I quote: "This Bill will require that funding of this program become part of the appropriation process." It is not putting it up front. It means every year that we review the budget, we will be reviewing the 4 percent revenue sharing to the communities, and it will be open for cuts and reductions and matched against other programs.

I would urge you to stand fast and vote against the motion to recede and concur.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I would raise a question through the Chair. Is it not possible under current rules for a member of either body to introduce legislation cutting or raising the local revenue sharing funds today?

The SPEAKER: The gentlewoman from Falmouth, Mrs. Huber, has posed a question through the Chair to the gentleman from Winslow, Mr. Carter, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. CARTER: Mr. Speaker, the gentlewoman from Falmouth is absolutely correct. This can be done, but it must be done through an L.D. introduced for that purpose and not through subterfuge.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: You can put an L.D. in now to reduce or up the amount of money that goes to local communities. You can also, like we do with everything else, include it in the budget and make it a normal appropriation. We, every year, appropriate money for state retirement; that is not subterfuge. We do that through the budget process. We appropriate money for wages through the budget process, and it is shown, and everything else is shown, at least I think everything else is shown, but this is one of those areas where it is not shown, how much money goes to the local community.

If you believe that we should appropriate money for state retirement, I would think that it would naturally follow that you would believe that we should appropriate under normal process for revenue sharing and show it. I can't believe that there is anybody in this House that would want revenue sharing to local communities go down, but I just don't understand why anybody would not want it to be shown, like everything else is, aboveboard and honestly.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: I just wanted to make two more points regarding this bill. This bill doesn't only show the revenue sharing account in the budget, it does two other things. It says that if we underestimate revenues, then the shortfall would be made in the next year for municipalities, that the legislature, if it underestimated funds, it would restore those funds in the next year.

Considering what has been done with tree growth reimbursements in this legislature and with inventory tax in previous legislatures, state aid for highways in previous legislatures, I can't believe that we would restore any revenues that came in above estimates.

The other point is, if the state overestimates revenues and the towns get more money than what came in, then they would be deducted from their next year's revenue sharing. I think that would also cause problems at the local level.

So, there are two other problems in this bill besides the fact that they be shown in the future budgets.

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 Scarborough, Mr. Higgins, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Bordeaux, Cahill, Callahan, Connors, Curtis, Damren, Davis, Day, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Gavett, Gwadosky, Higgins, L.M.; Holloway, Huber, Ingraham, Jalbert, Kiesman, Lewis, Lund, MacBride, MacEachern, Masterman, Michaud, Mitchell, J.; Nelson, A.; O'Rourke, Paradis, P.; Pearson, Peterson, Randall, Reeves, J.; Salsbury, Smith, C.W.; Soulas, Treadwell, Walker, Weymouth.

NAY—Austin, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Carrier, Carroll, Carter, Chonko, Clark, Conary, Connolly, Cox, Crowley, Diamond, J.N.; Erwin, Fitzgerald, Foster, Gillis, Gowen, Hall, Hanson, Hickey, Higgins, H.C.; Hobbins, Hunter, Jackson, Jacques, Jordan, Joyce, Kane, Kany, Kelleher, Ketover, Kilmoyne, Lancaster, LaPlante, Lisnik, Livesay, Locke, Macomber, Mahany, Manning, Master-ton, Matthews, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, E.H.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Paradis, E.; Paul, Perkins, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Sherburne, Small, Smith, C.B.; Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, Wentworth.

ABSENT—Cunningham, Davies, Dudley, Fowlie, Hayden, Hutchings, Laverriere, Martin, A.; Martin, H.C.

Yes, 42; No, 98; absent, 10.

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

Thereupon, on motion of Mr. Carter of Winslow, the House voted to adhere.

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

Mr. CARTER: Mr. Speaker, having voted on the prevailing side, I move we reconsider and hope you all vote against me.

The SPEAKER: The gentleman from Winslow, Mr. Carter, having voted on the prevailing side, now moves that the House reconsider its action whereby it voted to adhere. All those in favor will say yes; those opposed will say no.

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

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) on which the House Insisted on its former action whereby the Bill was passed to be engrossed as amended by House Amendments "B" (H-319) "C" (H-324) and "D" (H-329) and Asked for a Committee of Conference in the House on May 18, 1981.

Came from the Senate with the Body having adhered to its previous action whereby the Bill was passed to be engrossed as amended by House Amendments "B" (H-319) and "D" (H-329) in non-concurrence.

