

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

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HOUSE

Tuesday, May 26, 1981

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

Prayer by the Reverend Carl H. Geores, Jr., Pastor of the Leeds-Wales-Hartford Community Churches, Leeds Center.

The members stood at attention during the playing of the National Anthem by the Livermore Falls High School Band.

The journal of the previous session was read and approved.

Papers from the Senate

The following Communication:

**The Senate of Maine
Augusta**

May 22, 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 Adhere to its former action whereby it accepted the Minority "Ought Not to Pass" Report on Bill, "An Act Concerning Equivalent Courses Offered at the Various Campuses of the University of Maine," (H. P. 839) (L. D. 1005).

Respectfully,
MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

**The Senate of Maine
Augusta**

May 22, 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 Adhere to its former action whereby it Indefinitely Postponed Bill and Papers on Bill, "An Act to Permit Appointment of Deputies for the Purpose of Registering Voters Under the Election Laws," (H. P. 135) (L. D. 162).

Respectfully,
MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

**The Senate of Maine
Augusta**

May 22, 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 Adhere to its former action whereby it Indefinitely Postponed Bill and Papers on Bill, "An Act to Prohibit Hunting of Bear with Bait," (S. P. 64) (L. D. 91).

Respectfully,
MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

**The Senate of Maine
Augusta**

May 22, 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 Adhere to its former action whereby it Indefinitely Postponed Bill and Papers on Bill, "An Act to Amend the Law Concerning Inherited Liability of Certain Business Firms for Severance Pay," (H. P. 1187) (L. D. 1411).

Respectfully,
MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Reports of Committee**Leave to Withdraw**

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Provide a Tax Exemption for the First \$3,000 of Savings for Individuals who Invest the Money in a Housing Development Account" (S. P. 538) (L. D. 1497)

Came from the Senate with the Report read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Public Utilities on Bill "An Act to Authorize Municipal and Quasi-municipal Water Districts to Set Rates" (S. P. 214) (L. D. 579) reporting "Ought to Pass" in New Draft (S. P. 628) (L. D. 1637)

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

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

Report of the Committee on Public Utilities on Bill "An Act to Increase Local Control of Water Districts" (S. P. 471) (L. D. 1327) reporting "Ought to Pass" in New Draft (S. P. 629) (L. D. 1638)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-278)

In the House, the Report was read and accepted in concurrence and the New Draft read once. Senate Amendment "A" (S-278) was read by the Clerk and adopted in concurrence and the New Draft assigned for second reading later in the day.

Report of the Committee on Judiciary on Bill "An Act Concerning the Protection of Incapacitated and Dependent Adults" (S.P. 268) (L.D. 750) reporting "Ought to Pass" in New Draft (S.P. 630) (L.D. 1639)

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

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

Ought to Pass as Amended**Tabled Unassigned**

Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-244) on Bill "An Act to Require the Workers' Compensation Commission to Conduct a Data Systems Study" (S.P. 189) (L.D. 491)

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

In the House, the Report was read.

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

Divided Report**Tabled Unassigned**

Report "A" of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to

Stabilize the Maximum Weekly Benefits under the Workers' Compensation Act" (S. P. 225) (L. D. 613)

Report was signed by the following members:

Senator:

DUTREMBLE of York

— of the Senate.

Representatives:

McHENRY of Madawaska
LAVERRIERE of Biddeford
BEAULIEU of Portland
BAKER of Portland
MARTIN of Brunswick

— of the House.

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

Report was signed by the following members:

Senators:

SEWALL of Lincoln
SUTTON of Oxford

— of the Senate.

Representatives:

LEWIS of Auburn
DAMREN of Belgrade
TUTTLE of Sanford
FOSTER of Ellsworth

— of the House.

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

In the House: Reports were read.

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

Divided Report**Tabled Unassigned**

Six Members of the Committee on Labor on Bill "An Act to Establish a Direct Payment System under the Workers' Compensation Law" (S.P. 218) (L.D. 605) report in Report "A" that the same "Ought to Pass" in New Draft (S.P. 621) (L.D. 1626)

Report was signed by the following members:

Senator:

DUTREMBLE of York

— of the Senate.

Representatives:

HAYDEN of Durham
TUTTLE of Sanford
BAKER of Portland
LAVERRIERE of Biddeford
MARTIN of Brunswick

— of the House.

Four Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" in New Draft (S.P. 622) (L.D. 1627)

Report was signed by the following members:

Senators:

SEWALL of Lincoln
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 "C" that the same "Ought Not to Pass"

Report was signed by the following members:

Representative:

BEAULIEU of Portland

Bill "An Act to Establish the Procedure for Payment for Attorneys' Fees Awards Against the State" (H.P. 1251) (L.D. 1475) which was passed to be engrossed as amended by Committee Amendment "A" (H-446) in the House on May 21, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-446) as amended by Senate Amendment "A" (S-275) thereto in non-concurrence.

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

Messages and Documents

The following Communication:

Committee on Fisheries and Wildlife

May 20, 1981

The Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04333
Dear Speaker Martin:

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

Total number of bills received	55
Unanimous reports	47
Leave to Withdraw	26
Ought Not to Pass	8
Ought to Pass	4
Ought to Pass as Amended	8
Ought to Pass New Draft	1
Divided Reports	8
Committee Initiated Bills from Joint Orders	1

Respectfully submitted
S/ROBERT A. MACEACHERN
House Chairman

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves

Requiring Reference

Bill "An Act Relating to Informed Consent and Determination of Best Interest for those Unable to Give Informed Consent for Sterilization" (H. P. 1543) (Presented by Representative Connolly of Portland) (Cosponsor: Representative Benoit of South Portland) (Submitted by the Department of Mental Health and Corrections pursuant to Joint Rule 24)

Was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

House Reports of Committees

Leave to Withdraw

Representative Kilcoyne from the Committee on Taxation on Bill "An Act to Replace the Inheritance Act with a Maine Estate Tax and Provide for Funding through Gradual Elimination of Certain Tax Credits" (H. P. 1241) (L.D. 1466) reporting "Leave to Withdraw"

Representative Kane from the Committee on Taxation on Bill, "An Act to Abolish the Maine Inheritance Tax and to Provide for an Estate Tax Similar to Federal Law" (H. P. 800) (L.D. 954) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 1406) (L. D. 1571) Bill "An Act to Amend the Charter of the North Yarmouth Water District"—Committee on Public Utilities reporting "Ought to Pass"

(H. P. 1407) (L. D. 1572) Bill "An Act Creating the North Berwick Water District" (Emergency)—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-469)

(H. P. 1290) (L. D. 1484) Bill "An Act to Es-

tablish the Municipal Cost Components for Services to be Rendered in Fiscal Year 1981-82" (Emergency)—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-468)

(S. P. 517) (L. D. 1439) Bill "An Act to Promote the Maine Potato Industry" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-233)

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

(S. P. 322) (L. D. 912) Bill "An Act Creating the Rangeley Water District" (Emergency) Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-269)

On the objection of Mr. Davies of Orono, was removed from the Consent Calendar.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-269) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading later in the day.

(S. P. 191) (L. D. 492) Bill "An Act Relating to Compensatory Telecommunication Toll Call Rates for Deaf and Hearing Impaired Persons"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-262)

(S. P. 422) (L. D. 1243) Bill "An Act Concerning Utility Deposits"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-261)

(H. P. 268) (L. D. 302) Bill "An Act to Amend Special Education Statutes to Provide for the Computation of Board and Care and to Authorize Rate Approval by the Commissioner" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-470)

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

Second Reader

Latter Today Assigned

Bill "An Act to Equalize the Treatment of all Manufactured Housing" (H.P. 1534) (L.D. 1646)

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

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

Mr. LaPLANTE: Mr. Speaker, I am having an amendment prepared for this and we can't seem to locate it, and I would like to have someone table it for me.

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

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

Passed to Be Enacted

Emergency Measure

An Act to Authorize the Public Utilities Commission to Purchase Electric Energy for Resale on a Nonprofit Basis to Electric Utilities Serving this State (H.P. 1513) (L.D. 1632)

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

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

Mr. JACKSON: Mr. Speaker, I would like to address a question to someone on the committee if they could explain exactly what this bill is.

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

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

Mr. DAVIES: Mr. Speaker and Members of the House: Currently, the private utilities of the state have the ability to go out and purchase power anywhere that they can find it for retail sale within the State of Maine. However, as Canada has been developing its hydro potential, a number of the Canadian Provinces refuse to do business with private entities, they prefer to deal with public entities, namely, some agency of the state. We have had contacts from several Canadian Provinces that are interested in selling power but they do not want to do business with Central Maine Power or Bangor Hydro or Maine Public Service. So to facilitate the purchase of this power to be passed on to the private utilities at no cost, exactly at the sale price, this piece of legislation is necessary.

There are at least two Provinces that are ready to sign letters of intent to sell power to us in the future, provided this law goes into effect. It is very similar to legislation that has been passed in four other New England States and at least one other New England state is considering it at this time.

It is very important for our future energy supplies that we be able to do this. It has been agreed to by the utilities, as well as the Public Utilities Commission, and it was a unanimous report out of the committee, so I hope you will support this bill.

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

A vote of the House was taken.

116 voted in favor of same and 8 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Emergency Measures

RESOLVE, Providing for Standards to Achieve Erosion Control on Roads in Organized Areas under the Site Location of Development Law (H.P. 1365) (L.D. 1550) (C. "A" H-454)

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. 113 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1981 (H.P. 1516) (L.D. 1629)

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

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

Passed to Be Enacted

An Act Relating to the Employment of Minors (S.P. 188) (L.D. 490) (S. "B" S-270 to C. "A" S-162)

An Act to Authorize the Eastern Maine Vocational-technical Institute to Operate a Program for Practical Nursing in Ellsworth (S.P. 426) (L.D. 1248) (C. "A" S-260)

An Act Relating to Law Libraries (S.P. 562) (L.D. 1532) (S. "A" S-271)

An Act to License Community and Home Health Agencies (S.P. 618) (L.D. 1624)

An Act to Clarify the Definition of Resident Individual in the Income Tax Law (H.P. 21) (L.D. 14) (C. "A" H-451)

Finally Passed

RESOLVE, Requiring the State Planning Office to Conduct an Educational Program on Manufacturing Housing, and Directing the Committee on Local and County Government to Monitor and Report on the Program (H.P. 892) (L.D. 996) (H. "A" H-444)

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

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

Enactor

Later Today Assigned

An Act to Prevent Gear Conflicts (H.P. 1191) (L.D. 1415) (C. "A" H-433)

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

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

Passed to Be Enacted

An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine (H.P. 1423) (L.D. 1577) (H. "A" H-312; H. "B" H-340; S. "A" S-240; S. "B" S-268)

An Act to Amend the Definition of State Employee under the State Employees Labor Relations Act (H.P. 1431) (L.D. 1582) (C. "A" H-440)

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 Amend, Revise and Codify the Landlord-Tenant Laws (H.P. 1476) (L.D. 1608) (H. "A" H-424)

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

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 1608 is a landlord-tenant bill. It went through the House last week with a close vote, 68 to 68. At that particular time, I was misinformed as to where we were here, because at that time I would have asked to speak on the bill and I didn't. I am very much opposed to this particular bill and I would like to give you a few reasons why.

The things that have been happening with this bill, and I am willing to go along with that, but through error, and we all make errors and I don't condemn anybody for it, the bill came out of committee unanimous "ought to pass." For those of you who have been here for a while, you probably have wondered how this came about, but, again, through error the bill came out, not my error but somehow it came out "ought to pass." I was willing to accept such a decision, but it didn't make me feel too good about things because you always have that doubt whether it was done intentionally or otherwise. I don't believe it was done intentionally. I am convinced it wasn't done intentionally and I am willing to forgive such an error.

On the other hand, it puts you at a disadvantage, a bad disadvantage, because we went through the bill and different ones spoke for and against it. I refrained from speaking because I didn't think there was any need at that particular time to speak on it.

The bill itself, as you know and you probably read in the newspapers, it is a controversial bill and, as you know, apparently the lawyers for the landlords and the tenants were supposed to have agreed or compromised on some

27 bills or so that we had that involved landlords and tenants. Apparently, some people believe that this compromise, or just the fact that they got together and tried to eliminate what is bad and what is good about certain bills, and to eliminate the ones they both agree shouldn't be in there, some people believe that this is binding. Well, I don't believe it is binding. I never asked any of these people to do that. I was willing, like everybody else, to go along and assume that you are going to get the bills as they come, keep the good ones and kill the bad ones, but this was not the procedure that was used. The procedure that was used, but three other committees which you are aware of, they got two or three people together and jumbled all the bills together and tried to come out with some decision on the bill, and this is what happened with Judiciary. This was done two years ago, the same way this was, but then it was no compromise and I don't think there was any compromise this time. I don't think they have the right to compromise, that whatever came out of that committee we were going to accept.

I am a landlord and I never compromise, and I don't conciliate either, and the people who say that politics is conciliation and compromise, I think they are wrong. I don't sell my soul for compromise at any time, I never have, and I think we should stick to what we have in front of us right here.

This bill here takes the control away from the person that has money invested, equity, in real estate property and gives some of the rights to the tenants. I don't believe that if I have to work day and night in order to accumulate a little security with a piece of property, that I should give my rights to that particular property to anybody that comes along who wants to rent it.

This bill and the so-called compromise that was made, I have heard about it but I don't think that this is legal. This bill, along with two other bills, they have taken them and come out with something, such as the workers' compensation and the transportation bills, that have come out of committee and all these three bills, we are having trouble with them. Nobody has agreed to anything yet. This is what happens when you try to cut corners and to do it this way. I don't say it is not the right way to do it, but I said from the start that you cannot find people in this legislature who know what the outcome is. This bill has been amended in committee, amended in pieces, thrown out by lawyers of both parties, and finally it is before us.

