

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

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HOUSE

Thursday, May 21, 1981

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

Prayer by the Reverend Roland Lord of the First Baptist Church of Cherryfield.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Ought to Pass as Amended
Later Today Assigned**

Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-84) on Bill "An Act to Revise the Public Drinking Law" (S. P. 66) (L. D. 93)

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

In the House, the Report was read.

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

Non-Concurrent Matter

Bill "An Act to Undedicate Funds Received from Public Reserved Lands" (S. P. 92) (L. D. 208) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on May 20, 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" (S-221) and asked for a Committee of Conference in non-concurrence.

In the House: On motion of Mr. Hall of Sangerville, the House voted to Insist and join in the Committee of Conference.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Revise the Law Concerning Absentee Voting" (H. P. 373) (L. D. 411) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on May 19, 1981.

Came from the Senate with the Minority "Ought to Pass" in New Draft (H. P. 1506) (L. D. 1619) report of the Committee on Election Laws read and accepted and the Bill passed to be engrossed in non-concurrence.

In the House:

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

Mrs. KANY: Mr. Speaker and Members of the House: This bill is an extremely comprehensive redrawing of the absentee ballot system. There are many aspects to the bill, including some cost-saving measures to cut down on the printing of absentee ballots and a variety of other major changes. Representative Cahill and I are interested in sitting down and perhaps seeing what we could work out together, and anyone else who might be interested in saving a portion of this bill or at least introducing some small change into the absentee ballot system, so I would ask if someone would table this for two days while we look at this comprehensive measure.

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

Ms. BENOIT: Mr. Speaker, I ask that this be tabled for two legislative days.

Whereupon, Mr. Kelleher requested a vote.

The SPEAKER: The pending question is on the motion of the gentlewoman from South Portland, Ms. Benoit, that this be tabled pending further consideration and specially assigned for Tuesday, May 26. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 20 having voted in the negative, the motion did prevail.

Special Sentiment Calendar

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

Recognizing:

Dana Goodwin's restaurant, the Bowdoin, recipient of the Business of the Year Award by the Brunswick Area Chamber of Commerce; (S. P. 623)

William E. Rittmeyer, who received the Annual Valued Member Award from the Brunswick Area Chamber of Commerce; (S. P. 624)

Edward F. "Ted" Wilson, who received the Annual Citizenship Award from the Brunswick Area Chamber of Commerce; (S. P. 625)

Beverly M. Hancock, who has been named Maine's Business Education Teacher of the Year and Maine Vocational Teacher of the Year, 1981; (S. P. 627)

David Cox II, of Brewer, who has achieved the high rank and distinction of Eagle Scout; (H. P. 1521) by Representative Treadwell of Veazie.

Jane Longfellow, daughter of Mr. and Mrs. Alden Longfellow of Farmingdale, valedictorian of Hall-Dale High School Class of 1981; (H. P. 1522) by Representative Weymouth of West Gardiner. (Cosponsors: Senator Ault of Kennebec and Representative Reeves of Pittston)

Margaret Arsenault, daughter of Leo Arsenault of Farmingdale, salutatorian of Hall-Dale High School, class of 1981; (H. P. 1523) by Representative Weymouth of West Gardiner. (Cosponsors: Senator Ault of Kennebec and Representative Reeves of Pittston)

Sandra Palmer, daughter of Mr. & Mrs. James Palmer of West Gardiner, valedictorian of Gardiner Area High School; class of 1981; (H. P. 1524) By Representative Weymouth of West Gardiner. (Cosponsors: Senator Ault of Kennebec and Representative Kilcoyne of Gardiner)

Michele James, daughter of Mr. & Mrs. Glendon James, of Randolph, Salutatorian of Gardiner area high school, class of 1981; (H. P. 1525) by Representative Weymouth of West Gardiner. (Cosponsors: Senator Ault of Kennebec and Representative Kilcoyne of Gardiner)

In Memory of:

William P. Ferguson of Springvale, an outstanding community leader; (S. P. 626)

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

House Reports of Committees

Leave to Withdraw

Representative Kane from the Committee on Taxation on Bill "An Act to Provide Partial Reimbursement to Municipalities for Revenue Loss due to Property Tax Exemptions on State and County Property" (H. P. 611) (L. D. 688) reported "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Representative Dexter from the Committee on Energy and Natural Resources on Bill "An Act Assuring Legislative Participation in Nuclear Waste Repository Research and Development Activity within the State" (H. P. 1322) (L. D. 1522) reporting "Ought to Pass" in New Draft (H. P. 1526) (L. D. 1636)

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

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

Ought to Pass in New Draft

Representative McKean from the Committee on Transportation on Bill "An Act to Amend Certain Motor Vehicle Laws" (H. P. 694) (L. D. 808) reporting "Ought to Pass" in New Draft (H. P. 1512) (L. D. 1628)

Report was read and accepted and the New

Draft read once.

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

Ought to Pass in New Draft/New Title

Representative Connolly from the Committee on Education on Bill "An Act to Amend the Laws Governing School Administrative Districts" (H. P. 1066) (L. D. 1277) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Laws Governing School Administrative Districts and Community School Districts" (H. P. 1514) (L. D. 1631)

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 Stover from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1981 (Emergency) (H. P. 1516) (L. D. 1629) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 264)

Report was read and accepted and the Resolve read once.

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

Consent Calendar

First Day

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

(H. P. 1251) (L. D. 1475) Bill "An Act to Establish the Procedure for Payment for Attorneys' Fees Awards Against the State" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-446)

(H. P. 21) (L. D. 14) Bill "An Act to Clarify the Definition of Resident Individual in the Income Tax Law" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-451)

No objections having been noted, the above items were given Second Day notification, 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:

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 19 by Representative Brannigan 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. Brannigan.

Mr. BRANNIGAN: Mr. Speaker and Members of the House: We are about to begin what I believe is one of the most important debates this session, certainly one of the most important debates for those of us from Business Legislation — 9 to 4 Majority "Ought to Pass" Report on the so-called state fund for workers' compensation. This debate, I assume, we will be really that, it will be one of many questions of many people who would just like to torpedo what we are presenting here this morning. We will do our best to answer all of those questions by handouts that are about to be distributed and by the work of the committee in giving answers to questions. We won't be able to answer all questions because this bill and our presentation don't intend to. We are setting up a framework by which this very important fund can be

initiated.

Before I take up the questions that I am going to address first, and then other members will be addressing others, I would like to say first of all that there will be an amendment offered in second reading.

When this bill was printed, we had not gotten back reports from the Finance Office and from the Attorney General's Office, and in order to take care of questions and discussions with those people we have prepared an amendment, it is on your desks in case anyone wishes to refer to it, it is under filing H-453. I will just run through the amendment a bit. It has some technical things, typos, Section 22 was put in instead of Section 23, that kind of thing. There are a couple of places where the word "act" and the word "fund" were mixed up and those have been clarified. It also clarifies two other things, the effective date of the funds beginning to operate as a fund and providing policies to those who wish to insure their workmen's comp through this fund will be in January of 1983. That was a clarification in the bill because the act itself, this act to begin the preparation for the fund, will begin as any other L.D. will begin, so that is clarified.

Relationship with the Bureau of Insurance is clarified by putting in that it will be subject to all things under Title 24-A, which deals with insurance matters, except those that are expressly excluded in the bill itself. Those are all clarifying issues.

Probably the major issue in that amendment deals with the pledging of the state's faith in credit. We never intended that the state's faith in credit would have to be used to back up this fund, and when there was some doubt that there might be some constitutional question dealing with that statement, we decided that it best be eliminated, so there is some language in that amendment that we will be presenting which will take out that statement and in order to hammer home the solvency of the fund which was intended from the beginning, anyway, in the beginning when you start up any kind of fund like this, self insurance or a fund like this, you begin with a great deal of re-insurance, which means that you purchase insurance from insurance companies to back up any risk that you might have. So, it says specifically that the director will purchase reinsurance both in excess aggregate and for any particular casualty or catastrophe loss. That is the amendment we will be offering to take care of some technical things and to clarify certain issues from discussion with those people.

I suppose the question is not as important as it was, being that we have taken out the state's faith in credit issue, but there has been some talk that this kind of fund would weaken the state's financial position in its quest to get back its Triple A bond rating. I was going to read a letter, I don't think it is necessary, I have the letter here from the Treasurer of State and he feels that even in the old language there would be little or no effect on the financial rating of the state.

The City of Portland, where I come from, has been self-insured, which is not unlike this kind of situation, for many, many years, and wisely or unwisely doesn't reinsure at all for anything, and it has a Triple A bond rating. So we feel that there is no danger in that issue.

My last task in beginning this debate this morning is to talk about one of the major questions, and that is the question of why should the state get into the business of insurance, and for me, that is the question of need. Is there a need for such a fund as we are proposing to provide, a competitive state fund? I, of course, believe there is.

I began to get interested in this piece of legislation when I remembered the problems I had had with workmen's comp in the small business that I run, a nonprofit business, but a business just the same because we have to purchase that kind of insurance, having a lot of

trouble with it. I went to my agent and said, I am paying more than I should. The category they have me under is not the profit category and it is costing me more than other similar places like it. Anyway, he said, Joe, not much I can do for you, nobody likes to write this stuff, they don't make any money on this stuff and I can't do anything for you. I said, well, see what you can do. So he went off and two, three or four months later, he dragged back and said — after I called him a couple of times — I can't get anybody to write workmen's comp, they don't like it and I can't get it changed. Well, I changed insurance agents and have done much better since then, although these same agents say they have great difficulty in writing workmen's comp.

Competitive — this is a competitive state fund. We are not saying in any way and our committee never entertained that there would be a monopolistic, as there are in some states, where all of the workmen's comp would be handled by a state fund — competitive — and that is the thing that really got me interested in this piece of legislation, the word competitive, because right now workmen's comp is not competitive. The rates are not competitive in any way. They claim they don't — and I always thought that was true until I got into this — that they don't have any choice, they all have to go by the same rates no matter who you go to, a domestic company like one here in Maine or a foreign company like one that comes from out of state, just to get our terms in here. That is not true, as I understand it. The large companies can go and file for separate rates according to experience. They don't have to go on the regional and national charts, and we say that once we get a competitive state fund going, it will be competitive and it will force other groups, large groups anyway, that write big amounts of this workmen's comp, they can do it and they are going to have to do it because they are going to have some real competition by this fund.

So there is a need, there is a need because you have trouble with private insurance writing it, they claim they don't make any money at it, and, also, because they could have cheaper rates, so I believe that this is a situation where the state needs to step in to correct a very great need.

I urge you all to support the "ought to pass" motion on this very important issue, and when the vote is taken, Mr. Speaker, I request a roll call.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This is and isn't an important issue. It is an important issue from the philosophy that is running through the concept that we are being presented with this morning. It is not an important issue as far as solving the problem of workmen's compensation.

The solution for workmen's compensation is sitting on the unassigned table right now and we haven't approached it. This is the Aspirin that we are taking to try and cure the symptoms but not reaching the disease.

I sat in on the Small Business Conference this summer and I am well aware of the problems businesses in the State of Maine are facing. I am also well aware of our attempts in this House to address it, and I don't think we have even gotten to it yet.

This particular bill came in and it has been well orchestrated. A gentleman flew in from Ohio and was brought up to Portland, Maine by the State Police to visit with us and told us about the Ohio fund, a fund that has been an absolute disaster until the last couple of years when a very able administrator has taken it over and is slowly wedging it out of the mud and making it into a more competitive fund and a fund that can compete.

We have looked at other funds, such as the

State of Washington. None of these were founded or started later than 1933 and 1934, the depth of the Depression, and now the State of Maine is talking about launching itself into this type of a project, setting up a government agency, putting the camel's nose in the tent and making the very beginnings of what may be the largest insurance company in the state, only it won't be a private insurance company, it won't be an independent one, it will be one that is backed by all of the people of the state and their tax money. I don't think we should take this step. I think it is an unwise move and a move that we do not want to involve ourselves in.

Yes, there are problems with workmen's comp, but I don't think those problems are going to be solved by starting a state-backed, the credit of the state in back of it.

I agree, there is an amendment in front of you, and if you will look on your desks, you will see it sitting there, which attempts to remove this from the full faith and credit of the state, but you can't tell me that this fund that we are talking about starting with four employees and \$250,000 isn't going to grow and take on more and more employees. The best estimate I have is that in five years we will need at least 150 employees and maybe more, it is going to have office space and buildings, and it is not going to take all of the risks, it is going to be a selective fund, it is only going to take the best risks, and those risks mean that it is going to be looking for the cream floating on the top of the bottle, just the very best, possible risks.

It doesn't propose to do anything about going out and counseling people on how they are going to cut their risks back and run a safer operation, it doesn't do anything about so many of the other problems that are facing us.

Again, looking back at Ohio, in Ohio, for example, they only pay the lawyers when the lawyer wins the case. Maine doesn't do that. Maine pays the lawyer win or lose.

There are a number of these things that in Ohio are addressed and in other states that Maine doesn't. Maine is paying about the third highest benefits in the country. I have no problem with our paying the benefits, and I have no problem with taking care of the workers in Maine, but I think we have got to look very carefully at the costs of this and the projected costs over the years ahead, and in no way is setting up a state fund and bringing government into running these things going to do it.

Again, it is stepping a little bit aside from Maine, but I want you all to think about some of the other state-run things that you see, and federal run things like Social Security, which is now collapsing in its own weight, the Post Office, which provides such excellent service and a number of these other things. They all started with two or three people, they all started as a small project and they all grew into this.

I guess my own personal philosophy is very strongly that the private sector can do the job if we, in the legislature, don't hobble the private sector to such a degree that they can't, and I think we are hobbling it and I think we have got to face the bills that are sitting on the unassigned table, the bills that can free the private sector to do the job effectively and efficiently, and that this bill is sidestepping the issue and is not needed.

I hope you will accept the Minority Report, that is the "Ought Not to Pass" Report on this bill, and I ask for a division.

Mr. Speaker, I think I will move the indefinite postponement of this bill and all accompanying papers.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Years ago, I was told once when I was a young man that if you would travel around this world long enough, you would find your twin, and I would like to inform Mr. Jackson that two weeks ago in Bangor, at

the Bangor Chamber of Commerce meeting, there was a gentleman there from Liberty Mutual and he is your twin. He sounded just like you. If there is one thing that that gentleman didn't want at that meeting at the Chamber dealing with workmen's comp is anything anywhere near the approach that this legislature of this state support a competitive fund bill. He began by describing almost in detail the very remarks that you have laid upon this House, and I kind of look at your remarks with interest. You worry about the growth of this state development fund and the bureaucracy that would be created. The only way it would grow is if the employees of this state would participate, and the reason there would be any growth would be a very fundamental one—that it was less expensive and that it was a better deal for the employees of this state.

I am not at all worried about the growth because there will be a cost savings duplicated or amplified by a growth, if there is one, because they can save money.

You know, it is a very strange thing for me to listen to my good old conservative friend from Yarmouth, who is worried about creation of a competitive fund program here in this state that would benefit business. If business doesn't like it, business doesn't have to follow the program.

Mr. Jackson is a strong spokesman for business in this state, and I welcome it because he gives a breath of fresh air to some of us who are apt to be not supportive of business. To oppose this competitive fund bill is to be contradictory to your position of trying to help business. I wouldn't be concerned about the growth, because if there is growth in this program, it is because the business climate is healthy.

No one is forcing anyone to participate in it. The State of Ohio, as he said, did have some problems, they had problems because they didn't put professional people in to run the program. They put political hacks in there, and the state finally came to its senses and it attempted to wipe out the tremendous deficit it had and, by the way, it was an excellent presentation and I think it gave encouragement to a great many of us to say that we happen to be on the right track.

The insurance agents of this state are scared to death of it. I have a copy of a notification that came from the Chamber of Commerce in Bangor, by its director, Walter Capen, and they were fearful of the state getting into this business. It sounded just like the guy that was there two weeks ago that was speaking for Liberty Mutual, or whatever the name of the company is. He was complaining that we shouldn't have another program, here's about 60 to 70 of them now that you can participate in.

Isn't it amazing when you come to a point in life where you can offer something that will save people money, the very people that are reaping the harvest off it, not the workers, let's not get an avalanche of thoughts dealing with the workers are ripping it off, participants, the people that are hurt, it is the agents themselves and the companies. We have the highest percentage rate, the third or fourth highest, in payments in the nation, we have one of the poorest records for dollars that are returned back to the state. I didn't hear Brother Jackson talk about that at all. It is always you have to worry about who is getting what. Well, when the businesses are getting it all and the return to the state through investments is very poor, it makes me begin to think that perhaps the Business Legislation Committee worked out a good bill.

I would hope that you would oppose the gentleman's motion and I would ask for the yeas and nays.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of

L.D. 1611 as amended. I am particularly in favor of a plan which will provide a 15 percent relief in workers' compensation rates for small employers who have reduced their work force because of the cost of workers' compensation.

You know, if all casualty companies were able to charge their own workers' compensation rates based on their own experience, I might not recommend a competing state fund. Unfortunately, this is not the case. There is not competition for workers' compensation.

You should know that there is only one set of standard rates available to any insurance company, no matter what the experience of the account, and they are promulgated by a body known as the National Council, which is located in New York and has its computer services in Connecticut. The present rate system was set up in 1947 and has not been changed in all these years, regardless of the change in times.

At present, this results in a monopolistic rating system, and to be sure that no company veers its standard rating structure, each policy issued must be approved for rates by a stamping office before delivery.

This means, among other things, that there is no incentive for an employer to give much regard to safety standards, because no matter what his experience, he will be charged the same rate.