In the House:

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

Mr. STROUT: Mr. Speaker, I move that the House adhere.

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

Mrs. BERUBE: Mr. Speaker, I move that we recede and concur.

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

Mrs. HUBER: Mr. Speaker, I feel I owe the House an explanation as to why I am going to vote against my chairwoman's motion to recede and concur. Basically, it is because I made the motion yesterday to have a Committee of Conference in hopes that a Committee of Conference could work out the problem which was debated thoroughly on the floor here, which I will not even get into.

I remain convinced that that can happen. Unfortunately, we no longer have the vehicle with the committee of conference to achieve that end. However, I feel that to leave the bill in a recede and concur position would not adequately reflect the feelings of many people in this House, with whom I happen to disagree, but I do respect their point of view, and I know there is a middle ground and, in fact, we have already discussed a possibility for such a compromise.

Therefore, I would hope that we would vote to adhere, after we defeat the pending motion, because although that will mean the demise of whatever number we are dealing with here, 1576, I guess it is now, there are at least two methods that I am aware of for introducing a new bill which would contain language that I am sure the majority of this body and the other one would find agreeable on the issue of inspection of inspection stations. So while I will be voting against the gentleman from Lewiston, Mrs. Berube's motion, it is not in disagreement but hopefully that we can regrettably start afresh, given the fact that we no longer have the committee of conference to come to a compromise with.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I have talked to quite a number of you about this bill, and while I urged you to go along to save this bill, I was not aware of some of the maneuverings that were going on that have just been spoken to you about by my fellow member of the committee, Representative Huber. So, I feel that I was put in a false position and therefore I will go along to adhere and kill this bill, too.

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

21 having voted in the affirmative and 102 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Strout of Corinth, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

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

(S. P. 573) (L. D. 1542) Bill "An Act to Enable the State of Maine to Fund Waste Water Treatment Systems in the Event Federal Funds are not Included or Limited in Future Federal Budgets"—Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-247)

(S. P. 412) (L. D. 1216) Bill "An Act to Amend the Law Relating to the Public Reserved Lands"—Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-248)

(S. P. 479) (L. D. 1362) Bill "An Act to Protect Public and Private Property from Ice Jams"—Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-249)

(S. P. 455) (L. D. 1301) Bill "An Act to Require Public Hearings Prior to Proposing Exchanges of Public Reserved Lands"—Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-250)

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

(S. P. 265) (L. D. 747) Bill "An Act Relating to State Participation in Local Leeway under the School Finance Act" (Emergency)—Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-251)

On the objection of Mr. Pearson of Old Town, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-251) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

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

Non-Concurrent Matter

Bill "An Act to Establish a Consolidated Map of the State" (H. P. 1158) (L. D. 1379) which was passed to be engrossed as amended by Committee Amendment "A" (H-373) in the House on May 14, 1981.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House:

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

Mrs. KANY: Mr. Speaker, I move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Waterville, Mrs. Kany, moves that the House Insist and ask for a Committee of Conference.

The gentleman may proceed.

Mrs. KANY: Mr. Speaker and Members of the House: I hope that you will speak to your friends in the other body and convince them of the importance of this particular measure. It is An Act to Establish a Consolidated Map of the State of Maine, in which we could provide maps, both road maps and as an economic development measure to have much information on the other side. And I would certainly hope that we, of all states, with our tourism, could provide this for people interested in visiting our state, so I do hope you go along with the Committee of Conference.

Thereupon, the House voted to insist and ask for a Committee of Conference.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT—Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-422)—Minority (4) "Ought Not to Pass" Committee on Business Legislation on Bill "An Act Concerning Drug Abuse by Registered Pharmacists" (H. P. 1117) (L. D. 1334) which was tabled and later today assigned pending the motion of Mr. Brannigan of Portland to accept the Minority "Ought Not to Pass" Report.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I voted "ought not to pass" on this measure for several reasons. It is a measure that requires certain sentencing requirements on the judge relating to the licenses of pharmacists.

First of all, although the sponsor has been working on this bill for a long time, the final draft that we were presented with was being prepared the night before the work session in order to get the approval of the Attorney Gen-

eral's Office and the judge of the administrative court. Those approvals, even with the changes made in those final drafts, were not sufficient.