I am not going to say to you people here today that no matter how you vote, you didn't do it the right way or the wrong way or that you didn't use good judgment. This was told to you a month or so ago by some of the party in this House when you actually voted against the deadly force, and don't you forget it, these are the same people today who are going to tell you that this is a good bill. I don't think it is a good bill because it takes my control of equity and everything else away from me. I don't like it and I don't want any tenant to come on my property and start making repairs and I have to pay for it. I don't go for it. In the first place, they shouldn't be there. If they think that is what they are going to do, they will never have a chance to get in.

I suggest to you that this is a bad bill. I am going to watch and listen very carefully to the debate, if there is any, as to what others say about this bill, because there is a long unsavory story to it. If they want to bring it up, let them open the book and I will put myself on the line if they are willing to put themselves on the line.

I submit to you that this is not a good bill; 1608 should not pass. If you give people a chance, the ones who have made investments with what they have earned on a daily basis by hard work so they could own a piece of property, I have my rights and should be able to choose who I want to have in my rents and the agreement will be the same. The only thing

that really hurts is when you have them in there — you come down and I will show you my books, and when you lose money of \$500 or \$1,000 at a time because of these laws that we try to impose on people, I believe there is something wrong somewhere.

I make the motion to indefinitely postpone the bill and I hope that you will go along with it.

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I certainly do hope that you will support Representative Carrier's motion and vote against this bill.

A combination of good issues and bad issues really don't make a good law, and I don't think we should be enacting into law something that should not be there.

Both tenants and landlords most certainly do have their rights and tenants should be well cared for and treated carefully. However, the person who owns the property also has his rights, and I don't think that a tenant should be allowed to go ahead and do any work on the property that belongs to the landlord. I think we have all had experience and know what can happen there. I have paint on the windows of an apartment that is probably an inch and a half or two inches wide, someone just wasn't very good with a paint brush, but they just decided to go ahead and paint. I think it is important that we do not enact this law today.

Again, I do hope you will vote for indefinite postponement.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I am a manager of a housing development, I don't own it. When I have a terrifically hard day, when I go home, I think the best thing about this is that I don't own it, because you have no idea of the problems that a person has today trying to maintain a piece of property decently so that decent people that live there, and 98 percent of them are that, but there is always someone who wants to upset the status quo. This bill here does away with the controls that you definitely have to have in order to keep this place a decent place to live.

In our particular area, we have 240 apartments, we don't discriminate against children, we don't discriminate against anyone. All we ask after you come there is to have some regard for your neighbors because it is densely populated and certain things you should do, and one of them, for instance, is to pay your rent. I think probably they have a law against this, so maybe I am telling you I am breaking the law, but I do screen our tenants and because of that, last year, in 1980, I looked it up, out of 240 apartments, we had just one eviction. In other words, we don't take people in and throw them out. We take people in there, the longer they stay, the more financially beneficial it is to us. But we have to have some control to take care, because once in awhile one does sneak in that has no intention of doing what is right on any level, and you have to go to give the landlord some control over this.

I think this is indicative. In my area, there has been absolutely no building of rental units in the last I don't know how many years. The only rental units that have been built there have been government built, like housing for the elderly or something like that. In other words, the incentive is gone. If you are going to have decent housing for people, you have to give people some incentive to invest their money and hopefully get something back from their investment, that is the only reason for investing it, and the incentive is rapidly going.

I say that the motion made by Mr. Carrier is a good motion, that we should kill this bill and do it today.

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

Mrs. BERUBE: Mr. Speaker, Ladies and

Gentlemen of the House: Over the past 10 years, the time that I have served here, I have always supported the right of private ownership, because I think that is an integral part of our system in this country. However, this particular bill came out as a result of a compromise between both parties, landlords and tenants, and it was my understanding that both agreed with the contents, so last week when I became aware that there was some concern, I spoke with the representative of the landlords' organization in my home city and he told me that he could live very nicely with this bill, especially since we had adopted the amendment proposed by Representative Carrier. He said, "no problems whatever." So, I called three landlords and they said, do what you think you have to do. We think we can live with what you say is in the bill.

Over the weekend however, someone came to my home, a property owner, and he said that although he agreed with most of what we had in the bill, he disagreed with the clause which would have allowed tenants to take care of their own repairs. He said, if you can assure me that fact when it comes to electrical fixtures or plumbing, that it would have to be done by professionals, a certified or licensed individual, I think I could buy that. I immediately assured him that that was taken care of in the bill. He then said, well, if someone gets hurt on the property as a result of a repair being done by the tenant, I will be held liable if a repair like minor carpentry is not done correctly. He said, if that can be addressed, then certainly I think we can live with the bill.

I looked at the bill this morning and the landlord is, indeed, exempt from any liability which would ensue as a result of a tenant doing a repair. So, I think for this reason, as well as the fact that both parties agreed, I will support this bill this morning. Otherwise, it would be a breach of honor as it were.

THE SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Westbrook, Mr. Carrier, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Hobbins of Saco requested a roll call.

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

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

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

MR. HOBBS: Mr. Speaker, Men and Women of the House: This is my fifth term in the Maine Legislature and every session, or semester, as the good gentleman from Lewiston, Mr. Jalbert, would call it, landlord-tenant issues come before us. When I first arrived here, I was a tenant, I was 21 years old, and I stand here before you today as a landlord owning four units for the past three years. I was told nine years ago that once I owned property I would change my mind about my viewpoints so they would not be so one sided. Well, maybe that is the case, I have changed my mind and I don't give in as easily when it comes to landlord-tenant issues.

Like all sessions, the Judiciary Committee was faced with over 30 bills dealing with landlord-tenant relations. As you know, these bills come before us, it takes weeks of hearings, weeks of work sessions, and, in most cases, one or two of the bills, either pro landlord or pro tenant, become law. At the request of the co-chair in the other body and myself, representatives of landlords and tenants held a series of meetings to explore the potential of compromise. In fact, a representative, an attorney for

the Maine Apartment Owners and Managers Association, met on many occasions with the tenant representative. Agreement was reached between the two groups on all issues except housing discrimination against families with children. All other bills were withdrawn from the Judiciary Committee and a proposed compromise was printed into L.D. 1531.

Despite reservations concerning particular provisions of this particular legislation, each side, both landlords and tenants, appeared before the Judiciary Committee and spoke in favor of this bill at a public hearing. I repeat, despite reservations about particular provisions on each side, both landlords, represented by the Maine Apartment Owners and Managers Association, and the tenants, represented by Pine Tree Legal Assistance Incorporated, appeared before the Judiciary Committee and spoke in favor of L.D. 1531.

It was during a series of workshops and after several provisions of L.D. 1531 which were questionable, it was after these workshops and after several individuals, landlords, came before the committee that certain provisions were removed from L.D. 1531.

One of these provisions which was removed was the retaliatory eviction protection for tenant unions. Minimum heat standard provisions were also removed from L.D. 1531. Interest on security deposits were removed from this document. Now remember, the landlord association, through their lobbyists, supported the bill intact, but these particular amendments were taken off. The strengthened provision for wrongful withholding of security deposits was also removed from this bill. The theft of services provision, as well as other less significant aspects of the compromise, were removed.

I will agree and I will apologize if, in fact, the bill came out of committee with a unanimous report if certain individuals did not support that on the committee on Judiciary. I will take that responsibility and I apologize. Let me assure you that in no way was it a plot or a conspiracy on my part to ram anything down the necks of this legislature, because I have seen these issues time and time again, and I know that they are looked over very carefully.

Not one individual has looked at the bill and discussed the reason why we thought, anyway, that the Landlord Association was supporting the bill.

Let me give you some examples of what this bill does to favor landlords. Again, I am not speaking as a person who doesn't know, because I am a landlord. This bill permits landlords to evict tenants who cause units to become unfit for human habitation with a seven day notice. Now if anyone has dealt with evictions, you know that it is a long process. I have been on both sides, as a landlord and as an attorney for landlords, but I also have had individuals who have come to me as tenants who have been unlawfully, and in some cases lawfully, evicted. Presently, it takes 30 days under Maine law to evict someone when that unit becomes unfit for human habitation.

Second, and I think an important aspect of the law, is that this bill, L.D. 1608, closes loopholes in the law by which a tenant who has been served with a seven-day eviction notice could negate the effect of the notice by paying all rent due within the seven days. A great trick of many tenants, irresponsible tenants, is don't pay the rent because, what the heck, if the landlord serves a notice of eviction, which costs the landlord money through sheriff fees and court costs, all we have to do is pay the rent, the back rent, and they have to start the process all over again. L.D. 1608 authorizes courts to hear all issues from eviction to violation of warranty of habitability in a single hearing, and I don't have to tell you that lawyers sometimes are expensive, some more than others. If you can dispense with the issue in one hearing, it will save the landlord money.

It sets a 48-hour deadline for a tenant to be out of a unit after being served with an eviction order from a court. You know what it is sometimes when a tenant can hold over for a long period of time. This says that after 48 hours, unlike present law, that person would be guilty of criminal trespass.

It reduces the procedural due process requirements faced by a landlord when his tenant has left personal property behind, and many of you know what exists when someone abandons property and how difficult it is under present law, if you are a landlord, to dispose of that property.

L.D. 1608 prohibits the courts from ordering landlords to pay for a motel room during court ordered repairs if the landlord has a temporary unit available. Under present law, if a tenant brings a landlord into court in violation of the warranty of habitability, the landlord has to provide a motel room until those repairs are fixed. This changes that requirement. This is really a pro tenant bill, as you can see.

It expands and clarifies grounds withholding all or part of a security deposit.

I know that it has been debated many times but I think this issue is important and I would like to explain one of the red herrings of the bill as provided for by many individuals in regards to the repair and deduct provision of this bill. The repair and deduct provision, meaning self-help, fix your own building, affects only those conditions which are a danger to health and safety, they are not cosmetic. If someone doesn't like the paint, it doesn't mean that the person can go out and buy some paint and repaint that. If a person doesn't like plaster, the tenant isn't able, under this bill, to go out and put paneling up.

The repair and deduct provision of this statute, L.D. 1608, does not apply to conditions caused by the tenant or the persons' guests or invitees. It requires the tenant to give the landlord a written notice of a condition up to 14 days before a repair is made. It permits a tenant to make repairs himself or contract a professional to do required work. The total cost of the work cannot be more than \$100 or one-half of the monthly rent. As you can see, there are guidelines provided for in this bill.

Repairs to electrical, oil burners or plumbing must be done by a licensed repairman, as the good gentledady from Lewiston, Mrs. Berube, has mentioned. Neither tenant nor any member of the family can be reimbursed for their own labor costs. Repairs will not be reimbursed if the landlord is denied access or if weather conditions prevent landlords from making the repairs.

The landlord is exempt from any liability for injury caused to others as a result of the tenants' efforts to make a repair, and this is something that has been argued before us in the past.

Owner occupied units, and this is very important, owner occupied buildings with five units or less are not subject to the repair and deduct provisions. We are not talking about an owner-occupied building that has less than five units, it does not come under these provisions. We aren't the only state to consider this type of legislation; 26 other states have adopted repair and deduct laws with far fewer restrictions on the tenant's ability to exercise his rights under the law.

It is very discouraging to stand before you after a whole session and having allowed the different groups to look at these bills to try to come up with some type of compromise between them and then to have a few individuals attempt to kill the whole bill after all that work.

I know as a landlord that I am somewhat disappointed with those landlords involved in trying to kill this bill. I, as a legislator, am discouraged and disgusted that this particular issue will be put in a posture where all of the bills have been withdrawn and we have before

us one bill, which, in good faith, was said to be a compromise of both parties.

I could see from the green lights a while ago that many of you have made up your minds, but I urge you to at least look at the bill from the standpoint of a compromise. The original compromise was watered down at the request of some responsible landlords in the city of Portland. The committee made those changes. Again, they removed the minimum heat requirements, the interest on security deposits, and strengthened penalties for wrongful withholdings of security deposits.

A few tenant groups thought this bill was gutted and they are probably as upset with many members of the committee because that part of the bill was gutted, but I think we have here before us today a positive step which is a balance for a landlord and a tenant, responsible landlords and tenants, and I urge you to vote against the pending motion.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I can't believe what I am hearing here today. Has the American public sunk to such a low that they cannot get together in just renting a simple apartment? For years, years ago, I used to rent three-family, two-family apartments. We had a document which was called a lease. Anybody who stayed there over a year, we would sit down, we would discuss it, I had a form lease, if they wanted to put something additional into it, fine, we would put it in. If they wanted to do their own repairs, we usually worked out an agreement where I bought the materials and they did the work. My property was usually in better shape than it was when I leased it to the people.

I just can't understand why we have to protect everybody in the world today, people can't make an agreement, it doesn't even have to be a lease. Are we so dishonest that we can't work — this sounds like a slum bill to me. I just don't understand it. I think Americans are still good people, I think their word is still good. I am going to vote against this, I just don't want this bill to go on the books. It is a terrible bill.

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

Ms. LUND: Mr. Speaker, Men and Women of the House: I regret to answer the previous speaker. There are slums, there are slums in Portland, there are slums in Lewiston, there are slums in Augusta, there are slums in Bangor. There are bad tenants; there are bad landlords. I would like to have been a tenant of his and leave the place better than it was when I first came; however, that is not the case in many of the tenants that we have here in Augusta, many of the landlords that we have here in Augusta, it is a game to see how long somebody can stay in an apartment without paying their bill, how much noise and confusion they can bring to the neighborhood without being evicted, how long they make the process go through court before the final blow falls and they really have to leave and go somewhere else.

I am not defending either landlords or tenants on this bill. What I am saying is that we had, as you heard before, over 30 bills that came before the Judiciary Committee. We had a Landlords' Association and we had a Tenants' Association, and they got together and worked it out. The Landlords' Association was standing behind this bill; the tenants were standing behind this bill. One landlord had gone around and said to all the other landlords, this is a terrible bill, tell all your legislators it is a terrible bill. I call that a breach of faith. I think if it happens this session and gets away with it and this bill is not passed, his credibility next year is going to be that much less.

There is very little in this bill that is any stronger against any landlord than anything we have now, very little. I urge you to re-think

your vote and to support the compromise bill that is now before you.