In addition, there seems to be no auditing by the National Council of the reserves for losses which they receive from the insurance companies. These reserves are very important, they play a large part in determining loss ratios which, in turn, have a great effect on premiums. By the way, I was amused, if nothing else, to see that this year in particular, even with seasonal business they doubled those reserves, even with paid losses not as large as the premiums, something is definitely wrong.

Furthermore, invested income was not considered in determining the rates at the time of the last rate increase. If allowed, this might have made a reduction of 10 percent on the rates.

For Maine, the council has never considered such things as area rating or rural versus urban rating, and by use of minimum premiums, there is a great discrimination against the small employer. Did you know that all small employers, regardless of experience, are placed in the assigned risk pool?

Conservatively speaking, in my opinion, the competing state fund will immediately result in a 15 percent reduction in workers' compensation rates for those employers who join the fund.

In 1979, consulting report from the State of Nevada reported out that the expense ratio, plus estimated profit for insurance companies was on the average set at 35 percent of premiums; whereas, the expense ratio for state fund varied all the way from 7 to 13 percent.

I might also suggest, and I just want to back up what my chairman, Mr. Brannigan, spoke about, with a competing state fund, the National Council would be reluctant to increase company rates or at least keep the increase to a minimum if the state fund did not see fit to change the rates.

Now, as to the bill itself. The key, as the majority of the committee saw it, would be in the executive director who runs it. To attempt to get the best, the bill requires that that person must have proven successful management experience and have worked in the workers' compensation division of an insurance company for at least five years. And to attract good candidates for this position, the pay grade is set at that of other commissioners.

The fund will be audited each year and be subject to examination by the Insurance Bureau, similar to all casualty companies. The fund will be subject to premium tax similar to any insurance company. The fund is protected through mandatory insurance. This follows the same procedure as we now find in the case of

Maine Municipal. Their plan is completely protected by reinsurance. They have set up reserves for losses, they have paid dividends and have been in business only three years. Besides that, they didn't have any startup funds.

The bill furnishes the framework for the development of workers' insurance program. It provides for administration, including but not limited to ratemaking, underwriting, premium and benefit accounting, claims handling and annual reporting. It provides for funding and repayment of such funds plus interest. It provides for investment of funds and the accounting of such investments. It is expected that the director will hire qualified consultants to help set up the system and funds have been provided for that.

You have on your desks the breakdown of the required startup funds. Most of the claim work would be contracted out, similar to Maine Municipal's, who today, even with a \$2,500,000 fund, have only three employees in their home office, so I just wonder about these hundreds of people that Representative Jackson was talking about.

You know, I believe that this is a good bill. There should be an immediate savings of 15 percent in workers' compensation for those with good experience, and the fund will be particularly helpful to small employers, as the question of minimum premiums and their being a part of the assigned-risk pool will be addressed.

In closing, to quote from the slogan of my former boss, the late Governor Longley—think about it. Yes, do think about it, what you will tell your small employers if you do not vote for this bill.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: My friends, Representative Kelleher and Representative Perkins, have made a major mistake this morning because they have confused the issue totally. They are confusing the issue of a state fund with the issue of what exactly our labor law is in the State of Maine.

What we have in Maine is a labor law which tells exactly what the benefits are, exactly how the rates are to be determined and so forth and so on, and no matter what we do, unless we change our labor law, our state fund is not going to solve the mess.

For example, Mr. Perkins has spoken of the problem of fostering competition among the private companies that are writing workers' comp policies right now. We have a bill on the unassigned table that would do that by requiring each company to file its rates separately.

Mr. Perkins has also talked about how investment income is crucial in determining rates. We have already passed a law, which I believe he was a cosponsor of, which does require disclosure of investment income. In other words, what I am saying is, he is confusing the idea of a state fund with the intricacies of our labor law.

Now, let's just look at the benefit levels and let's just compare them for a moment with Ohio. I think we have all been lobbied a great deal on the Ohio system and how Ohio has solved everything. In Ohio, everyone pays his own lawyer's fees; in Maine, the insurance companies and the employers pay all of the employer's fees. That is a significant difference and we have a lawyer's fee bill on the unassigned table. Ohio has a direct pay system. Some of us dearly want a direct pay system for Maine, and that bill is also on the unassigned table.

The maximum weekly benefit in Maine right now is 166-2/3 percent of the average weekly wage, and that is scheduled to go to 200 percent in the near future. In Ohio, the maximum weekly benefit is 66-2/3 percent of the average weekly wage, and that is much lower.

I guess what I am saying is that maybe a

state fund is a good idea, but a state fund will not work until we straighten out the labor laws that we have, and for that reason, I hope that we can defeat the state fund. We then can proceed to try to straighten out the labor laws that we have, and then, after we have straightened out the labor laws that we have, if we still see that the insurance companies are mean, wicked and horrible, as we are being told that they are, then we can pass a state fund, but let's try to straighten out our labor laws first and not put the cart before the horse. In fact, I find it exceedingly ironic that every workers' comp bill that has come in here that will help to cut down rates without depriving injured workers of just benefits is sitting on that unassigned table, while this little gem is whipping right through and no one tried to table it unassigned.

I do hope that you will do the responsible thing this morning, and that is to defeat this horrible bill so that we can proceed to those items on the unassigned table one by one.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: Since several speakers have referred to the unassigned table, let's talk about that mysterious item which is sitting here some place. The bills on that table, my friends, taken as a whole, simply address future increases in costs to workers' compensation, they do not — if you pass every single reform measure proposed — if they do not reduce rates, they simply slow down the escalation; let's get that straight. The highly touted 166-2/3 pass less than one percent, less than one percent. These are guesstimates, by the way, you all know there is no data study and nobody can get accurate figures about what we have in workers' compensation.

The highly touted 5 percent cap on benefits, a guesstimate, maybe an 8 percent reduction in future increases, not a reduction in rates, may be a slowdown, an 8 percent slowdown.

If we pass all those bills on the table, we also are going to have to come up, my friends, with \$600,000 of state money to fund them. The direct pay system that the gentlelady from Auburn is talking about has a price tag of \$400,000; you should know that. The other reform measures have additional price tags of \$200,000. I am not suggesting that they are not worthy, but we should be aware that we are going to have to come up with General Fund revenues just to make these slight reductions in future increases.

On the other side of the coin, conservative estimates suggest that a competitive state fund reduces rates by about 15 percent, that is very conservative. Colorado made it at 47 percent. The big difference, my friends, is that the bills on the unassigned table stop the rate increase at the expense of the worker. The bill that we are addressing now reduces rates at the expense of the insurance company, and I don't have much trouble making a decision in that.

But I am suggesting that you can vote for both of those things. You can vote for the competitive state fund because you are believers in free enterprise, you want the insurance companies to be more competitive and, as Mr. Branigan pointed out earlier, they would be competitive. If nobody likes the state fund, they won't use it, they will use their private insurers.

The other comment that I keep hearing and I am somewhat puzzled about, we talk about no government programs because they don't work. Well, in many of the businessmen audiences that I have visited recently, we talked about things like industrial revenue bonds, they like that government program; in fact, they used it to build a plant in Vassalboro a couple of years ago. It helped the business, it helped the community and it helped the workers, so there are government programs that work.

This is not a new idea. I wish we had thought of it a long time ago, we are rather late getting

on the bandwagon. So I am suggesting, let's not confuse the issue. We can make reforms and we will be making reforms. The issues on the unassigned table are being dealt with in a very productive manner and the gentlelady from Auburn is helping to work on that solution, but there is no reason to kill a very good reform measure, which is before you, which gives you substantial reductions in rates and does not do so at the benefit of the injured worker.

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

Mr. POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the Majority "Ought to Pass" Report on this bill, I rise to urge you to support a competitive state workers' compensation insurance fund for Maine. I firmly believe that this is the best answer to the problem of escalating insurance premium costs available to us today. The simple truth is that the competitive fund works. It works in Colorado, it is working in Nevada, it is working very successfully in California, and it works in nine other states and it can work here in Maine if you give it a chance.

The state fund is not a new idea. Most of the existing state funds were organized between 1911 and 1920, when workers' compensation first came into being. As a matter of fact, you probably will hear that used as an argument against the fund. Since there hasn't been a fund organized since the early 1900's, there must be something wrong with fund. Well, ladies and gentlemen, I would say in response to that argument that the reverse is also true. No state with a state fund has ever abolished a fund in favor of going to a private workers' compensation insurance system, and let me repeat it, no state with a state fund has ever abolished a fund in favor of going to a private workers' compensation insurance system. No private insurance system has ever been organized to supply workers compensation coverage to replace a state fund.

State funds, like private systems, have changed over the years. Some exclusive state funds have been converted to competitive funds, such as in the state of Ohio, but other states, such as Washington, have refused to change. Employers are not to blame for that high workers' compensation premiums, employees aren't to blame — inflation is the boggieman that has driven the cost so high that the premiums are strangling the small businessman in Maine — that is the bottom line.

The premium that Maine employers must pay, and the premium is what the competitive state fund is all about, all the evidence, all the facts, point to the conclusion that a state fund will be cheaper for the Maine businessman. As you would expect, the insurance industry is violently opposed to the state fund proposal. As you already know, you probably have received numerous phone calls, probably received ump-teen stacks of letters, agents are opposed because they will not get their commissions for selling workmen's compensation insurance. Let me ask you, is it selling or is it taking an order? Selling is when you have competition.

Insurance companies are opposed because, contrary to what they tell us, they make big money on workers' compensation, and to prove my point, ladies and gentlemen, ask yourselves these questions. Why? If the insurance companies are losing money as the claim, why, then, are they fighting tooth and nails to keep this business? You all know that this is a fact. They are out in these corridors today and everyday fighting tooth and nail. I would say, why haven't they moved out of Maine? Why? Our 88 private insurance carriers continue to write insurance policies in Maine. The insurance companies do make money on workers' comp and the last thing they want to see is Maine adopt a competitive fund because of the national impact of such an action. They are afraid that Maine will be the first domino to fall and I say, think about it. I have already had this explained

to me.

I think this is the bottom line. Two days ago in the corridors, I had some good friends of mine from an insurance agency, and whom I respect very much, we went to school together and I respect the gentlemen, they ended up telling me, you know, Chick, you know the impact this could have, and it kept leading on and I said, yes, it could have an impact. I said, you all know and realize now that if this does happen here in Maine, that there is a domino theory, that is the truth, they are afraid of what the other states will do and some of the other states where they are making big profits.

Eight other states are currently considering state fund legislation. They are afraid that if Maine enacts state fund legislation, these other states will follow suit. The insurance industry is asking us to sacrifice Maine employers, Maine working people, the Maine business climate and the Maine economy to protect them. Ladies and gentlemen, we must put the people of Maine at the top of our list of priorities. We must enact a competitive state fund because it is the only way to significantly reduce premiums and help the little businessman. If all the AIM bills were enacted just the way AIM wants them, the effect wouldn't even come close to the premium reduction provided by a state fund.

I ask you, like I have asked many people in the corridors, lobbyists, insurance people, if some of the 40 bills that are before us that are waiting, if five of the key bills that they want were enacted, and I returned home June 4th or June 5th and I have to look at Mr. Businessman in the eye, because I come from a predominantly business district area and I come back to them and say, we had a good year, we enacted those five bills for it is going to help you. I ask you, when you return home, how much premium reduction are you going to tell Mr. Employer he is going to have? There is none. We know that there is about 25 percent increase coming and if they tell us there is a discount coming the following year, don't believe it because it is not true. When the insurance lobbyists approach you on this issue, please remember where they are coming from.

I had to think it over an awful long time before I decided to run for this office. I am not ashamed to say that I am here today, actually I am proud, because I think it is a golden opportunity in any man's time sitting in this body today. There are big decisions that have to be made. I am extremely proud of the industry that I have served for 19 years and I continue to serve. I have no axe to grind with them, they have none to grind with me. But I made a commitment to myself and to my family when I decided to come here, that I want to be a good politician, and I believe in this state and in this country there are good politicians and a politician is one who wants to work for the people. I am a lobbyist for the people but I am also a lobbyist for management. I work for both sides. Mine is to give them a fair chance. When did the lobbyists from AIM or any lobbyist out there ever tell you the other side? Tell me one-time. There is only one side for them, that is the commission in their pockets. If we do not enact this state competitive fund and if nothing happens to the other bills that we have, we all go home and what did we accomplish? Nothing. But they will be back in the 111th — you think about it.

I would like to say that it has been a pleasure for me to serve on Business Leg, but especially to have as my seatmate Mr. Al Perkins, who I have learned to respect and admire very much, and I know when this bill came before us, we talked about it and we both agreed that we weren't going to be a "D" or an "R." If you just look at the Report, 9 to 4, ladies and gentlemen, this is not a "D" or an "R" issue, this is a state problem. This is a Mr. Employer's problem: it is a serious problem.

I would tell you very carefully, ladies and

gentlemen, I know that there are some of you, possibly right now, not even listening, but that is all right. All I know is, I can honestly say in my conscience that I have listened to both sides. I have learned a lot. Yesterday I sat with two insurance people knowing how I would be voting, but I learned a lot yesterday, because when the day comes that you legislators sit in this House and you close your mind to such an issue — I would say, keep an open mind, study the facts, they are there. The state is not trying to take it all over.

Like my good friend Mr. Kelleher said, if the businessman doesn't want to buy it, no one is going to break his arm to buy it, but if they should come forward and start purchasing the fund, then I would say possibly there is merit.

My other friend, Mr. Jackson, a statement was made that in five years the state may have to employ 150 people; that means there is possible potential for success right off the top. I mean, are we looking at true success? If he sees where we are going to have to employ people to administer this program, he probably envisions that it will succeed.

The enactment of a competitive state fund will be a giant step forward for the Maine economy. Maine business and Maine working people. I would ask you to please support the Majority Report and I would ask you in closing, please do not, and I say again, do not, sit in these sacred chambers and do the lobbyists' business, do the people's business.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: My main concern with this has been the pledging of the state's credit. It is my understanding, however, that an amendment may be introduced, and perhaps I could go along, providing that stipulation is in the bill.

I do have one thought and one question and it is that perhaps not one state has gone out of the self-insurance business, but isn't it because unfunded liabilities are so that without guaranteed premium income the state could not pay future obligations or liabilities? You just can't drop out like that. I guess my question is, could this succeed, really, in diminishing the cost of premiums to the small employers? We are not concerned, perhaps, with the large ones, but could this really succeed if we do not also address some of the positive factors that have kept the premiums high, not reducing financial assistance to the injured workers, but areas like attorneys' fees, so if those remain in the statutes, could we really say that this plan could succeed? I sincerely ask the question.

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

The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: One of the major problems in our present rating system is that the small employer has been forgotten, so when they take the level of rates, they lower the level of rates for the big employer, who probably will file the biggest claims too, and they have left our little small employers subject to national rating, which, in my opinion, is absolutely wrong. For example, a plumber down my way has 13 people working for him. He hasn't had a claim in 10 years and he says to me, why did my rates just go up 67 percent? You know, I can't answer that, but I do know that the way they are doing their rating today does not favor the small employer.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: My only involvement with the insurance industry up to this time, when we started working on this legislation, has been as a payer of premiums so, obviously,

the insurance, I am a dummy when it comes to insurance and obviously the insurance industry thinks, so because I haven't been lobbied by those black cats out there in the hall and feel a little bit hurt about it.

However, I am a Maine citizen, I am a member of this body, I do have certain responsibilities when we are dealing with legislation like this and I have three or four really sincere questions that come to my mind when I read the legislation and study the legislation. I would like to pose these questions to anyone who might choose to answer them.

My number one question is, obviously, as soon as insurance is sold, there are going to be some claims, so where does the money come from to take care of the startup of the program? Where is that first claim check coming from, because I haven't found any place in here where the actual dollars are coming from up front to take care of the first claim. I realize that it is supposed to be a self-perpetuating thing like the Social Security program, but where do you pay the first claim from?

My second question is, how will we guarantee the solvency of the fund if the state is not going to stand behind it? Because we are going to have a lot of people getting into it and invest in it and committed to it and how do we guarantee the solvency?

The third question is, is this fund going to accept insurance requests from all comers or is it going to be selective? If it is selective, is the fund going to accept its share of the assigned risk?

The SPEAKER: The gentleman from Fryeburg, Mr. Kiesman, has posed a series of questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: If I have it correctly, the first question was, where does the claim money come from for the first check? This is advanced premiums, premiums will be paid in on a quarterly basis and the money will come from the premiums paid.

The second question was, guarantee the solvency of the fund. I visualize, subject, of course, to the consultants, the consultant actuaries, whoever, who fill in the framework, it will be something like MMA. MMA has what we call a stop loss system. In other words, if their loss ratio goes above 75 percent to re-insure, steps in and pays the premiums, so that is the safety factor that we are talking about.

Will it be selective? Starting off, yes. I would be very disappointed if they didn't. The first year can't be any assigned plan, because the assigned risk plan depends on the premiums you wrote the year before. Well, obviously, not having written any premiums before, you won't be in an assigned risk plan.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to go into the question a little bit more. The first claim, I think it was explained to you but I would use a different term, I would call it bootstrapping. What you are going to do is, you are going to lift yourself up by your bootstraps by selling the policy before the policy is set up, three, four, maybe six months ahead of time, so you have some money to then go on with it. If you can't sell the idea, if for some reason people don't buy it, you are in deep trouble, but the concept is, it is going to be good enough so that it will be.

Also, you are seeing an answer in the debate today that we are trying to make this seem like a very plausible and good idea so that it will be salable. I think the term that I have always heard used is an actual hypothetical situation; so much of what we are talking about here is an actual hypothetical situation. We don't know whether it is going to work or not but it sounds

good.