This deals with mandatory sentencing regarding the taking of the license of a pharmacist. It is my opinion that this body should not take the recommendation of the Business Legislation Committee when it comes to mandatory sentencing of any kind. If we had had approval of lawyers and judges, maybe so, but really anything dealing with mandatory sentencing, I think, should come from the Judiciary Committee. I just don't think we have the expertise for that, even though we deal with licensing all the time.

The other reason that I voted against this bill was because I felt that it should cover more than just pharmacists if we are going to deal with taking away of licenses by mandatory sentencing.

Those are the reasons, very simply, why I am on the "ought not to pass" report, why I have moved that and why I am asking you to accept that this afternoon.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am going to urge you to accept the "ought to pass" report of the committee, the majority report. The problem that we are addressing here is a very grave one, it deals with pharmacists who are selling their drugs out the back door, hallucinogenic drugs, drugs like that, and are carrying on various things which are unprofessional and very damaging to the general public. In many cases, they will be sentenced but they will be allowed to keep their licenses, which means very quickly they are back selling the drugs out the back door and doing things like that.

The mandatory sentencing part, I have no problem with. We do that for crimes committed with handguns and things like this. I think we are completely within—that is our job to do this type of thing, to set up this type of sentence if we feel that it is sufficiently necessary.

I have no problem with the Business Legislation Committee addressing this bill, and although I certainly bow to the Judiciary and feel that they are very well informed, this was a bill that we handled, we talked about, and we spent a lot of time on, and I think that we gave it due consideration and the majority report is the report that should be followed in here. I urge your acceptance of the majority report and I ask for a division.

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

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill. This is a pet project that I took on about four and a half years ago, and I came about this because of discovering that many licensing boards related to the medical profession specifically define violations of law, but when the professional breaks these violations, his license is revoked or suspended.

Currently in the pharmacy law, it says that suspension may occur when in the best interest of the public. The specialty of a pharmacist, the nature of their work is dealing with drugs, they have no one to answer to specifically, there is a great deal of public trust which we place in them and the first part of my bill more clearly defines the types of violations that they can have their license suspended for or revoked.

The first of my bill defines it exactly as a doctor would have it defined. This is the same types of violation, which says that according to state and federal laws they will lose their license.

The second part of the law more clearly addresses the problem which is growing in the State of Maine that we need to address, that specifically is Medicaid fraud and distribution of drugs. If a pharmacist is convicted of Medi-

caid fraud in this state, it is a very serious crime, because it is not only defrauding the state but it is taking the money from people who could use the money in that program.

We set this at a minimum term, that the person who was convicted would only lose their license for 120 days, I think that is more than reasonable and I urge your support of this bill.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I am also, as with my chairman, on the "ought not to pass" report on this particular bill. I don't think there is any doubt by the members of the committee that the impetus of this bill came because of a problem they were having in Bethel, Maine. I don't have a problem saying that in front of you because I think that the gentlelady from Bethel, Miss Brown, is simply doing her job. She has had a problem with a particular pharmacist there and she is trying to do something to better that situation.

I am a little concerned, however, when we get into mandatory sentencing in one particular occupational group.

If you ever look at Title 32 in the Maine Revised Statutes, it deals with all kinds of occupations, chiropractors, cosmetologists, dentists, optometrists, podiatrists, psychologists, substance abuse counselors, and I don't think for us to be singling out one particular profession is really the kind of thing we want to be doing.

They have come a long way in this area. I think the gentlelady has done a good job, but I think to wait another year or two years, come up with a comprehensive bill that deals with all these occupations, would be the best direction for us to take.

I would urge you to support my chairman, who would also be voting for the acceptance of the "ought not to pass" report.

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

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps my research started because there was a specific need in my district, but in the four and a half years that I have been researching this, I have discovered that Bethel, Maine isn't the only area which has a drug abuse problem.

There is a terrible inconsistency in the penalties being handed out in this profession. I have an example here, I have many examples but one that I will give you at this time is that one pharmacist was convicted of a felony for stealing over \$3,000 under Medicaid fraud and he lost his license for 45 days. Another pharmacist was convicted of a misdemeanor with a \$1,000 fine, and he lost his license for 90 days. There is a terrible inconsistency here because there are no guidelines and there are no specific outlines currently in the law.

