

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

Friday, May 29, 1981

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

Prayer by Father William Bartoul of St. Joseph's Maronite Catholic Church, Waterville.

The journal of yesterday was read and approved.

Papers from the Senate

Bill, "An Act to Amend the Maine Health and Higher Educational Facilities Authority Act" (Emergency) (S.P. 648) (L.D. 1674)

Came from the Senate, under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

In the House, under suspension of the rules and without reference to a Committee, the Bill was read twice and passed to be engrossed in concurrence.

Reports of Committees
Leave to Withdraw

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill, "An Act Concerning the Maine Land Use Regulation Commission" (S.P. 539) (L.D. 1498)

Came from the Senate with the Report read and accepted.

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

Messages and Documents

The following Communication:

Committee on Public Utilities

May 28, 1981

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

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

Bills received in Committee — 102

Unanimous Reports — 97

Ought to Pass — 9

Ought to Pass As Amended — 24

Ought to Pass in New Draft — 14

Ought Not to Pass — 9

Leave to Withdraw — 41

Divided Reports — 4

Study Bill — 1

Respectfully yours,
S/Rep. RICHARD DAVIES
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:

Grace Greene of Brooksville, who has celebrated her 99th birthday; (S.P. 646)

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

Hon. Stanley "Tuffy" Laffin, a law and order man of Westbrook, whose bachelorhood has been commuted to a life sentence of matrimonial bliss by the Lady Mildred, his new chief executive; (H.P. 1570) by Representative Carrier of Westbrook. (Cosponsors: Senator Usher of Cumberland and Representative Day of Westbrook)

On request of Mr. Carrier of Westbrook, was removed from the Consent Calendar.

Thereupon, the Order was read.

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

Mr. CARRIER: Mr. Speaker and Members of the House: It is not hard to say something

about Tuffy Laffin; of course, everybody has their own ideas about him. Some of the things that I will say about him are true and some untrue — which is really against my policy, to speak untruths, but this fits him very well.

Those of you who were here before will enjoy this, might enjoy this, and for the other people serving their first term here, I want to say that my remarks — in the first place, I wasn't going to say anything until I came in this morning and my advisor told me that I should say something.

Tuffy is really a formidable character. My notes are a little out of date. I forgot them at home, to start with. The day didn't start right, because while driving up here, I had a pad next to me and I am trying to jot down some of the things that I might say, just to recall some of the things that happened, and while I am writing and driving, the first thing I knew, I saw a state cop in back of me, and that kind of sobered me up for awhile, so my notes are not really that good.

I had written some notes, being the Representative from Westbrook along with Tuffy, although we were from different districts, for the last session, you know, when people are not running again or are going to the Senate or trying to get to the Senate, and everybody gets up and says how nice a certain person was while he was over here, even if they don't mean it.

What happened was, I was approached by the Republican leadership then because they really were confused, and because Tuffy was retiring, they had called an emergency meeting which lasted about two weeks to try to find something nice to say about Tuffy, and they didn't find anything, so they asked me, where I come from Westbrook, maybe I knew something about him, and after a week's work, I couldn't find anything either.

But I had a couple of ideas about Tuffy and I wanted to share them with you. They are really not in the proper rotation as I had them on my regular notes. One thing is that Tuffy had a great philosophy which I didn't care for at first but did later. His philosophy was — hang the criminals and give panty hose to the girls, and that is what he did. He was a panty hose salesman, at one time he was, and he wanted to share that philosophy with me, so he said, you take the first part of it while we're in session, hang the sinners, and I will take the other part of it. I didn't think too much about it, so I agreed, but as we went along, I really think he got the best deal, really, because he was excited everyday that he took care of the girls around here with panty hose.

Really, the people of Westbrook, when they sent Tuffy up here they really didn't expect much and they were not disappointed, they really got what they asked for, I don't want you to think that I am an enemy of Tuffy's because he turned out to be a great friend of mine and I think a great friend of yours.

There is one thing about us in Westbrook, we are not really loud and vocal, we are quiet, silent and agreeable and everything else, and Tuffy was that type.

