

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

INDEX

FIRST SPECIAL SESSION

AUGUST 3, 1981

INDEX

FIRST CONFIRMATION SESSION

AUGUST 28, 1981

INDEX

SECOND SPECIAL SESSION

SEPTEMBER 25, 1981

INDEX

THIRD SPECIAL SESSION

DECEMBER 9, 1981

INDEX

HOUSE

Wednesday, May 27, 1981

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

Prayer by Captain Charles Brante of the Salvation Army, Augusta.

The journal of yesterday was read and approved.

Messages and Documents

The Following Communication:

Committee on Business Legislation

The Honorable John L. Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Business Legislation 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 in Committee — 138

Unanimous Reports — 119

Ought to Pass — 11

Ought not to Pass — 5

Leave to Withdraw — 50

Ought to Pass as Amended — 44

Ought to Pass in New Draft — 9

Divided Reports — 18

Recommitted — 1

Respectfully submitted,

S/JOSEPH C. BRANNIGAN

House Chairman

The Communication was read and ordered placed on file.

The following Communication:

Committee on Health &

Institutional Services

May 26, 1981

The Honorable John Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Speaker Martin:

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

Total Number of Bills

Received in Committee — 69

Unanimous Reports — 52

Ought To Pass — 5

Ought To Pass As Amended — 14

Ought To Pass in New Draft — 2

Ought Not To Pass — 0

Leave To Withdraw — 29

Referred to another Committee — 2

Divided Reports — 17

Total Number of Amendments — 23

Total Number of New Drafts — 5

Committee Bill (Pursuant to Joint Order SP 600) — 1

Study Requests — 3

Sincerely yours,

S/Representative SANDRA K. PRESCOTT

House Chairman

The Communication was read and ordered placed on file.

Special Sentiment Calendar

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

Recognizing:

The Maine Mariners' Hockey Team and coach Bob McCommon, for an outstanding season, winning the Northern Division of the American Hockey League; (H.P. 1546) by Representative Higgins of Portland. (Cosponsors: Senators Usher of Cumberland, Representatives Brennerman of Portland and Manning of Portland)

Eloise Larlee, daughter of Mr. and Mrs. Bernard Larlee, of East Millinocket, Valedictorian of Schenck High School, class of 1981; (H.P.

1552) by Representative Michaud of East Millinocket. (Cosponsor: Senator Pray of Penobscot)

Deborah Belanger, daughter of Mr. and Mrs. James Belanger, of East Millinocket, Salutatorian of Schenck High School, class of 1981; (H.P. 1553) by Representative Michaud of East Millinocket. (Cosponsor: Senator Pray of Penobscot)

Louise McAdam, of Limerick, who is retiring after teaching elementary education for 30 years, including the last 22 years in Limerick; (H.P. 1554) by Representative Carroll of Limerick.

Mr. and Mrs. Henry Law, of Brewer, for their many years of dedicated service to the American Legion and American Legion Auxiliary; (H.P. 1556) by Representative Treadwell of Veazie.

Lieutenant Andrew J. Grant, of Houlton, 1981 graduate of the U.S. Air Force Academy; (H.P. 1560) by Representative Ingraham of Houlton. (Cosponsor: Representative Bell of Paris)

In Memory of:

WHEREAS, the Legislature has learned with deep regret of the death of Shirley Povick, Esquire, of Ellsworth, former municipal judge and outstanding citizen of Ellsworth and Hancock County. (S.P. 640)

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

House Reports of Committees**Ought to Pass in New Draft**

Representative Brannigan from the Committee on Business Legislation on Bill "An Act to Amend the Maine Securities Act" (H.P. 702) (L.D. 841) reporting "Ought to Pass" in New Draft (H.P. 1541) (L.D. 1656)

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

Ought to Pass in New Draft/New Title

Representative Kany from the Committee on State Government on Bill "An Act to Establish a Legislative Review of Agency Rules" (H.P. 1287) (L.D. 1502) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Rulemaking and Review Process of the Maine Administrative Procedure Act" (L.D. 1542) (L.D. 1657)

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

Representative Day from the Committee on Taxation on Bill "An Act to Replace the Inheritance Act with a Maine Estate Tax" (H.P. 940) (L.D. 1110) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Phase Down the Inheritance Tax and to Replace the Inheritance Tax with an Estate Tax Equal to the Federal Credit for State Death Tax" (H.P. 1544) (L.D. 1658)

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

Representative McHenry from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1981 (Emergency) (H.P. 1548) (L.D. 1661) reporting "Ought to Pass" pursuant to Joint Order (H.P. 264)

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

Divided Report

Majority Report of the Committee on Health and Institutional Services on Bill "An Act to Establish Rights for Residents of Nursing,

Boarding and Foster Homes" (H.P. 1230) (L.D. 1455) reporting "Ought to Pass" in New Draft (H.P. 1545) (L.D. 1659)

Report was signed by the following members:

Senators:

GILL of Cumberland

BUSTIN of Kennebec

— of the Senate.

Representatives:

PRESCOTT of Hampden

BRODEUR of Auburn

KETOVER of Portland

MANNING of Portland

RICHARD of Madison

MacBRIDE of Presque Isle

BOYCE of Auburn

HOLLOWAY of Edgcomb

RANDALL of East Machias

— of the House.

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

Report was signed by the following members:

Senator:

HICHENS of York

— of the Senate.

Representative:

McCOLLISTER of Canton

— of the House.

Reports were read.

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

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

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

Mr. McCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: The bill before you never has seen, was seen, nor has been heard by the Health and Institutions Committee in a workshop, nor has it been put before the committee for discussion, nor was it moved to be accepted, nor was it voted on.

At our last meeting, the original bill was voted and amended with a vote of 7 to 6, and I was on the majority report and the jacket was signed. Our committee has not met since. I was handed the redraft and a new jacket five days later, after our last meeting. The redraft is titled Senator Bustin, third committee report. When I asked the chair what was going on, I was told behind a sheepish smile — we thought it was better this way — "we" meaning Representative Prescott, Senator Gill and Senator Bustin.

Ladies and gentlemen of the House, now is the time to reaffirm your control over the committee form of handling legislation coming before us and by demanding now that the new draft and committee reports be just that, and refusing to deal with those brought before us in a fraudulent manner. I am asking your support, not on the merits of the bill or the lack of merits of the bill before us, but your support in upholding the integrity of the House and the committee process.

Mr. Speaker, I move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Canton, Mr. McCollister, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: I, too, went along with Mr. McCollister and signed the original majority report which he talked about, I supported that, but there was a problem, none of the members of the other body were going to support that report and as a practical move, I decided to support what would have been the minority report and added my signature to that. Because rather than get nothing, I thought it was important to get something out of the bill.

I understand the frustrations that Mr. McCol-

lister expresses in terms of not having to go through what is the formal policy, but the members did choose individually to sign that other report, even though they had voted previously to either support or oppose what was then the majority report.

I would hope that dealing in the last days of the committee sessions, on Friday afternoon when many people were heading home, that calling a meeting when most people had already gone home and some were on their way home, was not a very practical thing to do. Most of the people knew what was in the report they signed and reported in hopes that although there were some problems in the method that it was being signed, everybody who signed the majority report knew what they were signing, and I hope that would not be a reason for opposing the bill.

I would ask for a division on the motion to indefinitely postpone and hope you vote against it.

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

A vote of the House was taken.

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

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

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

Non-Concurrent Matters Later Today Assigned

RESOLVE, to Authorize Expenditure of Certain Federal Funds for New or Expanded Programs (H.P. 1316) (L.D. 1546) which Failed of Final Passage in the House on May 26, 1981.

Came from the Senate Finally Passed in Non-concurrence.

In the House:

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

Mrs. KANY: Mr. Speaker, I move that we recede and would speak to my motion.

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

The gentleman may proceed.

Mrs. KANY: Mr. Speaker, I would hope that someone would table this and the amendment could be put forth. I remember hearing a little bit of the debate yesterday on this bill, and there seemed to be objection to one of the projects, the project relative to national evaluation of migrant children, and not objection to some of the other programs. Our state law, Title 5, Section 1669, requires the legislature, basically, to approve of any new federal programs before monies are accepted from the federal government by the Governor. This is really just a little allocation act in which it simply lists the title of a particular new program in which there are funds from the federal government. I know there is quite a little bit of money in here that it represents, and I think it would just be an absolute shame if the House did not allow these federal funds to be used by the State of Maine.

One particular program that I happen to be familiar with would allow \$527,000 to be used by the Department of Environmental Protection, or basically by the Department of Conservation, by the state geologist, to really look into the geology of our geologic formations for nuclear repositories. The federal government would go ahead and do this on its own, it just means that we would have the State of Maine being able to use that particular money, and it

seems too bad if we reject this particular little allocation act.

That one program alone, as I mentioned, is worth over \$500,000 in federal funds, and I am sure the others probably total at least close to a million dollars, so I would ask that someone table this pending action on the motion to recede.

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

Mr. DIAMOND: Mr. Speaker, I move this lie on the table until later in today's session.

Whereupon, Mr. Jackson of Yarmouth requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Windham, Mr. Diamond, that this matter be tabled pending the motion of the gentleman from Waterville, Mrs. Kany, that the House recede and later today assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 47 having voted in the negative, the motion did prevail.

Later Today Assigned

Bill "An Act to Remove the Town of Medford, Osborn and Great Pond and Lakeville Plantation from the Maine Forestry District (H.P. 252) (L.D. 292) (H. "A" H-403 to C. "A" H-380) which was Passed to be Enacted in the House on May 22, 1981.

Came from the Senate Failing of Passage to be Enacted in non-concurrence.

In the House: On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and later today assigned.

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

The following Communication:
The Senate of Maine
Augusta

May 26, 1981

The Honorable Edwin H. Pert

Clerk of the House
110th Maine Legislature
State House

Augusta, Maine 04333

Dear Clerk Pert:

The Governor having returned:

Bill "An Act Promoting the Availability of Health Care Services" (S.P. 303) (L.D. 847)

Together with his objections to the same, the Senate proceeded to vote on the question: "Shall the Bill become a law notwithstanding the objections of the Governor?"

According to the provisions of the Constitution a yea and nay vote was taken. Seventeen Senators voted in the affirmative and thirteen in the negative, the Bill accordingly failed to become law and the veto was sustained.

Respectfully,
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

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

Non-Concurrent Matters

Bill "An Act Assuring Legislative Participation in Nuclear Waste Repository Research and Development Activity within the State" (H.P. 1526) (L.D. 1636) which was passed to be engrossed in the House on May 21, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-276) in non-concurrence.

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

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$2,500,000 to Assist Municipalities with Resource Recovery of

Solid Waste" (H. P. 1528) (L. D. 1641) which was passed to be engrossed in the House on May 22, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-289) in non-concurrence.

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

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

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

Non-Concurrent Matters

Bill "An Act to Revise the Salaries of Certain County Officers" (H.P. 1508) (L.D. 1622) which was passed to be engrossed in the House on May 21, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-277) in non-concurrence.

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

Bill "An Act to Give Leaseholders Option to Purchase Lands Acquired by the State in Exchange with Paper Companies" (H.P. 1477) (L.D. 1609) which was passed to be engrossed in the House on May 15, 1981.

Came from the Senate Failing of Passage to be Engrossed in non-concurrence.

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

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

Ought to Pass in New Draft

Report of the Committee on Health and Institutional Services on Bill "An Act to Establish the Dental Practice Act" (S.P. 298) (L.D. 860) reporting "Ought to Pass" in New Draft (S.P. 633) (L.D. 1648)

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-284)

In the House, the Report was read and accepted in concurrence and the New Draft read once. Senate Amendment "A" (S-284) was read by the Clerk and adopted.

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

Non-Concurrent Matter

Bill "An Act Concerning Minimum Limits Required under the Financial Responsibility Law" (H.P. 1455) (L.D. 1596) which was passed to be Enacted in the House on May 20, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-286) in non-concurrence.

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

By unanimous consent, all matters acted upon requiring Senate concurrence were ordered sent forthwith, with the exception of L. D. 1609.

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 Judiciary reporting "Ought Not to Pass" on Bill "An Act to Protect Persons with Children against Discrimination in Fair Housing" (S.P. 530) (L.D. 1470)

Report was signed by the following members:
Senator:

DEVOE of Penobscot

— of the Senate.

Representatives:

DRINKWATER of Belfast
REEVES of Newport
O'ROURKE of Camden
LUND of Augusta
LIVESAY of Brunswick
CARRIER of Westbrook

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft" (S.P. 620) (L.D. 1625) on same Bill.

Report was signed by the following members:

Senators:

CONLEY of Cumberland
KERRY of York

— of the Senate.

Representatives:

BENOIT of South Portland
JOYCE of Portland
SOULE of Westbrook
HOBBINS of Saco

— of the House.

Came from the Senate with the Minority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-279)

In the House: Reports were read.

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

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

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would like to take just a few minutes to explain this bill to you so we will all know ahead of time what we are talking about.

This is L.D. 1625, An Act to Protect Persons With Children Against Discrimination in Fair Housing. The Maine Human Rights Act states in part — "To protect the public health, safety and welfare, it is declared to be the policy of this state to keep continually in review all practices infringing on the basic human right to a life with dignity, and the causes of such practices, so that corrective measures may, where possible, be promptly recommended and implemented."

It was in response to this particular section of the Maine Human Rights Act that the Maine Human Rights Commission initiated a study of the exclusionary rental practices affecting children in this state. As a result of that study, and others, we now have before us L. D. 1625.

The Maine Human Rights Act already prohibits discrimination in housing based on race, color, sex, national origin, physical or mental handicap and source of income. Yet, even with these prohibitions, the Maine Human Rights Commission, for the last several years, has received many complaints and inquiries from persons who are unable to find a rent because they have a child or children.

These people call the Maine Human Rights Commission because they believe that it is unlawful discrimination. Ladies and gentlemen, it is not. There is a problem in Maine, and one needs only to look at the rental ads daily to recognize this problem. "Adults only" policies mean more than children are not wanted. These policies mean that families have to search longer for decent housing, possibly two to three months, and eventually have to pay more for a rent. Some families have even been forced to separate.

L. D. 1625 is not just another bill to help the poor. According to surveys, exclusionary rental policies which prohibit children affect all most all segments of the population, small and large families, middle class and poor families, whites as well as blacks and other minorities, married couples and single heads of households.

Statistics compiled from the Maine Sunday

Telegram and the Bangor Daily News for the week starting August 3, 1980 through November 16, 1980, showed that 34 percent or 1,867 of the 5,139 units advertised specifically indicated no children. This means that one out of every three apartments advertised for rent was unavailable to persons with a child or children. Many ads were unclear as to whether children were welcome or not, and after looking into these apartments, 50 percent of these were not available for children.