This deals specifically with pharmacists, it deals specifically with crimes which they commit while in the course of their duties. It is a deterrent to crime, hopefully. We have a situation here where we are not going to be funding DSI and other areas. We have got an excellent Medicaid Fraud Control Unit in this state, they endorse this bill thoroughly, they need it. There are 11 other pharmacists currently under investigation in that office alone, not counting the convictions that they have already had in the past two years, Bethel, Maine is not the only problem, believe me, there are many areas in this state that this should address.

As far as the pharmacists go, I personally would like to come back here and rewrite a section of the administrative act to address all professions, but right now I see this as one of the most clearly defined situations that needs to be addressed at this time. It cannot wait another two years.

I urge you to support the 9 to 4 report.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I voted on the majority "ought to pass" simply because I feel that we do have a problem in this particular area and we have an opportunity to take some corrective action. If we are singling out a profession, I think it is a start, and we have got to start somewhere. I don't think that we should wait two or three years to consolidate all of our professional people. We have an opportunity to start, and I think we should right now.

I hope that you will support the majority report.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, that the Minority "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.

9 having voted in the affirmative and 92 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-422) 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 Chair laid before the House the following matter:

HOUSE DIVIDED REPORT — Majority (8) "Ought Not to Pass" — Minority (4) "Ought to Pass" in New Draft (H. P. 1506) (L. D. 1619) — Committee on Election Laws on Bill "An Act to Revise the Law Concerning Absentee Voting" (H. P. 373) (L. D. 411) which was tabled and later today assigned pending the motion of Mr. Diamond of Bangor to accept the Minority "Ought to Pass" Report.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I have a rare opportunity today. We have a divided report out of Election Laws which, in itself, is not rare at all, it is very usual, but it is very unusual, and I think it is even a first, that the House chair and the Senate chair are on the same side of a divided report.

I want to explain portions of the bill to you because I think some of you have expressed your concerns. It was L. D. 411; it is now a new draft, L. D. 1619, if you care to drag it out. I am just going to refer to the substantive changes in the absentee voting law. A lot of what is in this bill is current law; it has just been renumbered into different paragraphs, the paragraphs have been renumbered.

The first major change is on Page 2 of the bill, Section 1253, Subsection 2-A. This section refers to the application for an absentee ballot. It would make a change in the law which would say that on receipt prior to the sixth day before the election of an absentee ballot application, these applications would be done through the mail or in person. In other words, the third person, prior to that date, would be able to bring you an application, but an application would go through the mail, unless, of course, you go in person and appear before the clerk.

On Page 3, Subsection B, which is at the top of the page. This refers to applications which are received within seven days of an election. When these applications are received, it could be done in one of two ways. It could be done through the mail or it could be done via a third person. In other words, you could specify a third person to deliver the absentee ballot to you.

On Page 4, Section 1254, Subsection 1, is the real major change. If your absentee ballot is done through the mail, it would not need to be witnessed by a third person. It is simply fill out your absentee ballot yourself, mail it back to the clerk and, of course, if you do it in front of

the clerk in the town office, you would not need a witness either.

If you are completing your absentee ballot via a third person, this is a substantive change, that third person cannot be the candidate for election nor the spouse of the candidate.

It is important to note — before I go on, the rest of this bill is basically current law; there are no other substantive changes, but it is important to note that the candidate or the spouse can and hopefully will distribute applications for absentee ballots. All the minority report says is that the third person witnessing the filling out of an absentee ballot cannot be the candidate or the candidate's spouse.

These are major changes. In the past, we have been reluctant to deal with the problems of absentee ballots. Representative Kany and the cosponsors brought this original bill, L. D. 411, to the committee. It has been changed substantially from the way it was. I hope that you will ask questions if you have any, express your concerns, and I hope that we will be able to answer them.

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I rise today, obviously, to urge you not to support the "ought to pass" report on this piece of legislation. I would just like to reiterate a little bit of what Ms. Benoit has said concerning the changes that this bill has made.

First, it would prohibit the candidate and the candidate's spouse from delivering absentee ballots. Secondly, it makes it unnecessary for an absentee voter's signature to be witnessed by a JP or notary or dedimus justice.

Now, when you think of this firstly, you think, well, if a candidate isn't allowed to participate in the absentee balloting, then perhaps we won't have a drive of candidates going out hustling absentee ballots, and maybe that is true, but if the candidate isn't allowed to do it and the candidate's spouse isn't allowed to do it, and you don't need a JP and you don't need a notary, who can do it? Everyone can do it, ladies and gentlemen, and that is exactly my point. This would open up the absentee voting laws to very, very scary consequences. It also encourages voting absentee by mail. That is already permitted, but by not having an absentee be witnessed by a JP or a notary or dedimus justice, it is going to be done, voting by absentee, a lot more frequently, and the cost of this, which is approximately 78 cents per ballot, would be borne by the municipality.