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: People in favor of this bill keep talking about the compromise that was made on all the landlord-tenant bills. That is commendable and I do applaud them for the work that they have done on these bills. Nevertheless, there are parts of these bills that should not become law, compromise or not.

I have had a good many landlords who are really unhappy with this bill. There are a number of parts that have been mentioned that should not become law. Another clause in the bill states that the tenant can subtract the repairs from his rental payment. Can't you imagine the confusion in the large apartment house if you have one tenant after another subtracting the amount of repairs from the rent? It is certainly going to make a bookkeeping problem for the landlord and result in a good deal of confusion. I do not think that that is right.

Let us not put into law something that should not be there, and I hope you will vote for indefinite postponement.

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

ROLL CALL

YEA—Armstrong, Austin, Bell, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gavett, Higgins, L.M.; Huber, Hunter, Ingraham, Jordan, Lancaster, LaPlante, Livesay, MacBride, Masterman, Matthews, McGowan, McPherson, Michaud, Moholland, Nelson, A.; O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Randall, Reeves, J.; Ridley, Roberts, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Stevenson, Stover, Studley, Treadwell, Twitchell, Walker, Webster, Weymouth.

NAY—Aloupis, Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Fitzgerald, Fowlie, Gillis, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Hutchings, Jackson, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Laverriere, Lewis, Lisnik, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Martin, A.; Masterton, McCollister, McHenry, McKean, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Rolde, Soule, Strout, Swazey, Tarbell, Telow, Thompson, Tuttle, Vose, Wentworth, The Speaker.

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

Yes, 63; No, 83; Absent, 4; Vacant, 1.

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

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

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

Mr. HOBBS: Mr. Speaker, having voted on the prevailing side whereby this Bill was passed to be enacted, I now move that we reconsider and hope you all vote against me.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to see you vote for reconsideration. Actually, this bill is a bill against certain individuals who have worked and spent many hours in order to accumulate a little security for their future years, or for the present time in order to support their families. The additional security actually helps to increase the income for everyday living.

We did not debate this too much, and I want to go back, whether it does any good or not, you can use your own judgment, but I want to go back over the things that have been said. One of the things that has been said is that there was no conspiracy on the part of any individual. Nobody ever said there was conspiracy on the part of any individual, because it takes two to conspire, so you don't have to claim that there was some conspiracy in order to put this bill through.

This bill was presented and has been amended three or four times, and it has been reprinted and everything else, and this is where the confusion comes in, this is where the tenant confusion comes in and this is where landlord confusion comes in, the landlords that have apparently reneged on their agreement, these are individual landlords, they are not part of the association. If it is, I don't belong to the association and many others don't.

I say to you that this is an awful bill because of the fact that you have part of your life savings in an apartment house, and then all of a sudden something like this comes up and somebody tells you that this is what will happen from now on and this is what you will do.

As an individual, I want to protect my investment, I want to protect my equity, and this bill only helps to make it go down the drain.

I submit to you that whether this bill passes or not, any so-called compromise that was made by the party, I wish that these people would take their money, if they have any, and invest it in property and see what happens, these people that are so willing to take all these tenants, the good ones along with the bad ones, we don't worry about the good ones, we worry about the bad ones, these are the ones we are worried about. We don't want that. We want to be good landlords and we expect good tenants. But these same people that have these bleeding hearts, if these people would take these tenants and look after them, I will make them the offer today, if they want to buy some apartment houses, we will get some apartment houses and they can buy them on good terms, and they can, like the rest of us, even with the best effort they can put in, they can lose money, lose their time, lose their effort.

I ask that you reconsider this bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that the House reconsider its action whereby this bill was passed to be enacted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

57 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

An Act to Promote the Maine Potato Industry by Improving the Quality of Packing and Marketing Maine Potatoes (H.P. 1486) (L.D. 1613) (S. "A" S-265; H. "B" H-423; H. "C" H-430)

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

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

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

Passed to Be Enacted

An Act Concerning Teacher Certification

(H.P. 1106) (L.D. 1311) (C. "A" H-437)

An Act Concerning Drug Abuse by Registering Pharmacists (H.P. 1117) (L.D. 1334) (C. "A" H-422)

An Act to Require Periodic Reapportioning of Districts for Election of Representatives to Congress (H.P. 1120) (L.D. 1337) (H. "A" H-460)

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.

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

An Act Relating to Aquaculture (H.P. 1128) (L.D. 1345) (C. "A" H-434)

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

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: After reading the bill a couple of times and having plenty of time to look it over, I no longer have objections to this bill.

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

An Act to Create a Blue Ribbon Commission to Study the Public Education Delivery System (H.P. 1178) (L.D. 1402) (C. "A" H-436)

An Act to Increase the Licensing Fee for Games of Chance and to Increase the Limit on the Amount that can be Gambled for Any One Chance (H.P. 184) (L.D. 199) (H. "A" H-439 to C. "A" H-15)

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

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

Passed to Be Enacted

An Act to Improve the Efficiency of County Government (H.P. 1094) (L.D. 1291) (C. "A" H-419)

An Act to Amend the Charter of the York Sewer District (H.P. 290) (L.D. 334) (C. "A" H-456)

An Act to Authorize the Public Utilities Commission to Adopt Filing Requirements for Utility Rate Changes (H.P. 527) (L.D. 593) (C. "A" H-438)

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 Establishing the Women's Training and Employment Program (H.P. 568) (L.D. 644) (H. "A" H-443)

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

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

Mr. WEBSTER: Mr. Speaker, I want to be on record on this issue of a \$90,000 expenditure which I feel is unnecessary, and I would ask for a roll call.

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

Mrs. THOMPSON: Mr. Speaker and Members of the House: I would like to remind the House what this issue is. We have had several debates on this bill. The House and Senate have given their initial approval. You all probably have in mind a typical profile of the middle-aged woman, either divorced or widowed, and because of inflation finds it necessary to enter the work force.

This bill will provide a continuation and a modest expansion of direct services to these

women. It provides no new bureaucracy; rather, it continues the services of counseling, assistance and occupational training that are currently proving so effective to hundreds of middle-aged women in this state.

I urge you to support the bill.

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

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

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

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: I won't prolong this any longer either. This is the one that was debated last week which initially took over funding from this pilot program which was under CETA, the Women's Training and Employment Program.

My feeling is that there are several programs out there. We should decide which of those are the better ones and put that money into it. This, perhaps, may be addressing it, but in a very round-about manner.

The amendment that was put on takes the money, gives it to the Commissioner of Manpower Affairs to contract with the Displaced Homemakers Program. I do feel that the amendment was germane to the original bill, and I think it is a round-about way of putting money into another program. That should be discussed separately and on its own merit.

I hope you will vote against enactment of this bill.

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—Baker, Beaulieu, Benoit, Boisvert, Boyce, Brennerman, Brodeur, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Foster, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Huber, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Laverriere, Lisnik, Livesay, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Martin, A.; Masterton, Matthews, McKean, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Perry, Post, Pouliot, Prescott, Randall, Reeves, P.; Richard, Rolde, Smith, C.B.; Soulas, Soule, Swazey, Theriault, Thompson, Tuttle, Twitcheil, Vose, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Dudley, Gavett, Hanson, Higgins, L.M.; Holloway, Hunter, Ingraham, Jackson, Jordan, Kiesman, Lancaster, LaPlante, Lewis, MacBride, Masterman, McColister, McGowan, McHenry, McPherson, Michaud, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Peterson, Racine, Reeves, J.; Ridley, Roberts, Salisbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth.

ABSENT—Brannigan, Cunningham, Hutchings, Martin, H.C.

Yes, 79; No, 67; Absent, 4; Vacant, 1.

The SPEAKER: Seventy-nine having voted in the affirmative and sixty-seven in the negative, with four being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Require the Escort of Certain

Oversize Vehicles (H.P. 956) (L.D. 1132) (C. "A" H-432)

An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation Induced Increases in Individual State Income Taxes (H.P. 907) (L.D. 1074) (S. "A" S-264 to C. "A" H-431)

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

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

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

Bill, "An Act to Revise the Law Concerning Absentee Voting" (H.P. 373) (L.D. 411)

—In House, Bill and Accompanying Papers Indefinitely Postponed on May 19.

—In Senate, Minority "Ought to Pass" in New Draft (H.P. 1506) (L.D. 1619) Report accepted and the Bill Passed to be Engrossed.

Tabled—May 21 by Representative Benoit of South Portland.

Pending—Further Consideration.

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

Mrs. KANY: Mr. Speaker and Members of the House: I move that we recede.

You may remember two days ago when this bill was tabled, the reason for the tabling was that a number of people in the House were interested in getting together to see if something could be worked out. This was a controversial bill and it did contain two controversial sections, one which would move absentee balloting to the mail; and second, had to do with candidates listed on the ballot would not go around with the ballot. The House finally rejected those two controversial portions. I am sorry to say, but it did, and going along with the wishes of the House, the amendment before you, which I am hoping to be able to attach to the bill, if the recede motion passes, would allow some noncontroversial changes in the absentee ballot law. So I hope you go along with the recede motion. The amendment would then allow certain portions of the bill to remain, which were basically suggested by the Secretary of State's Office. One is a money saving, and second for clarification.

I will go through those items on the amendment if this recede motion passes. I move that we recede.

The SPEAKER: The gentleman from Waterville, Mrs. Kany, moves that the House recede.

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

Mr. PEARSON: Mr. Speaker, is it proper for the gentlelady from Waterville, Mrs. Kany, to explain what the amendment does that she wants to offer before we recede?

The SPEAKER: The Chair would answer in the affirmative.

Mr. PEARSON: Mr. Speaker, then I would so ask.

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

Mrs. KANY: Mr. Speaker and Members of the House: What would be retained — actually they are items in L.D. 1619 itself, so I suppose I could speak to them anyway — would be basically several things. First of all, the forgery section of our Criminal Code would be changed so that it would be clear that absentee ballot application and absentee ballot envelopes fall under our definitions of written instruments in the forgery law.

allow printing just on one side of the envelope.

Thirdly, it shall contain a conspicuously printed summary warning of the provisions of Title 17-A, Section 703. Right now, under our election law, it requires printing the entire law, and this is a summary warning and the idea of it is to allow a little larger letter so that it would be assured that people could really see that warning, and that is why the summary as opposed to each letter of the law be included.

Fourth, on the form of the envelope also refers to that summary warning.

And then denial of application — whenever an application for an absentee ballot is denied, the municipal clerk shall notify the applicant forthwith, in writing, the reason for the denial.

That is it, so basically I can't imagine that these would be controversial items and I do hope that you are willing to go along with the recede motion so that this amendment could be put on the bill and we could make these adjustments in the absentee ballot law.

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

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I have gone over this amendment that Mrs. Kany is presenting with her and am in total agreement and would urge you to go along with the motion to recede.

Thereupon, on motion of Mrs. Kany of Waterville, the House voted to recede from its action whereby the Bill was passed to be engrossed.

The same gentleman moved that the Minority "Ought to Pass" Report be accepted in concurrence.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I took the opportunity to not only listen to the gentleman's remarks on this item, I guess I am in a position where I can't talk on it for a moment, and I also read it. What she is attempting to offer, I know is in good faith, but if we are in agreement to back up our position of the other day to accept an item that has been worked out through a few individuals, it seems to me that the principal position dealing with the Maine Criminal Code, which is what we are going to be asked to accept, I think it should be left in the hands of the Judiciary Committee, not worked out by a compromise by four or five people, not that I question their good faith, I just think that if we are going to be accepting Mrs. Kany's amendment in a few moments, that no matter how weak or whatever the suggestion is dealing with this particular item, I think when you are dealing with the Maine Criminal Code, it should be left to the Judiciary Committee.

I would urge the House not to accept the report, to do exactly what we did last week, kill the bill, and if there are any changes to be made, they could be made at the next session of the legislature.

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

A vote of the House was taken.

62 having voted in the affirmative and 58 having voted in the negative, the motion did prevail.

Thereupon, the New Draft was read once. Under suspension of the rules, the New Draft was read the second time.

Mrs. Kany of Waterville offered House Amendment "A" and moved its adoption.

House Amendment, "A" (H-472) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, would Mrs. Kany mind telling us what they are doing with the Maine Criminal Code?

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

Mrs. KANY: Mr. Speaker and Members of the House: We are simply clarifying under the forgery portion of the Criminal Code the fact that absentee ballot application and absentee ballot envelope would be contained within the definition of written instrument. It is not some major amendment at all to the Criminal Code, but really simply a clarification of what is contained.

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

Mr. ROLDE: Mr. Speaker, I would also pose a question to the gentleman from Waterville. My question is this — if this amendment were to pass and the bill were to pass, would candidates still be prevented from collecting absentee ballots?

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

Mrs. KANY: Mr. Speaker and Members of the House: The answer to that is no. The House had rejected that as a controversial measure, so that has been amended away and out of the bill. So the two portions which were controversial having to do with the candidates and the mailing of ballots and not having witnesses have been removed and all that is left is non-controversial items. One of which is a cost saving by allowing just a printing of one side of the ballot, just to save money, and, secondly, to basically allow a summary warning on the envelope so that the lettering can be larger so that older people and those whose sight is impaired can make certain that they do see that warning.

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

Mr. JALBERT: Mr. Speaker, does this amendment give us both mail and personal contact?

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

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: With this amendment we are right back to present law, exactly the way it is.

As Mrs. Kany has said, I think three times, there is a cost saving in there, there is a printing summary of the warning instead of legalistic terms which most people sometimes have difficulty understanding. The Secretary of State wanted to summarize the warning on the ballot.

The present law that we have on the books will still be there unchanged.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a further question to either Mrs. Kany or Ms. Benoit — what is the amount of money you are talking about in cost savings?

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

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

Mrs. KANY: Mr. Speaker and Members of the House: I don't know the exact dollar amount. This was a proposal from the Secretary of State's Office, they consider this a cost saving measure and it was their idea to go along with this.