At one time he wanted me to join his bandwagon, he was campaigning in Westbrook, and for those of you who know beautiful Westbrook, we are divided by a nice river, and it is clean, too. He lives on one side and I live on the other, so we never disagreed. He doesn't talk to me and I don't talk to him, so this is what you call communication.

I used to ride with Tuffy quite often because sometimes I worked nights and I was tired and Tuffy is quite a driver. It always bothered me a little bit, not his driving, but somehow he had shielding his speedometer from my view as a passenger, and another thing is, he had all kinds of nice things in his car. He always had ladies' shoes in there, just one shoe of a kind, he never had a pair and I was wondering what the heck was going on. For those of you who

don't know it, he was a cobbler, amongst other things, and this is the excuse he gave me, he took the shoes of the girls in here and would fix them. But the thing he never told me, when I asked him to fix my shoes and he did, was the fact that it was so expensive. He said, what the heck, I fix the shoes for the girls for nothing, somebody has got to pay. So if you girls are walking around with shoes that he didn't charge you for, well, maybe I am the one that paid for it.

Really, travelling back and forth, you learn a lot about a person. I think Tuffy's favorite subject was to talk about John Martin. We used to joke a lot about it, and whether John liked it or not, Tuffy liked John and he told him so, and he would show him so.

As you know, the last session Tuffy was here, he was in Judiciary with us. We had a rule up there that said that no one on Judiciary would talk at an open hearing unless he knew what he was talking about. Of course, for those of you who came in front of our committee, that is the reason why Tuffy was so quiet up there.

There is another thing, one of the funniest things that I thought happened when Tuffy was here. As you know, he was a little emotional at times. I don't know just how it goes, but one day Mrs. Mitchell said something and Tuffy got up and he was against the proposition but he said, Libby, I still love you and you can still crawl in the same sardine can that we were in before. I don't know where Mrs. Mitchell is, but she might want to say a few words on that one.

All in all, these are a few things. It is really hard to describe how he is. One time we were coming down the turnpike and I said, Tuffy, see that partridge there, it's dead. He is the driver, so he leaned forward and looked up in the air for the partridge, so I said, it isn't up there, it is down here.

It has been a little while since Tuffy has been gone and I have a lot of things at my house that he used to throw in my car. The Order doesn't say when he got married but it was last Friday night. I haven't met his wife and I haven't seen Tuffy at all. Anyway, I want to say that Tuffy was a great guy, I think all of us loved him and I am sure that many people will join me in wishing him the best of luck in the years to come. (Applause)

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

Mr. JOYCE: Mr. Speaker and Members of the House: I don't want this day to go past until we give a little bit more on Tuffy. He left here loving everybody. He brought a lot of peace that last week. He got home and he continued to be a great public relations man — he drove one of our city buses. About that time, one of my children had sprained their ankle and was on crutches. He pulled the bus right up in front of my house and he said, here son, let me help you walk to that bus. He was all heart. But my beautiful daughter, Patricia, just didn't like my son, and that started it all over in my house.

The most famous quote that you can find in the legislative record was that day he stood in this House and said — when my wife left me, I was glad; but when I learned she took my dog, I cried. What a thing to have in the record. It hit us all right in the heart.

The news media that covered us so well, along with the faithful members, 151 strong, decided to correct that record and the collection was started. It was a day never to be forgotten, for many members in here received news clippings from as far away as Japan, Florida, South America, there were pictures in those foreign countries in the newspaper of members of this legislature presenting to Representative Stanley Laffin a Pomeranian pup, and he, in turn, named that pup Sessions in honor of this group, and there was a romance between Stan and Sessions that I didn't think even Lady Mildred could break. So it is a sad

day for me in this House to think somebody is coming between Sessions and Stan.