I would also like to add that L. D. 1619, the re-draft of this legislation, the first time I laid eyes on it was this morning when it appeared on my desk, the same time as it appeared on yours.

I think you should take a very, very hard look at this legislation. I appreciate all the work that Mrs. Kany did on this. I know she worked a long, long time, but the ramifications of this piece of legislation, if it were passed, would be very, very wide ranging. Therefore, Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Woolwich, Mrs. Cahill, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: Originally, I had many reservations about this bill. The original draft was what I would consider a radical change in the way our absentee ballot procedures are and work and I was not supportive of it originally. However, a number of the people on the committee, and the bill's sponsors, put a lot of time into coming up with a workable bill, one that answers the questions and the concerns of people not only in this body but the people of the State of Maine, and I believe that the new

draft, L. D. 1619, is a workable solution.

When it comes to elections, I think there is nothing the public seems to show more concern about than the way in which absentee ballots are distributed and collected. This bill will address a lot of those problems without opening the process up to greater fraud or greater expense. The figures and the concerns that my friend from Woolwich, Mrs. Cahill, expressed I was unaware of, and I still believe they are unsubstantiated.

The bill really provides greater privacy in voting. Instead of having the middleman, which you and I and a number of people have served as, distribute ballots, it eliminates one person and allows the clerks to send those ballots directly to the person who wants them. Instead of me going in with an application, giving it to a clerk, getting the ballot, taking it to the voter and bringing it back to city hall myself, the town clerk or registrar will send that out directly. By eliminating that step, I believe we are addressing one of the concerns, that being that the fraud that could potentially occur in absentee balloting occurs with that middle person. Most people are suspect of the people who are carrying the ballots. Regardless of whether or not that is a legitimate concern, the fact is, that is where the concerns lie. Through this bill, we can address that concern by eliminating the middle person and still provide efficiency and accuracy.

I think it will remove the pressure, also, that a lot of people feel when they are casting a ballot in front of another person. In my own campaign, I only went out and gathered three absentee ballots. I felt very uncomfortable being there with my name on the ballot, and I can't help but feel that the people who were filling out that ballot must have felt a little uncomfortable seeing my name there. They must have felt, regardless of whether or not I could see their action, that I may feel badly if they voted against me or feel some pressure to vote for me. Again, that was my own concern, and I know a number of you here don't share that, but what we are addressing in this bill is not our own concerns, those of us in this body, but the concerns of the people out there is the pressure being applied, is the appearance of pressure there, is the public concerned about that pressure?

Also, it removes the need for a JP or notary or third persons to witness the ballot. Again, that provides greater privacy and, as we found through bank contracts and a number of things, having something notarized by someone with a title, no matter how important or unimportant the title may be, I feel it does not justify having somebody with a title validate or authenticate these ballots. I don't see a need to do it, I feel that the system can accommodate that without any problems being created, and that part of the bill I support wholeheartedly.

If we can create a system that is more efficient, I say let's do it. This bill will create a more efficient system by taking out one third of the people involved in the absentee ballot process. If we can give the public greater confidence in the electoral system, again I say, let's do it, and this bill does that.

If we want to do all that, I think the passage of this bill is imperative. I think it is a positive step and I think that the public really would like to see this type of positive action come from the body.

I would ask you to oppose the motion of the gentleman from Woolwich and hopefully we can get this bill sent to the other body.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am sure the absentee ballot change would be worse than what we now have.

Let me point out to you that we as legislators should be increasing voter participation, not making more apathy. I am sure this would make more apathy.

Our clerk mails a lot of ballots at the present time, they can mail them now, they don't need this bill. Many of them from our small towns get mailed at the present time. I think if there is anything we don't need, it is more apathy in voting. I think instead of this correcting the matter, it makes the thing worse, especially in the small towns. I am sure we have got a better system now than we would have with this new system. We would have more apathy and we can use the mails today as well as we could under this bill. I think it is a change just for the sake of a change and I wouldn't be in favor of it.

I hope the motion to indefinitely postpone prevails.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I just want to respond to one remark made by Mrs. Cahill, and that is the potential for fraud if we do not have witnesses when people are filling out their absentee ballots.