The solvency of the fund—the reinsurance is up to the manager of the fund. He may reinsure or he may not.

Again, if you are having trouble bringing in money, you may find that you don't want to take on the premiums for reinsuring. You may try and go it alone, cross your fingers and hope that you don't have a major loss. If you get a major loss, you will have some real problems, and I don't care what they say, we're going to be looking at the General Fund or some other way to bail it out, because once this is set up, no way are you going to let it go down the tube.

Will the fund be selective? Yes, it will be selective. It has got to be selective because when we are trying to bring this baby into the world, we can't risk getting the bad risks. It has got to be a real live, kicking infant when it hits the world and there has got to be no possibility that anything will go wrong, so they are going to take the best, and only the best.

It is promised that someday they may be able to take all risks and they may be able to, as the private sector now is, reach out and be able to handle everybody no matter how good or bad their risk is. But, that may happen and it may not, it is an actual hypothetical situation.

Mr. Speaker, I don't think I made it clear, I move that this bill be indefinitely postponed.

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

Mr. TELOW: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate about getting up here to make a few remarks after listening to that eloquent presentation by my very good friend, Representative Pouliot from Lewiston, even though he is on the opposite side of the party from me.

I have prepared a statement that I planned to present concerning this L.D. 1611, which I signed in the majority. However, I have several comments that I would like to make prior to my presenting that statement.

As a result of my years in retailing, as a store manager and as a district supervisor, I have found that it is essential that workmen's compensation must benefit both employers and employees equally. Improvements in the workers' compensation laws can only be accomplished by having a system that will relieve the burden that is now being forced upon the employer. A state competitive fund can and will benefit both the employer and employee. The investment income from the reserve that will be accumulated can reduce employer premiums and also increase the injured workers benefits.

Another comment that I would like to make resulted from a phone call received last week from my roommate while I was in college. I would like to explain the oddity of that phone call and the fact that in the Alumni News from Northeastern University, they put in there that I was the first Republican to be elected in the City of Lewiston. So I got a phone call after forty years saying he wanted to speak to me.

He is associated with the General Electric Company in the tax division, so I am sure that he knows all about workmen's compensation. In our conversation, I mentioned the Ohio Workmen's Compensation plan because I thought that would be an ideal time, and being that he was paying for the phone bill, I thought I would get some use out of it. His remarks were favorable. I gratefully accepted his offer to forward information in regards to this program to their program in Ohio. I would like to quote several statements from the material received. Now, this is not material that came from Johnson that was here. This is information received by the General Electric Company in Ohio.

One of the things from a letter dated April 10, 1981, from the Ohio Manufacturers Association — "Workers' compensation is an issue of vital importance to manufacturers. It is a significant cost of doing business, and the quality of

our program in Ohio has a very important effect upon labor relations." There is a letter right there from the Ohio Manufacturers Association out of Columbus, Ohio. Any members here who would like to look this over can see me afterwards.

Here comes another one — "Ohio Plan under attack." This is from the New Jersey Workers' Compensation Investigating Committee, dated 1974, and it says: New Jersey, the most tragic aspect of the Workers' Compensation System in this state is a small percentage of premiums which ultimately goes to the worker. Despite the fact that over 1.2 billion was credited to premium income by insurance carriers from 1967 to 1971, only 41 percent, or \$502.8 million, ultimately found its way to the person for whom the system was formed, the worker." That is a statement from the New Jersey Workers' Compensation.

I am just saying, if any of you are interested, this was information that was received by the General Electric; it didn't come from Mr. Johnson or from the people, it was direct from the Ohio fund.

Finally, the statement that I would like to make, too, is this — this bill gives us the real opportunity to help the businesses of this state to respond in a meaningful way to a problem which is rapidly becoming a crisis for Maine businesses. The fact is that rapidly rising workers compensation insurance premiums are seriously harming the business climate of this state, and I know this for a fact because I was a former chairman and am still a member of SCORE, which is the Service Corps of Retired Executives who help small business in starting up and those that have problems, and there are problems, and I don't mean maybe.

I signed the Majority "Ought to Pass" Report on this bill because I believe it offers the best method of really reducing premiums that employers must pay. That is the bottom line. Any of you that run a business, the bottom line is whether you succeed or fail, but if you don't have it in black on the bottom line, then you will be coming to me looking for an SBA loan or you will be filing Chapter 11, which is what W.T. Grant Company did after I had left them. I don't dare to tell anybody of my past record, because I was with Grant's and they went down the tube. I was with Manmouth Mart, they went into Chapter 11, I was with Islands, and they went down, so nobody will hire me anymore.

The committee spent a lot of time reviewing the facts and developing this competitive state fund bill. We examined the state funds in Colorado, Nevada, Ohio and California. Without exception, these state funds provide workers' compensation coverage to employers cheaper than private carriers do. These funds are successful and the key to their success is good management, and, boy, do I know that. We could not operate in the company that I worked for unless you had good management. Stores could succeed or fail. If you had the right manager, I never had to make trips to that store.

This bill provides the controls, oversights and reporting requirements to insure that the Maine fund would be well managed. Eighteen states and all the Canadian Provinces have state workers' compensation funds. On the average, those funds return \$1.04 of every premium dollar to injured workers in benefits.

In Maine, only 60 to 65 cents is paid out in benefits for each premium dollar. Where is the rest?

Clearly and repeatedly, state funds have proven to provide coverage cheaper than private insurance companies. Many of us, Republicans and Democrats alike, have an almost natural prejudice against state involvement in business, and that applies to me, but I ask you to set aside that prejudice and give this bill fair consideration with an open mind. Our overriding concern must be what is best for the state of Maine and its people; that is what we were

elected to do. This bill definitely serves the best interest of the state, the business community and the working people.

I urge you to vote for the competitive state fund.

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: Having been a member of the Labor Committee during the session, I have intently watched the situation of workers' compensation before the 110th Legislature. I look at this bill with amazement from what I feel is a truly bipartisan approach to a problem that essentially will not go away.

As most of you know, I have sponsored many pieces of legislation for workers' compensation myself. Some are presently on the unassigned table. In all honesty, from an objective point of view, I would have to commend the Business Legislation Committee for dealing with this subject in such a constructive manner.

I have been around labor all my life, my father and his father before him were working people, as I am. Unfortunately, the business community and labor have historically taken opposing roles in trying to deal with the same problem.

After looking over the original package of workmen's compensation bills that were presented to the Labor Committee in a piecemeal approach, I feel that if they were adopted, it would not have saved an appreciable amount of money for the workers' compensation problem, which I am sure we are all here to address.

It is amazing, from the most recent memo that I receive, in my area one of the biggest complaints of this legislation was that if it were enacted there would be a possible savings of 15 percent to the business community of the state.

There is some question as to whether the state should get involved in a workmen's compensation program; I might have some questions there myself. But presented, small communities and some school boards, through help of the Maine Municipal Association, are involved in a similar type of fund and it has proved to save communities, like my own in Sanford where I am a selectman, substantial sums of money.

In closing, I do not know if the state fund is the ultimate answer to the workmen's compensation situation in the state, but I feel that at the present time, we have no effective alternative but to pass this bill. I feel that any partisan excuse from either side in defeat of this bill is totally inappropriate and not in the best interest of the people of the State of Maine. Therefore, I urge you to support this bill.

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

Mr. FITZGERALD: Mr. Speaker, Ladies and Gentlemen of the House: I hope you vote for this bill today. It is a good example of a piece of legislation whose time has come. Unprecedented rates of inflation have pushed the price of private carrier workers' compensation insurance to absurd levels with further and even larger premium increases promised for the immediate future.

It is clear to me and to other members of the committee that private insurance company coverage is no longer the way to go in the field of workers' compensation. Prohibitive premiums are hurting everyone involved, employers and workers alike.

I know that some members of this House and the other body will vote against this bill because they believe it to be an undue interference of free enterprise. Ladies and gentlemen, our present system is not free enterprise. State law mandates that employers purchase workers' compensation coverage. The rates are based largely on figures from the National Council, which are then approved by the Superintendent of Insurance. There is not and cannot

be, under state law, free enterprise competition among private carriers on premium rates. The private sector can no longer provide the necessary coverage at a reasonable or even realistic price. We need an alternative.

There are a number of legitimate reasons that a state fund is cheaper, and none of them have anything to do with the efficiency of operation. First, the 7 percent commission that agents receive for selling compensation coverage will be eliminated. Based on 1980 statistics, this alone would amount to \$7 million.

Second, investment income on premiums and reserves would be credited to the fund to help bring premiums down instead of going into the coffers of the insurance companies. As the state fund reserves grow, the amount of income received from investment of these reserves would grow.

Third, overreserved amounts from the settlement of long-term claims would remain in the fund. The effect would be to further depress premiums.

Fourth, any profit realized by the fund after operating expenses, reserves and necessary surpluses funded would go back to the employer in the form of dividends to further reduce his cost of insurance.

Finally, it is very important to keep in mind that this bill proposes a competitive state fund. If employers should choose to stay with private insurance company coverage, for whatever reason, that is their option. No one would be forced to purchase from the fund against their wishes. Participation in the fund is strictly voluntary.

I would also point out that nine of us on the Business Legislation Committee feel very strongly that a competitive state fund is the most workable method available to protect the working men and women of Maine and significantly reduce the burden on Maine employers caused by astronomical insurance premiums. Isn't that exactly what we need to do? Isn't the high cost the real problem? Aren't we threatened by future premium increases the real issue?

Nothing proposed thus far this session by AIM or by labor, by Republicans or by Democrats, will reduce premiums to the extent that a state fund will. Remember that, ladies and gentlemen. If we are really serious about cutting costs and reducing premiums, the state fund is the best workable alternative to the present system.

State funds are not new. They have been in existence ever since workers' compensation has existed. The facts and statistics prove that their premiums are cheaper than the insurance companies'.

The bill has been reported out of committee with bipartisan support, and I hope that it continues to receive bipartisan support from this House.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Those of you who know me or have watched my votes this session, or have listened to me speak on previous issues before this House, know that I am not a liberal, know that I am not a socialist, know that I am a supporter of the free enterprise system. If you have watched the votes, you know that I don't always vote with labor. As a matter of fact, I vote based on my conscience.

When my committee first received the state fund bills, I was opposed to them for many of the same reasons I have heard echoed in the halls and in this chamber. It is just another program; government can't do anything as well as well as private businesses; government should not be involved in business; and government can't do anything right.

Well, ladies and gentlemen, against my better judgment and personal prejudice, I listened to the testimony, I looked at the statistics and I looked at the evidence. A member of our

committee, Representative Perkins, has special expertise in this field from over 4 years as an actuary and an insurance consultant. I listened to him and I was very impressed. Our committee met with the Director of the Ohio fund, who even the critics of state funds acknowledge is an expert in this field. I listened to him.

I went in with an open mind because we do have a problem in this area; namely, it is an expensive program. When all was said and done, I changed my mind. I not only support this bill, the Competitive State Workers' Compensation Insurance Fund, but I am excited about it. This bill offers us the best opportunity in recent history to act in the best interest of the people of Maine. It offers us an opportunity to help the employer reduce his costs. I wish that each and every one of you had had the opportunity to hear and view all the evidence. I wish we had the time to review all the data and all the testimony for you. If we did, I am sure that many more of you would support the concept of this bill.

I came away from the committee sessions with the conviction that this bill will help free enterprises, not harm it, that it will promote business, not interfere with it, that the system is designed to ensure good management, not just more bureaucracy.

I would point to the competitive fund in Colorado. Everyone has been talking about Ohio but there are other states that do have competitive funds. As an example of a good, well managed and efficiently run state fund, the Colorado fund is very similar to the bill before us. In Colorado, the fund premiums were over 40 percent cheaper than insurance company premiums for the same coverage in that state — remember, 40 percent. These are the figures, this is fact. The Colorado fund reinsures the catastrophe losses, just as this bill proposes to do, until reserves can be accumulated to sufficient levels. Colorado's expense ratio is 7 percent compared to 20 to 30 percent for the insurance companies in Maine. Colorado's fund is entirely self-supporting, it receives no state appropriation and has approximately \$250 million in assets with no unfunded liabilities. How can you beat this? You can't.

Another fact that influenced me was that none of the 88 insurance carriers currently writing workers' compensation policies in this state is a Maine firm, only one, one out of 88, one of the companies is Maine based. All others are out of state companies that drain premium dollars out of the Maine economy for the benefit of Connecticut, New York or Delaware. A state fund will strengthen the economy by keeping that investment in Maine, by channeling what otherwise would be insurance company profits back into Maine businesses through dividends and lower premiums.

The bottom line is, do you want to save the employer anywhere from 15 to 25 percent of his cost? If so, you will vote for this bill; if you don't vote for it, when you go back home this weekend, you can tell Mr. Small Business in your community that you had an opportunity to help him but you did not because you were influenced by some other factors.

I hope that you will support the bipartisan Majority Report of the committee and vote to pass this bill, and that you will vote against the pending motion, which is to indefinitely postpone.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Those of you who know me know that I am a general insurance agent and, consequently, under Joint Rule 10, Mr. Speaker, I ask to be excused.

The SPEAKER: The gentleman from Winslow, Mr. Carter, wishes to be excused pursuant to Joint Rule 10 and the Chair will grant that request to the gentleman from Winslow, Mr. Carter.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I do not think that the creation of an 89th insurance carrier is going to solve the workers' comp problem.

What has been attempted here as a result of the Small Business Conference is not to strip the worker of his just due. What was attempted was to streamline the process so that it would cost the employers less money.

I have been in the business and I am not ashamed of being in the business and I am saying so right here in front of you, and I am telling you, at 88 carriers, if there were competition available in that marketplace, they would be competing in the workers' comp. You take other lines of insurance, for instance the ones that you are most acquainted with, the homeowners', the farmowners' policies, there is plenty of competition in those fields but there is not competition to amount to anything in this line of coverage.

We have heard reference to Colorado. In 1979, the loss ratio in Colorado was 53 percent; the same year in Maine, it was 102 percent, almost double. There is a reason for that — more claims, broader coverage, but that is not a reason to say that the Colorado system of handling the claims is better. It is just that they are providing less benefits for their people, and that is not what we attempted to do. What we want to do is streamline the process so that we can help everybody concerned.

For instance, the number of claims in 1975 in Maine was 35,000; in 1980, there were 52,000, an increase of 67 percent. Doesn't that indicate to us that we have got to do something to streamline the claims process?

Reference was made to the Maine Municipal Association plan. I have seen their plan, I have seen how they quote. For instance, in one of my local communities this Spring, they quoted from a low of \$8,000 to a high of \$22,000. Now, that isn't giving a person or, in this case, a municipality, a very concrete figure from which to work or from which to budget.

Someone mentioned that none of these funds that ever were created ever disappeared from the scene. I submit to you folks, how many bureaus have you seen created that ever disappeared from the scene? They are very, very few.

Also, Mr. Perkins related investment income to rates. I have known Mr. Briggs for a number of years, our current Superintendent of Insurance, and if any of you have ever attended one of his rate hearings, you know that he is a pretty hard-nosed individual. He is well prepared, he knows what he is doing, and if those rates are not justified, I am telling you, they don't go on the books.

I think that we should indefinitely postpone this bill and address those bills on the unassigned table so we can help those employers and employees out there in the field.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: What I have heard so far this morning has been quite general and I do have a couple more questions that deal in specifics, if I might pose them.

First, if I understand the answer to one of my earlier questions correctly, it was that the fund would be selective and it would insure those who had a low risk expectation. If that is true, and it does say that this group of people, 15 percent, does it not follow that those that are left will not be insured under this fund and are left in the private insurance sector, will not their rates automatically increase because that average risk factor that is left in that group that will not be insured under the state fund is such that they will have to increase the rates? So, does it not follow that those that are left, their rates would go up, although the selected few might go down 15 percent?

Second, would someone give us some examples of those groups of people who would not be insured under the state program, such as, for examples, would the construction workers, who I believe have a high risk factor, would they be dropped off and would not be insured under the state fund? Or would the woods workers of Maine, the forest industry, they have a high risk, would they not be insured under this proposal? I think we should know what employers and employees of the State of Maine would not be allowed to be insured under this plan and get the benefits of these lower rates?

The SPEAKER: The gentleman from Fryeburg, Mr. Kiesman, has posed a series of questions through the Chair to anyone who may respond it they so desire.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: Possibly, Mr. Speaker, I should let Mr. Perkins, who is the expert in this field, answer this, but I think he has already answered the gentlemen's questions, he is just continuing. As Mr. Perkins said, in the first year there would be a selective process and we would not be an assigned risk pool for the first year, you wouldn't be because that goes on previous premiums.

As far as the loggers are concerned, I thought Mr. Kiesman would know that the loggers are self-insured, they are a group of people that have their own self-insurance business and therefore that issue is not, I believe, an issue. I don't believe that any of us can decide right here this morning which groups would not be. It does not say it is going to be selective over any long period of time and I don't think it would affect rates in any other way.

While I am up, Mr. Speaker, I would just like to say that I agree with Mrs. Berube and I agree with Mr. Kiesman that we do need to work on other issues. The Business Legislation Committee is in no way prepared or capable or in the process of working on benefits and we believe that those and we believe that those should be worked on. We work only on those business aspects of workers' compensation.

Solvency was brought up before, and we must reimburse under the amended version which we will present, we must reinsure rather, it is not up to the director, and that gives us the safety we work with.

I do believe that we will have a fair and across-the-board solid fund when we finish, and I would hope that you would all support the committee and vote against the indefinite postponement of this bill.