It is obvious that we do have a problem in Maine, and it is a problem which is cause for concern. Discrimination in housing based solely on whether a prospective tenant has children should not be tolerated and should not be allowed to continue.

This is a serious problem and it needs to be addressed now, because it affects the children, the children who live in our state. Children have the right to live in decent housing, and more and more families are being priced out of the housing market due to high interest rates. These families are forced to search for rents and they should not be required to raise their children in either substandard housing or overly expensive housing. Often that is all that is available to them at this time.

Landlords have rights too, which has been addressed in this Bill and in the tenant-landlord compromise bill which we passed in this house yesterday and is now on the Governor's desk. L. D. 1625 addresses the exclusionary policy which is prevalent in Maine. It prohibits a landlord from refusing to rent to a prospective tenant merely because there are children involved. It also prohibits discrimination against families with children on the basis of price or terms, conditions or privileges of a rental apartment.

On the other hand, a landlord may refuse to rent to anyone, including families with children, if the number of persons to occupy the apartment would exceed the number of persons permitted by local agency, municipal ordinances, or reasonable standards of human health, safety or conditions.

If we accept this bill, there was an amendment put on in the other body by Senator Conley, and in the amendment it specifically says that the landlord may impose limitations on the number of persons occupying any rental unit. So no landlord is going to be forced to have ten children living in a unit which will only occupy three, four or five people. It retains the prohibition against renting to children currently in the lead poisoning control act in Title 22.

In addition, it allows a landlord to exempt 25 percent of his or her total dwelling units from the provision of this new draft. Also exempted would be landlord occupied buildings of five units or less; buildings with five units or less if one of these units is used as a professional office or business; subsidized government housing because federal law supercedes state law; rental units which are reserved exclusively for the elderly; and also on the amendment from the Senate, owners of condominiums are exempted. If you own a condominium and want to rent it for a few months out of the year, you would not be subject to this law.

Landlords would retain their right to evict tenants with or without children for damaged property, failure to pay the rent or refuse to abide by reasonable standards of conduct.

The eviction process has been streamlined in the landlord-tenant bill to make that option more viable for a landlord, and this was one of the concessions that was made by the tenant-landlord groups that was in the compromise package.

I would conclude with one last thought — there is no more reason to discriminate against families with children than there is to discriminate against women, minorities, or any other group now protected by Maine law.

I urge you to accept the Minority "Ought to

Pass" Report.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to move that this bill and all its accompanying papers be indefinitely postponed and ask for a roll call.

I would like to explain briefly my opposition to this legislation. I am one of those dirty landlords who doesn't like the idea of being told who I am going to put in my house and who I am not. I have got four rental units and I have never refused a single family with children and I probably never will. I have a family with children in one of my rents right now, but that is my choice and it should remain my choice. If a child destroys a given part of my property and the parents can't afford to pay for it and I put that child in there because of my choice, then I have to take the loss, but who is going to pay if a family with children destroys part of my property if the state forces me to put them in there.

There are a lot of problems with this legislation. The first thing that kind of surprises me is that the bill is backwards. What it says is that if I have a 15-unit apartment building, in 25 percent of those units I can refuse to allow children in. The problem with this is, one family with one child can disturb 15 units pretty quick, and I know because I have rented in buildings in the past, before I bought my home, with children in the same building.

I have nothing against children. I can sit here and listen to all this debate and all these people telling us about children and how they are going to suffer. You can tell us about children and about all types of situations where people are going to suffer and we are going to discriminate against women and all this malarkey, but I don't believe that is the issue. The issue is whether I can buy property, whether I can choose to rent to whom I want to rent to and whether the state should be telling me who shall and who shall not live in my home.

This is my home, and you are going to look at this bill and you are going to say, well, you live in that unit so you don't have to have children. That is true, I have three rents in my home and I don't have to, under this law, allow children in my home, so I won't. But if I move and buy another house and choose to keep my home where I now live, the state is going to tell me with this legislation that I am going to like the idea of the state and this legislature, in all its wisdom, tell me that I have to put somebody in my home if I don't want to.

You can't use the example of race, or women, or minorities, because that is not an issue. An individual who is in a different race than I am, or a woman, is not going to destroy my property. I would say that under normal circumstances, a family with children, at least in my area, that has to rent probably doesn't have a lot of money. If they did, they wouldn't be renting, and I would give you the argument that if they had a lot of money, they wouldn't be renting and if they don't, who is going to pay for the damage that is done by a child?

I am not against children but I submit to you that this is a Portland bill. If the city of Portland or the city of Bangor or the city of Lewiston has a problem with rental housing, let them enact an ordinance, let's not make a law here in Augusta to affect the whole state, because I will tell you one thing, we don't have a problem in Farmington that I know of and we probably don't have a problem in Bethel or South Paris or anywhere else in these smaller communities and I think it is time that we stop making laws that we don't need.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: What you just heard was someone who possibly feels he has some answers to problems, but I think he is way off

base. Not only is he way off base, he is ill informed.

To use the illustration that one family with children could ruin 15 units is incredibly wrong. One child who may come in with a crayola and do a job on the walls is no more guilty than an adult who might throw a beer bottle through a window. Unless the gentleman from Farmington, Mr. Webster, is a prophet, how can he predict who is going to do what?

All we are saying here is, let's be fair. Children have rights, you have rights and I have rights, but to say before the fact because someone is a child they are going to be discriminated against and not be allowed to live in a rental unit, I think is preposterous, I can't believe it, and I am sure that he doesn't believe it either. I think he is just ill-informed in this matter.

If we have a problem in Portland, if we have a problem in Windham or if we have a problem in Farmington, let's deal with it, as the gentleman suggests, but to turn our head and say we don't have a problem with this item in Farmington, in Windham, in Portland, in Lewiston, is incredibly naive because we do.

Little children are no more of a threat to you and I than are adults. It is how they are perceived and how they are conducted about their manners.

I would hope that you would look carefully at this bill and the remarks just made, I would hope you would take those from someone who means well but I don't really think is fully informed.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I regret it if the House and Mr. Diamond have misinterpreted my statement dealing with the 15 rental units. My concern is not that of a child with a crayola, a crayon, my concern is a six-month old child in a 15-unit apartment house that has trouble, that cries and makes a lot of noise and disturbs the other 14 people in the other units. My concern is not that a two year-old is going to damage the property because I am not concerned about that, but I intended to inform this House that I feel that one child in a 15-unit building could disturb the other members of that building, and that is what I intended to bring across and I would correct that.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: The key word is in this bill's title, "discrimination." There is discrimination against families with children that is as devastating as the ethnic bigotry that many of our ancestors suffered in the 19th century and as blatant as the religious and racial discrimination within recent memory. I am afraid that we are hearing some of the same arguments and language against this bill that were stated in public discussion in the 19th century, and possibly within recent memory, when dealing with ethnic and religious and racial discrimination.

Some facts: During a six month period in 1980, 31 percent of all apartments advertised in the Maine Sunday Telegram and the weekend edition of the Bangor Daily News specifically prohibited families with children. Add to that upfront exclusion the oral exclusions on the phone or in person or written into lease agreements and not much remains for our families with children. Some have estimated that as little as 25 percent of all housing is available to families with children.

The size of the apartment has nothing to do with the discrimination, since 35 percent of all advertised units with two or more bedrooms prohibited children. Part of the American dream is access to modern housing, which is dashed by the fact here in Maine that 80 percent of all the advertised new, two bedroom apartments, new buildings, are restricted.

This bill states simply that a landlord may

not refuse to rent to a tenant merely because they have children. The landlord may establish occupancy limits for the number of persons within that unit. The landlord may not advertise or list a vacancy that states a person with children may not apply. This bill does not apply to rental units that have previously painted with lead base paint, owner-occupied buildings of five or less units, buildings with five or fewer units when one of the units is used as a professional office or business, government subsidized housing already exempted by federal law, or units that are part of a privately owned building reserved exclusively for the elderly.

Discrimination shouldn't be a partisan issue in this House. Both Presidents Carter and Reagan have worked to strengthen the family. This bill proposes to carry out one of the recommendations of the Blaine House Conference on Families.

Where are our families with children to live? Should we post signs at the city and town limits, "no children need enter." Why, whenever statistics show that the institution of the family is so endangered do we give lip service here to saving it, all the while driving another nail into the coffin. Studies show that Maine families have to look two months longer, pay higher rents and live in less desirable housing. There is more than a monetary price paid.

At my advancing age, I remember very clearly my years of childhood. I remember a neighborhood that was a mix of people of all ages and income levels and there was a multitude of children in that neighborhood. It was a warm, friendly place in which to grow up. As a teacher, I firmly believe that that contact with young people keeps us all young and I think those of us in that neighborhood helped to keep everyone young and possibly living a little longer. Today, we have gone beyond "children should be seen but not heard." Today, through this discriminatory practice, children aren't wanted, families aren't wanted. I am afraid that if we don't take this positive step today, the only sounds we will hear in our cities and towns, in our buildings, in our neighborhoods, will be the sounds of television sets and the hum of air conditioners.

I urge you to reject the motion to indefinitely postpone so we might accept the motion to accept the "Ought to Pass" Report.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: My mother had eight children and she told me one time that those who knew the most about bringing up children were those that never had any and were the freest with their advice.

I happen to be a manager of 240 units, as I have told you before. We do not discriminate against children. We have one, two and three bedroom apartments. One bedroom apartments, we only have ten of them, I don't allow anyone in there with children. They aren't large enough, they aren't conducive to it. Two bedrooms, we limit to two children, Momma and Poppa in one bedroom, two children in the other bedroom. Three bedroom units, we limit to four children, Momma and Poppa in one bedroom, two children—not over two to any one room.

I have found that in renting apartments, I will put up with your kid if you will put up with mine, so I put all the children up altogether, but as a rule, in certain areas, because I found that it works in reverse. Say a mother has got the children in bed and it is nine o'clock and I run to the next door apartment to a couple of young fellows in their early twenties and they are apt, some of them are, to turn it into a fraternity house. All of a sudden about ten o'clock everybody says, John's got a place out in Hyde Park, let's go out and the motorcycles rev up across the street and everyone gets waked up and I get a call the next morning from every

mother on the street, what are you going to do about those fellows down on the end? I am going to talk to them and if I don't get something taken care of in that respect, then maybe I will have to take more drastic action.

So what I have learned over a period of time is, as I have said before, if a certain person comes for a rent, we get the criteria, and I find that he will be happier, in a certain area than someone else, but in no way do we have, I feel, this problem in the Bath area. I haven't had to advertise in 10 years, perhaps more than that. Everyone knows where we are. We had a woman call, they learn your habits and so even though I am down here, they call me at seven in the morning, they call me at seven at night, I had a call from a lady this morning, herself and two children, and needed an apartment. I told her, no problem at all, when one came up, she would be considered.

I think Mr. Webster has put his finger on a certain thing. If there is a problem in some areas, they have the right of local ordinance. We don't have to pass a state law to get it on the books, something else to clutter up the law books, something else for some bureaucrat to use to tell somebody else how to run his business. I feel that we are doing a good job, I have had absolutely no complaints from anybody in my area, from Pine Tree Legal or anybody else. Pine Tree Legal has never taken a case of any of my tenants. I do feel that it is our property, our money is invested in there and we should be able to run our own business.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: Thank goodness I am not a landlord, I have no tenants in any apartments and I have no problems with this type of thing. I certainly have no problems with children, all or most of us have had children, we have raised children. The thing that bothers me about this bill is that it is a state function. The state is going to tell you what you can do and what you can't do. What has happened to free enterprise in this country? You know, the next step will be like Russia, they will tell you which apartment you can go into. You have to wait in line, but when they have one, you can go in there regardless.

I have heard a great deal of talk about conflicts, rights, discrimination. What about discrimination to the person who is 60 years or older who would like to live in an apartment that has no children, they have raised their children, they have had their families, they would like peace and quiet? That is discrimination when they cannot get into an apartment that does not have children. I don't think the state should tell us how we live or where we live. If the state puts money into an apartment house, if the federal government puts money into an apartment house, then they should have the rules and they should say, you allow everyone, regardless of age, sex, children or whatever you want, but when an individual invests in an apartment, he should at least have the right, his God-given right, to lease that to whom he wishes to lease it to.

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

Mr. DIAMOND: Mr. Speaker, Members of the House: It is not often—well, I normally look to my good friend from Cumberland, Mr. Dillenback for guidance, I watch his light quite often. Normally, when he is voting red, I vote green, and today it looks like I will be following his light again. I respect his opinion and the opinion of others who oppose this bill and I respect their philosophical objections to the state getting involved in that but I think we have to take a realistic look at the problem we are dealing with and keep that in mind when we determine how we are going to vote.

The housing problem for families is reaching a crisis stage, I believe, and I think that Mr. Murphy has pointed out and has documented

that fact. Housing is not available for people with families.

We talk about protecting the rights of the landlords on this bill as though they were not in business but were trying to conduct their lives independent of any regulation or any other concern of the state, when, in fact, they are regulated already, as we found out yesterday. Landlords are considered to be in business and therefore are subject to a number of the laws that regulate business.

I think if we are going to take a progressive approach to dealing with this problem and also look at it in terms of dollars and cents, then we have to consider what is best for the people of Maine. Is it better to establish standards, such as the one we are proposing today, that prohibit discrimination in order to allow the free market system to meet the needs of the public, or are we going to have to go to the other extreme and provide for those needs, those needs of the families, those parents with children and those children, provide those needs through state subsidies for housing, expansion of public housing, those sort of things which a number of us, including my good friend from Cumberland, feel very strongly about?

I think we have to take a preventative step, and this bill does that by protecting the rights of families, the rights of children and the rights of all individuals to decent housing and available housing. Right now, if we don't take a measure like this, then we are going to find ourselves being forced in the direction of increased public housing to meet those needs.

Earlier this session, we had a bill in that was entitled the Maine Family Protection Act, that bill didn't go anywhere but its intent was to preserve the integrity of the family. Regardless of how you feel philosophically about the actual details of the bill, the concept of protecting the family was something that I think we all shared universally. I think if the sponsor of that bill had been here, the former gentleman from Harrison, Mr. Leighton, I think on this issue you might be surprised about how he would vote on it. I have not talked with him on this but I think if it comes down to protecting the family unit and protecting the integrity of the family, then this bill is clearly in that direction.

By taking a positive step, by accepting this bill, we will be doing for the people of this state something that we shouldn't even need to be considering; this matter should not even be before us. Unfortunately it is, discrimination is something that people face and we face quite often. In my own city of Bangor, I believe it already has reached the crisis stage. Family housing is something we all are concerned about. If you feel strongly about protecting the family structure, this is a family issue and I urge you to support the proposal.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Everybody here seems to concede that there is a shortage of housing. I can see that also, but each year we meet here, we make less housing. These people that have housing to rent, so to speak, the more pressure we put on them, the less rents there are, they are not going to invest their money. We are not really helping the people that we are trying to help. The only way this bill could be any good is if we would put an appropriation on it so if these children destroyed property the state would be responsible, because the state would be responsible because the state is responsible for them being there if we pass a bill like this. If we are going to pass this type of bill, it should have an appropriation and that is the only way that I can see to do it.