When you apply for an absentee ballot, you have to mark on that ballot the reason why you need an absentee ballot. It is fraud if you fill it out incorrectly, if you are not honest.

Are you going to tell me that if I go to someone's house with an absentee ballot and it says on it that the person is going to be out of town that I am going to question that person? I don't know whether that person is really going to be out of town or not. If they tell me they are incapable of getting to the polls, I have to take that person's word. I can't possibly see what difference a third person being there is going to make.

As far as increasing voter participation, let me say again that the candidate or the candidate's spouse can deliver all the applications that you would like to deliver. That, in itself, is encouraging people to vote, those people that cannot make it to the polls.

I would ask you not to vote for indefinite postponement.

Furthermore, if there are any real problems with the bill, if you let it go to second reader and you want to try to amend it, I hope that you will do that.

Mr. Speaker, I request a roll call.

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

Mrs. CAHILL: Mr. Speaker and Members of the House: I would like to add that that third person that Ms. Benoit has referred to is an official that has taken an oath to uphold the law.

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 Lewiston, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, I was away Friday afternoon and didn't get a chance to sign the report.

Originally, as the gentleman from Bangor, Mr. Diamond, stated, the bill was far too drastic for my taste, but the redraft and the compromise and the bill that is before us now, I think, as Representative Diamond outlined very well, is very palatable and, on the record, I would consider myself on the "ought to pass" report.

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

Mrs. KANY: Mr. Speaker and Members of the House: I wish my friend Walter Birt were here today, I really do. Walter Birt and I have been wanting to change the absentee ballot system for years. Four years ago we put in a bill with some other people, and to tell you the

truth, it met a rather resounding defeat, only 45 votes. Two years ago we didn't even bother to put in any substantive change, but I put it in this year and revised with improvements, because I thought this legislature was bright enough, open minded enough to change the absentee ballot system, and I really do believe that if there is anything that is difficult to change in the legislature, it is election laws — maybe labor, too, but basically election laws, and I hope you do not dismiss this bill.

As Representative Benoit outlined, in mailing a ballot, you would not require a notary or justice of the peace signature witnessing that ballot, something Representative Dudley did not seem to be aware of, and it would only be in that final week before an election in which there would be hand delivery. So, most people could be voting by mail and have much more privacy than they now have, and during that final week would be the time when various people could deliver a ballot, but just not a candidate or that person's spouse.

I hope you go along with this right now. People are literally disenfranchised unless a notary or justice of the peace will witness that signature and will first show them that empty ballot, and who are these notaries and justices of the peace? Are they the notaries and justices of the peace who work in our law offices, our real estate offices — of course not, they are basically candidates, and I think it is really a threat to our integrity and to that of politicians, really, to have a little white ballot being carried around, to have the law require that we show that empty ballot to someone and then not influence their vote and yet sign and witness their signature on the outside of that absentee ballot after they have voted.

I hope you go along with this. If you have not had a chance to read the revised L.D. 1619, read it before tomorrow and then on second reading, if you can think of an improvement, then please do try and amend this bill, but I hope you go along with it. I urge you to oppose the motion of Representative Cahill and go along with Representative Benoit and Senator Pierce and the other members of the Election Laws Committee who were brave enough and open-minded enough to report out this bill.

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

Mr. KELLEHER: Mr. Speaker, I wish that Walter Birt was in this House this afternoon also, because Walter Birt would be joining me in supporting the good lady's motion to kill this bill. If there was one man that I served with in the past ten years that was for election reform and absentee reform, it was certainly Walter Birt, but he wouldn't be with Mrs. Kany on this issue, and neither am I.

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

Mrs. KANY: Mr. Speaker and Members of the House: Representative Kelleher is at it again, and I would like to say that I have talked with Walter Birt this afternoon, and he definitely, strongly favors this.

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

ROLL CALL

YEA—Armstrong, Austin, Beaulieu, Bell, Boisvert, Bordeaux, Boyce, Brenerman, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connors, Connolly, Crowley, Curtis, Damren, Davis, Day, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Gavett, Gillis, Gowen, Hall, Hanson, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante,

Lewis, Lisnik, Livesay, Lund, MacBride, MacEachern, Mahany, Manning, Masterman, Matthews, McCollister, McGowan, McKean, McSweeney, Michaud, Murphy, Nelson, A.; Nelson, M.; O'Rourke, Paradis, P.; Pearson, Perkins, Perry Peterson, Post, Pouliot, Racine, Randall, Reeves, J.; Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Treadwell, Twitchell, Walker, Webster, Wentworth, Weymouth.