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

Mr. CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like a little more definite answer, maybe from Mr. Perkins, pertaining to workers' comp on the construction industry. This, to me, is a \$28,000 question. Fifteen percent would save my company about \$28,000 a year. Personally, it is going to be a hard question for me to vote on, because I don't believe the state should be in the liquor business, the lottery business, the horse racing business or the insurance business, but I would like an answer.

The SPEAKER: The gentleman from Mechanic Falls, Mr. Callahan, has posed a question through the Chair to the gentleman from Brooksville, Mr. Perkins, who may respond if he so desires.

The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to try to fill in the details because the details would definitely be filled in by consulting actuaries and everything else. But it would be my impression that if the losses over your last three years have been reasonable, then definitely you would be entitled to come under the plan. The 15 percent that we are talking about has nothing to do with the losses.

ing to do with loss ratios. The 15 percent savings comes from savings in administration. If you can save anything above that, it will go to help reserves in the way.

If your experience has been poor—no, I would think certainly for the first couple of years you would not be, but, again, I don't want to jump in and say exactly they will do this, that or something else, but it is just good business to take good risks.

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

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: The debate has been long this morning and I think the outcome was assured several weeks ago. It makes it rather difficult, therefore, for someone in the minority party to even pretend to be involved or excited about what is happening here on the floor of the House today.

I feel it incumbent upon me to at least address some of the issues that have been put forth in the last couple of weeks surrounding this particular issue.

They talk about saving rates, saving 15 percent, 20 percent, whatever percent you want to call it, and I guess I maintain, if you say it enough, it might happen. If you say it enough or loud enough and long enough, people might believe it, but I don't. It is simple to say that you are going to save rates but how are you going to save them? Are you going to save them in administration? If you save them in administration, are you helping the employee and the employer? Are either one of them going to be helped if you cut costs in administration? Are either of them going to be helped if you take the cream of the crop? Gee, if anyone wants to solve workers' compensation costs, that is a great way — you take the people who are no risk, no risks at all. It is a simple solution to a very complex problem, and I submit to you that the complex problem surrounding workers compensation starts right here in this House and at the other end of the hall. It is not caused by the insurance companies, it is not caused by the employer or the employee, it is caused by us and our inability, or inability I guess, to even get involved and to take the question of workers' compensation head on. Many have been talking about this problem for six or eight years, some longer than that, and yet we fail every session to heed their advice.

When I go home and my small businessman asks me what I have done, I think I am going to be proud to say that I didn't vote for an issue like this because employers don't want it, and I don't think employees want it. The legislature has built a monster in this workers' compensation, everyone agrees to that, employees as well, there were many here the other day. I am not speaking for employers, I am speaking for all the people that are concerned about this problem.

But the answer is not to build another monster or a bigger one or one to go hand in hand with, the answer is to address the real problems that we face and we have created here, and we have yet to do that. Any attempt to pass a piece of legislation like this isn't going to solve the problems for the people of the State of Maine.

This is an answer that was fashionable perhaps in the 60's or 70's but not in the 80's. People today don't want to hear about added government costs, added government bureaucracy. If you remove the profit motive, who cares? Who cares if an employee is injured? Who cares if an employer has been

duped by an employee? A bureaucrat in Augusta? I doubt it seriously.

If you have a problem and you are an employee, do you think you are going to be satisfied dealing with the bureaucrat here in Augusta, who is part of the system, whose job is not going to depend on whether or not he produces and does a good job for his employer? Private industry takes care of those sort of things. If they are bad agents, they get rid of them; we can't do that here in Augusta.

Who do you call if you have a problem and the problem is something not during the eight to five or nine to five hours? Is the employee going to try to find a bureaucrat somewhere who has an unlisted phone number? If not sometime between nine to five Monday through Friday, how does the employee deal with a problem like that? How does an employer deal with a problem like that? The answer is, they can't and they won't. It is not fair.

I am not here representing the insurance companies and I resent anybody that is trying to imply that I am or anybody that votes against this bill is. I am here representing the people, it is the people's chamber and I agree with that. I am not here representing the insurance companies, because I don't care whether or not they care how this turns out. I care about the employee, I care about the employer. I am a small businessman as well. I pay workers' comp, of course I do, but I don't want to have to deal with some bureaucrat in Augusta and I don't think my employees do either if there is a problem, and that is the issue. I don't think the people of this state want a new bureaucracy that is some sort of a panacea, or purported to be one, to solve the issue that we have failed to deal with until now. I hope in the next two weeks that we do, but I submit to you that this is not the answer.

We have all seen the problems we have had with the retirement fund, with the lottery, with the Maine Guarantee Authority when it first got going, and there is nothing to prevent those particular problems from happening again.

You get employers into the system, you get them into the workers' compensation system, what happens if they decide they want out, they don't want to pay and there are a lot of claims? You have a problem. Sometime along the way, that fund is going to have to come to the legislature and ask for some money. I sincerely believe that and I think anybody that doesn't think that that is a problem or a possibility is not being realistic. It is a poor piece of legislation. I know that it is purported to be the savior of all, but it is not going to be. The rates are established, the benefits are established and set by this legislature. If we don't change those, passing a whole new bureaucracy or another monster isn't going to solve that problem.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I was a cosponsor of an exclusive state fund, but I am willing to go along with this one, which is a competitive, and I underline competitive, state fund. Presently we have a monopoly. And Representative Higgins, I hope he is not speaking as the minority leader, has alluded to the fact that this state fund will be taking in the good risks, the people which are a good risk — well, what is wrong with that? The people who have a good risk today have to pay for the people who have a bad work experience, they have a lot of injuries and I would think we would want to help the small business people who do not have any injuries. Their employees are good workers and they provide a safe work environment for them, they should be given a break, which I can't understand why, I am not the most pro business person in the House, but I think this is a very, very good pro business bill that would help the small business people that are today experiencing higher and higher rates of insurance be-

cause of some employers that do not provide a safe work environment for their employees. The people that do provide a safe work environment have to pay for those that don't, and I just can't understand why we are going against this, some of us. I hope that the majority of the House aren't.

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

Mr. SWAZEY: Mr. Speaker, Ladies and Gentlemen of the House: How quick we forget. It was only a short time ago when I spoke in favor of a bill to have private business take care of the liquor stores in the state of Maine. At that time, the same people who are now saying that the state cannot manage the insurance industry, said that the state could better operate the liquor industry. It doesn't seem to jive; it seems to be two sides of the coin. I believe that if the insurance companies were not actually making an excellent profit, they wouldn't be lobbying so extensively out in the halls today. Therefore, I hope that you vote against the indefinite postponement of this so that we can accept this bill.

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

(Mr. Carter of Winslow was excused pursuant to Joint Rule 10)

ROLL CALL

YEA—Aloupis, Armstrong, Bell, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Paul, Peterson, Randall, Reeves, J.; Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Studley, Tarbell, Treadwell, Twitchell, Webster, Wentworth, Weymouth.

NAY—Austin, Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brenerman, Brodeur, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perkins, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soulas, Soule, Strout, Swazey, Telow, Theriault, Thompson, Tuttle, Vose, Walker, The Speaker.

ABSENT—Cunningham, Gowen, Martin, H.C.

EXCUSED—Carter.

Yes, 64; No, 82; Absent, 3; Excused, 1; Vacant, 1.

The SPEAKER: Sixty-four having voted in the affirmative and eighty-two in the negative, with three being absent and one excused, the motion does not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

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 19 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, retabled pending his motion to accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, May 26.

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

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

Tabled—May 20 by Representative Kany of Waterville.

Pending—Passage to be Engrossed.

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

The Chair laid before the House the third 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 20 by Representative Carter of Winslow.

Pending—Motion of the same gentleman to reconsider action whereby House Insisted and Asked for a Committee of Conference.

On motion of Mr. Carter of Winslow, retabled pending his motion to reconsider and tomorrow assigned.

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

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)

Tabled—May 20 by Representative Murphy of Kennebunk.

Pending—Passage to be Engrossed.

On motion of Mr. Cox of Brewer, retabled pending passage to be engrossed 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 20 by Representative Higgins of Scarborough.

Pending—Final Passage.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

Bill, "An Act to Revise the Salaries of Certain County Officers" (H. P. 1508) (L. D. 1622)

Tabled—May 20 by Representative LaPlante of Sabattus.

Pending—Passage to be Engrossed.

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

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

Bill, "An Act to Permit Appointment of Deputies for the Purpose of Registering Voters Under the Election Laws" (H. P. 135) (L. D. 162)

—In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-363) as amended by House Amendment "B" (H-417) thereto.

—In Senate, Bill and Accompanying Papers Indefinitely Postponed.

Tabled—May 20 by Representative Diamond

of Bangor.

Pending—Further Consideration.

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

The following paper appearing on Supplement No. 1 was taken up out of order by unanimous consent.

Divided Report

Six Members of the Committee on Labor on Bill "An Act to Amend the Law Concerning Inherited Liability of Certain Business Firms for Severance Pay" (H. P. 1187) (L. D. 1411) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-448)

Report was signed by the following members:

Senators:

SEWALL of Lincoln
DUTREMBLE of York

— of the Senate.

Representatives:

TUTTLE of Sanford
FOSTER of Ellsworth
MARTIN of Brunswick
BEAULIEU of Portland

— of the House.

Three Members of the same Committee on same Bill report in Report "B" that the same "Ought Not to Pass"

Report was signed by the following members:

Representatives:

McHENRY of Madawaska
LAVERRIERE of Biddeford
BAKER of Portland

— of the House.

Three Members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass"

Report was signed by the following members:

Senator:

SUTTON of Oxford

— of the Senate.

Representatives:

LEWIS of Auburn
DAMREN of Belgrade

— of the House.

One Member of the same Committee on same Bill reports in Report "D" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-449)

Report was signed by the following member:

Representative:

HAYDEN of Durham

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the

gentlewoman from Portland, Mrs. Beaulieu. Mrs. BEAULIEU: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report A.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Since we have been talking about labor issues all morning, we might just as well keep on going. However, this one is much easier to understand.

Right now in Maine, we have a severance pay law, and what this law says is that if a company goes out of business or relocates, each employee is to be paid one week's wages for every year that he was employed by that company. Now, a problem happens if a company is sold to someone else. Let's say, for example, that I own a company and every one of my employees worked for me for 25 years. Let's say that I then sell my company to the Speaker, and the Speaker goes out of business after five years. The Speaker would then have to pay every one of those employees severance pay for 30 years, for my 25 years plus the 5 years that he then employed all of those people. That is the existing law, and because of this existing law, it means that some banks are not willing to fi-

nance loans for new people. Let's say the Speaker wants to buy my company that is practically bankrupt. He might not be able to find a bank that will finance his loan because they will say, hey, wait a minute, you are going to have all that severance pay liability.

Now, what Report C does, Report C says that no one would be responsible for any severance pay liability accumulated by someone else, and that is the report that I firmly believe in, so I hope that you will vote no on the pending motion. The report which was moved is a compromise measure which says that one would only be liable for severance pay for 10 years. There is also a report that says just plain "ought not to pass," let's leave the existing law, and as I have shown you, the existing law is a detriment to new business continuing in Maine. And finally, Report D mixes up the whole situation of what do we mean by bankruptcy in Maine. So I hope you will vote against the pending motion, so that we may then move Report C.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I wish at this time to move indefinite postponement of this Bill and all its accompanying papers and I wish to speak to my motion.

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

The gentleman may proceed.

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: When this bill was brought before the Labor Committee, it was touted as being a great economic development bill. I maintain that this has absolutely nothing to do with economic development.

The good gentlewoman from Auburn, Miss Lewis, has given some arguments which remind me of what I had for breakfast this morning — red herring. It seems that the reason this bill is in is that one bank wrote one letter to one firm that was interested in purchasing some plant saying that we don't like this severance pay law and we don't want to put up the money for you to buy this place. Frankly, I consider that economic blackmail. So, it is because of a sentence by that one bank that we try to roll back a law that we got passed here in the early seventies.

Let's just take the issue for a minute of new businesses coming to this state. I have always been amused by the arguments used by various people about new businesses that come to this state. They use every reason in the world why we shouldn't pass good labor legislation. They say, well, if you have these good laws on the books, businesses won't come to the State of Maine. Last year, 32 new businesses came to the State of Maine. One of the reasons given was that the people who ran the businesses wanted to be near their summer homes — nothing to do with labor law — nothing whatsoever.

How did we get Pratt-Whitney, a subsidiary of United Technologies, into this state? We enticed them in with a tax credit. We then put up money for training. How did we get Spencer Press? We raised the debt ceiling on the Maine Guarantee Authority.

I maintain, ladies and gentlemen, that this state has been doing practically all it can. Maybe it could do a lot more, there are probably a lot better ways to bring businesses into this state. I maintain what we should be doing is fostering the creation of locally owned businesses in this state that have a real interest in the people of this state.

I would like to recall an incident why I am so firmly opposed to this bill. It happened years ago. An outside conglomerate bought a company in this state called Bates Manufacturing. They drained it for all it was worth and then they decided to close its doors and went bankrupt, and I am not even sure this bill would

apply in the case of bankruptcy. Fortunately, the employees were able to buy out and keep that company going, and that, ladies and gentlemen, isn't a bad idea.

But what this bill would basically do, it would restrict severance benefits for people that have worked in some of these plants for nearly 25 or 30 years. I have been at hearings and I have seen women come before our committee who have worked in these factories for 30 years, they have invested a long period of time in these plants. What happens if the plant closes its doors because it decides to relocate out of state, not a bankruptcy? Suppose the new firm came in and operated a few years and said, milk that plant for all it is worth and then move south to the sun belt or Indonesia, or Hong Kong, or Taiwan or other places where they have cheap, low paid, slave labor. Thirty years, and that person under this bill would be entitled to simply 10 weeks of severance pay, that is all.

Ladies and gentlemen, I am a realist, I know where the votes are, I know where the votes are going, I know where this bill is going. I have fought many losing issues in this House, and I don't mind fighting losing issues, but, you see, I don't see them as losing issues. I see them as issues that are not yet won. I am going to come back and fight this if it passes, I will get the votes some day and I will overturn it if it does pass. I guess that is all I have to say. You won't hear anymore great speeches from me from now until the rest of this session, I am signing off, good day.

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

Mrs. KANY: Mr. Speaker and Members of the House: I was enjoying listening to Representative Baker so much that I almost forgot what the issue was and that this was a bill that I put in, basically became interested in this issue when I heard from a gentleman in our area, which I represent, who was interested in purchasing an old factory. The factory looks about a hundred years old, I would say, kind of like an overgrown chicken house. I was talking with one of the other Representatives here who is familiar with that particular building and he and I estimated that it may be worth \$750,000, perhaps even a million, with all of the equipment within that building and that it really is not the greatest, absolutely in the greatest shape.

But, this particular gentleman that I know who is interested in purchasing this along with three others found out when he went to the bank that we would have to assume an additional \$1.7 million in unfunded liability because many of the workers, and I would estimate there are probably about a hundred there, have worked at this particular plant for maybe 40 years or so. Of course, no financial institution would be willing to lend money to anyone for that kind of a purchase for a plant in that particular shape.

Then I was looking at the law very closely and realized that you did pick up forever, way back, the severance pay liability for those workers, and what it ends up doing — for the first three years that you have purchased a plant, you don't assume any liability, but after that three years is over, you assume any liability from way back when, as long as the worker has worked in that particular facility. If a bankruptcy occurs, then that does not come under it.

What happens is basically you are going to find, since this is a fairly new law, just within the last 10 years, that people simply are not going to be willing to purchase these old facilities, and the facility which I am familiar with is the only one in that town, it is the only factory, so all the people who work within that town work in that particular factory, and who in their right mind would be willing to purchase that as is and pick up that unfunded liability?

I have questioned people, and as far as I know, there is only one other state that really

has extended severance pay, and it is Wisconsin, according to Representative Baker. I have asked the AFL-CIO, and they haven't gotten back to me, even though I asked several times about this. But it seems to me that we should try and limit this liability to a degree. We certainly want to reward our workers and want to make sure that they are not cut off with nothing. I know that Representative Hayden and our good chairman, Representative Beaulieu, and others have put forward other suggestions on how to work with this.

I hope you do go against the pending motion, which is indefinite postponement, and look at the other suggestions which are before us.

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

Mr. HAYDEN: Mr. Speaker and Members of the House: I think Representative Kany is absolutely right in describing the problem. What we have here is a law that provides severance pay to people who have worked for a long period of time in a certain business and then the business relocates, because of moving south, perhaps, as Representative Baker claimed, and, on the other, the cost, the admittedly potentially very large cost for inheriting that kind of liability for the person that buys the business when the business is leaving. The problem is, if you had somebody that was working for 35 years, there would be that potential liability inherited.

I think that it is an important law in our state, this severance pay law. It may be a law that needs to be confined to try to create that balance, so if it is possible to keep a business going, that the balance isn't going to be so encouraging to a potential investor that he gives up. Because of that, I am going to vote against the motion to indefinitely postpone and ask all of you to do that, and then speak to Report B, which is the Committee Amendment "B", which hopefully creates a middle ground between the positions that the advocates and the opponents of the most extreme sides of this debate have presented.

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

A vote of the House was taken.

23 having voted in the affirmative and 77 having voted in the negative, the motion did not prevail.

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

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been explained to you and you will notice that I am on the compromise Report.

The severance pay law went into effect in 1971, which is ten years ago, so our amendment puts into effect that an employer buying a business would only inherit 10 years of severance pay. This was signed by the two Senators and myself in this House. I respect Miss Lewis very much for her position and I really leave it up to you, but I do think that one way or another we need help in this severance pay law.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Portland, Mrs. Beaulieu, that Report A be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 26 having voted in the negative, the motion did prevail.