Otherwise, the direction we are going, and we have gone down hill tremendously in the last 15 years, there are going to be no landlords. It's getting to be that there are fewer and fewer, and a bill like this makes it even fewer.

I think this bill is good in the fact that they wouldn't be allowed to advertise, I think that part of it I would buy. I don't think a man should put an ad in the paper, "no children," that would be discrimination for sure.

We have to be broad-minded enough to see the whole spectrum, not just the poor children, which I concede we have to do something for, because the direction we are going, it is going to be all state or federal housing. The federal has done quite a lot in that area, they have low price loans, people with families can buy homes with very low interest, lower than I could or you could, and we probably do have to do something in that area, but this is not the method in which to do it. We are only hurting the very people we are trying to help, because with a few bills like this, believe me, I know what I am talking about, there won't be any landlords. There just won't be any, it will have to be state or city owned.

I have been right so many times in my years in this House and I am right now, I will have to wait a few years to say I told you so, but I know I am right because I know a lot of these people and I know that you can't run a business and invest your money and lose money. You are better off to put your money in the bank and draw 12 percent and this is what they will do. I doubt if they can make 12 percent in running an apartment house today the way taxes and water and all the other fixtures are. Roofing, for instance, has gone up by about 500 percent in the last two years and many things are like this. So they are barely in business at this point. All they need is some bill like this to put them out of business entirely.

So, I hope you will have a broad perspective when you vote on a bill of this nature. You are not really helping the people you are trying to help—in the long run, you are going to hurt them, I am sure.

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

Ms. LUND: Mr. Speaker, Ladies and Gentlemen of the House: It may come as some surprise to you that I was on the majority of the Judiciary Committee on this bill voting "Ought Not to Pass" and I would like to tell you why.

The bill is entitled, Discrimination against—well, protect persons with children against discrimination in fair housing. I don't think it is discrimination when you recognize that a group of people are really different from other groups of people. I don't think that any of us would argue that children are not different. Why are they different? They are noisy, they need activity, they run down the halls, they ring doorbells, they fight, they cry, they leave their toys on stairs and they leave them out in the driveway.

My objection to this bill is that it is overkill. This bill says that no landlord, nowhere, can discriminate against no children, no how, and that is just not right.

Buildings are built differently. When this bill was presented, I asked the people who were presenting it, would you put some guidelines about construction of apartments in your bill, and they said no. I said, what about an apartment building that is right next to the railroad track and has a river on the other side? They said, well that should be the choice of the parent whether they would have children in that apartment. I think if one child drowned or one child was run over by a train you would have an awfully unhappy landlord who would somehow feel responsible for allowing the parent to make the choice of where to have his or her children housed.

I had a call from a landlord in Augusta, a responsible landlord. He said to me, in some of his apartment buildings, 80 percent of his people do not go to work, they are retired, they are older people, some of them are not well, they are at home most of the day. He said, they like children but they also need their peace and quiet and they have chosen to live where there

are not children. He said, think about my security system. I now have double doors, two sets of keys, bells and buzzers—he said, it works pretty well when adults use it. A group of kids playing around in a day could both upset the tenants from answering their doorbells and also really mess up the system. He said, I would have to think about my security system and what I had to do to it. He said, I would have to design my buildings differently. Now, each apartment opens off a major, wide hall. He said, can you imagine that wide hall full of children anxious to go to school? Children who brought their tricycles in because it was raining? Children who had their animals there because they really loved animals, and children should have animals. He said, in my apartment building, if I have to open it up to children, every one of them, then I literally cannot keep the tenants that I have now.

The final thing that I see is the amendment coming from the Senate exempting condominiums. Ladies and gentlemen I ask you, is anybody putting up new apartment buildings right now? No, they are putting up and converting to condominiums. This bill will simply accelerate that move and in the name of doing something for children, we have really driven more public housing off the market.

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

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

Ms. BENOIT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to a couple of the comments or remarks that have been made by others, respond to the fact that children may or may not destroy apartment units or rental units—of course they can but so do adults. I have heard it, you have heard it, you have to judge each person on his or her merits, including children, and I think some have neglected to mention the security deposit. I could be wrong on being double, maybe it is just one month's rent. That could be used to correct any damage or repair any damage that has been done. I would hope that no landlord would allow anyone to stay in a unit who had done damage that was severe.

I think if you look at this a little bit more personally, maybe you will see where some of us are coming from. Maybe some of you have nieces or nephews or children who have children, maybe your grandchildren are looking for places to live. What are you going to do with that six-month old baby that Mr. Webster referred to? You are not going to allow that child to have a place to live, maybe your own children, your nieces, your own nephews, your own grandchildren, perhaps even yourself with a child?

In response to Representative Lund, she is absolutely wrong as far as this bill is concerned. It states very clearly that a landlord may be permitted to exclude children if the rental unit is unsuitable for families with children because of reasonable standards of human health, safety or sanitation. I think safety met some of the criteria that she spoke about.

I think Mr. Murphy and I have both told you the other exemptions that do exist in this bill.

The point about the condominiums, as I understand it, is that if you own a condominium now, you are an owner without children, you want to sublet it, say you are going to Florida for the winter, you want to sublet your condominium, in that case, you would not fall under the provisions of this bill.

I ask you to vote against the indefinite postponement motion.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to have a birthday this summer that places me—and I wish I wasn't—well into the middle years of my life. If I look correctly at my parents and my in-laws and their generation, then I see

people who could not purchase housing early in their lives. They got married, they began to have children. If they were fortunate, later they were able to purchase housing; that is what I see with that generation of that means.

My generation operated differently. My generation, on the whole, middle-class people, were able to get married, purchase a home and then have their children. That has come full circle now, and I see, at least in my neighborhood which is, again, middle-class, not poor people by any means, but there is little or no hope for many of the young people, the high school, college, early adult age, being able now to get married, purchase a home and have their children. It is just getting to that point. It is not in the cities only, it is statewide, I believe.

I wish we didn't have to have such a bill before us, I wish we didn't have to feel that we had to tell landlords what to do, but I feel that we have come to a point, because when my folks and my in-laws needed to rent, there was no discrimination against children. Almost everybody had children, the mix was different in those days, they didn't have the problem of finding a rent because they had children. Today, as has been outlined, we do. So unfortunately, we have a need today that we didn't have in the 20's and 30's, but we have a need — if you realize that many, many people now, a couple, they want to get pregnant, they have to make a decision — if we get pregnant, we have to leave this apartment that we have. I have had friends that have had to do that. I have constituents who had to do that. I had constituents, young people, who have had to do that. They want to get pregnant, pregnancy means move and move means very difficult searching for someone who will let us live there in this pregnant and about to have a child state. I think it is too bad that we have reached this situation but we have reached it, I believe, and so I believe that we must, unfortunately, pass this bill which gives a lot of openings, a lot of loopholes, a lot of latitude, rather, for landlords to try to address this problem.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: Manytimes you have heard me get up and speak for the little man because I am a little man and today I am going to speak for the real little man. I serve as vice-chairman of the Housing Authority in the city of Waterville. Don't tell me that it is only the children who wreck the apartments. We have had many units that are "adults only" and they wreck them just as bad, so that takes that argument and throws that right out the window.

It seems to me that we are going to be punishing children for being children. What do we want them to be, do we want them to be adults? Sure, children have toys; sure, children are going to run in the halls, but as Ms. Benoit has pointed out, the amendments in this L. D. take care of those problems.

We have units in Waterville for the elderly, we have them for the children. We don't put the two together, we keep them separate. I am told that this is what this L. D. will do.

Mr. Webster from Farmington has talked about choice. It would have been very nice if in the past companies would have chosen to hire black people or handicapped people or Catholics or Jewish or Frenchmen, but they did not choose to do so, so what happened? The people got together and made laws that said you will do so because that is what the United States is about.

When I was a senior in high school, there was a gentleman named Ray Stevens that wrote a song. I think it was in the early 70's, the beginning of the song said, "There are none so blind as he who cannot see." Later on in the song he is talking to a group of children and he says, "what is discrimination" and one little child says, I think it is when somebody is sick. Discrimination is a sickness no matter whose eyes

you are looking at it through, and this particular L. D. takes care of discrimination that is the worst, it takes care of discrimination that has to do with the children. Whether they are black, white, green, pink or yellow, it discriminates against them all, all of them. The bad part of it is, it discriminates against children when they don't even know what discrimination is. They haven't been taught it, they haven't learned it and they don't experience it yet.

This is not a liberal bill — I was told that this was a liberal bill. Well, I don't consider myself a liberal, but I will tell you something right now, when it comes to speaking for the little guy like them, I will do it, because I don't think we should stop our concern and our compassion for people whether they are in the gallon size or the quart size or pint size.

I hope you are going to vote against the motion to indefinitely postpone this bill and let's do something about discrimination.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to take a few minutes to tell you about the bill.

This is a familiar piece of legislation to me. We had this bill in the Judiciary Committee for over a month. The bill before you today is less than one third of the original bill. The longest of journeys must start with that small step, and voting in favor of this bill today, you will be doing something for the children of Maine today; you will be giving them one step, a step of hope.

I urge you to defeat the indefinite postponement and do what the other body did yesterday and give this a rousing send off so people can look to us and say, they really cared.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will support the motion to indefinitely postpone this bill.

If you will look at the report, I am on the opposite side and I felt that I was entitled to make a motion for the opposite report, but apparently not.

I am worried and I want to talk about this bill. The whole tone of it this morning, particularly in the last half hour, this bill has turned my thinking from the bill to the word of "discrimination" used around this House. I submit to you that discrimination is right here in this House and it is everywhere you live today. Discrimination is a choice, and if you want that choice, you can have it. I have been discriminated against, all of you of different races have been discriminated against because we all have our own beliefs and everything else.

I think it is foolish to say that we are discriminating against children. This bill does not discriminate against children. It just places the responsibility on the parent. It is their duty, their legal duty, to provide housing for their child. It doesn't say anywhere that the children have that right, that right comes occasionally under the parents' rights, that is where it comes, because you have a legal duty as a parent to provide. This is what we are talking about, we are talking parents who are not providing for their kids. It is a question of behavior, that's what it is. You can bring children to me and if they have been recommended by certain people that I know, then I will take them.

I could show you some people that I have had and they have not taken care of their children. It is not the children — the difference is that if certain people need help, everybody would give them help but who would not give help to the child first? This is ridiculous to say that this is discrimination. If this is discrimination, it might be good for them. Discrimination, as such, is not the word for them or their way of life.

When you discriminate to do good things in-

stead of bad things, is this fair, is this discrimination? I say to you that this bill, as far as it is written, why should we allow it? If you want to discriminate and I am not in favor of it, I am in favor of the elderly living in elderly housing to be able to live in peace and quiet, I think they are entitled to that. But when you come around and say that this is not discrimination, how could anyone, in good faith, say that this is not discrimination against the rest of the population as it was in condominiums. They took that out because there was objection to that but how can you, in good faith, say that when I have to rent to children but the people who have the elderly tenants don't have to rent to children, how can you say that this is not discrimination? How can you support something like this — it is discrimination.

There are other things in here such as not advertising; I don't advertise my rents and I don't have to.

The other day I went by somewhere, Portland or somewhere, why do these nice, big, sound, sturdy buildings with three or four stories, with probably five or six rents, why are they getting torn down? The fact is, ladies and gentlemen, by law and ordinances and everything else, they have made it impossible for people like myself, who would be willing to take them, modernize them and to fix them, if they didn't have such laws and the cost is prohibitive, the conditions under which you have to rent and everything else, you just can't do it. So as a result of it, where do these people live? How many people live on the streets in Portland right now that don't have any rents? How many people in Portland right now?

I have noticed this morning that seven people spoke in favor of this bill. How many of these people have an investment in an apartment house in order to help their fellow man out there?

I am not talking about somebody who buys it on a bond for a deed for \$500 or \$1,000, \$20,000, how many people have that kind of heart to put that kind of money in there and lose? It is a losing proposition and how long can they survive? So what do you do? You take the best way that you can, you make small apartments and this is what I wanted to tell you will happen. It won't happen to me, it isn't going to happen to my family.

Some people say, why is it that children are on the streets? Don't blame the children and don't blame the parents, but take a good look and you will find out that those who are having a hard time to get a rent are actually the ones that don't take care of their rents. They have no recommendations from past landlords, they probably haven't got any money. Even if they don't have any money, if their behavior is good and has been good, they will be able to find an apartment. If they don't, have them give me a call and I can send them to Mr. Connolly and I can send them to people from Portland who desire to help these people. You know this, a lot of it is the behavior problem.

What is going to happen is that you are going to hurt people more than you are going to help them. The landlord will take a look at their situation and if they have a four room apartment, they will cut it down to two; thereby limiting it to one or two persons. This is what will happen. Is this what you want? If you sincerely think that this will help the children, then this is the bill for you.

Years ago when we started out and we had one kid, then two kids and three kids and four kids, we bought a house but we didn't start with a \$30,000 or \$40,000 house that people want today, we started with a \$5,200 house, that is what we started with in back of another house. This is a fact of life, you can't have cars, you can't have boats, you can't have cottages and only be married two years, and own a house with a \$40,000 mortgage or a \$60,000 house.

I think this is not a good bill. I think if the supporters really want to help, no matter what

happens, whether it passes or not, let them show an interest in providing rents for these people. I mean providing rents not at the expense of others, not at my expense. I am not going to get caught in this bill if it passes, I can tell you that.

If it hadn't been illegal years ago to burn some property, it would have gone down, and I could afford to take the loss, but I could not afford it before, it is through hard work and dedication that you get to that point. I still say to you, that if anybody in here has children and they have a good track record as far as rents are concerned—take a good look at yourself, you can provide rents for them and this is one of the best things, one of the human things you can do.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: When I came in this body today, I was voting against this bill, but the arguments that I have heard really made me open my eyes a little more when Mr. Webster from Farmington pointed out the fact that this is a Portland bill. Well, ladies and gentlemen of the House, you cannot get Farmers Home in Portland, Maine, and you can only get it in certain sections of Westbrook, Maine, and you can't get it in So. Portland, Maine, and I have a friend of mine who lives in Oakland who is getting Farmers Home this year, it doesn't cost him any money for a mortgage. They get a \$40,000 home that they can pay at about \$100 a month for about 30 years. Let's find out the reasons why we have a shortage in Portland. Nobody knows that better than I do because the district where the shortage occurs is my district and Mr. Baker's district.