NAY—Aloupis, Baker, Benoit, Berube, Brannigan, Brodeur, Cox, Davies, Diamond, J.N.; Gwadosky, Kane, Kany, Macomber, Masterston, McHenry, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Norton, Paradis, E.; Paul, Reeves, P.; Richard, Soule, Thompson, Tuttle, Vose.

ABSENT—Cunningham, Fowlie, Hayden, Huber, Laverriere, Locke, Martin, A.; Martin, H.C.; McPherson, Prescott, Mr. Speaker.

Yes, 110; No, 29; Absent, 11; Vacant, 1.

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

Sent up for concurrence.

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 and later today assigned pending final passage.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat reluctant to ask the House to table this again today, but it is my understanding that there is nothing desperately wrong with the bill but that there is supposed to be a fact sheet coming up to the members of the legislature from the Attorney General's Office surrounding the execution of these claims, so I would ask someone to table this for a day or so, until we get the fact sheet, and I have no reason to believe that there is anything going on here that is underhanded, but I think the House would like to have the facts that are going to be made available before we enact the bill rather than afterward.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending final passage and tomorrow assigned.

The Chair laid before the House the following matter:

Bill, "An Act Establishing the Women's Training and Employment Program" (H. P. 568) (L. D. 644) which was tabled and later today assigned pending adoption of Committee Amendment "A".

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

Mr. MURPHY: Mr. Speaker, an amendment is being prepared to answer many of the concerns that were raised this morning. The amendment has not yet arrived. I would hope somebody would table L. D. 644 one day for me.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the following matter:

Bill, "An Act to Control the Cost of Worker's Compensation Rates to Maine Employers" (H. P. 1483) (L. D. 1611) which was tabled and later today assigned.

On motion of Mr. Brannigan of Portland, retabled pending his motion to accept the Majority "Ought to Pass" Report in New Draft and tomorrow assigned.

On motion of Mrs. Mitchell of Vassalboro,

the following matter was removed from the Unassigned Table:

Bill "An Act to Increase the Licensing Fee for Beano" (S. P. 32) (L. D. 35) which was tabled pending acceptance of the Committee Report.

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

Mr. COX: Mr. Speaker, I move that we accept the unanimous "Ought to Pass" as amended by Committee Amendment "A" Report.

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

Mrs. BERUBE: Mr. Speaker, I would pose a question to the chairman. Did I understand him to say that there is an amendment to this bill?

The SPEAKER: The Chair would answer in the affirmative.

Mrs. BERUBE: May I ask, please, if the increase is still 100 percent or if it has been lowered?

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

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: This reduces the increase. The increase was to have been \$4 a day; it is now \$3 a day, and from \$15 a month to \$12.50 a month.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-1) 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 to the Senate.

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

Bill "An Act Relating to Payment by Employer when a Physician's Certification of Illness is Required" (S. P. 204) (L. D. 571)

The SPEAKER: The pending question is on the motion of the gentleman from Harrison, Mr. Leighton, that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted.

Mr. Diamond of Windham withdrew his request for a roll call vote.

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

Mrs. BEAULIEU: Mr. Speaker, I ask that you all vote against reconsideration and ask for a division.

The SPEAKER: The pending question is on the motion of the gentleman from Harrison, Mr. Leighton, that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted. All those in favor of reconsideration will vote yes those opposed will vote no.

A vote of the House was taken.

4 having voted in the affirmative and 96 having voted in the negative, the motion did not prevail.

On motion of Representative Berube of Lewiston the following Joint Order (H. P. 1515)

ORDERED, the Senate concurring, that the Joint Standing Committee on Audit and Program Review report out a bill to the House entitled "AN ACT Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law."

The Order was received out of order by unanimous consent and read.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to briefly explain the reason for this.

Passage of the order will simply give the committee an opportunity to incorporate a

compromise which would have come out. I am convinced, from a committee of conference, had we had one yesterday, had the Senate concurred with us. It will address the concerns of those people who had addressed the issue of some importance to them, and I am sure that will resolve to the satisfaction of everyone.

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

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. McHenry of Madawaska, Adjourned until nine o'clock tomorrow morning.