Personally, I can't see what major objection there would be to this noncontroversial bill in this form, and I certainly hope you go along with the amendment.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: So often we all use the rhetoric that you should go along with this because it is noncontroversial. Would some member table this so we could have Mrs. Kany or Ms. Benoit find out exactly what the cost

saving is, because if this is part of their argument, I think the House should get the benefit of knowing what the dollar amount is. It makes it very attractive, so I would ask that someone table this until later in the day, and then I know those two good gentleladies will find out what the dollar savings are for us.

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

Mrs. KANY: Mr. Speaker and Members of the House: I don't know how many of you are interested in the exact dollar figures. I would hope that you would go along with adoption of this amendment even if it is \$2 or if it is \$10 or if it is \$500, and I am sure that this is a positive amendment to the law and I hope you will go along with it.

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

Mr. KELLEHER: Mr. Speaker, I move that this be tabled until later in today's session.

Whereupon, Ms. Benoit of South Portland requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this matter be tabled until after in today's session pending adoption of House Amendment "A" (H-472). All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

91 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

The Chair laid before the House the second 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 21 by Representative Connolly of Portland.

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

On motion of Mr. Connolly of Portland, tabled pending his motion to accept the Majority "Ought Not to Pass" Report and tomorrow assigned.

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

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

Tabled—May 21 by Representative Pearson of Old Town.

Pending—Passage to be Engrossed.

Mrs. Locke of Sebec offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-473) was read by the Clerk.

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

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: This amendment makes it clear that municipalities which had a need for school construction prior to the effective date of dissolution or withdrawal under Section 222-C of the bill, which would be eligible for state aid for school construction projects, it just makes it a little clearer.

Thereupon, House Amendment "B" was adopted.

Mr. McHenry of Madawaska offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-459) was read by the Clerk and adopted.

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

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

HOUSE DIVIDED REPORT—Report "A" (6) "Ought to Pass" Report "B" (5) "Ought to Pass" in New Draft (H.P. 1529) (L.D. 1635) Report "C" (2) "Ought to Pass" as Amended by Committee Amendment "A" (H-445)—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)

Tabled—May 21 by Representative LaPlante of Sabattus.

Pending—Motion of Representative Wentworth of Wells to Accept Report "A" (Chair ruled Report "B"—New Draft not Germane)

On motion of Mr. LaPlante of Sabattus, tabled pending acceptance of Report A and tomorrow assigned matter:

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

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

Tabled—May 21 by Representative Hall of Sangerville.

Pending—Passage to be enacted.

On motion of Mr. Hall of Sangerville, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-474) was read by the Clerk and adopted.

On motion of Mr. Hall of Sangerville, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted, and on motion of the same gentleman, the Amendment was indefinitely postponed.

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

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

HOUSE REPORT—"Leave to Withdraw"—Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Provisions Requiring the State to Reimburse Municipalities and Counties for Losses Caused by Property Tax Revenues and Credits Enacted after April 1, 1978 (H.P. 1449) (L.D. 1589)

Tabled—May 22 by Representative Post of Owl's Head.

Pending—Acceptance of Committee Report.

Thereupon, the Report was accepted and sent up for concurrence.

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

HOUSE REPORT—"Ought to Pass" in New Draft under the New Title Bill, "An Act to Promote Alcohol and Other Drug Abuse Education and Rehabilitation" (H.P. 1533) (L.D. 1645)—Committee on Education on Bill "An Act to Promote Alcohol and Drug Abuse Education and Rehabilitation" (H.P. 219) (L.D. 256)

Tabled—May 22 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Committee Report.

On motion of Mr. Connolly of Portland, tabled pending acceptance of the Committee Report and tomorrow assigned.

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

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

Tabled—May 22 by Representative Cox of Brewer.

Pending—Passage to be Engrossed.

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

later today assigned.

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

HOUSE REPORT—"Leave to Withdraw"—Committee on Labor on Bill "An Act to Provide Employees in Private Long-term Care Facilities and Service Agencies Wages and Fringe Benefits Equivalent to Wages and Fringe Benefits Paid in State Facilities" (H.P. 983) (L.D. 1168)

Tabled—May 22 by Representative Beaulieu of Portland.

Pending—Acceptance of Committee Report.

On motion of Mrs. Beaulieu of Portland, tabled pending acceptance of Committee Report and tomorrow assigned.

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

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

Tabled—May 22 by Representative Strout of Corinth.

Pending—Motion of Representative Carter of Winslow to Reconsider Action Whereby House Insisted and Asked for a Committee of Conference.

Thereupon, the House voted to reconsider its action whereby the House insisted and asked for a Committee of Conference.

On motion of Mr. Carter of Winslow, the House voted to insist.

Sent up for concurrence.

The Chair laid before the House the eleventh 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 22 by Representative Hobbins of Saco.

Pending—Passage to be Engrossed.

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

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

Bill, "An Act to Revise the Public Drinking Law" (S. P. 66) (L.D. 93)

Tabled—May 22 by Representative Cox of Brewer.

Pending—Adoption of House Amendment "B" (H-458)

On motion of Mr. Diamond of Windham, tabled pending adoption of House Amendment "B" and later today assigned.

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

An Act Relating to State Participation in Local Leeway under the School Finance Act (S. P. 265) (L. D. 747) (C. "A" S-251)

Tabled—May 22 by Representative Pearson of Old Town.

Pending—Passage to be Enacted.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: We hadn't intended to debate this bill again today but we had asked the Chairman of the Appropriations Committee on Friday to table this bill pending enactment because there appeared to be some confusion or misunderstanding and we wanted to check out our facts first and then we—being the Education Committee—wanted to make a statement for the record before this bill was enacted here and sent down to the other body.

If you will recall the debate on this bill last week when it was passed by an overwhelming margin in the House, there were printouts that were passed out to each member, the printout being how that unit that you represent, that

school unit that you represent, could potentially benefit were this bill to pass. There was a sum of money that was identified under there as to the benefit for local leeway. Some people made the assumption that if this particular bill were to pass, their school units would benefit to the total amount that was on that printout and that was not an intention to mislead anybody, but if this bill does pass, as we fully well expect it to, your school unit will not benefit to that full amount, it will be a portion of that amount.

If you will recall the debate, we said that the bill, as it had been amended by the committee, only dealt with the unexpended balances in the leeway account. If we had used all the unexpended balances in the education accounts, then your school unit would have benefitted to the amount that was on that printout. We just wanted to clarify that for the record in case anybody had some questions later on this summer or fall, after the bill becomes enacted.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the explanation of the Chairman of the Education Committee, but I think that the reason that the people in the House made the assumption that the amount of money that they were going to get, if this bill is passed, it was because the printouts were passed around that way and there was, at that time, no explanation otherwise. I would hope in the future that that would not be done so that people would believe that they are getting more than they are really getting with printouts that are passed around the House.

The SPEAKER: The Chair will order a vote. The pending question before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

87 having voted in the affirmative and 15 in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act to Create a Bond Issue for Energy Conservation and Conversion for Small Business (S.P. 489) (L.D. 1390) (C. "A" S-255)

Tabled—May 22 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

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

An Act to Provide for the Election of Jury Trials in Certain Criminal Cases (H.P. 1328) (L.D. 1527)

Tabled—May 22 by Representative Tarbell of Bangor.

Pending—Passage to be Enacted.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I tabled this last Friday because I didn't really think we wanted to take it up in debate then. I would just like to say a few further words about this bill before we proceed on it.

The reason this bill is before us, or the justification for this bill before us, is that there are 76 cases statewide — we have some 30 to 40 courts all over our state — there are some 76 cases that are appealed up from the district court to the superior court for a new trial, and in an attempt to wipe out 76 cases, because we feel as a legislative body, and the Governor feels as the Chief Executive of our State, that is unfair that somebody has a trial in a district court and then has a second trial in the superior court, because that happened only 76 times last year, we have this bill before us to

rantee you, particularly in our larger counties, our district courts and our superior courts are inundated with cases now, there is a backlog in both the district and superior courts, if we pass this bill, that is going to happen is that these cases aren't going to be tried in district court. Put yourself in the position, if you have to elect between having a case in district court or having a case in the superior court with a judge and a jury and you think you have got a good case, where are you going to go? You are going to go to the superior court. That is where everybody is going to go.

The cases that are being disposed of in the Superior court and are taken care of with finality and they are not appealing them up to the superior court, those cases that we don't even see in terms of statistics and data with this bill, what is going to happen is, our crowded dockets at the superior court are going to become backlogged; they are backlogged now.

So, all this bill is doing is addressing 76 cases, because 76 are going up for new trials in superior court, and what is going to happen is, we are going to inundate and flood the superior courts in this state with jury trials. They are expensive, they are time consuming. The attorneys will do it, the defense attorneys in this state will do it and they will do it in the interest of their clients.

If you are a defendant with a Class E or D crime, which are the lowest crimes, they are criminal offenses, I will just give you an example, if you fail to reregister your automobile within the proper time or is not properly inspected, I think those are misdemeanor crimes, those are Class E, and you think you are right and you say that the police officer is wrong and you want a trial, where are you going to go? You are going to go to the jury, because you are going to have a trial with your peers, twelve lay citizen peers, because you trust them more than you do the legal community and the judicial community. You would rather have them there and you are going to have your day in court, \$1500 a day to have that jury sitting there to hear your simple case, but it is going to happen, and in the name of 76 measly cases, we have got this bill before us that I say is going to cause real problems in the state.

I don't disagree with the principle in the bill. The principle behind the bill is a sound one, it is a just one. If you have your trial and you have your case and you lose it, why should you get a second bite of the apple? Let's look at it in terms of practicality, in terms of our judicial system, our judicial branch. Let's take into consideration some of those practical matters and what we as a legislative body are imposing on the judicial branch. I don't think, personally, 76 cases where there are two trials, one at the district court and one at superior court, is that bad, that egregious, that outrageous, that we need to dump this bill on the judicial branch which is going to backlog the superior courts. There is one superior court in each of our 16 counties, that is all. They have to handle all the civil cases and all the criminal jury trials; all the felony criminal just trials are handled in that court. They are backlogged now, particularly in our largest counties, and this is going to really do it.

I urge you to rethink this and reconsider this before we vote on it and I would urge you to vote no.

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

Mr. O'Rourke: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Tarbell, the gentleman from Bangor, is a very persuasive young man, but he is not telling you all of the story. He speaks in terms of 76 cases. Actually, there are a number of thousands of cases each year that come before the district court. It is something in excess of 6,000.

What is happening on a regular basis is that

the attorney is going in and he is having his day in court, in the district court. That means that the police officer in the local town, or the state police officer, is required to prepare his case, take the day off from his work and go into court with his witnesses. The same thing happens with the district attorney who must be prepared to try the case.

If he loses, if the defendant loses his case, the attorney for the defendant then, almost automatically, appeals that case to the superior court. This means that the district court must prepare all of the records and transfer them to the superior court. This presents a scheduling problem with the superior court, literally hundreds and hundreds of these cases. When the superior court justice arrives in your county, he does not know whether he is buying time, and so the police officer, once again, is required to take his time, the witnesses are required to be ready, as is the district attorney.

In the great majority of those cases, when they get to the superior court, at the last moment, on the final day that is set for hearing, the vast majority of those cases will be dismissed and a fine will be paid. What this bill is attempting to do is to eliminate that game that is being played by the attorneys and the defendants and relieve the courts from this terrific burden that they are under, because, in fact, the number of cases that are actually tried by the jury is small and I suggest to you will continue to be small, because once the defendant realizes that he has had his day in court and he has had a complete hearing by a thorough and competent judge, he is going to stop this game that they are playing and they are going to pay the fine and that is going to be the end of it.

We asked the administrator of the courts if they would give us an estimate of what they felt the cost would be, this tremendous burden that Brother Tarbell claims is going to be placed on the superior court. The administrator felt that there would be some savings. They said that there would be a little extra record keeping in the district court to finalize these records and they couldn't exactly determine what the costs would be, in the overall picture, there would be a saving to the court system instead of a tremendous additional burden that Representative Tarbell claims.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: We have some of the figures today that came out of the Committee on Judiciary, ten to three in favor of this bill.

Another interesting figure I want to call to your attention is 102 votes in this House as opposed to 39 less than a week ago, but the one big difference and the reason that I am going to speak for such a short time is that 87 degree weather out there with seven days to go.

This bill is the one bite at the apple bill. We discussed this long and hard. This bill, as my good friend and everyone's good friend, Representative O'Rourke, mentioned, it will only add a rehearsal for the eventual performance by the lawyer. He wants to run through all the evidence.

This is the bill that I pointed out last week that gives a person at the present time, a person arrested for murder would have one trial; a person arrested for driving under the influence would have two trials. You know something just isn't right with that present system that allows this.

This is a law and order bill, it will clear up the courts, get rid of the bottle neck. When people understand they have one trial, they will make up their mind, you won't see the rush up there to the superior court.

I move that we support the enactment of this bill.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I really disagree with

the statements that have been made in support of this bill. The trials at the district court level right now are informal trials. There is no motion for recovery, there are no oral motions, they are very informal, and the reason that they are informal is, if there is a miscarriage of justice, the attorney and the client know they have got a safety net to fall back on, and that is a trial at superior court level. That is the reason that there are only 76 cases that go up to the superior court level.

If we pass this bill, this isn't going to be a law and order bill, this is going to be a bottle neck, backlog bill, and the reason for it is, if I know that my client wants a trial, where am I going to go? Where would you go? You would go to the jury if you are going to have one trial. There are citizens, these are not the typical kinds of hardcore criminals we are talking about, these are everyday citizens that are picked up for low class crimes in our state, motor vehicle violations—I mentioned failing to reregister your car, reinspect it, what have you, and you are indignant because you think that police officer has done you a wrong and you want your day in court—where are you going to go? You are going to go to the jury trial. But what are you going to have me do as your attorney? I am going to file every motion. I am going to file motions for recovery, I am going to file motion to dismiss and what have you. I am going to have a hearing before the superior court judge on all those motions before we ever get to the trial date. If you don't think that is going to drag a case out and buy time and stall and backlog and bottle neck the superior court, it is.