This state has made it very easy for you people to go from southern Maine to northern Maine through the city of Portland without going on the turnpike. I will submit to you that about 200 to 300 family homes, family apartments, have been destroyed because of I-295 going through the city of Portland. That is not a Portland bill, that is helping the people in southern Maine, that is helping the people in northern Maine, that is helping my friend Mr. Moholland, who travels his trucks through there, which is a lot cheaper than going down the turnpike.

I also submit to you that the University of Portland has discriminated against housing for the children because they have destroyed time and time again housing for children. I would venture to say that the area they have for parking lots in the Portland area, not for the Portland people because Portland people can take buses and South Portland people can take buses, it is the people in Buxton and Gorham and Bath and even Augusta, they have to have cars to come down to Portland and to park. Those parking lots are taking up places where children could be living. I know, that is where many of my friends who went to school with me lived 20 years ago, so this is not a Portland bill, this is a Maine bill. That is the problem we have created in Portland because of the state, the state created them, the university created them, and I am sure, as other communities have found it out, there are problems elsewhere. Like I say, I was going against this bill before but I am going for it now.

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 the motion of the gentleman from Farmington, Mr. Webster, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those op-

posed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Bell, Bordeaux, Boyce, Brown, A., Brown, D., Cahill, Callahan, Carrier, Carter, Conary, Connors, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Dudley, Erwin, Foster, Fowlie, Gavett, Hanson, Higgins, L. M., Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Matthews, McPherson, Nelson, A., Norton, Paradis, E., Paul, Perkins, Perry, Peterson, Reeves, J., Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C. W., Stevenson, Stover, Studley, Treadwell, Twitchell, Walker, Webster, Weymouth.

NAY—Armstrong, Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Brown, K. L., Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W., Diamond, J. N., Fitzgerald, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H. C., Hobbs, Jacques, Jalbert, Joyce, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A., Masterton, McCollister, McGowan, McHenry, McKean, McSweeney, Michaud, Mitchell, E. H., Mitchell, J., Moholland, Murphy, Nadeau, Nelson, M., Paradis, P., Pearson, Pouliot, Prescott, Racine, Randall, Reeves, P., Richard, Rolde, Smith, C. B., Soule, Strout, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Vose, Wentworth, The Speaker.

ABSENT—Cunningham, Dexter, Kane, Martin, H. C., Michael, O'Rourke, Post, Soulas.

Yes, 64; No, 78; Absent, 8; Vacant, 1.

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

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

Senate Amendment "A" (S-279) was read by the Clerk and adopted and the New Draft assigned for second reading later in the day.

(Off Record Remarks)

On the motion of Mr. McGowan of Pittsfield, Recessed until the sound of the gong.

After Recess

12:05 P.M.

The House was called to order by the Speaker.

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

Passed to Be Enacted Emergency Measures

An Act Relating to Compensatory Telecommunication Toll Call Rates for Deaf and Hearing Impaired Persons (S. P. 191) (L. D. 492) (C. "A" S-262)

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. 109 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Establish the Procedure for Payment for Attorney's Fees Awards Against the State (H. P. 1251) (L. D. 1475) (S. "A" S-275 to C. "A" H-446)

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. 116 voted in favor of same and none against, and

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

An Act to Clarify Certain Provisions of the Marine Resources Laws (H. P. 1532) (L. D. 1644)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of same and none against, and accordingly the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Concerning Utility Deposits (S. P. 422) (L. D. 1243) (C. "A" S-261)

An Act Making Appropriations from the General Fund for Operations of the Seed Potato Board (S. P. 517) (L. D. 1439) (C. "A" S-233)

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

Passed to Be Enacted

An Act to Amend the Law Relating to Foreclosure Proceedings by Civil Action (H. P. 773) (L. D. 918) (C. "A" H-463)

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

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

Mr. RACINE: Mr. Speaker, I would like to pose a question through the Chair. Would somebody explain to me what we are doing here with this bill?

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

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I would direct your attention to L. D. 918 and the accompanying amendment under filing H-463. Let me explain the first section of the bill.

Presently, there are three methods by which a foreclosure procedure can be brought. The reason for this is that it was a common law right to foreclosure and this has been added to through statute. What this bill does is, basically, clean up the language by stating that for the foreclosure of a mortgage by any method authorized by this chapter, and it takes out the two subsections of Section 6203 of Title 14.

Section 2 of the bill, I think, is important. This bill establishes foreclosure priorities and reduces expense to mortgagors by limiting the requirement that priority mortgagees need to defend against subsequent mortgage foreclosures.

What occurs in instances where you have more than one mortgageship, three mortgages on a piece of property, under present law, if a person defaults on one mortgage to a mortgagee, the mortgagee must bring an action against all of the other mortgagees who were before him or her in priority. What this bill will say is that only notice will have to be given and that you would not have to bring an action against the other mortgagees.

Section 4 of the bill has been eliminated. Section 4 attempted, before it was amended, to limit the deficiency judgment to owner-occupied, single-family dwellings. It was the feeling of the Committee on Judiciary that this provision should be removed from the proposal to limit deficiencies in the case of purchases of mortgagees at a public sale of owner-occupied dwellings. Basically, the committee felt that deficiency should be limited in all cases of purchases by mortgagees at a public sale, as is in

the current law.

The bill came before the legislature to the Judiciary Committee, it did not have any opponents, and was sponsored by the good gentleman from Monmouth, Mr. Davis, in an attempt to streamline the procedure by which everyone can benefit, the mortgagees, meaning the banks, and those good-faith mortgagors.

I urge you to support the unanimous report of the Committee on Judiciary.

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

Later Today Assigned

An Act to Regulate the Use of Motor Vehicles on Ice-covered Bodies of Water (H. P. 992) (L. D. 1180) (C. "A" H-455)

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

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

Mrs. DAMREN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have someone table this until later today. We are having an amendment prepared to protect the snowmobilers and it will be ready later this afternoon.

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

An Act to Provide Sales Tax Exempt Status for Nonprofit Family Crisis Service Agencies (H. P. 1113) (L. D. 1318) (C. "A" H-465)

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

An Act to Require Smoke Detectors in All Multiapartment Dwellings and New Single-family Residences (H. P. 1409) (L. D. 1573) (C. "A" H-452)

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

Mr. Carrier of Westbrook 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 West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I thought I would give this bill one more shot. I am a surrogate landlord, as everybody knows by now, but I would like to tell you that I don't have the heart of a meat axe, I don't have the soul of a commissar, I don't dine on grilled tenant every day.

Last Saturday, I took a walk into Hyde Park. In our apartments, I think we have a good cross-section of Maine. We have people who work at the Bath Iron Works, we have people who work at the navy base, work at Congress Sportsweek, Arrow, Health Tex, some work in the supermarkets, we have retired people, we have people who just got married, some have children. So I feel, in deference to the remark that was made here a while ago, we don't have any fat cats in Hyde Park. They are a composite of Maine.

I took a walk through the park, as I do every day when I get a chance, but I don't have too much time, so I took Saturday off and took a walk through. I didn't talk with everybody but the question I took on a gallop poll — what do you think about smoke detectors? I began to think I wasn't going to find anybody that had one but I finally found a lady who said, a couple of Christmases ago, she had given all her chil-

dren a smoke detector, she didn't bother to buy one for herself but gave one for Christmas. I knew a couple of her children who did live in the park, so when I went down the street I went into one of the houses and son-in-law was there and I said, you got a smoke detector? He said, yes, but it isn't working, the batteries are run down and I haven't bothered to replace them. So, I told him the reason for my question and he said, what is that going to cost? Well, I said, a conservative estimate, it will cost the Hyde Park apartments probably \$5,000 to put them in. He said, who is going to pay for it? I said, you know who is going to pay for it ultimately. We don't have any barrel of gold down there in the office and the next time we have a rent increase, it is going to factor into it, you can't help it. He said, who is going to maintain them? I said, the bill says that if you are caught without one working, why you are liable to a \$500 offense, so I think conceivably, if they picked up a couple of 100 of these, it could be \$100,000. He said, isn't that a good way for tenants to harass you? If they don't like you, they can disconnect the darn thing and do something to it and then they could call whoever is supposed to enforce this law and have them come down. I said, yes, I suppose it could be that. He said, in other words, they are forcing everyone to have one of these whether they want one or not? Isn't that a form of Socialism? I said, we have been traveling down that road for a long time, so I guess we probably are still on it, so I couldn't find any ground-swell of tenants who live in Hyde Park Apartments that were at all interested in having one of these.

I do not feel that this is a realistic bill. In theory, it sounds fine, but it will not work. We have gone through that before. I would urge you to vote against adopting this ordinance.

The SPEAKER: A roll call has been ordered. 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 — Baker, Beaulieu, Benoit, Boisvert, Brennerman, Brodeur, Callahan, Carroll, Chonko, Clark, Connolly, Cox, Davies, Diamond, G. W.; Diamond, J. N.; Drinkwater, Fitzgerald, Foster, Fowle, Gillis, Gowen, Gwadosky, Hall, Higgins, H. C.; Joyce, Kane, Kany, Ketover, Lisnik, Livesay, Locke, Lund, Macomber, Mahany, Manning, Martin, A.; Matthews, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Mitchell, E. H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, P.; Pearson, Perkins, Pouliot, Prescott, Reeves, P.; Richard, Rolde, Smith, C. B.; Soulas, Swazey, Tarbell, Theriault, Thompson, Tuttle, Vose. The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K. L.; Carrier, Carter, Conary, Connors, Crowley, Curtis, Damren, Davis, Day, Dexter, Dillenback, Dudley, Erwin, Gavett, Hanson, Hayden, Hickey, Higgins, L. M.; Hobbins, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Jordan, Kelleher, Kiesman, Kilcoyne, Lancaster, LaPlante, Lewis, MacBride, MacEachern, Masterman, Masterton, Michaud, Nelson, A.; Paradis, E.; Paul, Perry, Peterson, Post, Racine, Randall, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C. W.; Soule, Stevenson, Stover, Strout, Studley, Telow, Treadwell, Twitchell, Walker, Webster, Wentworth, Weymouth.

ABSENT — Brannigan, Cunningham, Laverriere, Martin, H. C.; Michael.

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

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

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

Mr. JALBERT: Mr. Speaker, having voted

on the prevailing side, I move that the House reconsider its action whereby this Bill failed of enactment.

I have been wanting to make these remarks for a long time. For the last 17 years, I have found myself in the position where I work as being an officer, and I have discussed it with you, Mr. Speaker, on several occasions, I have never voted as an officer of the railroad on a railroad bill, I have never voted on a trucking bill, I have never lobbied anybody on it, and someone along the line, I think personally the conflict of interest law that we have in this state doesn't amount to a tinker's darn.

I happen to like the gentleman from West Bath, Mr. Stover, but when he spends the time to tell us that last Saturday he took a walk around Hyde Park, in all honesty, if he took a walk around the area of Bath to visit the properties that he owns, I will tell you he must have had to leave early, if he walked all over the area that he owns, and come back home late. I call that in direct conflict of interest, and as one who at times has not said anything when it cost my company millions of dollars, it kind of hurts, not just the gentleman from West Bath, Mr. Stover, I like him, but he is the man that spoke and he is the man that I have to speak to — I think somewhere along the line before we leave here, we ought to do something, Mr. Speaker, about the conflict of interest law that we have on our books or else strike it out and forget it. At least I may be able to get my licks in once in a while.

This is a good piece of legislation. I know what some tenants do, I know what some landlords do. I know what they do to homes if they can't make any money. I can't make any money. I can't say anything like that against Mr. Stover of Bath because I know of his reputation and I know of his family's reputation, Triple A, I am just talking now inside the railing but when I get out there it is all over. I know the gentleman from Bath and I will be as friendly as we were when we first met.

It was my pleasure to have known him when he first came here, I know many, many members of his family and some are very, very close friends of mine. I am sorry that I have to appear to pick on somebody, but I am not trying to do that at all.

I know what landlords do, some good, some bad. I certainly know what some tenants do, some good, some bad. I know that some of them might even take the battery out of the smoke detector to put it in their flashlight. I know that just to be nasty, they might even take the detector off and just stomp on it. I also know that they might rip up all the carpet they can find off the floor in the kitchen and go hock it. I don't only know, I have seen it done. I also know that we have a couple of people in this state, I don't know them by name, by their names that they were born under, all I know "The Torch", so it works two ways.

This would not affect me, although I am barricaded at home and I am protected, and I mean it, since I happen to care in case something happened to me.

Gee, you know we just turn around in the closing moments of the legislature and sometimes we might not pay all the attention in the world to bills that might be sound. Now, in my humble opinion, this bill is a good bill, it is an excellent bill. How many people have you heard now with the stoves and the chimneys that are wrong, put up wrong, and they just cut into the chimney to put the stovepipe in and all that, you know, fire starts, people are burned. It is fair to say that several houses have had fires in recent years, possibly the fire department didn't have the water — I happen to know of a place, the house burned right to the ground — why? Because they couldn't get the water. One youngster was burned to death. I know one thing, if a bell had gone off, the child's life might have been saved.

We spend millions of dollars protecting chil-

dren from being abused. I am voting for this bill because it might save the life of elderly, semi-elderly, like myself, youngsters and children. This is a good bill, and I am asking you to look down in your heart and agree with me. I hope this bill passes to be enacted.

I hope that you vote for reconsideration so a motion can be made then to enact the measure.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: Every word that the gentleman from Lewiston, Mr. Jalbert, has uttered, I support him one hundred percent.

We go to build a home, we spend \$30,000, \$40,000, \$50,000, and you mean that the people in this state are so cheap as not to spend \$10 or \$15 for an alarm system that could save their entire family? The good gentleman from Lewiston cited where there was the loss of the life of one child. We all deplore it, and I can cite an instance in my home town where four small children were wiped out in a fire. This was before these alarm systems came into effect, came on the market. If these systems had been on the market at that time, I am sure these four children would have been amongst us today.

I urge you to look down deep in your hearts and come up with a vote for the children, the aged and infirmed, give them a chance.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: When I voted on this bill previously, I voted incorrectly, I didn't discover it and I had to stand up and change my vote. One of the reasons that I would like to speak to you today is that I do have a little insurance business, I don't do much but I do a little, and we do give discounts for smoke detectors in their homes. I think anybody who has any property that doesn't have a smoke detector is losing money because if he has one in good working order, he gets a discount on his policy. For heaven sake, if we can save a life, if we can give a discount on a policy, what is wrong with the bill?

I know what you are saying, you are telling us we have to do something. Let me tell you something, ladies and gentlemen, everybody should have somebody looking over their shoulder in life no matter how big we are or how small we are, because it helps us to lead a better life, and this will save some elderly person, some young child or anybody's life. I know of three people in the prime of life that lost their lives in a fire, and had they had a good smoke detector, they would have had time to get out.