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

Lynn Zanchi, of Bangor, who has been named 1981 "Athlete of the Year" at Bangor High School; (H.P. 1571) by Representative Diamond of Bangor. (Cosponsors: Representatives Soulas of Bangor, Kelleher of Bangor, and Senator Trotzky of Penobscot)

Linda Johnson, of Sanford, a member of Girl Scout Troop 610, who has been chosen for a 2-week cultural tour of Southern California; (H.P. 1572) by Representative Tuttle of Sanford. (Cosponsors: Senator Wood of York, Representative Paul of Sanford and Ridley of Shapleigh)

Karen Cheney, of Sanford, a member of Girl Scout Troop 610, who has been chosen for a 2-week cultural tour of Southern California; (H.P. 1573) by Representative Tuttle of Sanford. (Cosponsors: Senator Wood of York, Representative Paul of Sanford and Ridley of Shapleigh)

Mark Sutton, of Augusta, second baseman for the University of Maine at Orono baseball team 1981 NCAA Northeast Regional Champions; (H.P. 1574) by Representative Lund of Augusta. (Cosponsors: Senator Bustin of Kennebec, Representatives Hickey of Augusta and Paradis of Augusta)

Mattie Parsons, of Carmel, who will be celebrating the 88th anniversary of her birth on June 18, 1981; (H.P. 1575) by Representative Reeves of Newport. (Cosponsor: Senator Emerson of Penobscot)

Mark W. Dearborn, of Corinth, Valedictorian of Central High School, Class of 1981; (H.P. 1579) by Representative Strout of Corinth.

Michael H. Trafton, of Corinth, Salutatorian of Central High School, Class of 1981; (H.P. 1580) by Representative Strout of Corinth.

Miriam Bowden, daughter of Mr. and Mrs. Allen Bowden of Penobscot, Valedictorian of Bucksport High School, Class of 1981; (H.P. 1582) by Representative Swazey of Bucksport. (Cosponsor: Representative Perkins of Brooksville)

Jennifer Gibbons, daughter of Mrs. Ruth Gibbons and William Gibbons of Bucksport, Salutatorian of Bucksport High School, Class of 1981; (H.P. 1583) by Representative Swazey of Bucksport.

Mike Fogarty, of Sanford High School, coached by Bruce McKinnon, who has been named a 1981 All-State Basketball Player; (H.P. 1584) by Representative Tuttle of Sanford. (Cosponsors: Senator Wood of York, Representatives Paul of Sanford and Ridley of Shapleigh)

In Memory of:

Lewis A. Callahan, one of Houlton's prominent citizens and farmers; (S. P. 647)

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

House Reports of Committees Leave to Withdraw

Representative Kilcoyne from the Committee on Taxation on Bill "An Act to Amend the Tree Growth Tax Law" (H.P. 1193) (L.D. 1417) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Representative Weymouth from the Committee on Public Utilities on Bill "An Act Relating to the Provisions of the Charter of the Brunswick Sewer District" (Emergency) (H.P. 885) (L.D. 1054) reporting "Ought to Pass" in New Draft (H.P. 1577) (L.D. 1672)

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

rence.

Ought to Pass in New Draft/New Title

Representative Diamond from the Committee on State Government on Bill "An Act to Recodify the Maine Guarantee Authority Laws" (H.P. 1302) (L.D. 1515) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Recodify and Amend the Maine Guarantee Authority Laws" H.P. 1563) (L.D. 1671)

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

Representative Davies from the Committee on Public Utilities on Bill "An Act to Create the Office of Energy and Public Advocate" (H.P. 993) (L.D. 1181) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Create the Public Advocate to Represent the Interest of Utility Customers" (Emergency) (H.P. 1578) (L.D. 1673)

Report was read and accepted, the New Draft read once and assigned for second reading later in the day.

Representative Bell from the Committee on State Government on Bill "An Act to Authorize and Encourage Private Risk Capital Corporations" (H.P. 532) (L.D. 598) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Authorize and Encourage Risk Capital Funds" (H.P. 1581) (L.D. 1675)

Report was read and accepted, the New Draft read once and assigned for second reading later in the day.