Thereupon, the bill was read once. Committee Amendment "A" (H-448) 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 following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Divided Report

Later Today Assigned

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-450) on Bill, "An Act to Require Approval by the Public Utilities Commission of any Transfer of a Controlling Interest of the Stock of a Public Utility. (H.P. 477) (L.D. 534)

Report was signed by the following members:

Senators:

TROTZKY of Penobscot

TRAFTON of Androscoggin

— of the Senate.

Representatives:

DAVIES of Orono

VOSE of Eastport

KANY of Waterville

McGOWAN of Pittsfield

BOISVERT of Lewiston

McKEAN of Limestone

RIDLEY of Shapleigh

— of the House.

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

Report was signed by the following members:

Senator:

DEVOE of Penobscot

— of the Senate.

Representatives:

BORDEAUX of Mount Desert

WEYMOUTH of West Gardiner

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, I move that the Majority "Ought to Pass" Report be accepted.

On motion of Mrs. Mitchell of Vassalboro, tabled pending the motion of Mr. Vose of Eastport to accept the Majority Report and later today assigned.

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

Divided Report

Tabled Unassigned

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to Self-insurance under the Workers' Compensation Act" (H.P. 821) (L.D. 975)

Report was signed by the following members:

Senator:

DUTREMBLE of York

— of the Senate.

Representatives:

TUTTLE of Sanford

McHENRY of Madawaska

LAVERRIERE of Biddeford

MARTIN of Brunswick

HAYDEN of Durham

BAKER of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H.P. 1517) (L.D. 1630)

Report was signed by the following members:

Senators:

SEWALL of Lincoln

SUTTON of Oxford

— of the Senate.

Representatives:

LEWIS of Auburn

DAMREN of Belgrade

BEAULIEU of Portland

FOSTER of Ellsworth

— of the House.

Reports were read.

On motion of Mr. Diamond of Windham, tabled unassigned pending acceptance of either

Report.

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

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-452) on Bill, "An Act to Require Fire Detectors in All Multi-apartment Dwellings and New Single-family Residences" (H.P. 1409) (L.D. 1573)

Report was signed by the following members:

Senators:

DEVOE of Penobscot
CONLEY of Cumberland
KERRY of York

— of the Senate.

Representatives:

DRINKWATER of Belfast
HOBBINS of Saco
LIVESAY of Brunswick
LUND of Augusta
O'ROURKE of Camden
JOYCE of Portland

— of the House.

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

Report was signed by the following members:

Representatives:

REEVES of Newport
CARRIER of Westbrook
SOULE of Westport

— of the House.

Reports were read.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-452) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

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

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" in New Draft (H.P. 1513) (L.D. 1632) on Bill "An Act to Authorize the Public Utilities Commission to Purchase Electric Energy for Resale on a Non-profit Basis to Electric Utilities Serving this State" (H.P. 865) (L.D. 1026)

Report was signed by the following members:

Senators:

TROTZKY of Penobscot
TRAFTON of Androscoggin

— of the Senate.

Representatives:

WEYMOUTH of West Gardiner
KANY of Waterville
McGOWAN of Pittsfield
BOISVERT of Mount Desert
VOSE of Eastport

— of the House.

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

Report was signed by the following member:

Senator:

DEVOE of Penobscot

— of the Senate.

Reports were read.

Thereupon, the Majority "Ought to Pass" Report was accepted and the New Draft read once.

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

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

Divided Report

Six Members of the Committee on Energy and Natural Resources on Bill "An Act to Establish an Emergency Radiological Response

System" (H.P. 923) (L.D. 1094) report in Report "A" that the same "Ought Not to Pass"

Report was signed by the following members:

Senators:

McBREAIRTY of Aroostook
O'LEARY of Oxford
REDMOND of Somerset

— of the Senate.

Representatives:

KIESMAN of Fryeburg
AUSTIN of Bingham
DEXTER of Kingfield

— of the House.

Five Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" in New Draft (H.P. 1518) (L.D. 1633)

Report was signed by the following members:

Representatives:

MITCHELL of Freeport
HALL of Sangerville
DAVIES of Orono
MICHAEL of Auburn
HUBER of Falmouth

— of the House.

Two Members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass" in New Draft (H.P. 1519) (L.D. 1634)

Report was signed by the following members:

Representatives:

MICHAUD of East Millinocket
JACQUES of Waterville

— of the House.

Reports were read.

Mr. Hall of Sangerville moved that Report B be accepted.

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

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

Divided Report

Six Members of the Committee on Local and County Government on Bill, "An Act to Clarify Certain Provisions of Law Relating to the Method of Voting for School Committee Members of the Wells-Ogunquit Community School District" (H.P. 605) (L.D. 682) report in Report "A" that the same "Ought to Pass"

Report was signed by the following members:

Representatives:

WENTWORTH of Wells
RIDLEY of Shapleigh
SWAZEY of Bucksport
PARADIS of Old Town
STOVER of West Bath
CURTIS of Waldoboro

— of the House.

Five Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" in New Draft (H.P. 1529) (L.D. 1635)

Report was signed by the following members:

Senators:

PERKINS of Hancock
CHARETTE of Androscoggin

— of the Senate.

Representatives:

ROBERTS of Buxton
LaPLANTE of Sabattus
McHENRY of Madawaska

— of the House.

Two Members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "A" (A-445)

Report was signed by the following members:

Senator:

AULT of Kennebec

Representative: — of the Senate.

ARMSTRONG of Wilton

— of the House.

Reports were read.

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

Mr. LaPLANTE: Mr. Speaker, I move Report B, "Ought to Pass" in new draft.

The SPEAKER: The gentleman from Sabattus, Mr. LaPlante, moves that the House accept Report B.

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

Mr. CONNOLLY: Mr. Speaker, I would like to pose a question to the Chair on the germaneness of Report B. The bill, as it is originally titled, deals with the method of voting for school committee members. Report B goes on to do much more than that and deals with the state's school finance formula. I would like to question the germaneness of this on that ground and also on the ground that earlier in the session L.D. 792 was before the Education Committee that dealt essentially with the same question, and that bill was killed in committee unanimously. So, on those two grounds I would like a ruling from the Chair on germaneness.

The SPEAKER: The gentleman from Portland, Mr. Connolly, has posed a question on the germaneness and the Chair will table it pending a ruling based on the two questions posed, and the Chair will make a decision this afternoon.

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

Passed to be Enacted Emergency Measures

An Act to Protect Public and Private Property from Ice Jams (S. P. 479) (L. D. 1362) (C. "A" S-249)

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 none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1982 and June 30, 1983 (H. P. 317) (L. D. 383) (C. "A" H-414)

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. 122 voted in favor of same and 7 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Increase the Licensing Fee for Beano (S. P. 32) (L. D. 35) (C. "A" S-1)

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

Miss Brown of Bethel 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. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Beaulieu, Benoit, Brannigan, Brenerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Cox, Crowley, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gillis,

Gowen, Gwadosky, Hall, Hanson, Hayden, Higgins, H.C.; Hobbins, Huber, Hutchings, Jackson, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lund, MacBride, Macomber, Mahany, Manning, Matthews, McColister, McGowan, McKean, McPherson, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; O'Rourke, Paradis, P.; Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, J.; Richard, Roberts, Smith, C.B.; Soulas, Soule, Studley, Swazey, Telow, Theriault, Thompson, Treadwell, Vose, Walker, Webster, Wentworth.

NAY—Armstrong, Austin, Baker, Bell, Berube, Boisvert, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Clark, Conary, Conners, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Fowlie, Gavett, Hickey, Higgins, L.M.; Holloway, Hunter, Ingraham, Jordan, Kiesman, Lancaster, Laverriere, Lewis, Lisnik, Livesay, Locke, Martin, A.; Masterman, McHenry, Michaud, Nelson, A.; Norton, Paradis, E.; Paul, Perkins, Peterson, Randall, Ridley, Rolde, Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Tarbell, Tuttle, Twitchell, Weymouth.

ABSENT—Chonko, Connolly, Davies, MacEachern, Martin, H.C.; Masterton, Reeves, P.; The Speaker.

Yes, 78; No, 63; Absent, 9; Vacant, 1.

The **SPEAKER**: Seventy-eight having voted in the affirmative and sixty-three in the negative, with nine being absent and one vacant, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Amend the Law Relating to the Public Reserved Lands (S. P. 412) (L. D. 1216) (C. "A" S-248)

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

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

Enactor Later Today Assigned

An Act to Require Public Hearings Prior to Proposing Exchanges of Public Reserved Lands (S. P. 455) (L. D. 1301) (C. "A" S-250)

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

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

Passed to Be Enacted

An Act Relating to the Maine Sardine Council (H. P. 1192) (L. D. 1416) (C. "A" H-408)

An Act to Incorporate the Cobscook Bay Tidal Power District (H. P. 1467) (L. D. 1603) (S. "A" S-242)

An Act to Require the County Commissioners to Oversee the Hiring and Dismissal of County Employees (H. P. 1487) (L. D. 1614)

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

An Act to Permit the Abolition of the Position of Elected County Treasurer and Allow the Appointment of a Treasurer by the County Officers (H. P. 1488) (L. D. 1615)

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I think this session of the legislature and the last session of the legislature there has been a great deal of discussion about the issue of county government and what, if any, changes ought to be made.

During the previous session of the legislature, a bill was passed through here which allowed people in each county to make a decision on whether or not they wanted to adopt a charter and make some specific provisions or general provisions on how their county government was run.

In this particular instance, what we have before us is an instance where the county commissioners can put out to referendum vote one particular issue, and that has to do with whether or not the county treasurer is elected or whether it would be an appointed position, appointed by the county officers.

I think that given the fact that many of our counties, last year, turned down overwhelmingly the issue of county charters and that that provision is still in effect if people at the local level decide they want to make changes in the way their county government is run, that it is inappropriate for us at this particular time to put into effect a provision where county commissioners can send out to referendum one particular issue, and I am assuming if they are able to do this in one instance, that further issues will come along where county commissioners may send out to referendum vote other particular instances. For instance, do they want to change the way that the county budget is adopted and maybe set up a finance board rather than allowing people to decide on whether or not they want a charter commission and letting that charter commission then come up with any changes that might be made?

I am particularly concerned because of a situation that we have in Knox County. The original bill was L.D. 925, and that was the bill that was up for public hearing and, of course, since that didn't relate at all to Knox County, it wasn't anything that people in my area were concerned about, because the title of L.D. 925 was An Act to Abolish the Position of County Treasurer in York County and Create a Finance Officer. I am assuming that people from other counties other than York County didn't bother to come to that public hearing. Why should they?

But what we have in its place is a bill which is, in effect, replacing L.D. 925 which affects all counties. It allows all county commissioners to send out to referendum the issue of whether or not they would have an elected or appointed treasurer.

I understand that this is a unanimous committee report, and I have a feeling I know where it goes, but I just think it is an inappropriate step for this legislature to be taking both in terms of the original bill and what we have before us now and both in terms of the fact that if we set in motion the charter commissions, people voted against those charter commissions, and we should not now be allowing county commissioners to send out piecemeal provisions to our present county government.

Mr. Speaker, I would ask for the yeas and nays.

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

Mr. **LaPLANTE**: Mr. Speaker, Ladies and Gentlemen of the House: The only reason that we reported this bill out, and we reported it out unanimously, is to avoid every county from coming in with a piece of legislation. We already had three and two more on the way requesting the same thing, so we decided to take one piece of legislation and make it available to all counties, and either the people can petition to have a referendum to do this or the county commissioners can send this out to referendum. This is the only reason we sent it out in an omnibus bill rather than having probably five or six pieces of legislation on the statutes.

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

A vote of the House was taken, and more

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

The **SPEAKER**: The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Benoit, Berube, Bordeaux, Boyce, Brannigan, Brodeur, Brown, A.; Callahan, Carroll, Clark, Conners, Cox, Crowley, Curtis, Damren, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Gavett, Gowen, Gwadosky, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Hutchings, Jackson, Joyce, Kane, Kilcoyne, LaPlante, Laverriere, Lewis, Lisnik, Locke, Lund, MacBride, MacEachern, Mahany, Manning, Masterton, Matthews, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nelson, A.; Nelson, M.; Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perry, Peterson, Racine, Reeves, J.; Richard, Ridley, Salsbury, Sherburne, Smith, C.B.; Soulas, Stevenson, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Vose, Walker.

NAY—Armstrong, Baker, Bell, Boisvert, Brennerman, Brown, D.; Brown, K.L.; Cahill, Carrier, Carter, Chonko, Connolly, Davis, Dexter, Foster, Fowlie, Gillis, Hall, Hanson, Huber, Hunter, Ingraham, Jacques, Jalbert, Jordan, Kany, Kelleher, Ketover, Kiesman, Lancaster, Livesay, Macomber, Martin, A.; Masterman, McColister, McPherson, Moholland, Murphy, Nadeau, O'Rourke, Post, Prescott, Randall, Reeves, P.; Rolde, Small, Smith, C.W.; Stover, Twitchell, Webster, Wentworth, Weymouth.

ABSENT—Beaulieu, Conary, Cunningham, Davies, Martin, H.C.; Perkins, Pouliot, Roberts, Soule, The Speaker.

Yes, 88; No, 52; Absent, 10; Vacant, 1.

The **SPEAKER**: Eighty-eight having voted in the affirmative and fifty-two in the negative, with ten being absent, this Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

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

Passed to Be Enacted

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 (S. P. 573) (L. D. 1542) (C. "A" S-247)

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

The **SPEAKER**: The Chair recognizes the gentleman from Shapleigh, Mr. Ridley.

Mr. **RIDLEY**: Mr. Speaker, I would like to pose a question through the Chair. Could someone explain the ramifications of this bill as far as dollars and cents to the state is concerned?

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

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

Mrs. **HUBER**: Mr. Speaker, in answer to the good gentleman's question, in 1977, I believe, the State of Maine was authorized by referendum to establish some \$50 million in bonds to match federal monies for making waste water treatment improvements across the state. Currently, we have been working on those bonds and under the expected administration, the new administration funding, there will be a surplus of state matched to federal matched. What this bill proposes is, in the interim of uncertainty and so on, limiting itself to projects of under \$100,000, fund those projects from these already authorized state bonding monies. This would not be a new bond issue; those bonds are currently authorized.

We put a \$1 million limit in each fiscal year

on the use of these monies because of the uncertainty on the federal level, but we also realized that it was important for us to make some of these low-cost, I will call them for lack of a better word, as opposed to some of the million dollar projects which have been going through the system.

The current projects that are being funded and are currently in design or construction phase will continue to be paid for by the state-federal match. But since we are limited in terms of federal money, we wanted to make an attempt to get at some of the more critical problems across the state in the smaller category of need here.

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

An Act Relating to State-municipal Revenue Sharing (H. P. 444) (L. D. 523) (C. "A" H-379)

An Act Concerning the Rate of Return on Investment Factor under the Railroad Excise Tax (H. P. 580) (L. D. 660) (C. "A" H-398)

An Act Relating to Student Expulsion (H. P. 594) (L. D. 671) (C. "A" H-395)

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

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

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

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

Mr. LaPLANTE: Mr. Speaker, I would ask for a roll call.

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

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

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

Mr. JACKSON: Mr. Speaker and Members of the House: I don't really think of this as being regional government. The 17 towns in COG in Cumberland County, around the Greater Portland Area, the system has worked for us and this would just make it work a little better. I hope you will vote for it.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Baker, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.: Brown, K.L.: Cahill, Callahan, Carrier, Carter, Chonko, Clark, Connolly, Cox, Crowley, Curtis, Damren, Davis, Day, Diamond, G.W.: Diamond, J.N.: Dillenback, Dudley, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.: Higgins, L.M.: Hobbins, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kane, Kany, Ketover, Kiesman, Kilcoyne, Lancaster, Laverriere, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Mahany, Manning, Martin, A.: Masterton, Matthews, McGowan, McKean, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.: Mitchell, J.: Moholland, Murphy, Nadeau, Nelson, A.: Norton, O'Rourke, Paradis, E.: Paradis, P.: Paul, Pearson, Perkins, Perry, Peterson, Prescott, Racine, Randall, Reeves, P.: Richard, Rolde, Salsbury, Sherburne, Small, Smith, C.B.: Smith, C.W.: Soulas, Soule, Stevenson, Strout, Studley, Tarbell, Telow, Theriault, Thompson, Treadwell,

Twitchell, Walker, Weymouth.

NAY — Brown, D.: Carroll, Conary, Connors, Dexter, Drinkwater, Gillis, LaPlante, Lewis, Macomber, Masterman, McCollister, McHenry, Reeves, J.: Ridley, Stover, Swazey, Tuttle, Webster.

ABSENT — Beaulieu, Cunningham, Davies, Kelleher, Martin, H.C.: Nelson, M.: Post, Pouliot, Vose, Wentworth, The Speaker.

Yes, 120; No, 19; Absent, 11; Vacant, 1.

The SPEAKER: One hundred twenty having voted in the affirmative and nineteen in the negative, with eleven being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Facilitate the Leasing of Existing Subsidized Housing Units (H. P. 809) (L. D. 970) (S. "B" S-246)

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

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Would somebody explain this bill to me? Does this take away the authority of the local municipal government insofar as refusing to accept these type of leases, or how does this work? I would like to have an explanation on this.

The SPEAKER: The gentlemen from Biddeford, Mr. Racine, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. KANY: Mr. Speaker and Members of the House: This particular measure would facilitate the leasing of existing subsidized housing units within a community. There are several federal programs. One of them is existing units in which there is a subsidy tied to the renter, actually. A low income renter can choose a particular apartment unit and then rent that particular unit for a certain approved dollar amount, if it meets certain standards.

This particular type of subsidy would not have to go through the local consent resolution, and I don't know of any community that would object to that happening.