If we work something like this, I don't think it goes against the grain of good common sense to legislate. It isn't telling you, it is only pointing to you that you overlook a chance to save a life and to get a discount on your insurance policy. Is that wrong?

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House Reconsider its action whereby this bill failed of enactment. Those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Strout of Corinth 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 pending question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House reconsider its action whereby this bill failed of

enactment. Those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Beaulieu, Benoit, Boisvert, Boyce, Brennerman, Brodeur, Callahan, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Foster, Fowlie, Gillis, Gowen, Gwadosky, Hall, Higgins, H.C.; Hobbins, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lisnik, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Martin, A.; Matthews, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, P.; Paul, Pearson, Perkins, Perry, Pouliot, Prescott, Reeves, P.; Richard, Rolde, Smith, C.B.; Soulas, Swazey, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Carrier, Carter, Conary, Conners, Curtis, Damren, Davis, Day, Dexter, Dillenback, Gavett, Hanson, Hickey, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, LaPlante, Lewis, Livesay, MacBride, Masterman, Masterton, Nelson, A.; Paradis, E.; Peterson, Racine, Randall, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.W.; Soule, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Twitchell, Walker, Webster, Wentworth, Weymouth.

ABSENT — Brannigan, Cunningham, Dudley, Hayden, Jacques, Laverriere, Martin, H.C.; Michael, Post.

Yes, 77; No, 64; Absent, 9; Vacant 1.

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

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

By unanimous consent, ordered sent forthwith.

An Act to Amend the Hazardous Waste Statute to Meet Certain Requirements for Delegation of the Federal Program and to Provide Internal Consistency. (H. P. 1527) (L. D. 1640)

An Act to Specify the Exemptions which will Apply in Bankruptcy Cases (H. P. 1530) (L. D. 1642)

An Act Relating to Permits and Inspection for Electrical Installation in Commercial Buildings under the Electrician Law (H. P. 1531) (L. D. 1643)

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, ordered sent forthwith to the Senate.

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

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Establish a Consolidated Map of the State of Maine" (H. P. 1158) (L. D. 1379) have had the same under consideration and ask leave to report:

That the House recede from Passage to be engrossed as amended by Committee Amendment "A" (H-373); Indefinitely Postpone Committee Amendment "A" (H-373); read and adopt Committee of Conference Amendment "A" (H-482) attached herewith and pass the Bill to be Engrossed as amended by Committee of Conference Amendment "A" (H-482) in non-concurrence.

That the Senate recede from Indefinite Post-

ponement; Indefinitely Postpone Committee Amendment "A" (H-373); read and adopt Committee of Conference Amendment "A" (H-482) and pass the Bill to be Engrossed as amended by Committee of Conference Amendment "A" (H-482) in concurrence.

Signed:

Representatives:

CARTER of Winslow
FOWLIE of Rockland
BELL of Paris

—of the House.

Senators:

AULT of Kennebec
HUBER of Falmouth
PRAY of Penobscot

—of the Senate.

Reports were read.

Thereupon, the Committee of Conference Report was accepted.

The House receded from its action whereby this Bill was passed to be engrossed as amended by Committee Amendment "A".

Committee Amendment "A" was indefinitely postponed.

Committee of Conference Amendment "A" (H-482) was read by the Clerk and adopted.

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

Bill Recalled from Governor

(Pursuant to Joint Order—House paper 1547)

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

—In House, Passed to be Enacted on May 14.

—In Senate, Passed to be Enacted on May 14.

On motion of Mrs. Prescott of Hampden, under suspension of the rules, the House reconsidered its action whereby L. D. 1078 was passed to be enacted.

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

On further motion of the same gentlewoman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-487) was read by the Clerk.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I thank you all for bearing with me. This bill did get enacted in both the House and the Senate and was on the Governor's desk but there was an error in the bill. In the bill, we allowed for the rules of a department to be approved by the Committee on Health and Institutional Services and that should be approved by the full Legislature and this amendment does address that.

House Amendment "A" to Committee Amendment "A" was adopted.

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

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

Orders of the Day

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

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

Pending—Passage to be Engrossed.

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

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

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

Tabled—May 26 (Till Later Today) by Representative Diamond of Windham.

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

On motion of Mr. Cox of Brewer, House Amendment "B" was indefinitely postponed.

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

House Amendment "D" (H-481) was read by the Clerk.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: This Amendment "D" is the result of a group that worked all day yesterday to address the objections that were raised to the bill at its first debate. The group was made up of Representative Hobbins, Representative Murphy, Representative Cox and Mrs. Yvonne English of the Maine Police Chiefs Association; Mr. Richard Griffin, Chief of Police of Augusta; Mr. David Cook, the Kennebec County Attorney and Mr. John McAllery, the Aroostook County Attorney and this represents an agreement between all of these parties and it is not a compromise, it is an attempt to present the best bill possible, and I hope that this body will accept the amendment.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: If I can try to explain to you how we have arrived at this point — under present law, public drinking is a civil offense. The officer writes a ticket after he has seen the consumption of liquor. Possession is not grounds. In court, many of the cases are lost when an officer is asked by lawyers, (1) did you see the level in the bottle drop — pretty difficult in the dark to see; (2) or did you see the Adams apple move? With a maximum \$50 fine, and more often than not a \$25 penalty, many of these individuals repeatedly ticketed say that it is worth the price for the fun, plus the penalty is weeks or even months away in a distant courtroom.

Read the court records in October and November for some instances that were written in July. Despite repeated ticketing, the local community can't pull off the situation even if they are lucky enough to see a lot of Adam's apples moving.

This isn't just a coastal bill. The problem exists in our parking lots, sidewalks, street corners, in front of stores, in parks; anywhere there is a beach front we have a problem.

In a variety of hearings that were held on the different bills, there were letters from chambers of commerce throughout the state; Maine Innkeeper's Association; Maine Restaurant Association; police chiefs from throughout the state stating that with the existing law there is a problem. The only difference from community to community is the severity of the problem.

A variety of bills dealing with public drinking were introduced during this session. They were routed either to the Legal Affairs Committee or Judiciary Committee.

At the Judiciary Committee hearings, the emphasis was placed on the riots that occurred at Old Orchard. At the Legal Affairs Committee, the hearing emphasis was placed on the problem public drinking creates on the local level. If I could repeat that, because that will be a key to the discussion today, the Judiciary approach dealt with specifically Old Orchard and riots; the Legal Affairs Committee dealt with the problem of public drinking. Both sets of hearings were well attended and that com-

mittee's special area emphasis was reflected in the bills that were reported out and which are before us today.

At first, many of us were convinced that an error had been made when the public drinking bills were referred to two committees. Now I think possibly the public will benefit from the blending of these two areas' emphasis. Three bills emerged, L. D. 93 which is before us, which proposed to change the penalty from civil to criminal Class E; L. D. 172, which was proposed as an enabling act for local communities to enact their own public drinking ordinances, and L. D. 1207, which continued the civil status and the writing of summons and then went beyond that to deal with riots or disorderly conduct situations that might develop.

If I could be very objective and very honest with you and give you weaknesses of all three bills as they were originally printed, the first L. D. 93 was the more severe penalty, changing from civil to Class E, even if the community didn't have a problem, or if the problem wasn't as severe as the other communities.

The second bill, 172, with local ordinances, would create a hodge-podge throughout the state in terms of the types of ordinances, definitions or penalties.

The third bill, 1207, didn't add enforcement teeth to the civil approach.

I am afraid that in the last week, we were all jealously guarding our own particular approach to the problem. Last Friday on the floor and in private conversation, Representative Jacques and MacEachern raised some very good questions that needed to be addressed. Many of us remained after that session, talking, or more honestly I would say, arguing about which approach would be best for all of Maine's communities.

At the suggestion of Speaker Martin, and it was good advice, the two committee chairmen met and formed a group, such as Chairman Cox indicated, and all three bills were reviewed with an eye to which of the three was enforceable from the police officer's viewpoint, from the prosecutor's viewpoint, but also balance the rights of the general public. Out of that discussion emerged House Amendment "D", filing number H-481, to L. D. 93, and if I can give you the general agreements or concepts that emerged: The concept that the civil approach was not working, the summons does not diffuse the situation before it can turn ugly. The act of a written summons itself can act as a magnet or spark for the disorder. One Representative this morning, in conversation out in the hall, said that his officers can't finish writing the ticket without getting hit by bottles, bricks or physically assaulted. It was agreed that taking the individual into custody would be the best way of dealing with the problem.

The second concept or area of agreement was to incorporate a warning, an oral warning, into Amendment "D", so that a citizen with his family in a park or at the beach, public beach, would be warned that he or she was in violation. It is the legislative intent that common sense will be exercised by the municipalities and that its provisions will be used when the act of public drinking reaches the potential of being disorderly and, most important of all, begins to infringe upon the rights of the general public.

The present definition of public drinking is weak. We added to that the open container provision and built in some protection that after warning the person can take steps to comply with the law. The decision was made to deal with only publicly-owned property. No one involved in the discussion wanted to legislate for private property. Owners of private beaches with public access can regulate whether to drink or not to drink, and if they do allow drinking and the drinkers get out of hand, the owner can ask them to leave; if they refuse, criminal trespass or criminal disorder applies. I think there would be a real outcry from private prop-

erty owners if they knew that we were discussing or could discuss regulating public drinking on private property.

Also within that bill, we expanded the public place to include parking lots or private ways adjacent to public ways to deal with the problems in the small towns.

So, the major difference in the two amendments that are upon your desks is that with amendment "D" the focus is on the act of public drinking and the problem it creates in the local community with the built in protection for the citizen of a warning. Amendment "E" which is also on your desk, its focus is on the riots, the Old Orchard type of riots which we are familiar with, and again the emphasis is placed on the written summons.

I think after we have discussed it and looked at it, there is an option built in there for a police officer that he could approach Corner A and give a written summons and within five minutes turn and criminally arrest another individual and it could depend upon length of hair or intown or out of town resident, and I think as we deal with this problem, there has to be a uniform approach. It can't be civil in one approach, criminal in another, and we would hope today that we could take this positive step and accept Amendment "D" to L. D. 93.

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

Mr. LIVESAY: Mr. Speaker, Ladies and Gentlemen of the House: Last week when I rose in opposition to this bill, I did so because I found it defective in two areas. In the first place, it made public drinking a Class E crime, and that is something that I feel public drinking is not. In the second place, L. D. 93 got bogged down in the definition of a public place. Those problems that existed at the end of last week continue to exist.

The amendment Amendment "D", redefines a public place to include essentially government-owned property, parking lots and then it gets into apartment dwelling lobbies and that sort of thing.

One area that it excludes is that the privately-owned beach facility, such as Thomas Point Beach in Brunswick or White's Beach in Brunswick, and under Amendment "D", public drinking in these areas is no offense at all. It is not a civil offense, as it presently is, and it is not a Class E crime, so I think what we have is a situation where we may be addressing the problem that exists on publicly-owned property, in an Old Orchard Beach type area, but by addressing that problem, we are emasculating, at least, the Brunswick Police Department, and I am sure that there are any number of other privately-owned recreational areas around the state where enforcement officers will no longer have the opportunity to address the drinking problem on the civil offense basis.

I guess I have a number of other problems with Amendment "D". First of all, there has been a suggestion that Amendment "D" requires that before a person be arrested for public drinking and charged with a Class E crime, there has to be a warning. I don't see that anywhere in Amendment "D", it is not there. There is another inconsistency in Amendment "D" that I absolutely can't fathom and that is the section that says, and this is on the bottom of the second page, that a person is guilty of public drinking and then it goes on and says, unless he has been given permission to do so by the owner or an authorized person.

It seems to me that if the Legislature is going to pass an act that says drinking in public is a Class E crime, it would be an improper delegation of legislative authority to turn around and allow some authorized individual to say to a person who wanted to drink on this public property, that is all right, go ahead. I absolutely don't understand the rationale behind that one. I really don't know what is going to happen once that person who has received permission gets out of control and the officer comes to

arrest him. Is the disorderly individual going to say, well, I have got permission, this is not a Class E crime, leave me alone? It seems to me that that is a possibility.

There is another approach which I find far preferable, and this is the approach that is suggested in Amendment "E". This approach simply has the officer who finds an individual drinking in public, confronting that individual and saying, sir you are committing a civil offense and I think you should leave. Then, if he fails to leave, he could be arrested for failing to obey a police officer because we have made that failure to leave a Class E crime.

The beauty of this, in my mind, is that it leaves public drinking as a civil offense, which is precisely where it ought to be, and it affords the officer an opportunity to break up potentially riotous situations and it also enables the officer to address the single individual who is harassing somebody on Main Street.

There is no requirement that a written summons be given, as Representative Murphy has indicated, and I just don't see why that is not the far preferable way to go. I think it would be a shame to burden somebody with a criminal record simply because he was drinking beer at Popham Beach or drinking beer in a boat on Moosehead Lake and that, ladies and gentlemen, is precisely what will happen under L. D. 93.

I think it is sort of a shotgun approach that kills a lot more ducks than it ought to be killing. I would hope that you would not support Amendment "D" and then, at a later time this morning, maybe we could take action on Amendment "E".

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I just picked up a problem with House Amendment "E" and I had not intended to do much speaking on this but I wanted to mention this but I wanted to mention this. It says, "drinking in a public place, any person taking a drink of liquor or offering a drink of liquor to another, or any person in charge of public place knowingly permitting drinking at or in a public place." It looks to me as if this is opening the door to whomever is in charge being subjected to a charge as well as the person who is drinking. It seems to me that we are opening a door to harassment of a totally different class of people than at present.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: One of the problems with drafting a good type bill that is going to do what we want it to do, and that is to get the rowdy people who are drinking under criminal sanction so they can physically be arrested and taken away, but yet not overly draft and get ordinary citizens who might be out with their family and have a six pack of beer or a bottle of wine and then wind up arresting them when they are not rowdy. Those are two extreme kinds of cases and one of the problems that we have is a drafting problem in attacking the rowdies with criminal sanctions but not the ordinary citizen that is not really raising much of a commotion with a criminal sanction. The definition of public place is really at the heart of trying to write a bill with surgical precision.

What House Amendment "E" is as opposed to "D", and if you haven't pulled them both out, you ought to, "D" is H-481 and that is the pending one before us and "E" is H-488. What "E" does is, it takes the current law, public drinking in a public place under Title 17 is illegal. It is on the books, it is current law. It is a civil infraction bill, and it is only punishable up to a \$50 fine.