Divided Report Later Today Assigned

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a Bond Issue in the Amount of \$4,800,000 for Energy Conservation Improvements for State-owned Buildings, Completion of State of Maine Park Facilities and Improvements of Airports in the State of Maine" (H.P. 945) (L.D. 1121) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Authorize Bond Issues up to the Amount of \$5,100,000 for Energy Conservation Improvements for State-owned Buildings, Completion of State of Maine Park Facilities and Equipment Replacement for the Maine Public Broadcasting Network in the State of Maine" (H.P. 1550) (L.D. 1663)

Report was signed by the following members:

Senators:

HUBER of Cumberland
PERKINS of Hancock

— of the Senate.

Representatives:

JALBERT of Lewiston
SMITH of Mars Hill
LANCASTER of Kittery
ALOUPIS of Bangor
CHONKO of Topsham
DAVIS of Monmouth

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Authorize a Bond Issue in the Amount of \$5,100,000 for Energy Conservation Improvements for State-owned Buildings, Completion of State of Maine Park Facilities and Equipment Replacement for the Maine Public Broadcasting Network in the State of Maine" (H.P. 1551) (L.D. 1664) on same Bill.

Report was signed by the following members:

Senator:

NAJARIAN of Cumberland

Representatives:

CARRIER of Winslow
BRENERMAN of Portland

PEARSON of Old Town
KELLEHER of Bangor

— of the House.

Reports were read.

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

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

Consent Calendar

First Day

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

(S.P. 251) (L.D. 720) Bill "An Act to Ensure the Admissibility of Results of Self-contained, Breath-alcohol Testing Apparatuses" (Emergency)—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-302)

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

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

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

Non-Concurrent Matters

Bill "An Act to License Community and Home Health Agencies" (S.P. 618) (L.D. 1624) which was passed to be enacted in the House on May 26, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-304) in non-concurrence.

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

Bill "An Act to Revise the Public Drinking Law" (S.P. 66) (L.D. 93) which was passed to be engrossed as amended by House Amendment "D" (H-481) in the House on May 27, 1981.

Came from the Senate passed to be engrossed as amended by House Amendment "D" (H-481) as amended by Senate Amendment "B" (S-305) thereto in non-concurrence.

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

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

Non-Concurrent Matters

Joint Order relative to The Joint Standing Committee on Audit and Program Review reporting out a Bill to the House (H.P. 1515) which was read and passed in the House on May 19, 1981.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Bill "An Act to Protect Persons with Children against Discrimination in Fair Housing" (S.P. 620) (L.D. 1625) (S."A" S-279) which was passed to be enacted in the House on May 28, 1981.

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

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

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Health and Institutional Services on Bill "An Act to Establish and Coordinate Training, Education and Employment Programs for Recipients of

Aid to Families with Dependent Children" (S.P. 437) (L.D. 1278) reporting "Ought to Pass" in New Draft (S.P. 642) (L.D. 1662)

Report was signed by the following members:

Senators:

GILL of Cumberland
BUSTIN of Kennebec

— of the Senate.

Representatives:

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

— of the House.

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

Report was signed by the following member:

Senator:

HICHENS of York

— of the Senate.

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-301)

In the House: Reports were read.

Mrs. Prescott of Hampden moved that the Majority "Ought to Pass" Report be accepted in concurrence.

On motion of the same gentlewoman, tabled pending her motion to accept the Majority Report in concurrence and later today assigned.

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

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-280) on Bill "An Act to Establish a Board of Prison Terms and Supervised Release" (S.P. 494) (L.D. 1429)

Report was signed by the following members:

Senators:

KERRY of York
CONLEY of Cumberland

— of the Senate.

Representatives:

O'ROURKE of Camden
JOYCE of Portland
HOBBINS of Saco
SOULE of Westport
BENOIT of South Portland

— of the House.

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

Report was signed by the following members:

Senator:

DEVOE of Penobscot

— of the Senate.

Representatives:

LUND of Augusta
REEVES of Newport
LIVESAY of Brunswick
CARRIER of Westbrook

— of the House.

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

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 Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from Saco, Mr. Hobbins, moves that the House accept the Majority "Ought to Pass" Report in non-concurrence.