At the district court level, that is not done. The cases are handled on a very informal trial basis. Sure, it is an inconvenience for the police officer and the witnesses to come in at the district court and have their case and win it and then have that defendant say, well, I am going up to superior court for a new trial. That only happened last year 76 times, only 76 retrials. But if you formalize and make a very formal procedure out of this, which is what this bill is going to do, we are going to end up with more cases in the superior court before a jury with a very formal process. It is going to cost money and it is not going to be law and order, it is going to bring some of these courts to a standstill with a backlog.

The real important cases, the big Class C, B and A felony cases, they are going to be backlogged. This isn't going to be speedy trials; these things are going to go on and on forever.

I spoke to our Legislative Finance Office, the latest report on the financial impact of it is that, sure, it would save some money. In the 76 cases where there are two trials and you are limiting it to one, there is a savings, but, upon reconsideration and reinvestigation into the facts, they agree that this would have a cost effect and they can't predict what the cost effect will be because there is no way of knowing how many of those cases instead of being handled in the district court are going up to superior court for a trial.

I just want you to put yourself in the position of the average citizen of Maine who is picked up, summonsed, not arrested but picked up, summonsed with an offense and you think you are right and you want your day in court, where are you going to go and where are you going to ask your attorney to take you? You are going to go to superior court and you are going to have a jury trial if you only have that one bite. Your attorney is going to file all the motions and go through all the procedural hoops that are available at the superior court level, that in our custom and practice just aren't done at the district court. They are going to turn Class E and D offenses into major cases and they are going to be treated in a major way. I just don't think it is worthwhile. I don't think it is going to have a beneficial effect in our court system, on our laws or on even our citizens and the effect of

the laws on our citizens, so I ask you to vote no.

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

Mr. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: This bill had a good debate last week. We have heard a lot of the same here this morning and I am not standing up here to try to prolong the agony.

I agree with what the gentleman from Bangor has told you; I think he is hitting the nail right on the head. I disagree with my good friend from Camden, Mr. O'Rourke. He said something a few minutes ago that I found very disturbing. He referred to attorneys and others playing a game. I don't think that attorneys, police officers, judges, juries, or anyone else connected in good law enforcement is playing a game with someone that has been charged with a crime. That is no time to play games, ladies and gentlemen, and I don't think they are.

Earlier, it was referred to—is this taking one bite of the apple away from the person charged with a crime? That is exactly what you are doing if you vote for this bill. It has been mentioned that if you are charged with murder, you only get one trial. Well, I question that. You get one trial in superior court before a jury, but in most instances, this case is reviewed by the grand jury. So I submit to you that that is two bites at the apple.

There is another thing that I would like to remind you of that probably many of you have overlooked since last Friday. You may recall that there was a bill that came before us last Friday, it came from the Judiciary Committee, and that bill was signed out 12 to 1, and I am not the least bit ashamed to stand up here and tell you who the one was, you are looking right at him. I signed that bill out that way for a purpose, I had a feeling how this bill might go on this floor. That bill would create an appellate board for workers' comp cases. The gentlelady from Vassalboro placed that on the table unassigned, so I didn't get a chance to speak on it Friday.

What you are doing, in essence, if you pass this bill you are taking the second bite of the apple away from the individual who has been charged with a crime, but if you pass the workman's comp case another potential bite at the apple.

I signed that bill out that way and I think I am going to find it fairly interesting how consistent some members of this body are going to be. I guess what it boils down to, are you willing to take a bite of the apple away from someone charged with a crime but maybe give another nibble to a person involved in the workman's comp case? I am not downgrading that, I am just telling you why I signed it out. I don't think we ought to take away a right that you and I and our ancestors have had for years. I don't think that we ought to be tampering with the judicial system that has been working well over the years. I feel that what was good for you and I and our forefathers is good enough for the people coming down the road.

I ask you to seriously consider this matter before you vote and ask yourselves, do you want to take a bite away from somebody charged with a crime? Don't think about drunk drivers and murderers, think about anybody who is charged with any crime, assault and battery.

When the vote is taken, Mr. Speaker, I would request the yeas and nays, and I think I will have fun looking over the consistency and the inconsistencies.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. Those in

favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Beaulieu, Bell, Boisvert, Boyce, Brannigan, Brennerman, Brown, K.L.; Carroll, Carter, Chonko, Clark, Cox, Curtis, Davies, Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Fowlie, Gavett, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Joyce, Kane, Kany, Ketover, Kilcoyne, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, MacBride, Macomber, Mahany, Martin, A.; Masterton, Matthews, McCollier, McGowan, McSweeney, Michael, Michaud, Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Perry, Post, Prescott, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Strout, Swazey, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Walker, Webster, The Speaker.

NAY — Aloupis, Armstrong, Baker, Benoit, Berube, Bordeaux, Brodeur, Brown, A.; Brown, D.; Cahill, Callahan, Carrier, Conary, Connors, Connolly, Crowley, Damren, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Foster, Gillis, Hunter, Jordan, Kelleher, Kisman, Lancaster, Lund, MacEachern, Masterman, McHenry, McPherson, Mitchell, E.H.; Nelson, A.; Pearson, Perkins, Peterson, Reeves, J.; Sherburne, Small, Stover, Studley, Tarbell, Treadwell, Wentworth, Weymouth.

ABSENT — Cunningham, Martin, H. C.; McKean, Pouliot, Salsbury.

Yes, 97; No, 48; Absent, 5; Vacant, 1.

The SPEAKER: Ninety-seven having voted in the affirmative and forty-eight in the negative, with five being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

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

An Act to Remove the Customer Charge from Electric Utility Rate Structures (Emergency) (S.P. 417) (L.D. 1240) (C. "A" S-245)

Tabled—May 22 by Representative Davies of Orono.

Pending—Passage to be Enacted.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: I move that we reconsider whereby this Bill was passed to be engrossed.

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

Miss BROWN: Mr. Speaker, is reconsideration in order?

The SPEAKER: The Chair would advise the gentlewoman that the rules would have to be suspended.

Miss BROWN: Objection.

The SPEAKER: The Chair would advise the gentleman from Bangor, Mr. Tarbell, to please be quiet; I don't think the gentlewoman from Bethel needs coaching.

Miss BROWN: I object.

The SPEAKER: Thank you.

On motion of Mrs. Mitchell of Vassalboro, tabled pending reconsideration and later today assigned.

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

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

Tabled—May 22 by Representative Pearson of Old Town.

Pending—Motion of the same gentleman to reconsider failing of Final Passage.

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

Mr. JACKSON: Mr. Speaker, I believe that

the pending motion is reconsideration?

The SPEAKER: The gentleman may proceed.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote against reconsideration of this. We put it to bed the other day quite nicely. It is the bill dealing with the study to see if we will do a study on migrant children and also the bill that has the money for drilling holes all over the state to see if we can store nuclear waste in the state of Maine. I hope that you will reconsider.

The SPEAKER: The Chair will order a vote.

The pending question is on the motion of the gentleman from Old Town, Mr. Pearson, that the House reconsider its action whereby the Bill failed of final passage. Those in favor of reconsideration will vote yes; those opposed will vote no.

40 having voted in the affirmative and 97 in the negative, the motion did not prevail.

Sent to the Senate.

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

Bill, "An Act to Amend the Petroleum Liquids Transfer Vapor Recovery Law" (Emergency) (S.P. 602) (L.D. 1600) (C. "A" S-259)

Tabled—May 22 by Representative Hall of Sangerville.

Pending—Passage to be Engrossed.

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

Mr. HALL: Mr. Speaker, there is an amendment being prepared for this and I hope that somebody will table this until later.

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

The Chair laid before the House the following matter:

Bill "An Act to Revise the Law Concerning Absentee Voting" (H.P. 373) (L.D. 411) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A".

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

Mrs. KANY: Mr. Speaker and Members of the House: If you will recall a little earlier today, Representative Kelleher asked what the cost savings would be if absentee ballots only had to be printed on one side as the amendment calls for before you. Representative Kelleher and I both spoke to Deputy Secretary of State Henderson, and he suggested that the approximate savings would be about \$2,000.

I do hope that you do adopt this amendment.

Thereupon, House Amendment "A" was adopted.

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

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

On motion of Representative Prescott of Hampden, the following Joint Order: (H.P. 1547)

Ordered, the Senate concurring, that Bill, "An Act Authorizing and Directing the Bureau of Mental Health to Enhance and Protect the Rights of Recipients of Mental Health Services," House Paper 912, Legislative Document 1078, be recalled from the Governor's desk to the House

tee on Taxation on Bill, "An Act to Recover Overdue Student Loan and Child Support Payments" (H.P. 1238) (L.D. 1463) reporting "Ought to Pass" in New Draft under the New Title Bill, "An Act to Provide for the Set-off Against Income Tax Refunds of Debts Owed to the State or Collectible by the State" (H.P. 1538) (L.D. 1650).

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

Under suspension of the rules, the New Draft was read the second time.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Before we pass this bill to be engrossed, I would like to have an explanation, if I might, from some member of the committee. The new draft of the bill, L.D. 1650, just came on our desk today, and I wonder if someone might inform the House as to what this piece of legislation does?

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 gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: What this new draft does essentially is to allow the Bureau of Taxation, when it goes through its process of refunding if individuals owe the state of Maine money for such things as overdue student loans, where we do have some problems in collecting those accounts, they are able to make shut offs against those refunds and it will help the state in collections where individuals or businesses owe the state of Maine money. It is particularly in need in this area as far as the student loan issue goes, although it does include all debts owed to the state of Maine.

Under suspension of the rules, the Bill was 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

Majority Report of the Committee on Taxation on Bill, "An Act Promoting Alcoholism Prevention, Education, Treatment and Research" (H.P. 1270) (L.D. 1485) reporting "Ought to Pass" in New Draft (H.P. 1540) (L.D. 1655).

Report was signed by the following members:

Senators:

TEAGUE of Somerset
WOOD of York
EMERSON of Penobscot

— of the Senate.

Representatives:

POST of Owl's Head
HAYDEN of Durham
KANE of South Portland
MASTERMAN of Milo
TWITCHELL of Norway
DAY of Westbrook
KILCOYNE of Gardiner
HIGGINS of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H.P. 1539) (L.D. 1654) on same Bill.

Report was signed by the following members:

Representatives:

BROWN of Bethel
INGRAHAM of Houlton

— of the House.

The Reports were read.

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

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

Miss Brown of Bethel requested a division.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentlewoman from Owl's Head, Mrs. Post, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Ingraham of Houlton requested a roll call.

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

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

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

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I signed the Minority Report on this bill and I would like to give you a brief explanation about what the bill does and why I signed the Minority Report before we sail along here.

The difference between the two reports, Report A is the Majority Report and it would raise money by enacting a one cent premium on every ounce of alcohol.

This year, the Bureau of Alcoholic Beverages will turn over approximately \$29 million to the General Fund, and under the Income or Sales Tax contribution more money than that to the General Fund. Out of that \$29 million, only \$3 million was dedicated in the Part I Budget for alcohol prevention. We could put more money into our alcohol programs. It was the unanimous feeling of the committee that more money can be used in this area.

The premium concept is Report A. I cannot accept that because of the fact that the way it was represented to us was that it was not a tax increase. Let's be honest about it, it is a tax increase. No matter what you want to call it, no matter how you want to propose it, it is a tax increase, and the people out there know that, whether we here or someone on the second floor wants to kid themselves or not, it is a tax increase.

I am sure that all of us have received a lot of calls on this bill. My phone rang up until ten o'clock last night when I took it off the receiver, and at seven o'clock this morning, when I put it back on, the gentleman from Lewiston, Mr. Jalbert, was on the telephone. I am sure that all of you have received a lot of calls on this also.

There are hundreds of people out there that were contacted to call us. I am feeling sorry about it because they were told that Report A was the only way that this bill was going to pass and that Report B would automatically be sent back to us through a veto. I am feeling badly about that because just because of a no-tax pledge and because of the situation the highway program is in, I really feel we should deal with this honestly and that is why I signed Report B. It is a straight 10 percent increase and I hope that you will give this consideration.

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

Mr. HIGGINS: Mr. Speaker, I would like to pose a question through the Chair. Could some member of the committee inform the House the difference between a premium and a tax?

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 gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I think if you want to take a look at the concept in the original bill, which has now resulted in two bills before you, the concept was, when an individual drinks alcohol, it re-

sults manytimes in economic and social costs to the state and to individuals within the state, and it is appropriate, if you will, to put yourself at risk, the more likely you are to get into trouble having drank that particular substance, and the more likely it is going to be that the state of Maine will have to extend its resources to help you or your family or others deal with that particular issue. So, what we are talking about in this instance is an identified amount of money which is, in essence, an insurance premium that is on the substance of alcohol and it is used by the state either to help you as an individual, if any of us happen to get into trouble by the use of that substance, or have society as a whole pay for the cost of drinking that particular substance.

The bill we have before us is Report A, a bipartisan compromise from us members of the committee and sponsors of the bill and individuals who have been interested in this issue all along the line. I think everybody who signed, the 11 members who signed the Majority Report, all gave up something in this particular bill. It is a bill that we know can become law. It is one that has bipartisan support, it is one that obviously, from the amount of people that we have had testify at the public hearing that was held at the Civic Center, we had hundreds of people there at the Civic Center in favor of this particular bill, I believe there were two lobbyists representing the alcohol lobby who testified in opposition to the bill, so there is broad public support for this bill. It is a bipartisan compromise and is one that we know can become law, and for anyone who has taken a look at the problems that alcohol has presented to this state, we know it is one that is necessary.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Last week I rose and spoke about the gentlelady from Owl's Head, Mrs. Post, and I spoke about her brilliance, and she displayed exactly what I was talking about this morning. She whizzed around the explanation of the difference between a premium and a tax just like I whirled around with Representative George Boyce of Auburn when we were on our way up on my birthday and he said, how old are you, Louie? I told him this and that story, I was this and I was that, also I was this and George didn't know where the heck he was. As a matter of fact, neither did I at the time.

My explanation, in answer to Representative Higgins' question to Mrs. Post, is the explanation that Mrs. Post herself gave me a few weeks ago at the Civic Center on the proposal to put on a two percent tax on the already existing five percent on hotels, motels and restaurants. Then she said it was a tax.