What "E" does is that it takes the current law and grafts onto it by increasing the maximum fine for a civil punishment to \$150, and it goes one step further and it says, if you drink in a public place, the officer not only has the civil

sanctions available to him to write you out a summons and say you have to come to court and you may have to pay a fine for a civil infraction, which is not criminal, does not go on your record, but he also has under "E" criminal sanctions available to him, so he has got everything available to him. He can use the civil approach or he can use the criminal approach or he can use both.

Under the criminal approach, the officer says, you are drinking in a public place, it is illegal under Maine law, I am ordering you to leave. If they don't leave, he can arrest them for a Class "E" crime and take them into custody. So "E" gives them the full panoply of the options. It increases the civil fine to a maximum of \$150. It lets the officer on the street use his discretion as to whether or not the circumstances warrant using the civil approach or the criminal approach. In the Old Orchard situation, if you have a problem that must be dealt with immediately, he has the criminal powers to make that arrest by ordering them to leave the premises. It can be one person, two people or 200 people, the order is given, it is violated, arrest, and you don't have to write out a civil summons, you don't even have to bother with it. That takes care of the rowdies.

If it is somebody that is not causing a great commotion and you want to deal with them, the officer wants to deal with them in a less violent or less severe fashion, he has the civil approach where he can write them a summons and say, I am sorry but you are violating the laws, it is a public place, you shouldn't be doing it and I am going to give you a civil summons and you are going to have to come to court and may have to pay a fine. That way, it deals with the less serious cases but he has the criminal sanctions to deal with the less serious cases.

The problem with "D"—"E" and "D" are very, very similar, but the problem with "D" is that it goes off on a different track and redefines a public place and "D" would only affect the government-operated premises, places. "E" takes the current law, the current definition of a public place, the current law, and just grafts onto it the Class "E", failure to leave if the officer orders you, a Class "E" crime, arrest powers.

The other problem with "D" is, on the one hand it says it is illegal and it is a crime to drink in public, you can be arrested for it. However, if you are given permission to drink, you can go ahead and drink, so on the one hand, "D" makes it a crime, and on the other hand it takes it away. I don't know under our criminal statutes whether or not that is really a good policy, to say something is a crime unless the person who is operating the place says that it is okay, that it won't be a crime. That really opens up the possibility for selective prosecution and ambiguity as to what is and what is not a crime, at what place, at what time and who do you ask?

So, I think "E" accomplishes all that you wish to accomplish by giving the law enforcement officer out on the street the power to arrest in emergency circumstances and to take somebody into custody, but it also allows the law enforcement officer to use a little gentler discretion if circumstances warrant. I guess what I am asking you to do is to take a look at both amendments. I would urge you to not support the one pending before us, which is "D" and let's attach House Amendment "E" onto the bill. I think that will do all we need to do.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that the House would finally move to do something. It is five minutes past one and we have been here since nine-thirty, and I believe that we have absorbed, at least we are not children, we should be able to understand the issue and the amendments; if we haven't, we shouldn't be here.

The SPEAKER: The Chair recognizes the

gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I apologize to Representative Kelleher for rising, but after hearing the good gentleman from Bangor, it reminded me of my law school days, and as the good gentleman knows, he took a moot course argument and I took a moot court argument. He is arguing in the theoretical but the realistic point of view is this — the civil provisions under the public drinking law have not worked. House Amendment "D" is an attempt to change the present situation to provide some teeth. It was worked on yesterday by two district attorneys of the state, by the executive director of the Maine Chiefs of Police Association and by several legislators. It is an attempt to address those problems which were raised last week in our debate.

L. D. 93 provides a warning, a warning mechanism, so that the average citizen or the citizen who doesn't want to disobey the law but doesn't know what the law is can be told to put his or her beer away or drink away, and after that warning, if that person doesn't accept what the officer said, then the officer can put the person under arrest.

I would hope that we would look at this realistically and address the problems that we have not only in Old Orchard Beach but other areas of the state. I urge you to support Amendment "D".

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

Mr. LIVESAY: Mr. Speaker, Ladies and Gentlemen of the House: We have, on several occasions, heard reference to the fact that there is a requirement of an oral warning under Amendment "D". I would ask members of the House to take a look at Amendment "D" and see if they can find anywhere in there the requirement that there be an oral warning. I have looked at Amendment "D" and it is not there. What will happen under Amendment "D" is, a law enforcement officer will find somebody drinking in public, will note a sign on the wall or on the beach that says drinking is not allowed and he will arrest them, a Class "E" crime. My concern is that before anybody can be charged with a Class "E" crime, they have an opportunity to exercise their discretion and avoid that stigma, and they can do it under Amendment "E" simply by leaving once the officer suggests they ought to leave the premise. Under Amendment "D", there really is not that opportunity.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: If you will turn to Amendment "D", page two, subsection two, a person is guilty of public drinking after being forbidden to do so by the owner or authorized person, either personally or by notice posted conspicuously on the premises — that is the warning.

The SPEAKER: The Chair will order a vote. The pending question before the House is on adoption of House Amendment "D". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 25 in the negative, House Amendment "D" was adopted.

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

Mr. COX: Mr. Speaker, having voted on the prevailing side where House Amendment "D" was adopted, I move that the House reconsider its action and hope you will all vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Cox, having voted on the prevailing side now moves that the House reconsider its action whereby House Amendment "D" was adopted. Those in favor will say yes; those opposed will say no.

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

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "D" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mrs. Mitchell of Vassalboro, Recessed until four o'clock in the afternoon.

**After Recess
4:00 P.M.**

The House was called to order by the Speaker.

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

**Second Reader
Later Today Assigned**

Bill "An Act to Amend the Maine Securities Act" (H. P. 1541) (L. D. 1656)

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

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

Mr. McHENRY: Mr. Speaker, I would like to have someone table this until later today. I have an amendment as chairman of Bills in the Second Reader being prepared.

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

Passed to Be Engrossed

Bill "An Act to Amend the Rule-making and Review Process of the Maine Administrative Procedure Act" (H. P. 1542) (L. D. 1657)

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

Mr. Diamond of Bangor offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-494) was read by the Clerk.

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

Mr. DIAMOND: Mr. Speaker, Members of the House: This amendment is one presented dealing with a major bill that the Committee on State Government has been working on for a good part of the session, that being one that deals with the state's rulemaking procedures. There is a lot of concern over the great amount of flexibility that Maine's rulemaking agencies have had in establishing Maine's rules. One particular section that this amendment deals with is what I consider a technical amendment to a problem in the new draft of the bill that the committee reported out.

The bill attempts to make it clear that an agency, in promulgating a rule, is specific in the reasons why it makes changes to the original proposed rule. Agencies hold hearings such as we hold on their rules, proposals are made, public hearings are held where testimony is brought forth in favor and in opposition to the proposal, and following that, the agency then may make a final proposal or make an amendment or amend the proposal in order to respond to the problems or concerns that are raised at the hearing and through other information brought forth, in a manner similar to that which we deal with our legislation.

In the bill, the proposal in Section 6 on Page 2 refers to the procedures and says that the agency may not stray from the proposed rule that it presents, unless it documents and makes specific findings supporting the changes that it makes.

That sounds good on the surface, but in discussions with the people who will have to defend those changes or that section of the law, members of the Attorney General's Office, lawyers who will be dealing with this, both defending it and arguing against the rules, they say that that particular wording that makes

specific findings is one that is really what some have called a lawyer's paradise, that would enable persons representing people with complaints with the state's rulemaking procedure to use that as a vehicle to get at the rule regardless if their problems deal with that particular part of the proposal or with the rule.

My amendment clarifies that by doing away with the language that says, "makes specific findings" and instead, and I believe in layman's terms, makes it clear. It says, "In adopting rules, the agency shall only make changes that are consistent with the proposed rule, except when the change is in response to a concern raised in comments," meaning that they have to justify their action, which is the intent of the section which I hope to amend, although in reality it is, I believe, a clearer wording.

Also, the second sentence in my amendment says that changes from the proposed rule shall be explained in the basis statement of the final rule that has been proposed. In other words, not only do they have to justify making a change, but they also have to document it. That was the intent of the committee, I believe, and I feel that my amendment is much clearer in dealing with the problem that we all need to address.

I think it is a common feeling that agencies have tended to get out of hand in their implementation or their adoption of rules. I feel that my amendment is a clear and concise manner to restrict that flexibility, and I would hope that you would adopt this House Amendment.

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

Mrs. KANY: Mr. Speaker, Members of the House: I move indefinite postponement of this amendment.

L. D. 1657 is a refinement of the Administrative Procedures Act. Many of you have had constituents who have complained about rule-making, and many of you had bills in on this topic to refine the process. I believe one of the reasons we have so many proposed changes in this law before us is that, on occasion, our agencies are required by law to put a notice in the paper regarding the contents of a proposed rule, have done so, and then, on occasion, errantly perhaps, have changed the wording in that proposed rule so that when a rule is adopted it is different than that which has been proposed.

The language that our committee went with and, by the way, it was not quite a unanimous report, Representative Diamond did as the committee wished and offered a House Amendment, really, instead of going with the divided report and I do appreciate that and he is entitled to his opinion, but I think that the House and the Legislature would really rather see an agency, once it has decided and has advertised to the public, to the citizens of Maine, what a proposed rule should be, should have to stick with it unless there are specific findings from public comments, either in writing or at a public hearing, that would indicate the rule should be changed from that which is proposed.

I do hope that you do not go with Representative Diamond's amendment, because it would do away with that in which specific findings would have to be found. I hope you will go along with indefinite postponement of this amendment.

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

Mr. DIAMOND: Mr. Speaker, Members of the House: Both Mrs. Kany, my good, good, good friend Mrs. Kany, and I are in agreement that something has to be done about the way in which agencies are putting together their rules, but, unfortunately, we disagree as to whether or not my amendment is better than the language already in the bill. There are other members of the committee who support my amendment. I agreed in committee that I would not put out a divided report because of

the complexity of the bill and instead address the problem through a House Amendment, which makes a lot more sense in my opinion.

I feel that she is wrong in saying that this takes away the restrictions that we are trying to place on these agencies. We are trying to put some reins on them, and I believe that my amendment does just as much and in a more defensible manner than does the original committee bill.

I would like to give you an example. There is an agency who proposes a rule and holds a public hearing on it. A number of people come to the hearing and say, we understand your intent but we have a better way to go about it. The issue may be a controversial one, so there will be people there opposing not only the rule but any regulation of that particular industry, concern or whatever it may be. The rule, if it isn't the opinion of the legislature, which has empowered the agency to make or establish rules on this concern, and the agency decides it wants to go along with some of the recommendations made at the public hearing, they would have the ability to do so in either bill but they would also have to document their reasons for going along with that.

Under my amendment, it would be clear that they would have to document that and the intent of the agency and the parameters that the legislature has established will be met in the basis statement that has to be provided when the final version of the proposal is issued.

In the proposal that is contained in the bill, there is a great amount of flexibility in those words, again, "make specific findings," that would enable that concern, that lobbyist or whoever it may be who has a problem with rule-making or whose employer has a problem with that particular rulemaking agency or whatever, it would provide him with the vehicle and the excuse to challenge it in court, because, as we all know, how specific is specific? What may be specific to me may not be specific to you, and for that reason alone, the courts will have to take a narrow view of what is specific and will have a hard time, or the state will have a hard time defending it because of that loose language.

Again, the Attorney General's Office has a great amount of concern over that, and a number of the agencies have as well, a number of people who have to deal with it have as well. I talked with some lobbyists who have looked at that and some have said, "off the record, I could have all kinds of fun with that. If I didn't like the rule, I would go after it and I would use that as a vehicle, I would use that statement, specific statement, or specific findings, because in legal terms, that is accepted as facts beyond a doubt and full facts." That would be something, again, that we would have a hard time agreeing on, what is specific.

They feel that the language in the amendment is more defensible, meets the exact same concerns, puts a clamp on them and will accomplish the goals that we want.

Without this, if we don't go with the amendment, we will be forcing agencies to go to a couple of extremes, at least, in order to promulgate the rules that we have empowered them to take on. They will either risk going to court altogether, they will go to court and take on this challenge and, by the way, there is no limit on when that can take place, it can be immediately after the rule is issued or it can be years down the road when somebody feels like challenging it, or they could go to the other extreme which is extremely dangerous, and that is, they could have the hearing, they could listen to the legitimate arguments of people who have problems and have to deal with the rules and ignore those rules because they are afraid to test this language in court. They would rather adhere to something they know addresses the problem somewhat than amend it to a version that is acceptable to all.

We want rules that are fair to everybody, fair

and reasonable rules. Let's not force the agencies into taking a position that cannot be defended or is not fair to the people that is applied to in order to get something across. I think the amendment deals with all of our concerns. The Attorney General's Office feels so, the majority leader from the other end of the hall believes so. A number of people in the legal community have said that the amendment is wise and is the right route to go if we want to deal with our problem, and again I would ask you to vote against the motion to indefinitely postpone.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Bangor, Mr. Diamond.

There was an Assistant District Attorney that worked with the committee a couple of years ago in creating the APA rules, his name was Simpler or Sampler, I am not really sure what his name is, but was he involved in the drafting of this amendment that is being offered today?

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

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

Mr. DIAMOND: Mr. Speaker, Members of the House: To answer my good friend from Bangor's question, he certainly was. I would be afraid to go to others for that answer, since he was one of the people who originally put together the Administrative Procedures Act. The gentleman that we are talking about knows more about it than anybody I can think of, and I felt very confident that if he had concerns about this, then, indeed, my fears were justified.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I was one of four or five members who put a bill in this session dealing with the Administrative Procedures Act purely out of frustration with departments writing rules and regulations that are absolutely different in spirit and character from laws that we pass in this House. And as Mrs. Kany well knows, we had a go-around with this particular item a couple of years ago. At the hearing when my bill was heard, I had an opportunity to meet this gentleman from down-stairs, and just my old fashion country suspicion is, we should kill this amendment. I agree with Mrs. Kany 100 percent.

Mr. Diamond made the observation that the departments and the agencies may have a problem in going to court and defending their rules because they might not win. Well, if that is the case, based on what he said, they shouldn't win, and I urge this House to indefinitely postpone this amendment and I ask for the yeas and nays.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to belabor this any longer. My friend and pal from Bangor, Mr. Kelleher, is right. This particular rule that is in the bill now came out of a proposal that he presented to the committee along with a number of other ones. The final version comes under a bill which I am cosponsoring, and we incorporated a number of these things in a new draft that kept in that language. When the person drafted this language that is in the bill now, who is involved in dealing with this and who prepared the portion of the bill that Mr. Kelleher has in this, agrees with my amendment. He agrees with my amendment. He is willing to go along with the amendment, and he understands the concerns and they are justified.

I hope you understand that I am not trying to defend the agencies or the bureaucrats or any-

thing. We are creating more red tape by not accepting this amendment. It will cause so many problems the agencies will not be able to implement laws that we have asked them to implement. We are doing ourselves a favor and the people who deal with these rules a favor by going with my process, because it is going to complicate the system tremendously by sticking with the language in the bill.