The Chair recognizes the gentleman from

Brunswick, Mr. Livesay.

Mr. LIVESAY: Mr. Speaker and Members of the House: L.D. 1429 is nothing but a parole bill, there is no other name for it. Parole does not enjoy widespread support in Maine. In fact, this disfavor is something of a trend across the country.

At our hearing, there was significant opposition to this bill. The parole and probation officers are opposed to it, the Criminal Law Advisory Commission of Maine and all of its esteemed members are unanimously opposed to this bill, and, in fact, the very drafter of this document is in opposition. On top of this, a rather notable opposition, there is a group who are studying Maine's sentencing laws and Maine's sentencing system right now, and this group is under contract with the United States Justice Department. They probably know more about our sentencing problems than any other group and they desire that this legislature take no action on this bill at this time.

In fact, I think it is a real shame that this bill confronts us now, because once this study group has completed their report, we might be able to make some sort of intelligent and informed decision as to what direction our criminal justice system ought to go.

The study is well under way; in fact, the first draft has already been printed up. The group that has been participating in this study has pledged to our committee and to this legislature to help us in another session come up with some form of revised supervised release and possibly parole system. The Portland paper of yesterday, incidentally, I think expressed this very point of view, that we ought to await the results of this study before we take any action.

Let me tell you a little bit about the thrust of this parole bill. It does two basic things. First, it creates a parole board and, second, it provides for a system of supervised release. Taking the supervised release first, presently in this state we have some supervised release but it is not systematic, and I think that every member of our committee felt there was a need for supervised release. But I think we also felt that there were a number of ways to obtain supervised release and there certainly wasn't a need for a parole board. Supervised release could be obtained in a number of different ways, one of them involving a method called split sentencing, which is a device that is available to the judges in the state right now and which I think is a rather promising possibility. But if this bill were, in fact, to pass, this device of split sentencing would no longer be available because this bill calls for its repeal.

I think it is a safe assumption that we can have supervised release without a parole board, and given that, I guess I wonder, why do we need a parole board? That is a question which nobody has answered to my satisfaction, no one addressed that at the hearing, and no one has convinced me since the hearing. I would challenge the proponents now to give me a reason why we need a parole board.

I don't think anybody has ever suggested, to me anyway, that the judges of the State of Maine are presently sentencing people for too long a stay in Thomaston, so that certainly cannot be the reason for a parole board. Moreover, I don't think that the present bill is structured in a way that one could suggest that the reason for a parole board is to take into account the prisoners' repentance, because this bill states that within six months of sentencing, the parole board meets with the prisoner and can, in effect, then cut his sentence in half, and what are the criteria for this reduction — the criteria are precisely the same that the judge used just six months before when he originally sentenced the individual. It seems to me that that is an unnecessary waste of time and money and it does nothing but frustrate the intent of the judge. In fact, I would guess that if the judge anticipated that the parole board

would cut ten years off the sentence that he handed out originally, he would simply add ten years on in the first place.

Members of the House, there are two differing approaches to sentencing. There is a front-end approach, and that has the judge passing judgement and making the final determination, and this is done before the public in his court, his sentence is clear and it is certain, it is concise and it is respected.

Then there is the rear-end approach. It has the parole board revising the judge's sentence, it is done away from the public, it is anything but clear and concise, and in Maine it is not respected. This L.D. is an example of the rear-end approach, and I hope and trust that the House will defeat this measure today.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I want to respond to some of Representative Livesay's remarks, but first of all I would like to give you a little more in-depth critique of how this bill is set up.

The first step, as proposed in L.D. 1429, would be to set up an advisory commission on supervised release standards. This commission would consist of seven members, one judge, one member of the Senate, one member of the House, two citizens, the Commissioner of Mental Health and Corrections and the chairman of the Board of Prison Terms, which we now know as the Parole Board.