If there is a major, substantial change in the housing, using an old factory, for instance, making apartment units, that is another Section 8 housing program that is substantially changing, or if there are new units, they still would go through the veto, the municipality could veto. There is another program which is affected by this particular bill, and it is the moderately rehabilitated program under Section 8, in which it is actually the unit itself which is moderately rehabilitated, just for two or three thousand dollars or so to meet that minimal standard. We have a separate process for that in which it would not have to go through the usual consent resolution of a veto, but the municipality, as this bill as amended, would have to be notified that there is the intent to have that money coming in.

The landlords are basically pleased with this bill. It certainly is helpful to individual municipalities and to low and moderate income people across the state, because it could help improve our existing housing stock. I hope that the legislature approves of this legislation.

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

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

Passed to Be Enacted

An Act to Abolish the Position of Elected County Treasurer in Aroostook County and Replace it with an Appointed Treasurer (H. P. 881) (L. D. 1050) (S. "A" S-243 to C. "A" H-392)

An Act to Require a Bond in Certain Suits Seeking to Enjoin School Construction Projects (H. P. 922) (L. D. 1093) (C. "A" H-399)

An Act to Revise the Debtor-Creditor Laws to Facilitate the Legal Collection of Debts (H. P. 1039) (L. D. 1258) (C. "A" H-401)

An Act Concerning Access by Adopted Children to Biological Family Medical Files (H. P. 1108) (L. D. 1313) (C. "A" H-400)

An Act Relating to Compulsory School Attendance and the Enforcement of Truancy (H. P. 1177) (L. D. 1401) (C. "A" H-396)

An Act Recommending Changes in the Maine Juvenile Code and Related Provisions (H. P. 1183) (L. D. 1407)

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

On motion of Mr. Diamond of Windham, the following matter was removed from the Unassigned Table:

Bill, "An Act to Increase the Licensing Fee for Games of Chance" (H. P. 184) (L. D. 199)

Pending—Passage to be Engrossed.

On motion of Mr. Cox of Brewer, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-439) was read by the Clerk and adopted.

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

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

(Off Record Remarks)

On motion of Mr. Matthews of Caribou, Recessed until four o'clock in the afternoon.

After Recess

4:00 p.m.

The House was called to order by the Speaker.

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

Second Reader

Tabled and Assigned

Bill "An Act to Amend the Laws Governing School Administrative Districts and Community School Districts" (H. P. 1514) (L. D. 1631)

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

On motion of Mr. Pearson of Old Town, tabled pending passage to be engrossed and specially assigned for Tuesday, May 26.

Passed to Be Engrossed

Bill, "An Act to Require Fire Detectors in All Multi-apartment Dwellings and New Single-family Residences" (H. P. 1409) (L. D. 1573) (C. "A" H-452)

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

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: We have dealt with this issue of fire detectors in apartments, multi-apartment dwellings. I would just like an explanation and a little bit of debate on this matter. It will provide some additional costs, obviously, throughout the state to the maintenance of these facilities, and I am sure that it will provide additional security and safety, but I would like to take this up and see whether or not this mandated program is really necessary.

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

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this particular bill. This is another case where the state is mandating to people how to run their business.

On the surface, you would say, what can you say against anything to do with something that might help prevent loss of life, but you have got to look at the real world. These detectors are all right if they work, but they will be installed, if somebody needs a battery, I am sure they will take them out. In my particular apartment, we don't have fans to take out the smoke, and the minute they get home and throw on the steak, they are going to activate these smoke detectors, they will disconnect them. If they didn't take the batteries out, sooner or later they are going to wear out and who is going to see that they are replaced? It would seem to me that the individual should have some responsibility.

In my case, any tenant that wants to buy one of these and install it, they are perfectly welcome to do it. And I find if you have done something yourself, you owe something to yourself, you are more careful and sure that the thing will work.

Again, I am not against anything. After all, some of you know that my wife was in a hotel fire a little over a year ago, 28 people lost their lives in that fire. She wasn't awakened by a smoke detector, she was awakened by people screaming and she is here because the firemen responded quickly with a 40 foot ladder and she could get down. Me, I would have died of a heart attack because I am scared of height. Anyway, she made it.

Nevertheless, to get back to this particular problem, I feel that this is something, again, where the state is getting into an area that there is no need of getting into. It is going to create an expense for someone. They have got quite a penalty that goes with it, and it is very difficult to enforce. I just feel that there is no need of it at this time.

I would urge you not to support this measure.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: Just a quick explanation about this bill. It came to our committee, and when you talk about mandating, this is the only way, and we know it is the only way that any landlord is going to put in a smoke detector. Tell me, what price to you put on a human being?

This costs \$9.50 to buy a smoke detector. I have one in my own home. Talking about a battery, the one I have in my own home has lasted two and half, almost three years, and the battery is still good. The smoke detector still goes off when I overcook in the kitchen, so I know it is working. So for a small fee like this, and I positively feel if you don't pass a bill like this, it will never get done, we wouldn't be here with this legislation if it was so easy for the people to have it done, so they won't do it. The only way you are going to get them to do it is to vote for this bill.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't like this bill. I would be willing to buy smoke detectors for all my apartments, but I don't like to buy them every time I get a new tenant. It will happen, unless you can tie it down some way, blockade it off so they can't get at it, you will lose it every time you get a new tenant.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I support this concept of installing smoke detectors in every building in the state, but I would oppose, as I am sure this body will also do, mandating by the State of Maine smoke detectors in every home.

Mr. Speaker, I move that the Bill and all its

accompanying papers be indefinitely postponed and I ask for a roll call.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that I sponsored. I sponsored it with the agreement of the Governor's Office. It is a bill that has been worked on since January to try to get landlords, banks, other groups involved with trying to come up with a piece of legislation that would not put an undue burden on the people of the State of Maine to do something to protect the citizens of the State of Maine, the majority of the citizens of the State of Maine.

Maine has the highest fire fatality rate in New England and the fifth highest incident of fires in the nation. There is no doubt about it, that a smoke detector, no matter if it is an inexpensive one or an expensive one, can serve as an early warning device that has contributed to the saving of many lives.

The biggest argument that we heard last year when the Speaker and I tried to put through a piece of legislation on this issue, and the one we are hearing again, is, please don't mandate anything on the people of the State of Maine. Well, I find it awfully odd that even in the home construction field that we tell those who build the homes that a certain type of licensed person must put in the wiring and another one must put in the plumbing, there must be warranties on the materials that they use, there are all kinds of rules and regulations imposed on people every single day. I am going to be told where I can't drink, what age I can drink at. I am going to be told what is legal and what is illegal and what will happen to me if I do anything illegal.

We have got to find some way to make the people of Maine take the initiative to do all possible things to protect themselves and theirs.

The bill as amended, and I did not participate in the amended version of the bill, is in order. It modified requirements in multi-apartment buildings. It also adds a provision for covering liability of landlords in these instances. Maybe you don't look at it as a legitimate issue for this legislature to be addressing, but I haven't read yet one newspaper that says that we shouldn't do it. The people that have to pick up the bodies out of the bedrooms and in the other rooms of those homes after they have died from smoke inhalation—it is not the fire that kills you, it is the smoke—are backing this bill. They came from Ellsworth, they came from all over the state, volunteer and organized fire fighters came to support the bill, because they want to see something done uniformly for everybody in the state that will help to give them better protection for themselves and for their neighbors.

When you are talking about multi-apartment buildings, you have got to remember, there is more than just one family involved here. That is a little bit different than a single-family situation, yet the majority of fatalities by fire in this single-family home situation, yet the majority of fatalities by fire in this state are in single-family homes.

I agree, many will say that common sense will prevail, you cannot legislate common sense. I would like to believe that, but I will never understand how anybody can own a \$50,000 home and be able to afford to put a \$10 piece of equipment in that could potentially, and has been proven many times over and over, help to save their lives. I can't feel sorry with that guy with the \$50,000 house if he is not willing to do that, but I sure have got to be concerned about multi-family, wood framed old structures, and the day I presented the bill something like 16 people had to evacuate a home, a tenement building, because it was smoked filled and there was a fire.

I think it is rightful to do. We do things at the state level every single day here, we impose rules and regulations on our citizens. This happens to be one that does make sense and that

maybe can pound some common sense into some people. I don't see it as a financial hardship on anybody, and I think that if it can save property and a life, it is well worth doing.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I used to own three-family houses down in the Grant Street area of Portland, Maine, and I think it is an insult to the tenants of those houses that they aren't intelligent enough to put a fire detector in their own apartment.

Do you realize that when a person leases an apartment, they have all the rights of a property owner, except the fee and the building. They have all the rights that you and I have. I have a fire detector in my house, I have one at my summer camp, and it behooves the people who live in these apartments, if they are so concerned, to buy one for themselves. We cannot legislate for the welfare of everybody in this state, because the next bill will be that we have to investigate every home in the state to make sure that they have a fire detector in there. This is a ridiculous bill.

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

Mr. TUTTLE: Mr. Speaker and Members of the House: Mrs. Beaulieu has explained essentially the bill that requires fire protection in each living unit of all new and substantially reconstructed family dwellings and all apartment houses. Maine has one of the highest fire death rates in the nation, and according to statistics from the National Fire Data Center of the United States, the presence of smoke detectors reduces by one half of the chance of death in a residential fire; yet, such devices retail at a little more than \$10 or under.

The bill requires a need to identify approved fire detectors. It also allows, under certain situations, the courts to lay penalties for violators upon installation.

Most provisions of the bill become effective January 1, 1982, to enable reasonable time to install the necessary equipment.

I want to be very brief on this, but as a fire fighter, I think I can attest to the need for these devices, whether the issue is mandation or human life or protection of property. I feel this is an important bill, and at the public hearing, the Landlords Association did support the bill. I think it is a reasonable bill and a very fair bill for the sake of protecting human lives, so I hope you will support it.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that the legislature in California has probably heard the same arguments against the fire detectors, and we all know what happened in two hotels there, so I hope that we do pass this bill.

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

Ms. LUND: Mr. Speaker, Men and Women of the House: This bill, this session, appeared before the Judiciary Committee. It had a hearing which was filled with people who work for fire departments, people who know people who have been injured in fires, and people who care about human life.

This bill calls for a landlord to be responsible for putting smoke detectors in every apartment in a multi-story building. The reason for that is that if one person does not have the smoke detector, it doesn't matter if everybody else does. The fire may start in one place and reach everybody in that building.

I am firmly convinced that most deaths during fires happen in the nighttime when nobody is awake. I would not like my house to be without a smoke detector, I would not like any apartment to be without a smoke detector, and to me this seems to be a minimal cost bill, no more than \$15 per unit, and something that we should not be ashamed to put in.

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 Farmington, Mr. Webster, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, A.; Brown, D.; Cahill, Carrier, Carter, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Gavett, Hanson, Hayden, Higgins, L. M.; Holloway, Huber, Hutchings, Ingraham, Jacques, Jordan, Kelleher, Kiesman, Kilcoyne, Lancaster, LaPlante, Lewis, MacBride, Masterton, Michaud, Nelson, A.; Norton, Paradis, E.; Perkins, Peterson, Post, Racine, Randall, Reeves, J.; Ridley, Salsbury, Sherburne, Small, Smith, C.W.; Soule, Stevenson, Stover, Strout, Studley, Treadwell, Walker, Webster, Weymouth.

NAY — Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Brown, K.L.; Callahan, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Foster, Fowlie, Gowen, Gwadosky, Hall, Hickey, Higgins, H.C.; Hobbins, Jackson, Jalbert, Joyce, Kane, Kany, Ketover, Lisnik, Livesay, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Masterman, Matthews, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, E.H.; Mitchell J.; Murphy, Nelson, M.; O'Rourke, Paradis, P.; Paul, Pearson, Perry, Pouliot, Prescott, Richard, Rolde, Smith, C.B.; Soulas, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Wentworth, The Speaker.

ABSENT — Boyce, Cunningham, Dudley, Gillis, Hunter, Laverriere, Martin A.; Martin H.C.; Moholland, Reeves, P.; Roberts.

Yes, 60; No, 79; Absent, 11; Vacant, 1.

The SPEAKER: Sixty having voted in the affirmative and seventy-nine 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.

By unanimous consent, ordered sent forth with to the Senate.

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

Consent Calendar First Day

(H. P. 1365) (L. D. 1550) RESOLVE, Providing for Standards to Achieve Erosion Control on Roads in Organized Areas under the Site Location of Development Law—Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-454)

(H. P. 290) (L. D. 334) Bill "An Act to Amend the Charter of the York Sewer District"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-456)

(S. P. 426) (L. D. 1248) Bill "An Act to Authorize the Eastern Maine Vocational Technical Institute to Operate a Program for Practical Nursing in Ellsworth"—Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-260)

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 or sent up for concurrence.

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

Divided Report

Majority Report of the Committee on Health and Institutional Services on Bill "An Act to License Home Health Agencies" (S. P. 399) (L. D. 1192) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to License Community and Home Health Agencies" (S. P. 618) (L. D. 1624)

Report was signed by the following members:

Senators:

GILL of Cumberland
BUSTIN of Kennebec

— of the Senate.

Representatives:

PRESCOTT of Hampden
BRODEUR of Auburn
KETOVER of Portland
MANNING of Portland
RICHARD of Madison
MACBRIDE of Presque Isle
BOYCE of Auburn
HOLLOWAY of Edgecomb
RANDALL of East Machias

— of the House.

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

Report was signed by the following members:

Senator:

HICHENS of York

— of the Senate.

Representative:

MCCOLLISTER of Canton

— of the House.

Came from the Senate with the Majority "Ought to Pass" in New Draft under New Title Report read and accepted and the New Draft passed to be engrossed.

In the House: Reports were read.

On motion of Mrs. Prescott of Hampden, the Majority "Ought to Pass" Report was accepted in concurrence and the New Draft read once.

Under suspension of the rules, the New Draft was read the second time and passed to be engrossed in concurrence.

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

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-259) on Bill "An Act to Amend the Petroleum Liquids Transfer Vapor Recovery Law" (S. P. 602) (L. D. 1600)

Report was signed by the following members:

Senators:

O'LEARY of Oxford
McBREAIRTY of Aroostook
REDMOND of Somerset

— of the Senate.

Representatives:

HUBER of Falmouth
HALL of Sangerville
DEXTER of Kingfield
JACQUES of Waterville
MICHAEL of Auburn
DAVIES of Orono
KIESMAN of Fryeburg
MICHAUD of East Millinocket
AUSTIN of Bingham

— of the House.

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

Report was signed by the following member:

Representative:

MITCHELL of Freeport

— 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-259)

In the House: Reports were read.

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

Mr. HALL: Mr. Speaker, I move that the Majority "Ought to Pass" Report be accepted.

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

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1600, "An Act to Amend the Petroleum Liquids Transfer Vapor Recovery Law, as this law stands now, it makes it necessary for the Irving Oil Company in Searsport to convert its bulk gasoline terminal services to bottom loaders by July 1, 1981. The law is not fair because the other 10 suppliers of bulk gasoline do not have to comply with this law, the reason being that Searsport is considered part of the Central Maine Air Quality Region, and the gasoline terminals in Bucksport, Hampden, Bangor and Brewer are in the so-called Downeast Air Quality Region, even though they are practically neighbors serving the same market.

The problem confronted by the Searsport terminal is that the oil and gasoline distributors in the area will have to spend \$5,000 per truck to convert them to bottom loaders, so they will naturally say, the heck with that, we will buy our gas from the neighboring bulk services in Bucksport, Hampden, Bangor and Brewer.

To remedy this inequity, we propose L.D. 1600, Committee Amendment "A". This statute will not take the air quality controls away from the United States Environmental Protection Agency and the DEP. What it does, it gives the regulatory power to DEP with the consent of the U.S. environmental agencies; both agencies were consulted.

Commissioner Warren of the DEP was at the hearing and assured the committee that he was consulted and that this would take care of this inequity. He did not testify for or against, he simply assured the committee that he was consulted and he could live with this arrangement.

The loss of the Irving Oil Company facility, now that Shell Gas has sold out on us, would be a great loss to the State of Maine, and especially to eastern Maine and northern Maine. This involves the bulk loading oil and gasoline facility of millions of barrels of oil; it is a very large operation in Searsport, Maine. Please follow the Majority "Ought to Pass" Report and vote in favor of L.D. 1600.

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

Mr. MITCHELL: Mr. Speaker, Men and Women of the House: A law that requires the Irving Oil Company to put this vapor recovery system has been in effect for 27 months and Irving Oil Company purchased that facility from Shell Oil Company seven months ago. Yet, they wait until two months before it has to be installed and come to the legislature with an after deadline bill with an emergency clause on it to get it done, and there are other procedures to do that. They can apply to the board for a variance or they can go to court. I don't like the way this bill came, and that is why I signed the "Ought Not to Pass" Report.

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: I would just like to support my friend and legislator from Stockton Springs who explained how it works. I would just like to throw a figure in there on some mileage. From Searsport to Bucksport it is approximately 10 miles; it is about 18 from Belfast, we are about 8 miles west of Searsport. So, there is 10 miles

difference in distance.

I feel quite good about what they have done. They have explored with environmental people, they are not taking anything away from them. It does give them time. I hope you go along with this, we need it very badly and then it would be using everybody fairly.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Sangerville, Mr. Hall, 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.

88 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

Thereupon, the Bill read once. Committee Amendment "A" (S-259) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

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

Non-Concurrent 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) which was passed to be engrossed as amended by House Amendments "B" (H-423) and "C" (H-430) in the House on May 19, 1981.

Came from the Senate passed to be engrossed as amended by House Amendments "B" (H-423) and "C" (H-430) and Senate Amendment "A" (S-265) in non-concurrence.