Again, please vote against the motion to indefinitely postpone.

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

Mrs. KANY: Mr. Speaker and Members of the House: I would like the House to know that the agencies have never liked the Administrative Procedures Act. Naturally, why should they? A lot of requirements for them, public hearings even, if five individuals so call.

I do hope that you defeat this amendment. It has been well thought through. I think you will be very pleased and the citizens of Maine will be pleased with the refinements in the Administrative Procedures Act.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this but it comes from my committee and it is really a tempest in a teapot here. If you read both amendments, there isn't enough difference between the two of them in the wording so you can understand the difference. So it would probably be just as simple to defeat this and go on with the original intent of the first L.D. that we had.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that House Amendment "B" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Carter, Conary, Cox, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Fitzgerald, Foster, Gavett, Gillis, Gowen, Hanson, Hayden, Hickey, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kany, Kelleher, Ketover, Kilcoyne, Lancaster, Lewis, Lund, MacBride, Mahany, Martin, A.; Masterman, Masterton, Matthews, McKean, McSweeney, Moholland, Murphy, Nelson, A.; Norton, O'Rourke, Paul, Perkins, Perry, Randall, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Treadwell, Walker, Webster, Wentworth, Weymouth.

NAY — Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Chonko, Clark, Connolly, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Fowlie, Gwadlosky, Hall, Higgins, H.C.; Hobbins, Kane, Kiesman, LaPlante, Lisnik, Locke, Macomber, Manning, McCollister, McGowan, McHenry, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; Paradis, E.; Paradis, P.; Pearson, Pouliot, Prescott, Racine, Reeves, P.; Richard, Rolde, Smith, C.B.; Swazey, Telow, Theriault, Thompson, Tuttle, The Speaker.

ABSENT — Connors, Cunningham, Damren, Erwin, Jalbert, Laverriere, Livesay, MacEa- chern, Martin, H.C.; McPherson, Michael, Peterson, Post, Tarbell, Twitchell, Vose.

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

The SPEAKER: Eight-five having voted in

the affirmative and forty-nine in the negative with sixteen being absent, the motion does prevail.

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

Bill "An Act to Phase Down the Inheritance Tax and to Replace the Inheritance Tax with an Estate Tax Equal to the Federal Credit for State Death Tax" (H. P. 1544) (L. D. 1658)

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

Amended Bill

Bill "An Act to Protect Persons with Children against Discrimination in Fair Housing" (S. P. 620) (L. D. 1625) (S "A" S-279)

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

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

Mr. STOVER: Mr. Speaker, I move the indefinite postponement of this Bill and all its accompanying papers and I would ask for a roll call.

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

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

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: Before we vote on this, I want you to know that we are voting on Supplement No. 13, Item 9-4, which is An Act to Protect Persons with Children Against Discrimination in Fair Housing. We debated this for a long time this morning. I will be brief. I just wanted you to know what it is. I don't think that anything has changed in the past four hours. The problem has not gone away, it is still there. I hope those of you who supported the bill this morning will support it again this afternoon, and remember that we are only trying to give the same protection to the children of the State of Maine that we give to many other groups of people that are discriminated against.

I think the children of the State of Maine are our most valuable resource, and they deserve the opportunity for decent and fair housing.

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

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

Mr. PARADIS: Mr. Speaker, I would like leave of the House to pair my vote with the gentlewoman from Belgrade, Mrs. Damren. If she were here, she would be voting yea; if I were voting, I would be voting nay.

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, D.; Brown, K. L.; Cahill, Callahan, Carrier, Carter, Conary, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Fowlie, Gavett, Hanson, Higgins, L. M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Kilcoyne, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Matthews, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paul, Perkins, Perry, Racine, Randall, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C. W.; Stevenson, Stover, Strout, Studley, Telow, Treadwell, Walker, Webster, Weymouth.

NAY — Baker, Beaulieu, Benoit, Boisvert,

Brannigan, Brennerman, Brodeur, Brown, A.; Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J. N.; Fitzgerald, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H. C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, LaPlante, Lisnik, Locke, Macomber, Manning, Martin, A.; Masterton, McCollister, McGowan, McHenry, McKean, McSweeney, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Pearson, Pouliot, Prescott, Reeves, P.; Richard, Rolde, Smith, C. B.; Soulas, Soule, Swazey, Tarbell, Theriault, Thompson, Tuttle, Wentworth, The Speaker.

ABSENT — Carroll, Conners, Cunningham, Erwin, Laverriere, MacEachern, Mahany, Martin, H. C.; McPherson, Michael, Peterson, Post, Twitchell, Vose.

PAIRED — Paradis, P.; Damren.
Yes, 67; No, 67; Absent, 14; Paired, 2; Vacant, 1.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-seven in the negative, with fourteen being absent and two paired, the motion does not prevail.

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

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

Ought to Pass in New Draft

Report of the Committee on Public Utilities on Bill "An Act to Authorize a Water District for the Town of Milbridge in Washington County" (S. P. 424) (L. D. 1246) reporting "Ought to Pass" in New Draft (S. P. 636) (L. D. 1651)

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

Mrs. Post of Owl's Head offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-491) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: This particular amendment simply removes reference to property tax exemptions, since any property within a water district is already covered under existing law. I just want to make sure that we don't have to give any reimbursement for property tax exemptions.

Thereupon, House Amendment "A" was adopted.

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

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

Ought to Pass in New Draft

Report of the Committee on Public Utilities on Bill "An Act to Restructure the Public Utilities Commission" (S. P. 439) (L. D. 1279) reporting "Ought to Pass" in New Draft (S. P. 637) (L. D. 1652)

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

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

Ought to Pass with

Committee Amendment

Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-272) on Bill "An Act Relating to Veterans' Tax Exemption" (S. P. 236) (L. D. 654)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-272) as amended by Senate Amendment "A" (S-288) thereto.

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

Committee Amendment "A" (S-272) was read by the Clerk.

Senate Amendment "A" to Committee Amendment "A" (S-288) was read by the Clerk.

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

Mr. RIDLEY: Mr. Speaker, I would like to pose a question. Could someone explain this Committee Amendment "A", just what that is, especially the part that is crossed out "this section terminates on March 31, 1982"?

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

The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: Earlier this year, this Legislature passed an emergency legislation which reinstated property tax exemptions for World War I veterans and disabled veterans which had been struck down by the court. Those were exemptions for people who were not residents of Maine at the time they went into the service. The legislation that we passed earlier this year was for one year only, and therefore the termination date was struck out that Representative Ridley spoke about.

This particular bill, which will go to the Appropriation Table, would continue the property tax exemptions for people who were not residents at the time they went into the service for World War I veterans and for disabled veterans, and would reinstate that property tax exemption for World War II veterans and other veterans.

It will take funding because of the court decision. It will require 50 percent reimbursement for these new exemptions, so it will sit on the appropriations table until the end of the session.

Thereupon, Senate Amendment "A" to Committee Amendment "A" was adopted in concurrence.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence.

Under suspension of the rules, the Bill was read the second time and passed to be engrossed as amended in concurrence.

Special Sentiment Calendar

Recognizing:

Stephanie Davis, of Brunswick, who captured the 1981 State Schoolgirl Tennis Championship on Saturday, May 23, 1981; (S. P. 641)

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

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

Passed to Be Enacted

An Act to Equalize the Tax Burden of Rural Community Health Centers. (S. P. 261) (L. D. 743) (C. "A" S-273)

An Act Concerning the Use Tax on Used, Damaged or Returned Merchandise Donated to Charitable Organizations. (S. P. 287) (L. D. 813) (C. "A" S-274)

An Act to Require Public Hearings Prior to Proposing Exchanges of Public Reserved Lands. (S. P. 455) (L. D. 1301) (H. "A" H-474)

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

Non-Concurrent Matter

Later Today Assigned

Bill "An Act to Establish the Municipal Cost Components for Services to be Rendered in Fiscal Year 1981-82" (Emergency) (H. P. 1290) (L. D. 1484) which was passed to be engrossed as amended by Committee Amendment "A" (H-468) in the House on May 26, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-468) and Senate Amendment "A" (S-290) in non-concurrence.

In the House: On motion of Mrs. Post of Owls Head, tabled pending further consideration and later today assigned.

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

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

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

Pending—Motion of Representative Davies of Orono to Reconsider Passage to be Engrossed.

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

Mr. HIGGINS: Mr. Speaker, a parliamentary inquiry. Does it take suspension of the rules in order to reconsider?

The SPEAKER: The Chair would advise the gentleman that the motion to reconsider must first be preceded by suspension of the rules.

Whereupon, Mr. Higgins of Scarborough requested a division.

The SPEAKER: All those in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Mitchell of Vassalboro requested a roll call vote.

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

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

The SPEAKER: The pending question is on suspension of the rules for the purpose of reconsideration. This requires a two-thirds vote of all those present and voting. All those in favor of the rules being suspended will vote yes; those opposed will vote no.

ROLL CALL

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

NAY—Aloupis, Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, D.; Brown, K.L.;

Cahill, Callahan, Conary, Curtis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Randall, Reeves, J.; Salsbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Wentworth.

ABSENT—Connors, Cunningham, Damren, Erwin, Laverriere, MacEachern, Martin, H.C.; McPherson, Peterson, Twitchell, Vose.

Yes, 81; No, 58; Absent, 11; Vacant, 1.

The SPEAKER: Eighty-one having voted in the affirmative and fifty-eight in the negative, with eleven being absent, and eighty-one being less than two-thirds of those present and voting, the motion does not prevail.

The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I think this is quite an important bill and I think it is important that we have a little understanding about what we are voting on here today. It is a very complex issue when you start regulating public utility rates.

Three years ago, the Public Utilities Commission established a customer service charge, and at present, everybody pays \$5.70. My concern is how L.D. 1240 will change this, and especially how this change is going to affect the agricultural community in this state.

Farmers are now charged for electricity according to the residential rate, and they pay 5.7 cents per kilowatt. This L.D. is going to remove the agricultural community and have the PUC rewrite their rate structure, and a family farm rate is going to be established. This is going to increase their rate 10 to 15 percent. I don't think that this is in the best interest of the agriculture of this state, and especially I don't think it is in the best interest of the 1,500 farms that this is going to affect.

The residential rate, the way they are going to change this, everybody will be charged a minimum rate of from \$4.70 to \$5.00 for the first 80 kilowatts that they use. Then, after that, you will have an additional charge for any additional electricity you use. The difference is, instead of paying 5.7 cents per kilowatt, you are now going to be paying 6.3 cents per kilowatt.

The return to the old minimum charge system will mean that every customer in Maine that has a year-round residency will partially subsidize the electricity bill for the out-of-state, wealthy vacation homes.

I would like to have Mr. Davies or someone answer the question about why presently there is a customer service charge and who is going to absorb this \$24 million if this bill goes through?

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

Mrs. MITCHELL: Mr. Speaker, I would like to pose a question through the Chair to either the gentlewoman from Bethel or the gentleman from Scarborough. At least the gentlewoman has alluded to some problems with the bill. I know that the people who are in support of the bill have attempted to suspend the rules in order to amend the bill in order to address some of the issues that people are concerned about. I would like to know why they are opposed to suspension of the rules if the bill can be amended to make it a good bill?

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

Miss BROWN: Mr. Speaker and Members of the House: I have seen the two amendments come across that will address this issue and it is not going to clean up the bill. The problems are still going to be there.

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

Mr. DAVIES: Mr. Speaker, I move the rules

be suspended for the purpose of reconsidering whereby this Bill was passed to be engrossed.

Whereupon, Miss Brown of Bethel objected.

The SPEAKER: The Chair will order a vote. All those in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Mitchell of Vassalboro requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Davies, that the rules be suspended for the purpose of reconsideration. This requires a two-thirds vote of all those present and voting. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brenerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Fitzgerald, Fowlie, Gowen, Gwadosky, Hayden, Hickey, Higgins, H.C.; Hobbins, Huber, Jacques, Jalburt, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, Macomber, Mahany, Manning, Martin, A.; McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soulas, Soule, Swazey, Theriault, Thompson, Tuttle, Webster, Weymouth, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Bordaex, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Randall, Reeves, J.; Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker.

ABSENT—Connors, Cunningham, Damren, Erwin, Hall, Laverriere, MacEachern, Martin, H.C.; McPherson, Peterson, Twitchell, Vose, Wentworth.

Yes, 80; No, 57; Absent, 13; Vacant, 1.

The SPEAKER: Eighty having voted in the affirmative and fifty-seven in the negative, with thirteen being absent, and eighty being less than two-thirds the motion does not prevail.

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

Mrs. MITCHELL: Mr. Speaker, I move that this lie on the table until later in today's session.

Whereupon, Miss Brown of Bethel requested a division.

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that this be tabled and later today assigned pending passage to be enacted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 54 having voted in the negative, the motion did prevail.

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

Bill, "An Act to Control the Cost of Workers' Compensation Rates to Maine Employers" (H. P. 1291) (L. D. 1504)

—In House, Majority "Ought to Pass" in New Draft (H. P. 1483) (L. D. 1611) Report Accepted and Bill Passed to be Engrossed as Amended by House Amendment "A" (H-453) on May 22.

—In Senate, Minority "Ought Not to Pass" Report Accepted in non-concurrence.

Tabled—May 26 (Till Later Today) by Representative Brannigan of Portland.

Pending—Further Consideration.

On motion of Mr. Brannigan, tabled pending further consideration and later today assigned.

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

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

Tabled—May 26 (Till Later Today) by Representative McSweeney of Old Orchard Beach.

Pending—Motion of the same gentleman to Indefinitely Postpone.

(Roll Call Requested)

On motion of Mr. Hobbins of Saco, tabled pending motion of Mr. McSweeney of Old Orchard Beach to indefinitely postpone and tomorrow assigned.

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

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

Tabled—May 26 (Till Later Today) by Representative Armstrong of Wilton.

Pending—Motion of the same gentleman to reconsider Passage to be Engrossed.

Thereupon, the House reconsidered its action whereby the Bill was passed to be engrossed.

Mr. LaPlante of Sabattus offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-484) was read by the Clerk and adopted.

Mrs. Post of Owl's Head offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-489) 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 first tabled and today assigned matter:

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

Tabled—May 26 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 later today assigned.

The Chair laid before the House the second 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 26 by Representative LaPlante

of Sabattus.