If my memory serves me correctly, the young lady from Bethel, Miss Brown, allowed then that it was a premium, but Mrs. Post, in any event, said that that was a tax. Today, that tax becomes a premium, and to me, a tax is a tax. I said so last week, I will say it forever. I am not opposed to taxes but I don't want them hidden behind the closet, that is all.

I did speak to the gentlelady quite early this morning, as I had been trying to reach her. It is hard to reach people. I always can reach Don Twitchell at four o'clock at the store anyway, so I have no worries there, I can hold up on him. I spoke to Miss Brown quite early merely to explain the thing to me and she did explain the two bills to me, the two reports, and I told her what I thought about both reports, to me they weren't exactly altogether kosher, in my opinion, and I didn't feel too kindly toward either report. Because, in my opinion, the first report is a tax and the second report is a tax, I don't know which is worse.

I know one thing, I know that we would lose a lot of money on the second one, make no mistake about it.

We are playing right into the hands of our

neighboring state, that is exactly what we are doing. I wonder why we cannot be, not us, but somewhere along the line, we have been fooling around for over two years with fees on the highway program and it would be so easy to compromise and put fees on and maybe, if we had to, what we really would call an honest to God gasoline tax, whether it be three cents or one cent.

When are we going to stop kidding ourselves? This stuff here is no good to us. This is just going to cost us money, and I know for a fact and I deny any member of the Taxation Committee to tell me any different. As of last Thursday, the report signed by Mrs. Post was a Minority Report. The other report was the Majority Report and some of the members who had signed it told me they did because they knew it would be vetoed by the Governor anyway. So, if there is going to be that kind of moving around, I think that possibly I am right in saying that neither report is right.

On that basis, Mr. Chairman, I move that this bill and all its accompanying papers be indefinitely postponed. When the vote is taken, I request that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I am the other signer of L.D. 654 with Representative Brown. I would like to state categorically that I am in favor of prevention of alcohol and drug abuse, education and treatment and research.

These bills, as far as I am concerned, both are taxes, there is no question about it. I would like you to consider the fact that 1655 says: "One cent per ounce of liquor." This raises the beer costs 22 percent; wine costs 50 percent; liquor 5 percent. Think what this will do to the small grocery stores who sell the beer and the wine, particularly those on the border. Both bills will produce about the same revenue. If anything, 1654 would produce more.

Originally, this bill as presented at our hearing asked for two cents per ounce of liquor, which would have raised \$5.6 million. I consider that a bit of overkill since they requested \$2.6 million. Basically, though, as Representative Jalbert suggests, it will be vetoed by the Governor, I really can't see why one bill could be killed more by veto than the other. It is a matter of semantics. Premium—it is tax, they are both taxes. I prefer the latter one suggested, the Minority Report, and I hope you will give due consideration to the small businesses that will be affected by the prejudicial raising of funds by the Majority Report.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill which I have done a great deal of work on, although I am not one of the sponsors. I ended up somehow as sort of coordinating all of the different groups that are interested in this measure.

I would like, right at the outset, to address myself to statistics that are being thrown around by the proponents of the Minority Report. They have used figures of 22 percent, 50 percent, 5 percent is what is going to be raised on various alcoholic beverages. Let me translate that into actual money.

What Report A proposes, and this is the amount of money that that one cent would raise, would be a half a cent on a can of beer, three cents on a six pack, a nickel on a bottle of hard liquor, depending on its proof. So that is what those figures, those exaggerated percentages, work out to.

The question has been raised, is Report B an attempt by the liquor lobby who came up with it to have this bill vetoed by the Governor? I don't know what the Governor is going to do, but I would ask you to look at L.D. 1654, which incorporates Report B, and look at it on Page 5 where the funding allocations are made. Look at the parentheses there, because parentheses,

to me, always mean a loss of revenue, and it seems to me if those figures hold up, this bill has got to go on the Appropriations Table, and that is the way it is going to be killed.

So, the question, I think, is not do we want a premium or a tax or what is a tax, I think what the question is, do you want a bill or don't you? If you want a bill, I believe that you will vote for Report A; if you don't want a bill, then you go along with Report B.

The gentleman from Lewiston has said this is going to cost us money and it will cost some money, but what does alcoholism cost the state? We, right in this body, have had a great tragedy with a young man who was killed by a drunken driver; we know what those costs are.

I think the main reason the liquor lobby, aside from trying to kill the bill, has come out with their particular Report B, it has been likened to the person who gets a lady in the family way and says, I will take care of the child but please don't use my name. I think the main thing the liquor lobby does not want to do is have some relationship established between the selling of alcohol and the disease of alcoholism in the state, and that is what Report A establishes. Report A does one other thing, too. That is, its mechanism for dispersing the funds would pull together all the programs that we have in the state for alcoholism. There has been a notable lack of coordination between those programs. The bureaucracy has done that deliberately, and our bill will force them to work together.

I hope today you will defeat the motion of the gentleman from Lewiston to indefinitely postpone this bill and then you will go along with the majority of 11 to 2 on the Taxation Committee and vote out this bill which is supported by many groups throughout the state.

We almost filled the Civic Center when we had the hearing. We had church groups, Bishop Proulx from the Diocesan was there, the Episcopal Church, the Christian Civic League, the AFL-CIO, veterans organization, MSEA, Maine Medical Association, United Way, Maine Medical Center, and many, many individuals support Report A and I hope you will go with it.

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

Miss BELL: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the cosponsors of 1485 and I would like to talk to you a little bit about how this bill came into being. I think many members of the House recognize the serious nature of the problem that we have in the State of Maine. It has become so serious that we were one of the first states in the New England states to have a prevention conference in October, called by Governor Brennan and as a result of a blue ribbon committee task force.

Representative Jalbert has talked about the cost to us in terms of money. Each one of us and each one of our families have been affected by some type of chemical dependency, whether it has been through alcohol or some other chemical such as Valium, Librium, many of the other tranquilizers that take place today.

What happened at the prevention conference was, a number of people came together, citizens, people on the front line who counsel and take care of the devastation that we witness in automobile accidents, in crime, in family instability. Resulting from that conference was the status people wrote the initial bill and came up with the concept of a premium.

Now, a premium may be a tax, it is a cost, we all have insurance in some form or another. Ninety percent of the people in the State of Maine drink 50 percent of the alcohol. In Maine last year, Mainer's consumed almost 30 million gallons of alcohol in some form or another; 28 million gallons of beer alone, that is 28 gallons per man, woman and child in the state of Maine, so the premium concept came from "the users pay the way."

Representative Rolde has talked about the

actual cost that this would have on existing beverages — a half a cent per can of beer; three cents for a six pack. I think in terms of the loss of human lives in the State of Maine, this is a small cost to pay.

In Oxford Hills area alone, we had an 82 percent alcohol related fatality rate two years ago. The average age was 18. I have had children come in from kindergarten class talking about alcoholism where their mother or father were drunk over the weekend, followed by their grandparents. In Oxford Hills, we don't have resources. What has happened is a Community Awareness Program whereby we promote awareness of what chemicals do to our lives. As a result of that, doctors in our local hospital went for additional training. They didn't know how to treat the problem. They didn't know how to recognize alcoholism among their patients. The devastation goes for generations. I would submit that we are all affected by alcoholism or some chemical dependency in some form or another.

I think this piece of legislation is appropriate, I think the timing is right and Maine can provide some leadership which we need throughout this whole country. I think in the future we will see decreased vandalism, decreased truancy, decreased crimes, if Maine can reach the level of awareness that is necessary in states like Minnesota. We all struggle here with laws to try to compensate, but the real problem might be chemicals and I think Maine can provide the leadership in this one very important area.

I would urge you to vote against the motion to indefinitely postpone and pass Report A.

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

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I guess I have decided what is a tax and what is a premium. If you are opposed to it, it is a tax; if you are in favor of it, it is a premium. It doesn't really make any difference to me whether you call this a tax or not. We are dealing with a social issue that far outweighs any of the philosophical arguments that have been made here today.

Alcohol is a major problem in our society. It is estimated that one out of every eight people who drink will become alcohol. One third of the suicides in this country are alcohol related; one half, at least one half of the fatal highway accidents are alcohol related. The majority of homicides are alcohol related. Our state prison today is loaded with people who are there as a result of alcohol abuse. If we are serious about this problem, we will vote against the motion to indefinitely postpone this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to address myself first to the young lady from Paris, Miss Bell, about the problem that we are having, and also my good friend here from Presque Isle. We are not necessarily a non-problem of alcoholism in the state. Presently we are voting about \$1.6 million or so per year for alcoholic treatment, and I think if things go well, when we get through with Part II, it will go \$2 million or better.

You can say that every family is affected by alcoholism. Every family is affected by eating breakfast, every family is affected by buying a necktie, if the person happens to be a man, and possibly buying pantyhose if the person happens to be a woman — that is a ridiculous conversation. That doesn't hold with me. It makes you look at it, you know, I am going to get up and speak about the problem we have with alcoholism and I am not a hero or a heroine, and, you know, the person who speaks against a monstrosity like this bill here is a dog.

I will tell you something right now, I know enough about alcoholism and it wouldn't cost you a penny to solve it — if our Enforcement Division would call on every person who holds

a license and tell them this — when you know that a person is coming out of your establishment and you know that person is under the influence, stoned, loaded, whatever you want to call it, you stop them. I have done it. I have done it to a person and said, I don't know how you are going to get home, you sure as heck don't have any keys to get home because I have your keys in my pocket. Now, if you want to get home with your car, you take your keys right out of my pocket right now, and 99 out of 100, and I have done it several times, that individual has called me or spoken to me within the next day or two and thanked me for it. That is one of the problems.

You have some of these things here problems here and programs involving alcoholism but by the time the money really reaches the person that should be treated, 80 cents of a dollar has been spent, that is my problem. In fact, that is not the way to do it — two-way share of the tax, one to please somebody and one because they believe it is so. I am looking at the very good lady from Houlton, Mrs. Ingraham, and the lady from Paris, Miss Bell, but particularly Mrs. Ingraham from Houlton, and I would like to have either one of you go down, we don't mind paying taxes in my area, I would like to have either one of you go down to the Enforcement Division of the Liquor Commission and find out how much money you pay towards alcohol, whether it is beer or wine or whiskey or vodka or whatever, compared to what we pay. We would like to have some relief too, you know. We would like to have somebody else pay besides us.

We continuously vote here for millions and millions and millions of dollars for highway programs. We don't have any state highways at home. I had to fight for five years to get four million to get a bridge in Lewiston. We finally got it and it is called the Viet Nam Bridge. It was supposed to be called something else, but that didn't occur and it is perfectly all right with me. It took us years and years to get the bridge, and it was so hard to get, the bridge had been built for 10 years and half the money we still have to get because the State Highway Commissioner has yet to figure out where the money is to get a program through.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I just had the opportunity to go over the bill, and I would pose a question, if I may, through the Chair to anyone on the Committee, the basic intent of addressing the problem is the same in both bills. We are talking about an increase in taxes, the difference. And secondly, my real problem right now is the fact that we are dedicating this revenue. While I think we all recognize the seriousness of the problem and want to do something about it, it does seem to me that this only further ties our hands in the legislature to deal with the expenditures that we have to make over the years. I just wonder if anyone on the committee might fill me in why they prefer the dedicated approach, which I think is an extremely valid one, than spending more money from the General Fund and having a tax in two separate entities before us today?

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

Miss BROWN: Mr. Speaker and Members of the House: In the event we accept either the Majority or Minority Report, they are identical, each proposes to increase the cost of alcohol beverages, each dedicates the increase to a fund, and the trustee of the fund is the legislature.

Both reports request the three commissioners to file one report setting up the priorities the three departments would see as the direction to go in as far as alcohol rehab and that report would be sent to the legislature when we come into session in January. At that point, we can set the priorities from those suggestions.

Yes, that is dedicated revenue, the money will be set up in an account, but this will be money, which will be used, through the legislature, on alcohol.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would be glad to respond to the question of Representative Huber. I would like to remind people that the issue before us today is indefinite postponement of either one of the reports so that is the issue that is before us right now. I hope that we will vote no on that motion so we can then go on to discuss the relative merits, if you will, of either Report A or Report B.

The Majority Report does, in fact, set an identifiable premium on the sale of alcohol with that money going into a dedicated fund which will be used to deal with the problems of alcoholism research, prevention and education. This, in no way, ties the hands of the legislature, because the tax under Report A will remain the same, we are not changing the tax on alcohol but are setting up a premium that will be dedicated specifically for the problem of alcoholism. They are not exactly the same in terms of whether it is a private account. Report A, the Majority Report, is the one that sets up the fund which is dedicated. I think that is one of the problems that the alcohol lobby has with Report A, which is a Majority Report, and Report B talks about the specific account.

There is a revenue loss when we get to Report B to other accounts in the General Fund, if you want to look at your fiscal note. The increase in taxes under Report B is putting in about \$2.4 million a year but it dedicates more than that to the account, so the loss to other accounts and other programs will be about \$400,000, which would mean that under Report B, the Minority Report, a bill which increases taxes by 10 percent would somehow get on the Appropriations Table, as the Representative from Lewiston, Mr. Jalbert, has frequently told us.

Report A, which is the Majority Report, sets aside a specific fund and does, in fact, leave to the decision of the next special session of the legislature how these particular funds can be spent. I wanted to point out, particularly in Report A, we are not tying the hands of future legislatures at all. And because it talks about competitions, it is my understanding that there presently is in New Hampshire an increase in revenues coming from the sale of alcohol, increases in revenues coming from the sale of alcohol that has been passed by the House and is presently in the Senate, and who knows what may happen to that? I think in this particular instance, an analogy can be made that passage of either one of these bills would put us in a long, competitive position with the state of New Hampshire.

Again, I would ask you to vote against the motion to indefinitely postpone so we can go on to accept the Majority Report.