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

Non-Concurrent Matter Tabled and Assigned

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) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on May 20, 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-227) in non-concurrence.

In the House:

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

Mr. PEARSON: 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 the House recede and concur and would ask for the yeas and nays.

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

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

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is the very same measure that we had in here yesterday on spending limitation, which this House turned down. As a matter of fact, we indefinitely postponed the bill. It comes now from the other body with that body having adhered to their position of Committee Amendment "A".

Amendment "A" was one of the three options that we had — well, four, I guess — "ought to pass," "ought not to pass," "A" or "B" and "A" was the very worst of all of those options. "A" has in it all of the ingredients that I believe, and I think this House also, by its

vote yesterday, indicated that it agreed would tie the hands of the legislature in spending in the future.

If you will remember yesterday when we were talking about this bill, I pointed out to you at that time that the greatest limitation that we have on spending in this state, one that has been adequate since 1820, was the constitutional provision that we couldn't spend in excess of our revenues. We don't do that, and that is the reason why we have such a difficult time at the end of the session trying to weed out the bills that are on the table to find the highest priority. That is sufficient. Anything more than that, I think, would not allow us to address the problems of this state as they occur.

For example, if this bill were to pass, that is Amendment "A" as suggested by the other body, in order for us to exceed revenues, exceed spending in excess of the formula that is very complicated in here, we would have to put it out, if it were a non-emergency item, to a referendum that would occur in November. That is, I think, absolutely ridiculous when you think that we ought to have a democratic government in this state.

We were elected to make decisions to live within the amount of money that we collect in taxes; we have done that. To ask the voters to decide on any increase in spending that we might have, even though we might have the money, is an abrogation of our charge that we have when we go to the polls in November.

I would hope that you would please not vote for the motion to recede and concur but would vote for the motion to adhere.

The SPEAKER: A roll call has been ordered. 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 — Alopis, Armstrong, Austin, Bell, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Conners, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hutchings, Ingraham, Jackson, Jordan, Kisman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McHenry, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Randall, Salisbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth.

NAY — Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Carrier, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, McColister, McGowan, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, J.; Richard, Ridley, Rolde, Smith, C.B.; Soulas, Soule, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, The Speaker.

ABSENT — Boyce, Carroll, Cunningham, Dudley, Gillis, Hunter, Laverriere, Martin, A.; Martin, H.C.; Moholland, Reeves, P.; Roberts. Yes, 62; No, 76; Absent, 12; Vacant, 1.

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

Thereupon, on motion of Mr. Pearson of Old Town, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supple-

ment No. 18 was taken up out of order by unanimous consent:

The following Communication:

**The Senate of Maine
Augusta**

May 21, 1981

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

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Add a Class Size Adjustment to the School Finance Act," (H. P. 1176) (L. D. 1400).

Respectfully,
MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

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

The following Communication:

**The Senate of Maine
Augusta**

May 21, 1981

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

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Establish a Consolidated Map of the State," (H. P. 1158) (L. D. 1379).

Senators:

AULT of Kennebec
HUBER of Cumberland
PRAY of Penobscot

Respectfully,
MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

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

Non-Concurrent Matter Tabled and Assigned

Bill, "An Act to Prohibit Hunting of Bear with Bait" (S. P. 64) (L. D. 91) which was passed to be Enacted in the House on May 20, 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 Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: Mrs. Martin from Brunswick is not here today. She wished to debate this matter, and I would ask someone to table it until tomorrow.

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

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

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

Mr. DAVIES: Mr. Speaker, I move that this be tabled for one legislative day.

Whereupon, Mr. MacEachern of Lincoln requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Davies, that this be tabled pending the motion of Mr. MacEachern of Lincoln to recede and concur and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

92 having voted in the affirmative and 28

having voted in the negative, the motion did prevail.

Bill Held

Bill "An Act to Amend Certain Motor Vehicle Laws" (H. P. 1512) (L. D. 1628)—In House, Passed to be Engrossed on May 21.

Held at the request of Representative McKean of Limestone.

On motion of Mr. McKean of Limestone, the House reconsidered its action whereby the Bill was passed to be engrossed.

On motion of the same gentleman, tabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Clarify Certain Provisions of Law Relating to the Method of Voting for School Committee Members of the Wells-Ogunquit Community School District" (H. P. 605) (L. D. 682) which was tabled earlier in the day and later today assigned pending ruling on germaneness of 1635 in reference to the original L.D. 682.

The SPEAKER: The Chair would rule that the New Draft, L.D. 1635 is not germane.

The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker, I now move the adoption of Report A and ask someone to table it for two days, please.

On motion of Mr. LaPlante of Sabattus, tabled pending the motion of Mrs. Wentworth of Wells to accept Report A and especially assigned for Tuesday, May 26.

The Chair laid before the House the following matter:

Bill "An Act to Revise the Public Drinking Law" (S. P. 66) (L. D. 93) which was tabled earlier in the day and later today assigned pending acceptance of the Committee Report.

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

Mr. COX: Mr. Speaker, I move that the House accept the unanimous Committee Report "Ought to Pass" as Amended by Committee Amendment "A" (S-84).

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

Mr. PEARSON: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Brewer, Mr. Cox.

The question is, since I am a landlord and I have tenants, and if those tenants wanted to drink outside of the building that they rent from me, would they be able to under this bill without permission from me, written permission from me, in an area that they rent from me?

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to the gentleman from Brewer, Mr. Cox, who may respond if he so desires.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Old Town has raised a very fine point here. Perhaps it would be better addressed by someone in the legal profession as to whether the tenant is a tenant only of his particular apartment or whether he also has a share in the control of the common areas, which would be the outside areas.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am not an attorney, certainly, by any stretch of the imagination, but I guess before someone gets up and tries to answer that, could someone try to inform the House as to where all the bills are, there are three or four of these gems kicking around somewhere, there is one in the other body, I un-

derstand, or there was, and there is one or two around here, can someone tell us the difference between all three. Are we going to try to pass all three or are we going to try to put them together in one bill or are we just going to take a chance and pass one and maybe kill two of them? I would just like someone to tell us the difference between the bills, are they competitive, do they go together or are they mutually exclusive, what is the standing on all these bills right now?

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I thought that was a very excellent question, Mr. Speaker and Mr. Minority Leader. We are trying to get the three bills which deal with the common problem of public intoxication to a similar stance. Two of the three bills have had their first and second readings. This bill has been in the Senate, it is coming to you today for its first reading. There are amendments to place on it and we are hoping that we can reach that point today and then the three bills can be talked about on the floor.

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

Mr. MACEachERN: Mr. Speaker, Ladies and Gentlemen of the House: This bill, in its present form, is a monstrosity. I have read the amendment that is proposed to be added to it at some point down the road, and it isn't quite as bad but it is bad enough.

I think the solution to the problem that arises is not with the actual consumption of liquor in public. I think the solution would have been to reenact the old intoxication law that we used to have and that, I think, would take care of 99 percent of the problems.

This bill, enforcement-wise, has many, many problems. As it is presently written, and I understand that it might be amended out, if I was renting an apartment from someone else, I would have to ask his permission to drink a beer while I am barbecuing in my back yard. I also would not be able to go to the Democrat County Committee outing at Mattawamkeag Wilderness Park and drink a beer because that is a public place. I wouldn't be able to drink a beer at the picnic area on 95 while my family and I are having a picnic. There are so many things about this bill that are bad that I shudder when I think about passing it.

I think the committee should have, or some committee, should have combined all of the bills that are floating around here and I understand that there are some which might be palatable coming along that would take care of the problem in Old Orchard Beach and some of the other towns where they drink, they don't drink in my area, of course, but in some areas where they do this, I think maybe some of these bills coming along probably could take care of that, but this bill, in its present state particularly, and somewhat in its proposed amendment state, is a bad bill and I think it should be killed.

I move the indefinite postponement of this bill and all its accompanying papers.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I wish the gentleman from Lincoln had been a little more explicit about his reasons for opposing the bill, because the reasons that he gave do not apply under this bill. For example, it says: Authorized person means a person having a relationship to the premises which is unique and not shared by the general public. With respect to property owned by another, it includes a tenant, custodian, a night watchman; with respect to publicly owned property, it includes police officers and

other public employees charged with the responsibility of maintaining or protecting public property.

The fine point of this bill is not drinking in public, this bill does not forbid drinking in public, it forbids drinking in a public place where you know you do not have permission to drink, so if the Democratic County Committee from Penobscot County wants to go to Mattawamkeag Wilderness Park and they want to drink beer there, as they have been known to do, the park manager simply has to give his permission. In any public area, or private area, for that matter, all it needs is permission of whoever is in charge of the property and it is not an offense to drink there.

I think that is one of the major objections that the gentleman has raised here that I can remember. I don't remember the other objections, except as they were presented to me, as they came by me, I did not see that the provisions of this bill applied to them.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I would hope that we could defeat this motion to indefinitely postpone L. D. 93 so that we can reach second reading today where we may offer an amendment now on your desks, Amendment B, filing H-458, and discuss the need for this legislation. The other two drinking bills were given their first and second readings; we would only, today, ask for the same courtesy.

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

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: In the interest of time, there is another bill coming, at least that I know of, one coming out of Judiciary. The language is different. I think if we could have them all together and everybody could read them, it might save some debate time, and I hope somebody would take the proper course, whatever it is, to get these on the table until we can get them all together.

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

Mr. MACEachERN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to answer the question from the chairman, Mr. Cox, I have already informed him of my objections to this bill. Another one is a section in the bill, I don't remember which one it is, it is on the back of the bill, which says if you have an open bottle of liquor in your car, that is prima facie evidence that you are in violation of this section. If I want to go to someone else's house and I have a half of fifth of whiskey in my refrigerator and I want to transport that to my friend's house and consume it there, this bill would put me in violation of the law.

Now, I understand that there is an amendment coming along that would say that as long as there is a stopper or a cork in that bottle, it is all right. This is a little bit ridiculous as far as I am concerned. Supposing I go to someone else's house and I consume a six pack of beer while I am there, and on the way home, being a Scotchman, as I am, the empty can is worth five cents so I want to take it home and get a deposit on it. There may be five drops of beer in one of those cans that I have got on the floor of my car and some over-zealous police officer stops me, he picks that up and he smells it and he says, ah ha, I've got you. This is really ridiculous. This bill should be killed.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I just remembered one of the earlier objections the gentleman from Lincoln, Mr. MacEachern, raised which was that the bill would be unenforceable. The Police Chiefs Association of Maine does not think this bill is unenforceable. In fact, according to them, this is the only bill of the package that is before us that they will support, the only bill

that they say is strong enough for them to work with.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I will take a few minutes to tell you where we really are on this serious problem that they said — whatever you get out, get an emergency preamble on it so we won't have to go through another summer like we did last year.

There were about eight or nine drinking bills put in to this House. Two of them were sent to Legal Affairs. The remaining bills were sent to Judiciary.

This bill, I don't know how anybody could rise and say that this bill before us is a good bill. This is a type bill that would permit the police, if they could buy a couple more paddy wagons in your town, to go out and sweep the streets, take everybody with a little beer and lock them up. Now, this isn't really the intent of people in this legislature, I feel.

We have tabled a couple of these bills, and the bill that the Judiciary Committee came up with is L.D. 1207. It has been tabled and is waiting its Second Reader. That is a bill that the Chief of Police in Augusta here, who is also head of the Maine Chiefs, told us yesterday and again today that this was the bill that they could live with. It is a nice bill and it is not going to end up getting a lot of people locked up.

This bill that is before us now is really on the top of that slide and is waiting to go deep six with the indefinite postponement, and I think the proper thing to do with this bill is to get rid of four more, and then we will get to the 1207.

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I usually disagree with my good seatmate, Mr. Joyce, but something has to be brought out about this bill. I think the thrust of the bill is essentially to protect law-abiding citizens from harassment by those individuals who drink in public and then become abusive, threatening and lose control of themselves. A police officer would quickly diffuse the situation by being able to take immediate action once it was determined that public drinking was being done without authorization by the proper authorities. I feel that it is one or the utmost necessity, not only for my area of the state but for other areas, that this bill is passed.

I am a cosponsor of this bill. I am sure, as one of the speakers have said, we are all aware of what happened at Old Orchard Beach last summer. As a selectman in my own community, I feel that the present laws are ineffective and they cause situations that if not immediately corrected can continue to be unruly, and the situation of Old Orchard, as well as in my area, cause situations that are impossible to control.

I think it is a good bill, I think a law of this nature has to be passed, and I hope today that we will not support the motion to indefinitely postpone this bill.

Mr. Murphy, hopefully, in second reading will offer an amendment that assures that the transportation of something that is unsealed, that closed containers will not cause a violation. I hope we could pass this bill on today, it is an important bill, I think it is the best of all the public drinking bills that we have before the legislature this year, and I hope we will support it so that effective amendments can be offered in future days to come.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I just dug out a copy of this particular L.D. and I looked at the prime sponsor, and he had a curious habit, whenever somebody appeared in one of our committees with a bill, he always took great pleasure in

reading a letter from some constituent and ended up by saying, this bill is a very stupid bill and the person who sponsored this bill should take a serious look at what he is doing. I think this has got to be one of the stupidest bills I have ever seen. You look at the definition of public place, it means any area that is used or held off for use by the public whether or not owned or operated by public or private interests. That means if I go on Moosehead Lake fishing and I have a can of beer, I've got to get permission to drink that can of beer? Who am I going to get permission from to drink a can of beer at Moosehead Lake? I would like to know that. This bill is just so bad that it is terrible.

I know there is a problem and I am willing to do something about that problem. I feel sorry for the people who live in a community where they have that problem, but this is not the answer. I don't think you can amend this bill if we were here until next January to make this a good bill — it stinks, it is terrible. I don't even believe this bill right here, the one we have right here, deserves our consideration for an amendment.

I hope we will go along with Mr. Joyce's suggestion. I am sure they can come up with something better than this. I hope I didn't offend anybody, but according to my copy, all three of the sponsors come from the same end. So I don't think I will offend anybody that is in here anyway. So, I hope you will go along and indefinitely postpone this whatever.

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

Mr. MURPHY: Mr. Speaker and Members of the House: I just had to rise, Mr. Speaker, because the water is getting so deep back here, we were afraid we were going to get washed away.

I am really sorry that we have had to operate on this level. I was always under the impression that we talked about the merits of a bill. I think what you are seeing is a small handful attempting to keep this bill from being discussed fully. As we said earlier, the bill is before you, there is an amendment on the desk which is basically the amendment that came from the Legal Affairs Committee. It is there, we have offered the courtesy, even though we have our own personal opinion possibly about the bill from the other committee, we have not bad-mouthed that bill. We want to talk to the merits of our particular bill, and I am very sorry that we have had to reduce our discussion of the public's business to such a level.

I would hope that you would move to defeat the motion to indefinitely postpone.

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

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: I think the time has come to look at the issue and look at the bills and look at what we are trying to accomplish this session of the legislature.

Unfortunately, the issues involving public drinking were not referred to the same committee, but that is water over the dam.

The Legal Affairs Committee held two public hearings on these bills, worked extremely hard in a very complicated area. The problem is not so much whether or not to consider recriminalizing public drinking, the problem lies in the definitions. As you have heard, there are some problems with the definitions.

I have heard the expression, "the people back home;" let me explain to you what the people back home are telling me. They think there is a big conspiracy that was surrounding the reason why the Judiciary Committee received some of the bills and the Legal Affairs Committee received some of the bills, they thought it was an attempt to kill the whole issue completely and that the Judiciary Committee, even though we acted in good faith in trying to come out with something as a stopgap measure, something that possibly would sell, and knowing full well many of those individuals

who serve on the committee, the problems that this bill faced two years ago, this bill met its demise two years ago.

L.D. 93, if you will look at it, attempts to solve the problems that arise in areas such as Old Orchard Beach, York Beach, areas where there are tourists, areas where there are individuals who have the disrespect to flaunt a can of beer or a bottle of wine in public and don't have respect for those other people who are walking innocently on the sidewalks down the street.

The law enforcement officers feel that the present system, and under the present system a law enforcement officer can write basically a traffic ticket, like a speeding ticket, law enforcement officials of this state feel that that system is ineffective. They argue that false names are given, they argue that those individuals who are cited tear the tickets up, and they argue that it is difficult to cite them unless you see that individual taking a swig of beer from a can, or wine or whatever from the bottle. They want to have the power of custodial arrest. If a person has an open container and is drinking in public, they want the tool, the law enforcement tool to arrest someone. That sounds like a good idea and I think it is needed in situations which occurred in Old Orchard Beach.

To be realistic, the problem lies in how do you define a public place? Under this bill, it defines a public place as any area that is used or held out for use by the public whether or not owned or operated by public or private interests. The bill would allow an owner or an agent of either a public place owned by the state, or a public place, such as a house or whatever, would allow that individual to give permission. The issue of sitting on the front porch drinking a beer is addressed by permission. The issue of a barbecue in the backyard is addressed by permission. And again, the tenant would be allowed the same right under this bill if the landlord permits that activity.

It is my understanding that the good gentleman from Kennebunk is going to offer an amendment, the amendment, I think, is two-fold or threefold. One of the issues which he wants to address is to get this law into effect for the summer months. It appears from the debate and the individuals that are discussing this matter that that might not be possible because, as you know, an emergency measure needs 101 votes or two-thirds of those present and voting.