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

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that everybody has heard about Ogunquit and Wells by now. We sat down last week and talked to both sides, though we had reached an agreement. I had an amendment that was made between two parties in 1979, and apparently at this time no one had reached an agreement. I don't think it will be resolved this year. It is late in the session, so I would move that this Bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Sabattus, Mr. LaPlante, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mrs. WENTWORTH: Mr. Speaker and Members of the House: This is my bill. I ask you to vote no on indefinite postponement so that I may offer Amendment "A", which is a one-line amendment requiring 60 percent of the vote of the school board in order to carry a question. The Statement of Fact says: "This restores the weight of balance to the voting weight of the Wells-Ogunquit School Committee and preserves the rights of the citizens to vote for their local school board."

Again, I urge you to vote no on indefinite postponement so we may adopt this amendment.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to belabor the point. We are talking about a contractual deal between two parties two years ago. One part of the deal fell through. The amendment which the gentlelady wishes to present does not fulfill the contracts signed by two parties. I hope you do vote for indefinite postponement.

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

Mr. TUTTLE: Mr. Speaker, I will try to be very brief. I was the original cosponsor in the 109th Legislature for the separation of the towns of Wells and Ogunquit. Having relatives in both areas and being involved most of the summers of my life in this area, I think I have an understanding of the situation, being from that area.

The towns did separate, and I think justifiably so, on the condition that the towns share a community school district, which is based upon 100 percent of state valuation, as I am sure we all know.

Essentially, what L.D. 682, or Report A, on your calendar, if you will look, the bill was introduced by Representative Alberta Wentworth and was requested a leave to withdraw but was denied by the Committee on Local and County Government.

There is also an amendment on the present bill that attempts to balance some of the voting weight between the towns and maintain the funding mechanism that was established by the legislature and was the original agreement.

We had a bill cosponsored by Representative LaPlante earlier this year that would have dissolved the Wells-Ogunquit Community School District. That was voted a unanimous "ought not to pass" by the Education Committee, and it is because of that that we have the present situation with three divided reports on this bill.

If you will notice, the second report, or Report B, it attempts to provide a different voting system but was ruled not germane by the Speaker.

I hope that you will defeat the motion to indefinitely postpone and support Mrs. Wentworth in her motion to support Report A. I have

been around this area all my life, and I know the feelings of the people in both areas. I think that for the best interest of the people of Wells and Ogunquit, I hope that you will defeat the motion for indefinite postponement and support Mrs. Wentworth in her efforts.

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

A vote of the House was taken.
7 having voted in the affirmative and 90 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mrs. Wentworth of Wells, Report A was accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time.

Mrs. Wentworth of Wells offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-447) was read by the Clerk and adopted.

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

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

House Report—"Ought to Pass" in New Draft under 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 26 by Representative Connolly of Portland.

Pending—Acceptance of Committee Report.

On motion of Mr. Diamond of Windham, tabled pending acceptance of the Committee Report and tomorrow assigned.

The Chair laid before the House the fourth 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 26 by Representative Beaulieu of Portland.

Pending—Acceptance of Committee Report.

On motion of Mrs. Beaulieu of Portland, tabled pending acceptance of the Committee Report and later today assigned.

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

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

Tabled—May 26 by Representative Davies of Orono.

Pending—Passage to be Engrossed.

Mr. Davies of Orono offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-479) was read by the Clerk and adopted.

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

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

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

Tabled—May 26 by Representative Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

Mr. Carter of Winslow offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-490) was read by the Clerk.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The amendment simply is intended to clarify the method of determining a water district's trustees eligibility to be a member of the Maine State Retirement System. It is my understanding there is a potential litigation in some area, and this will protect that process.

Thereupon, House Amendment "A" was adopted.

On motion of Mrs. MacBride of Presque Isle, the House reconsidered its action whereby House Amendment "A" was adopted.

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

Mrs. MacBRIDE: Mr. Speaker, I wonder if I could have a little explanation of this bill. Are members of the board going to be elected, appointed, and what is going to happen to the debt limit, please?

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

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

Mr. DAVIES: Mr. Speaker, I may not remember all the questions that she posed, and if I miss them, I would appreciate it if she would restate them and I will try to answer them.

This bill is an attempt to restore to local individuals more control over the operations of their water districts. We have had a great deal of problems that have come up in the last three years of towns feeling as if there was no way that local citizenry has any influence over what decisions are made by their boards after they have been constituted. This is an effort that has been put together during the course of this session and a study that was done between last session and this session; the bill you have before you is a result of that, after a great deal of work by representatives from the water district, from the water association, the Public Utilities Commission, and a number of other sources.

The provision dealing with trustees being elected or appointed, under the bill currently, if you have a district that is already in operation, that choice still remains in your hands. In the future, future trustees are going to have to be elected. They can't be elected for terms longer than three years, so no one is going to serve longer than the three years maximum in new districts that will be created.

I think there was a third question, and I am not sure if I remember that. If Mrs. MacBride would restate that, I will try to answer it.

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

Mrs. MacBRIDE: Mr. Speaker, the third question I posed was the debt limit.

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

Mr. DAVIES: Mr. Speaker and Members of the House: On the subject of debt limit, the committee went through a great deal of deliberation on this particular subject not only with this bill but a number of other bills that came before us, and we finally came to the conclusion, after countless hours of considering whether debt limits were useful or not, that the funding process, selling bonds, is so supervised and reviewed by agencies that purchase bonds, we finally came to the conclusion that debt limits really did not serve any useful benefit, because if the people who are going to buy the bonds don't believe that the town is going to have the ability to finance those bonds, there is no way that those bonds will get sold.

We felt that putting debt limits caused the problem that eventually comes back on us constantly. We are always changing debt limits, raising them, and the next year coming in and

raising them again, and we were finally convinced by representatives from a number of areas that because of the very strict controls that are placed on the purchase of bonds by the agencies that buy them and transact bond sales, that really there was no sense to have debt limits at all and a number of other states are moving in this direction, to allow the marketplace, really, to determine the debt limit by what they feel the community is going to be able to finance, or the quasi-municipal organization is going to be able to finance.

Finally, after thinking about it for a great while, we felt that this was, in fact, the correct way that we ought to be going, so we are no longer going to require that debt limits be in place. Where they are still in existence, we are not going to do anything to change those, but we hope that in the future, when those communities that will have debt limits come in to us, they will consider asking us to remove the debt limit, knowing full well that there is going to be the protection of the marketplace in the bond sales that is going to protect anybody who is concerned about whether a district is going to be selling far more bonds than they are going to be able to support, because the marketplace won't buy bonds that can't be supported by the organization or community that is selling them.

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I do have a letter here that I would like to read to you. It is from the chairman of the Presque Isle City Council, Albert Condon, and also from the Presque Isle Water District. They say: "I am writing to ask for your support in defeating this bill, An Act to Increase Local Control of Water Districts. This bill would require the election of trustees for water districts and would require that the voters establish a debt limit for the water districts," and you have just answered that.

"We are adamantly opposed to the election of trustees and to the voters establishing a debt limit for the Presque Isle Water District."

"The Charter of the District calls for the appointment of trustees by the City Council and authorizes the trustees to negotiate temporary loans and to issue notes and bonds. This system has been in effect since the Presque Isle Water District was organized in 1941 and has worked very well over the many years, and there is no demand by the voters in this district that the system be changed. I urge you to vote no on this bill."

Ladies and gentlemen, if we do have a system that is working well, I see no need for change either, and I do urge you to vote no on this bill.

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

Mr. DAVIES: Mr. Speaker and Members of the House: In response to the gentlelady from Presque Isle, I was in receipt of a very similar letter from your town officials about two months ago, before the committee conducted its major revision in the original bill that was presented to the committee. As I said earlier, I think that the problems that you are concerned about have been resolved in the bill that came out of committee. I think that your communities are going to be able to continue operating in the form that it has been operating in. The provisions on the election of trustees will only apply to new districts created after the effective date of the legislation.

Thereupon, House Amendment "A" was adopted.

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

Mrs. MacBRIDE: Mr. Speaker and Members of the House: Just yesterday, I talked to the Presque Isle Water District and they are very much opposed to the election of trustees to the

water district.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I hate to belabor the point, but that provision has been removed from the bill. There is no way that I can give you a blood oath, but the committee removed that provision from the bill so that if you are in existence already, you do not have to change your operation. It is only for new districts that are going to require the election of trustees, if they form new districts in the future.

The current ones, the ones such as in Presque Isle, will be able to continue operating under their own provisions for appointment of trustees.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am president of the trustees of the Portland Water District until June 1, and I was concerned about this bill. I asked our management, who reviewed it, attended the hearings, and they said there are no problems and they feel this is a good bill.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment "A" (S-269) and House Amendment "A" (H-490) in non-concurrence and sent up for concurrence.

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 Labor reporting "Ought Not to Pass" on Bill "An Act to Revise Workers' Compensation Disability Payments" (S. P. 358) (L. D. 1033)

Report was signed by the following members:

Senator: DUTREMBLE of York
— of the Senate.

Representatives:
TUTTLE of Sanford
MARTIN of Brunswick
BAKER of Portland
HAYDEN of Durham
BEAULIEU of Portland
LAVERRIERE of Biddeford
McHENRY of Madawaska
— of the House.

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

Report was signed by the following members:

Sensors:
SUTTON of Oxford
SEWALL of Lincoln
— of the Senate.

Representatives:
DAMREN of Belgrade
LEWIS of Auburn
FOSTER of Ellsworth
— of the House.

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-287)

In the House: Reports were read.
On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending acceptance of either Report.

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

Divided Report

Tabled Unassigned

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Standardize Death Benefits under the Workers' Compensation Laws" (S.P. 359) (L.D. 1034)

Report was signed by the following mem-

bers:

Senator: DUTREMBLE of York
— of the Senate.

Representatives:
FOSTER of Ellsworth
LEWIS of Auburn
TUTTLE of Sanford
MARTIN of Brunswick
BAKER of Portland
McHENRY of Madawaska
LAVERRIERE of Biddeford
BEAULIEU of Portland
HAYDEN of Durham
— of the House.

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

Report was signed by the following members:

Sensors:
SEWALL of Lincoln
SUTTON of Oxford
— of the Senate.

Representative:
DAMREN of Belgrade
— of the House.

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

In the House: Reports were read.
On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending acceptance of either Report.

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

Ought to Pass in New Draft Tabled and Assigned

Report of the Committee on Transportation on Bill "An Act to Make Allocations from the Highway Fund and Appropriations from the General Fund for the Fiscal Years Ending June 30, 1982, and June 30, 1983, and to Establish a Local Road Assistance Program" (Emergency) (S.P. 270) (L.D. 752) reporting "Ought to Pass" in New Draft (S.P. 609) (L.D. 1607)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "B" (S-285)

In the House, the Report was read.
On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of the Committee Report and tomorrow assigned.

The Chair laid before the House the following matter:

An Act to Regulate the Use of Motor Vehicles on Ice-covered Bodies of Water (H.P. 992) (L.D. 1180) (C. "A" H-455) which was tabled and later today assigned pending passage to be enacted.

On motion of Mr. McKean of Limestone, 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-492) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter:

Bill "An Act to Amend the Maine Securities Act" (H. P. 1541) (L. D. 1656) which was tabled and later today assigned pending passage to be engrossed.

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

House Amendment "A" (H-496) was read by the Clerk and adopted.

The Bill was passed to be engrossed as

amended by House Amendment "A" and sent up for concurrence.

The Chair laid before the House the following matter:

HOUSE REPORT — "Leave to Withdraw" — Committee 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) which was tabled and later assigned pending acceptance of the Committee Report.

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

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

Mr. HIGGINS: Mr. Speaker, is the House in possession of H. P. 1477, L. D. 1609, Bill "An Act to Give Leaseholders Option to Purchase Lands Acquired by the State in Exchange with Paper Companies"?

The SPEAKER: The Chair would answer in the affirmative.

Mr. HIGGINS: Mr. Speaker, having voted on the prevailing side whereby the House voted to recede and concur, I now move we reconsider our action.

Since I had this bill held, I have talked with two different people and I have gotten two different answers to the question why this bill should not become a law, and perhaps someone on the floor could tell us why it shouldn't and the other side could tell us why it should.

I have no particular interest in the bill and am not particularly knowledgeable in this area, but I did try to do a little research on it and have found not two concurrent answers, so if someone could explain to the House perhaps what the intent of this legislation is, then we could go on with the matters.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1609 addresses the problem of the public lots that were acquired by the State in the land swaps, and those camplots that were leased by the paper companies, timber companies, to private individuals that later fell under the leasing requirements of the Bureau of Public Lands when the lands came into the ownership of the people of the State of Maine. That is all the bill addresses, just those lots that were acquired in swaps.

At the same time that that bill was winging its way through, also 1216 was doing the same thing out of the Energy and Natural Resources Committee, the difference being that 1216 in the Energy and Natural Resources Committee deals with all of the lots.

There is a problem with the leasing of these camplots by the State of Maine. The Bureau of Public Lands put some arbitrary values on these lots. They were not individually assessed, as would normally be the practice, they were assessed on the basis of value of front footage, and some of the lease values and the cost of the leases seem to be rather high.

The Energy and Natural Resources Committee's approach to this problem was to first require an actual on-site assessment of the values of each of these lots. Then the leases on these would be frozen at the rate until after they had been individually assessed. It states that after they are assessed, the lease values shall not exceed 10 percent of the fair market value, which is a standard capitalization value that is put on leasing of land. Then they will come back, the Energy and Natural Resources Committee will take a look at it when they come back in the next session.

The State Bureau of Taxation says they can do this assessing at no additional cost to the state.

L.D. 1216 is down on the Governor's desk. It has gone on through and it is down there. There are conflicts between the two, and that is why

L.D. 1609 was, I believe it was postponed in the Senate, or whatever, but that is the reason for the action being taken on it.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, this legislation came to our committee and was sponsored by the gentleman from Kingfield, Mr. Dexter, who is not here right at this time. We worked quite a while on this legislation and I would not like to see the House recede and concur, because what that would do is, in effect, kill it. I would hope that my leadership would table it unassigned so that we could in turn wait and see what happens to the other legislation before we kill this one.

I would ask somebody to table it if they would, please.

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

Mr. KIESMAN: Mr. Speaker, I just checked on the status of 1216 and it is on the Governor's desk, so I don't have any expectation that it is going to be vetoed.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Scarborough, Mr. Higgins, that the House reconsider its action whereby it voted to recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The Chair laid before the House the following matter:

Bill "An Act to Establish the Municipal Cost Components for Services to be Rendered in Fiscal Year 1981-82" (Emergency) (H. P. 1290) (L. D. 1484) (In House, passed to be engrossed as amended by C. "A" H-468) (In Senate, passed to be engrossed as amended by C. "A" H-468 and Senate Amendment "A" S-290) which was tabled and later today assigned pending further consideration.

Thereupon, the House voted to recede and concur.

(Off Record Remarks)

On motion of Mr. Drinkwater of Belfast, Adjourned until nine o'clock tomorrow morning.