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

Ms. LUND: Mr. Speaker, Men and Women of the House:

I feel that this bill is more important than we have been giving it credit for. Drinking is not something to make jokes about. Addiction is not funny. Whether this is premium or a tax seems to be the question. Politically speaking, it remains the truth that Governor Brennan has accepted a method of raising money to deal with addiction. Whether it is premium or whether it is a tax, it seems to me that money raised and turned over to education, prevention and treatment of one of our most serious illnesses ought to be accepted gladly. We needed a secure source of funding for our addiction problems. People who are suffering from alcohol problems are not just people who need their keys taken away from them, they are people who need residential treatment whether they

are just on the fringe or they have a serious addiction. They need stability, they need to know that they are going to get help, they need to know that they are not going to be laughed at, they need to know there is going to be help whenever they need it.

This bill would put a program into place with a constant source of funding to enable Maine to deal continually with its addiction problems.

There have been some remarks over the years here about being a Mother's bill, this is not a Mother's bill, this is a Brother's bill. This is why whenever you buy alcohol, you put a little bit in to help either yourself as a potential person with an alcohol problem, or your brother who is going to have one. It helps us to take care of ourselves, it helps us to take care of our neighbors, who have stepped over the line from social drinking into an addiction. The problem is so serious that I hope you will drop all party policies and support Report A and allow the Governor to call it whatever he wants, as long as he signs the bill.

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

ROLL CALL

YEA—Armstrong, Carrier, Carter, Gavett, Jalbert, Lancaster, Lewis, Ridley, Studley.

NAY—Aloupis, Austin, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Callahan, Carroll, Chonko, Clark, Conary, Connors, Connolly, Cox, Crowley, Curtis, Dammern, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kane, Kany, Ketover, Kiesman, Kilcoyne, LaPlante, Laverriere, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Masterman, Masterton, Matthews, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Post, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Roberts, Rolde, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soule, Stevenson, Stover, Strout, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, Mr. Speaker.

ABSENT—Cahill, Cunningham, Kelleher, Martin, H.C.; Michaud, Pouliot, Prescott, Soulas.

Yes, 9; No, 133; Absent, 8; Vacant, 1.

The SPEAKER: Nine having voted in the affirmative and one hundred thirty three in the negative, with eight being absent, the motion does not prevail.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: You have got two reports before you. Report A is a premium tax and Report B is a tax tax, and before we vote on whether you want a premium or a tax tax, I think we ought to consider a couple of things.

First of all, in our Part I Budget, our biennium budget, we passed \$3 million for alcohol related programs. We have already enacted it — \$3 million. Over the next year it is estimated that we will have somewhere in the neighborhood of a \$3 million to \$3.4 million increase in the revenues collected from our alcohol taxes. Last year it was \$26 million; this year it is projected to be somewhere in the neighborhood of \$29.4 million. So we not only put \$3 million into

alcohol programs in our Part I Budget, we are anticipating over a \$3 million tax revenue increase coming in automatically. It is kind of like our indexing bill that we went back to with the state income tax, they are increasing, so we are going to enjoy somewhere around three or three and a half million dollars extra in our liquor tax as it is right now.

It is my understanding that no action has been taken definitely one way or the other to cut federal funds in these programs; that won't occur until next October. We have put \$3 million in our budget into this area already, and now we have got a bill before us, whether it is a premium tax or a tax tax, to raise additional revenues over and above the \$3 million, I assume, that we have already put into alcohol programs.

Several years ago, I think it was my first term in the Maine Legislature, when we had many issues dealing with alcohol, public drinking, intoxication in public, we also had a measure like this before us, it was a tax tax, and I supported it and I voted for it, to raise additional funds. However, I question the mechanism of Report A, the premium tax. If we accept Report A and we assess a premium tax, we are going to have two parallel taxes. We are going to have the liquor tax, which is a tax tax, and we are going to be collecting that, which goes in the General Fund, then we are going to have a premium tax, which is a separate tax, that goes off into a dedicated fund. We are going to have two parallel taxes; the bureaucracy, the accounting, the whole mechanism, will be two parallel taxes. If you went with Report B, you would have one mechanism, the current tax that we use now.

I guess my question to the proponents of this bill is and are: (1) Why are we increasing several million dollars over and above the \$3 million that we already passed in Part I if there have been no cuts in the federal funds, and I don't anticipate any to the extent that we are raising additional revenues, and we won't know that until October and we will probably be in here in October anyway, when we can pass on these measures. (2) why are we setting up two bureaucratic apparatuses — the liquor tax which is already in place, the mechanism is already there? Report B would tack onto that, piggyback onto that to raise additional funds, why are we not accepting that route and taking a premium tax route which sets up a parallel, a separate and distinct tax program, so we are going to have two programs, the tax tax, which we already have, and a premium tax. It just doesn't make sense to me, unless this is a bunch of semantical differences that we are arguing over. Is it a semantical difference on whether or not we put a tax tax down on the Governor's desk, or a premium tax, or whether we go with the \$3 million that we passed in Part I and we wait until October to see what the story is at the federal level? Or do we really need to spend that \$3 million for alcohol that we have already enacted, take the millions of dollars that we receive from the federal level and then pass another tax right now for alcohol prevention and alcohol treatment programs?

I am not against the programs, I am not against increased funding for them, but I would like to know why we are doing this at this point in time, when we have just spent \$3 million; if we have got federal funds coming in, we are not going to know until October.

I would also ask for a roll call when we vote on this.

The SPEAKER: A roll call is presently in effect.

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

Mr. JALBERT: Mr. Speaker, I would like to ask the gentleman from Bangor, Mr. Tarbell, how he voted on the last vote. I want to know, I want the people to know.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has posed a question through

the Chair to the gentleman from Bangor, Mr. Tarbell, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. TARBELL: Mr. Speaker, on the motion to indefinitely postpone, Mr. Jalbert, I voted no.

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

Mr. JALBERT: Mr. Speaker, I am somewhat perplexed also. I would like to shed the alcoholism for a second and say we are talking about apples and pears, but we are talking about alcohol.

We have got some \$1.7 million, around that area, I don't have the budget book with me, in Part I of this biennium. That has been signed into law. We are adding between \$700,000 and a million in Part II, make it nearer \$700,000, to be honest with myself, and it is a million dollars in Part II.

Now, when we come here sometime at the end of the week or the beginning of next week, maybe eight, nine or ten days from now, with Part II, if there is anybody who thinks we are leaving in six days, you are dreaming, because what you read in the paper today, we haven't done anything with the table, we have done something, but we are for from over with Part II. What happens to this program that you think so much of when this measure, whichever way it goes, and I still don't understand what the gentleman from Bangor, Mr. Tarbell, means, but I will talk to him alone and maybe he can explain it to me because it is hard for me to understand things sometimes. But what happens to this fine, excellent, Triple A program when it lands on the Appropriations Table and we don't have any money to fund it? And I guarantee you, we won't have, because I don't know how we are going to have enough money to fund Part II right now without this, let alone all the other bills that are struggling along to get on the table. I wonder if anybody the last day would be willing, when that happens, to recall Part II and take out some of their goodies that are in Part II to introduce this gem in Part II? I would just like to ask that question so I will know what to do when I get back to Room 228.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: Just a few points. The point of the budget document, and I am not as up to date as the other members who have probably spoken on this bill, but according to the budget document, there is a cutback from this biennium to the next biennium of over a million dollars in funds to alcoholism services just in the Department of Human Services. This is not counting inflationary increases to the cost and before any further cuts from the federal government. I just thought I would make that point. One million less funding for the next biennium is in the budget document than there is now.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I was going to ask the gentleman from Bangor, Mr. Tarbell, a rhetorical question as to why the Report B that he is supporting would have to go on the Appropriations Table, but I think I know the answer myself, since Report B was devised by the chief liquor lobbyist.

I want to thank you all for not voting to indefinitely postpone this bill. If you vote for Report B, you will be doing the same thing in a much slower way, so I urge you very strongly to support Report A.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I have to say that I was a bit upset that the Speaker called on the good gentleman from Lewiston a few speeches ago, because I also wanted the floor, but since he asked the same questions of Representative Tarbell that I was planning to ask, that was quite fine, be-

cause much of Representative Tarbell's speech seemed to be against either bill and yet, as I understand it, I don't think he was one of the nine votes that wanted to kill this issue entirely.

To talk about the other question that Representative Tarbell had asked, why in Report A do you want to set up a whole bureaucracy, etc., to collect a premium tax, and I just would like to make it very clear that neither report, Report A nor Report B, sets up any particular bureaucracy or any new bureaucracy. They both use the present mechanisms of collection of revenues from the sale of alcohol, so there is no huge bureaucracy that is set up under either one of these Reports.

The issue before us is, within the committee we came to bipartisan compromise whether or not we want to now do something about the issue of alcoholism and how we can fund those programs, and a compromise that can be put into law is Report A, and I would ask for your support on that motion.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that an amendment is being prepared to correct the fiscal note, it is a plus fiscal note. Instead of being in parentheses at the end of the accounts, it would be positive and not negative.

In terms of the Appropriations Table, if you pass a tax tax, I will vote for it in leadership and off that Appropriations Table. If we set up a new program and we vote a tax for new funds and revenues to run the program, I will vote for it. And the million dollars that Representative Brodeur speaks about that was reduced at the state level, the tax tax will supplant that, and I will vote for that, and it will be increased funding and increased programs. But to be dealing in the semantical dialogue of metaphysics of a premium tax and insurance policy and what have you, who are we kidding?

After this bill is over, we will be back on the floor of the House by the end of this week or next week being asked to come up with \$10 million, I venture to say, more or less, of revenues from fees for the highways, and those won't be taxes either, those will be fees, and maybe we should call them premiums to insure ourselves when we drive our vehicles on the roads.

I am not trying to make fun of the alcohol prevention and rehab programs in our state. I happen to sit on one of the boards of one of our programs back home in my local community, and I support it, and I supported it several years ago raising additional revenues to fund these programs; I will support it again. But I won't go along with this hoax and this subterfuge tax. If we are going to pass one, let's pass it.

If the concern is whether or not the Governor on the second floor will sign a premium tax but he won't sign a tax tax, then, come on, we are an independent branch of state government. Let's stop playing monkey business with the way in which we spend money and we tax money and we raise it. That is what we have been doing for the last several years on the floor of this House, and we are doing it with the highway issue and it has become a joke, not only a joke in this body but to the people of Maine. They know it.

Let's support an honest, up front, candid tax. Let's put the funds in it, let's raise a tax, let's level with the people, let's level with the third branch of government and let's fund it off the Appropriations Table and through leadership. Let's not do it backhanded and under the table. I will support it.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Bangor, Mr. Tarbell, took the words right out of my mouth when he said, who are we kidding. The eleven members of the Committee on Tax-

ation who signed the majority report decided, after some turmoil, that we would put aside partisan, political considerations in the interest of doing something tangible with regard to the alcoholism problem in this state.

We did not ignore the fact that Joe Brennan occupies the Governor's Office. We were trying to do something that would get through.

Mr. Tarbell did mention that there is more than one branch of government.

There are really two reasons for trying to kill this bill. One I would mention, namely, the fear of partisan political embarrassment. The other one is that the liquor industry, not just in the State of Maine but nationwide, is not keen at all on the idea of a premium. It is that idea that upsets them more than anything else, more than a dedicated fund, more than an additional cost to drinking, because the idea that those people who consume alcohol in low quantities or high quantities also pay for the risk of addiction to that same substance. That doesn't set well with them at all. After a while people will begin to think that those who make alcohol and those who drink it are responsible for the problem.

I urge you to support the majority report.

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

Mr. PEARSON: Mr. Speaker and Members of the House: During the presentation of Mr. Tarbell, he indicated that Report B was, indeed, going to have a fiscal note that was going to be revised to so that it would show a plus revenue. I would like to ask the Speaker, through his telephone, if he would ask the Finance Office if that is, indeed, the case, and then I would like to make another comment on another part of the comments that Representative Tarbell made. And that is, for the second time in a week, he has indicated that he will cast certain votes to deal with measures on the Appropriations Table. If that is the case, the Appropriations Committee, I would like to know whether or not it is going to be their function to try to sort this sort of thing out or if it is going to be taken away from them? If it is, then we will cease to work on the charge that we were made at the beginning of the session. If it is not the case and we are going to be asked to try to sort out the financial priorities of this state, then I would also like to know that from Representative Tarbell.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed questions through the Chair to the gentleman from Bangor, Mr. Tarbell, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: This is the same question that the good gentleman from Old Town posed a year ago, and I guess prior to that, and I would suggest that he speak to the members of leadership about it.

You know and I know that when measures come off they table and they are ranked in terms of their priority through the Appropriations Committee, they still are screened through the legislative leadership, the ten members, and it takes six votes to pass them.

I was being impugned on the floor of the House and my speech was being questioned on the grounds that if you went with Report B it could be stopped, it could be obstructed, because the Appropriations Committee, it would have to go and sit on the Appropriations Table and you would never get it through. Well, that isn't true. If you raise the additional funds and revenues through a tax to fund the new, additional programs, and it goes on the Appropriations Table and you have the revenue to do it, it will go through Appropriations. I assume, I will certainly support it with respect to coming through leadership. It won't be stopped if you raise the revenue, and the only way you raise the additional revenue is to raise the tax, and that is what both versions do, except one raises a premium tax and one is a tax tax, that is all. I

will support the measure.

With respect to the fiscal note, it is my understanding that if there was an error in it, it is not a deficit, it comes out of net gain, and an amendment was being prepared to correct that printing error in it. I don't have it in my hands.

I haven't been deeply active in this particular bill, but the reason I rise on this measure today is because I object to the way in which we are going about funding programs, raising the revenues and operating. I just don't think it is a straightforward, forthright approach. I don't think it is a good way to operate state government.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In his comments, the good gentleman from Bangor, Mr. Tarbell, says, concerning the leadership of the Appropriations Table—if you don't believe what I have talked about as far as the Appropriations Committee is concerned, then ask the leadership. Am I to imply that by that kind of an answer that the good gentleman from Bangor, Mr. Tarbell, admits what some of us suspect, that he is not part of leadership? That is what he said.

You know, he supplied the one thing that you need in any debate like this, a little levity.