We find ourselves with a perplexing situation, what to do to address the problems. I have been accused by some people in my area of selling out, because they want to play hardball down in Old Orchard Beach and they want to play hardball in Sanford and other areas and they want L.D. 93 intact. Emotionally, I agree with them — intact. Legally, it has a problem. The Judiciary Committee recognized the problems and came out with a bill, which is sponsored by the gentleman from Westbrook, Mr. Carrier, which has an emergency preamble on the bill, and that is L.D. 1207, and the committee amendment has a filing number of H-426. And I think maybe all of you could take a look at that in considering this issue.

What our emergency preamble said is that there are public disturbances which necessitate that use of new law enforcement tool; and what that enforcement tool would be is this — it would say that after a law enforcement official cited someone civilly for drinking in public, if two or more people were together and were cited, after the law enforcement officer cited them requested that they disperse from the immediate vicinity, if they did not disperse, then the law enforcement officer would have the tool to arrest those individuals and take them into custody to alleviate the problem.

I presented this idea to members of the Chamber of Commerce in Old Orchard Beach and they accused me of trying to cut the bill, that I wasn't really against public drinking. I

was really for the present situation, but I told them what would occur once this bill hit the floor of the House and exactly what I said would occur has occurred.

It is my hope we would not indefinitely postpone this bill tonight so that we could put this bill in a posture with the other bills in order to discuss the issues involved and whether or not something can be addressed this session.

The committee amendment from the Judiciary Committee was an attempt to give law enforcement the tools they need this summer. I think it is a secondary position that many members of the community wanting something, maybe not as put into effect under L.D. 93, but some type of bill which would address the problem, and I think it is a serious problem in areas such as Old Orchard Beach, of disrespect of individuals with use of alcohol and causing disturbances.

Old Orchard Beach, last year, spent \$60,000 in law enforcement in order to curtail a riotous situation which occurred on a few weekends. Law enforcement did not feel that they had the tool last summer to handle the situation.

It is my hope that we can put these bills together, that reasonable heads can sit down and come out with a compromise so that communications can exist from the Chambers of Commerce in Sanford and Old Orchard Beach and sit down and tell them the facts of life about what is going to occur this legislative session.

I urge you to oppose the pending motion.

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

Mrs. KANY: Mr. Speaker and Members of the House: I have been listening to the debate and I am just wondering why these problems cannot be resolved at the local level through ordinances. We decided last week not to go along with a statewide obscenity standard but perhaps we should have community standards. In listening to some of the comments that have been made, particularly by Representative MacEachern and Representative Jacques, it certainly sounds to me as if there are different standards throughout the state and if, indeed, there are problems in Old Orchard that are different from those around Moosehead Lake, perhaps it would be better if we did resolve this issue by local ordinances.

Would someone please comment on why we could not do it in that manner.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the good lady from Waterville, there is a bill on the table dealing with local ordinances. This is what I would call the extreme fall-back position if all else fails.

The objections to this are that because of a lack to uniformity, people going from one town to another would never know whether they were breaking the law or not and might find themselves in the habit of drinking in the public park in one town, for instance, and thereby thinking it was all right to drink in all public parks. That is the chief objection to that.

I would like to address myself to the relative merits of the bills. This bill that we have before us now represents, as I think you probably can gather from the testimony, the strongest measure, which does allow the police to remove the person from the scene because he or she is drinking, not having to wait until the person is ordered to disperse.

I am not speaking against the bill that the Judiciary Committee has before it. In fact, I spoke in favor of this bill to the executive director of the Police Chiefs Association yesterday and was informed that in no way would they support this bill, because while the police officer was writing out this citation, the crowd would gather and the trouble would begin. I don't know how the good gentleman from Portland, Mr. Joyce, gets such a different feeling from the Police Chiefs Association than I did,

but I was definitely told that they would not support either of these other bills because they wanted a uniform situation in relation to the local ordinances. They believed that it would be just too difficult to enforce, would have too many problems with local ordinances, and they believe that the bill which the Judiciary Committee has reported out would not do anything for them because the trouble would have already started, according to them, before the officer had a chance to order the people to disperse.

As far as bringing all of the bills out, I don't think it is necessary to bring all the bills out. I think you can start with this bill as the strongest bill; if you don't want to support this, you can fall back successively to the other bills, but this is the strongest bill.

Mr. Murphy of Kennebunk was granted permission to speak a third time.

Mr. MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: We have had our near riots, we have had our citizens harassed by abusive drunks, we have had our citizens have to step around or over drunks sprawled out in the doorways or on the sidewalks. The problem exists in the smallest towns as well as our larger cities.

This bill is very personal to me. We have had, like many of you, scores of automobile accidents and near fatalities. In Kennebunk, we have had four deaths in three years. With the existing law, and I think you will find with the sponsors of all three bills, they all agree that the law had to be changed.

The police now can only ticket much like a summons or an automobile infraction; that leads to cat and mouse games between young people and the police. Two of our young people, both within a week of each other, playing the cat and mouse games, moving from a public gathering spot to another public gathering public spot, died, both on motorcycles. One smashed into a tree, another smashed into a seawall.

At one of these public gathering fields, one of my students was found, a sixteen year old girl, her face smashed beyond recognition, her body discarded in the weeds. A week and a half ago, a 22 year old, a former student, was found after one of these public parties face down dead, the alcohol content in his blood almost a record level. So that is why when the jokes were said earlier, I can't laugh. I am tired of burying children.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. McSweeney.

Mr. McSWEENEY: Mr. Speaker, Ladies and Gentlemen of the House: All I have heard this afternoon is that this is an Old Orchard bill. Well, I can remember 15 years ago when I was in school, when drugs were a big thing in California, I said, "Don't we live in a great state, it will never happen here." It has happened here and alcohol has become the biggest drug of all.

Part of a noble experience in the criminal code was modified several years ago by the legislature. Undoubtedly, such a comprehensive change had to be tested by experience. An obvious failure was the decriminalization of drinking in public. Therefore, two years ago, we tried to get public drinking as an arrestable offense; it failed. We could see it coming.

I don't know if many of you other people when you say Old Orchard is the only place, it becomes the largest city in the state, larger than Portland, everything else, but when an officer of the law has to write a citation and is used like a boy scout or treated as if he were a nobody, the abuse that he takes during this period of time, it makes you wonder why anybody wants to be a policeman. Therefore, the citation is more John Does and John Smith's during this period of time and this is the weakness of this. This is the reason why I will vote for L.D. 93 and I hope you do not indefinitely postpone it.

Mr. MacEachern of Lincoln was granted permission to speak a third time.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: Having been a policeman for a number of years, I have been exposed to all of these horror stories that have just been stated. As I said before, I think it was the first time that I spoke, the solution to this problem of the drunks lying in the streets is not with this bill, it is with reenacting the old intoxication statute that we repealed a few years ago. Then you can gather them up and take them away and take care of them and put them in a safe place until they dry out a little bit.

Secondly, I am a firm believer in local control, to use an old trite statement. I think maybe we ought to consider the bill that is coming along that would give the municipalities the authority to go ahead and make ordinances that would take care of their unique problems.

I just think that this bill is not the solution to the problem that exists, and I know the problem exists, but I think we have other vehicles coming along that will take care of this, if we will just wait and be patient and kill this bill and then take the others up as they come along. I really would have personally preferred to see them all before us or see a package containing the best points in all the bills at one time, but I don't think we should kill it.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I do not consider this bill a joke, I do not consider the problem a joke. Since I have bought Jacques' Market, I have had the opportunity to meet many fine young people, regardless of what you hear and read about everyday in our newspapers. Today, I have two less customers because of a drinking problem.

We have a very serious problem here. This bill does not address that problem. The problem lies much deeper and sooner or later we are going to realize where the blame lies. This bill is not going to address the problem of these children that the good gentleman from Kennebunk, Mr. Murphy, has addressed. If it did, I would vote for it, it won't do that. We have to take a look in other directions.

I do not like to be told that I consider this problem a joke. If I considered it a joke, I would be home, I would not be down here. I didn't come down here to make jokes or make fun, I came down here to help the people of the State of Maine, and I do that job to the best of my ability.

I am sure, with the intelligent, rational people that we have in this body, we can come up with a bill that will address this problem correctly and adequately without this particular L.D. here. I am not making any joke when I say this is a terrible bill. Let's kill this bill, let these people come out with a good bill. We have been here for almost 90 days now, we have 10 more days to go, we have worked hard on many other bills and we have made some good bills; let's do it to this one.

I do not consider it a joke, ladies and gentlemen of the House, and I resent somebody saying that I do consider it a joke.

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

Mr. LIVESAY: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 93 suffers from two basic problems. In the first place, it gets fogged down in the definition of a public place and no amount of amending is going to remedy that problem. Moosehead Lake is a public place, Reid State Park is a public place, Popham Beach is a public place, and for a fellow to take a drink of beer at any one of those three places should not be a Class E crime, and that is the second problem with this bill; it makes public drinking a Class E crime. It is my opinion that that sort of activity does not merit the label "criminal offense."

The Judiciary Committee has a proposal which sidesteps the difficulties created by the definition of a public place, and it also sidesteps the difficulties created by making public drinking a Class E crime. I think that we should indefinitely postpone this bill at this time and come to a good solution by accepting the Judiciary Committee's report.

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

Mr. PEARSON: Mr. Speaker, I request that when the vote is taken, it be taken by the yeas and nays.

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

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

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I guess I feel a little ill at ease and I don't know exactly what to say right now because I kind of anticipated that this bill, one of the many drinking bills, was going to be allowed to have its first and second reading and then we could get together and compare the five or six drinking bills that we have before us.

I am a little concerned now, because this bill seems to be going down and it is a bill that was out of our committee some two months ago. I can't remember exactly everything we did at that time, but what I do remember is that it was a unanimous committee report out of the Committee on Legal Affairs. It was tabled at that time so they could compare all the bills. I am not a member of leadership, I don't know how the bill was let out, I don't know who took it off the unassigned table or switched back and forth, but it seems to me that if we can get this to second reading, allow us to offer the amendment, perhaps we could do something with this bill.

I don't think it is any surprise this morning, that everybody knows the impetus of this bill came because of the problems, the riot problems, they had at Old Orchard Beach. But the practical applications are to solve the problems that you are having in front of your homes back home. To use an example, I think we can best illustrate the type of problems you are seeing, let's say there is a group of kids or a group of men or there is a group of women and they are in the parking lot having a few beers and they are raising the devil. What can our police departments do right now? You have heard people mention this morning that they can write them up a summons, at which point they say, well, my name is Charlie Brown, my name is Donald Duck. They play a game, we played a game before, the kids are street-wise. They can order them to disperse, at which point they go around the corner and then come back again later.

Let's say there is a group of kids hanging in the park, they are drinking beer, they are sitting on a car, there are beer cans on the car, what can they do? There is not a thing they can do because our law right now says you have to be drinking before they can arrest you. So a police officer can go over to the car, there are beer cans all over the car and he can't do a thing.

The enforcement authorities are simply asking for a tool, a tool they can utilize and a tool that we can provide by passing a law such as this.

Of course you have got to look at the other side. On the other side, we are saying if you drink in a public place, we are saying that drinking in a public place is illegal, and I am sure that there are many members here that like to go to the beach or a park and have a

beer. I am sure there are members of our committee that like to do that, and I know from the testimony this morning that there are members of the Fisheries and Wildlife that enjoy that type of thing, well, that is all right, but the members of our committee felt that we could sacrifice that beer or that drink in order to solve this bigger problem.

All we are asking is that we be allowed to pass this bill, put on our amendment and then we will compare all the bills.

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

ROLL CALL

YEA—Aloupis, Armstrong, Bell, Bordeaux, Brannigan, Brennerman, Brown, K.L.; Carter, Chonko, Connolly, Damren, Davies, Erwin, Gavett, Hall, Jacques, Joyce, Kany, Kelleher, Lewis, Livesay, MacEachern, Mahany, McColister, McGowan, Michael, Michaud, O'Rourke, Paradis, E.; Pearson, Reeves, J.; Salisbury, Theriault, Twitchell, Vose.

NAY—Austin, Baker, Beaulieu, Benoit, Berube, Boisvert, Brodeur, Brown, A.; Brown, D.; Cahill, Callahan, Carrier, Carroll, Clark, Conary, Conners, Cox, Crowley, Curtis, Davis, Day, Dexter, Diamond, J.N.; Dillenback, Dudley, Fitzgerald, Foster, Gowen, Gwadosky, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, Jalbert, Jordan, Kane, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Lisnik, Locke, Lund, MacBride, Macomber, Manning, Masterman, Masterton, Matthews, McHenry, McKean, McPherson, McSweeney, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Nelson, A.; Nelson, M. Norton, Paradis, P.; Paul, Perkins, Perry, Peterson, Post, Pouliot, Prescott, Racine, Randall, Reeves, P.; Richard, Ridley, Rolde, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Telow, Thompson, Treadwell, Tuttle, Walker, Webster, Wentworth, Weymouth.

ABSENT—Boyce, Cunningham, Diamond, G.W.; Drinkwater, Fowlie, Gillis, Hunter, Laverriere, Martin, A.; Martin, H.C.; Moholland, Post, Roberts, Tarbell, The Speaker.

Yes, 35; No, 100; Absent, 15; Vacant, 1.

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

Thereupon, the Report was accepted in concurrence and the Bill read once, Committee Amendment "A" (S-84) was read by the Clerk.

On motion of Mr. Cox of Brewer, Committee Amendment "A" was indefinitely postponed in concurrence.

Thereupon, under suspension of the rules, the Bill was read the second time.

Mr. Murphy of Kennebunk offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-458) was read by the Clerk.

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

Mr. MacEachern: Mr. Speaker, a question to the amendment. Does this amendment take care of the section that the proposed amendment might take care of?

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, has posed a question through the Chair to the gentleman from Kennebunk, Mr. Murphy, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. MURPHY: Mr. Speaker, yes, it does.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Does this amendment take care of the technical problems of defining

a public place?

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

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

Mr. MURPHY: Mr. Speaker, yes, it does. I move that we table this for one day.

On motion of Mr. Hobbins of Saco, tabled pending adoption of House Amendment "B" and tomorrow assigned.

On motion of Mr. Diamond of Windham, the following matter was removed from the Unassigned Table:

Bill "An Act to Authorize Municipal Ordinances Preventing Drinking in Public." (H.P. 146) (L.D. 172)

Thereupon, the Bill was assigned for second reading tomorrow.

The Chair laid before the House the following matter:

Bill "An Act to Require Approval by the Public Utilities Commission of any Transfer of a Controlling Interest of the Stock of a Public Utility" (H.P. 477) (L.D. 534) which was tabled and later today assigned pending acceptance of the Majority "Ought to Pass" Report.

On motion of Mr. Davies of Orono, retabled pending the motion of Mr. Vose of Eastport to accept the Majority "Ought to Pass" Report and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Establish an Emergency Radiological Response System" (H.P. 923) (L.D. 1094) which was tabled and later today assigned pending acceptance to Report B, "Ought to Pass" in New Draft (H.P. 1518) (L.D. 1633)

On motion of Mr. Hall of Sangerville, tabled pending motion to accept Report B and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Require Periodic Reapportioning of Districts for Election of Representatives to Congress" (H.P. 1120) (L.D. 1337) (C. "A" H-370) which was tabled and later today assigned pending passage to be engrossed.

Mrs. Masterton of Cape Elizabeth offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-460) was read by the Clerk and adopted.

On motion of Mrs. Masterton of Cape Elizabeth, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted and on motion of the same gentlewoman, the Amendment was indefinitely postponed.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

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

Mr. KELLEHER: Mr. Speaker, but I would like to know what Mrs. Masterton did.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentlewoman from Cape Elizabeth, Mrs. Masterton, who may answer if she so desires, and the Chair recognizes that gentlewoman.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, what we have done, during the two or so days that this bill and its amendment was tabled, we have had some discussion as to just when the congressional districting ought to take place, whether it should take place this year, in 1981, since we have received advance census figures, or whether it should take place in 1983, when the House and Senate will be reapportioned by a commission that is set up in the Constitution.

After much research and discussion, we have decided that it is safer for us to wait until 1983, and there are three court cases pending appeal to the Supreme Court regarding challenges to the census count that was taken in 1980. So, this amendment, under the filing number of H-460, sets up a procedure in the statute for piggy-backing the congressional reapportionment onto the reapportionment that we will be doing in 1983 under our Constitution for the Maine House and Senate, and that is all there is to it.

I apologize, but we were trying for brevity.

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

Mr. KELLEHER: Mr. Speaker, after the explanation from the gentlelady from Cape Elizabeth, Mrs. Masterton, I withdraw my motion to reconsider.

The Chair laid before the House the following matter:

An Act to Require Public Hearings Prior to Proposing Exchanges of Public Reserve Lands (S.P. 455) (L.D. 1301) (C. "A" S-250) which was tabled and later today assigned pending passage to be enacted.

On motion of Mr. Hall of Sangerville, tabled pending passage to be enacted and specially assigned for Tuesday, May 26.

Reference was made to (S.P. 92) L.D. 208) Bill "An Act to Undedicate Funds Received from Public Reserved Lands"

In reference to the action of the House on Thursday, May 21, whereby it Insisted and Joined in Committee of Conference, the Chair appointed the following members on the part of the House as conferees:

Representative HALL of Sangerville
Representative JACQUES of Waterville
Representative MARTIN of Eagle Lake

Reference was made to (H.P. 1176) (L.D. 1400) Bill "An Act to Add a Class Size Adjustment to the School Finance Act"

In reference to the action of the House on Wednesday, May 20 whereby it Insisted and asked for a Committee of Conference, the Chair appointed the following Conferees on the part of the House:

Representative ROLDE of York
Representative THOMPSON of South Portland
Representative MURPHY of Kennebunk

On motion of Mr. Nadeau of Lewiston,
Adjourned until nine o'clock tomorrow morning.