Seriously, there is one thing I am going to agree with, that is the House Chairman of the Appropriations Committee of my party. I was Chairman of the Legislative Research Committee before we got harpooned with this Legislative Council made up of five and five. They meet when they feel like it, they do what they want to do. I read their minutes, and I am telling you, it is something else—I have kept them all. I think I will throw them into my book; they are that good.

I totally agree with the gentleman from Old Town, Mr. Pearson, because if the gentleman from Bangor is not here, the gentleman from Presque Isle, Mr. Smith, is here, the gentleman from Monmouth, Mr. Davis, will bear me out the gentleman from Winslow, Mr. Carter, will bear me out when I have said repeatedly that we are meeting at two-thirty this afternoon and have two items to take up, and one of them happens to be this—are we going to be in possession of the Appropriations Table. We always used to be and we were left alone. It is perfectly all right with me if the leadership wants to take it, but I will be darned if I am going to spend two or three days or two or three evenings, mess around with those chestnuts and then having those splendid splendid's, our Council, made up of five and five, the Five and Five Committee, go around and take over and go over and say—well, you know what the Appropriations Committee would do on this thing, but we thought it was a fine measure, or vice-versa—not this year, I want no part of it. This is not the second time I heard the gentleman from Bangor, Mr. Tarbell, mentioned about the fact that "he", among others in the leadership want to take over, the table. Well, if "he" and the others in leadership want to take the table over, they can have it right here and now.

I think, with further levity, that the gentleman from Bangor, Mr. Tarbell, will only have to turn on his left and whisper into the ear of the gentleman from Scarborough, Mr. Higgins, and Mr. Higgins, might agree with me, and I can see him smiling and I am not going to ask him to comment because he doesn't want to get into this hassle anyway.

As far as the remarks of the lady from Owl's Head, Mrs. Post, is concerned, when she makes the comment that this was a bipartisan compromise, I am not going to say anything because I think too much of the good lady from Owl's Head, Mrs. Post, but she is not telling the truth, but I am going to say that at least two members of the Taxation Committee, at least two but maybe three, but I can't remember the third, told me last week that they were positively and absolutely going to sign out the other

report. One of them told me over the phone, and I am not addicted to lying, that that report that is now supposed to be a bipartisan report was a minority report last week. All at once it becomes a majority report. If it is going to be a majority report based on the fact that His Excellency, the Governor, twisted a couple of arms, it is perfectly all right with me, because my arms have been twisted by better men, with due respect to him, by better men as far as arm-twisting is concerned than His Excellency, and he is right there. He has twisted my arms sometimes so that I figured maybe they had come out of the sockets, so let's stop kidding ourselves.

Just remember this, we are going to have to come up with the money for this thing here. Do you want us to go down, because we are in control, are we not, Mr. Pearson—we are in control of Part II, aren't we? On that level, then, why don't you put the appropriate amount of money on whatever report you want to accept here. If you want to set up another budget and another budget and another budget, put the amount of money this is going to cost us. Let this go down to the room knowing it is going to pass, according to the vote it got this morning. Let's go downstairs and lift off some of your little goodies, put them by the roadside and then we can inject in it money for this item here.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Owl's Head, Mrs. Post, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Baker, Beaulieu, Bell, Benoit, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Carrier, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Davis, Day, Dexter, Diamond, G. W.; Diamond, J. N.; Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H. C.; Huber, Hunter, Hutchings, Jackson, Jacques, Jordan, Joyce, Kane, Kany, Ketover, Kiesman, Kilcoyne, LaPlante, Laverriere, Lisnik, Livesay, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Martin, A.; Masterman, Masterton, Matthews, McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Racine, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Sherburne, Small, Smith, C. B.; Soule, Stevenson, Stover, Strout, Studley, Swazey, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Walker, Wentworth, Weymouth, The Speaker.

NAY — Aloupis, Armstrong, Berube, Brown, K. L.; Callahan, Carter, Conary, Connors, Curtis, Damren, Dillenback, Gavett, Higgins, L. M.; Hobbins, Holloway, Ingraham, Jalbert, Lancaster, Lewis, MacBride, McPherson, Nelson, A.; Perkins, Peterson, Randall, Salisbury, Smith, C. W.; Tarbell, Telow.

ABSENT — Cahill, Cunningham, Kelleher, Martin, H. C.; Prescott, Soulas, Webster.

Yes, 114; No, 29; Absent, 7; Vacant, 1.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Hickey of Augusta,
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. 10 were taken up out of order by unanimous consent:

Passed to Be Engrossed

Bill "An Act to Authorize Municipal and Quasi-municipal Water Districts to Set Rates" (S. P. 628) (L. D. 1637)

Bill "An Act Concerning the Protection of Incapacitated and Dependent Adults" (S. P. 630) (L. D. 1639)

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

Second Reader Tabled and Assigned

Bill "An Act Creating the Rangeley Water District" (Emergency) (S. P. 322) (L. D. 912) (C. "A" S-269)

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

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

Amended Bill

Bill "An Act to Increase Local Control of Water Districts" (S. P. 629) (L. D. 1638) (S. "A" S-278) (Later Reconsidered)

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

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

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Control the Cost of Workers' Compensation Rates to Maine Employers" (H. P. 1291) (L. D. 1504) on which the Majority "Ought to Pass" in New Draft (H. P. 1483) (L. D. 1611) Report of the Committee on Business Legislation was read and accepted and the Bill passed to be engrossed as amended by House Amendment "A" (H-453) in the House on May 22, 1981.

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

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

Special Sentiment Calendar

Recognizing:

Lee Young, of Auburn, who has been selected as Citizen of the Year for 1981; (S. P. 639)

No objections being noted, the above item was passed in concurrence.

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

Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Provide Equity for Step-children in the Inheritance Laws" (S. P. 349) (L. D. 992)

Came from the Senate with the Report read and accepted.

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

Non-Concurrent Matter

Bill "An Act to Amend Certain Motor Vehicle Laws" (H. P. 1512) (L. D. 1628) which was passed to be engrossed as amended by House Amendment "A" (H-461) in the House on May 22, 1981.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-461) and Senate Amendment "A" (S-283) in non-concurrence.

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

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

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Providing for a Volunteer Lawyers' Board" (S. P. 521) (L. D. 1451) reporting "Ought to Pass" in New Draft (S. P. 634) (L. D. 1649)

Report was signed by the following members:

Senators:

DEVOE of Penobscot

KERRY of York

CONLEY of Cumberland

— of the Senate.

Representatives:

HOBBINS of Saco

SOULE of Westport

LIVESAY of Brunswick

O'ROURKE of Camden

JOYCE of Portland

BENOIT of South Portland

— of the House.

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

Report was signed by the following members:

Representatives:

LUND of Augusta

REEVES of Newport

DRINKWATER of Belfast

CARRIER of Westbrook

— of the House.

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

In the House: Reports were read.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence, the New Draft read once and assigned for second reading later in the day.

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

Consent Calendar

First Day

(S. P. 261) (L. D. 743) Bill "An Act to Equalize the Tax Burden of Rural Community Health Centers" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-273)

(S. P. 287) (L. D. 813) Bill "An Act Concerning the Use Tax on Used, Damaged or Returned Merchandise Donated to Charitable Organizations" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-274)

No objections having been noted, under suspension of the rules, the above items were passed to be engrossed as amended in concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Equalize the Treatment of All Manufactured Housing" (H. P. 1534) (L. D. 1646) was tabled and later today assigned 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 following matter:

An Act to Prevent Gear Conflicts (H. P. 1191) (L. D. 1415) (C. "A" H-433) which was tabled and later today assigned pending to be enacted.

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

Senate.

The Chair laid before the House the following matter:

Bill "An Act to Authorize Municipal Ordinances Preventing Drinking in Public" (H. P. 146) (L. D. 172) which was tabled and later today assigned pending passage to be engrossed.

Mr. McSweeney of Old Orchard Beach moved that the Bill and all accompanying papers be indefinitely postponed.

Whereupon, Mr. MacEachern of Lincoln requested a roll call vote.

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

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

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

Mr. MacEachern: Mr. Speaker, the reason for my asking for a roll call is that I am not sure what the motives of the gentleman from Old Orchard Beach are, and we have three bills here. As far as I am concerned, this bill that we are attempting to indefinitely postpone is probably the most sensible and workable and best bill that we have. If the gentleman could explain to me what he is trying to do, maybe I will change my mind on the thing.

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

Mr. McSweeney: Mr. Speaker and Members of the House: I believe that they have worked on L. D. 93; therefore, this is why, they cleaned up L. D. 93 and have done a job that is acceptable to everybody within the House. I believe when you hear the amendment they have put on it, you will be very satisfied. Local option makes it very difficult for a lot of people to accept, I realize this, so this is the reason why I am asking for the indefinite postponement of L. D. 172.

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

Mr. MacEachern: Mr. Speaker, Ladies and Gentlemen of the House: I asked for an explanation of what the plans are, and all I got was that they have been working on this bill and they have a reasonable solution. Until I find out who "they" are and what "their" solution is, I am going to have a problem with killing this bill. I would like to have someone explain it to me.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I, too, am

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

Mr. MacEACHERN: Mr. Speaker, would it be possible to table this item until later, until we take up the others and find out what they are going to do with them? I think that is the prudent thing to do. If someone would do that, I would appreciate it.

Thereupon, on motion of Mr. McSweeney of Old Orchard Beach, tabled pending his motion to indefinitely postpone and later today assigned.

On motion of Mrs. Mitchell of Vassalboro, the House reconsidered its action of earlier in the day whereby Bill "An Act to Increase Local Control of Water Districts," Senate Paper 629, L. D. 1638, was passed to be engrossed as amended by Senate Amendment "A" S-278 in concurrence.

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

On motion of Mr. Armstrong of Wilton, the House reconsidered its action of earlier in the day whereby Bill "An Act to Equalize the Treatment of all Manufactured Housing," House Paper 1534, L. D. 1646, was passed to be engrossed.

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

The Chair laid before the House the following matter:

Bill "An Act to Amend the Petroleum Liquids Transfer Vapor Recovery Law" (Emergency) (S. P. 602) (L. D. 1600) (C. "A" S-259) which was tabled and later today assigned pending passage to be engrossed.

On motion of Mr. Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted, and on motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

Under suspension of the rule, the Bill was read the second time.

Mr. Mitchell of Freeport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-476) was read by the Clerk.

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

Mr. HALL: Mr. Speaker and Members of the House: This amendment both parties have been working on now for two days and it is something that both sides can live with and be happy with.

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

An Act to Create a Bond Issue for Energy Conservation and Conversion for Small Business (S. P. 489) (L. D. 1390) (C. "A" S-255)

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

(Off Record Remarks)

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

Divided Report Tabled Unassigned

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-471) on Bill "An Act to Authorize the Public

Utilities Commission to Allow Undisputed Portions of a Rate Change to Take Effect During the Pendency of a Rate Proceeding" (H. P. 781) (L. D. 926)

Report was signed by the following members:

Senators:

DEVOE of Penobscot
TROTZKY of Penobscot

— of the Senate.

Representatives:

BORDEAUX of Mount Desert
WEYMOUTH of West Gardiner
DAVIES of Orono
VOSE of Eastport
BOISVERT of Lewiston

— 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:

TRAFTON of Androscoggin

— of the Senate.

Representatives:

KANY of Waterville
McKEAN of Limestone
McGOWAN of Pittsfield
RIDLEY of Shapleigh

— of the House.

Reports were read.

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

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

Bill "An Act to Provide for a Commission to Propose a Method of Providing Volunteer Legal Services" (S. P. 634) (L. D. 1649)

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

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

Mr. HIGGINS: Mr. Speaker, could we have a brief explanation of this bill, please?

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

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: As you probably know, it appears as if that legal service, as we know it today, will be a thing of the past because of what is going on in Washington, and any individuals who receive pro bono or reduced legal services will not be receiving those services if the Reagan budget takes effect and legal services, such as Pine Tree Legal Assistance, goes out of existence.

What this bill will do, there is an emergency preamble, it will set up a volunteer legal services board. The board will be made up of individuals ranging from a member of the supreme judicial court, a member of the House of Representatives, a member of the other body, a member of the Maine Bar Association, a member of the Maine Trial Lawyers Association, a member of the board of governors of our Board of Overseers, there will be two members of the public, one a consumer, a legal services representative, an attorney appointed by Pine Tree Legal Assistance, Inc.

The amended version of the bill recognizes the fact that there is no money to be given from the State of Maine but authorizes the Maine Bar Association to expend an amount not to exceed \$10,000 for the financing of this commission.

What this commission intends to do is to try to find a mechanism or a way to replace the type of service which is now being provided for by Pine Tree Legal Assistance and other legal assistance groups to assist low income, and hopefully this void will be able to be picked by

the members of the Bar in the State of Maine.

As I mentioned earlier, this bill is supported by the Maine Bar Association, by the board of governors. There is no funding from the state coffers. Basically what the bill will do and say is that if the Bar Association doesn't come up with the money, then the board doesn't exist.

We have a good faith agreement from the Maine Bar Association that they will make every effort to raise the necessary money so that this commission may be set up in order to evaluate what type of proposal will be submitted to the next regular session of the legislature in regards to legal assistance for the elderly and low income of the state of Maine.

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

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

Divided Report Tabled Unassigned

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-477) on Bill "An Act Concerning Attorney's Fees Under the Workers' Compensation Laws" (H. P. 1235) (L. D. 1460)

Report was signed by the following members:

Senators:

SEWALL of Lincoln
SUTTON of Oxford

— of the Senate.

Representatives:

TUTTLE of Sanford
BEAULIEU of Portland
MARTIN of Brunswick
LAVERRIERE of Biddeford
FOSTER of Ellsworth
LEWIS of Auburn
DAMREN of Belgrade

— 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:

DUTREMBLE of York

— of the Senate.

Representatives:

McHENRY of Madawaska
BAKER of Portland

— of the House.

Reports were read.

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

On motion of Mr. Kilcoyne of Gardiner, Adjourned until nine o'clock tomorrow morning.