The present board would be replaced with a State Board of Prison Terms. The board would consist of five members appointed by the Governor. These five members would be persons who had special training or experience in law, sociology, corrections, psychology or related areas. The members would be part-time members, with the exception of the chair, who would serve full time. This Board of Prison Terms would adopt the guidelines recommended to it by the Advisory Commission on Supervised Release Standards. These recommended guidelines would establish specific ranges of duration of confinement before release from prison. These ranges of duration must be fairly proportionate to the gravity of the prisoner's criminal conduct and must also promote the protection of the public from further crimes by the defendant. In addition, the guidelines would reflect the seriousness of the prisoner's current offense and his or her previous record.

These guidelines will also specify the procedures to be used by the board in deciding release in individual cases. The actual procedure for a parole would be initiated at a hearing, which, as Representative Livesay said, would be held with six months of a prisoner's admission to any state prison or correctional institution. But let me stress and emphasize that this does not mean that that prisoner is going to be paroled. At this initial hearing, the board would set a possible — and I emphasize possible — scheduled date of release for the prisoner. This release would be contingent on a whole lot of things. This possible release date would be based on all the guidelines adopted by the board as recommended by the advisory commission. In addition, the board would also consider the conduct of the prisoner during confinement, his release plan, and any psychological or psychiatric reports available.

The prisoner's release plan must be submitted to the board prior to his scheduled release date. Our release plan is simply going to be, what is the prisoner going to do when the prisoner is going to be released? Will he or she be going to school, will he or she have a job? How will that person be a responsible member of society? Release would be automatically postponed if a release plan has not been submitted.

After review by the board of the prisoner's release plan and all other available information and testimony, a decision would be made whether to grant parole or not.

Individual release would be made by an affirmative vote of at least three members of the board. In no event, would any prisoner be released to the community's supervision before having served at least half of his or her sentence, less any earned special deductions; nor would any prisoner whose sentence is less than six months be eligible for parole.

There is also an amendment which was suggested by Representative Joyce in committee, and any person who had been convicted of murder, a felony murder, causing a catastrophe, or manslaughter, kidnapping, burglary, robbery, theft by use of a dangerous weapon, would not be eligible for parole. So when you leave those people out, you are looking at people that I would not consider hardcore criminals, people that hopefully we could get back into society and who could become productive members of society.

One of the most interesting and important concepts contained in this bill is the concept of supervision after release from prison. Currently, most prisoners are not eligible for parole, and these prisoners are simply released to the community at the end of their sentence with absolutely no supervision. They are free to come and go as they please, and we have no idea what they are doing.

Under a parole system, a prisoner would be supervised after release until the expiration of the original sentence. The conditions of this supervised release would be specific enough to be used as a guide for the prisoner as to supervision and expected conduct. The prisoner would be informed in writing of these guidelines.

The parole board would decide when and if a prisoner would be discharged from active supervision and go to inactive supervision. If there are any violations of parole, such as if a criminal were to be released on parole and committed a crime, parole is automatically revoked and the prisoner is back in prison. If it is a technical violation, such as the prisoner has been told that you cannot drink while you are on parole, if it is discovered that the prisoner had been drinking, then there would be a hearing. If it was determined that the prisoner had violated parole, parole could be revoked and the prisoner would be returned to confinement.

The advisory commission would also recommend to the Board of Prison Terms proposed guidelines governing the release of a prisoner from active supervision and the revocation of supervision. Guidelines would also be set for reimprisonment for prisoners whose supervision has been revoked and are reimprisoned.

The bill that we have before us today is modeled upon similar legislation in the State of Oregon.

Representative Livesay has referred to split sentencing. I don't know how many of you know what split sentencing is, I did not know what it was when we talked about it in committee. It simply means that a judge could perhaps sentence a criminal to five years but say that you can serve four of that five years. I would ask, how does that judge know how that criminal is going to act in prison? How does he know what the conduct is going to be at that time?

I think that Representative Livesay has made a good argument for parole. Rather than doing the split sentencing right at the beginning, we do it later on down the line when we know what the goals and objectives are of the prisoners that we are giving consideration for parole.

I think you can ask the question, why do we want or need parole? I believe that we need it for two reasons — one, you need an incentive for prisoners while they are in prison, an incentive for good conduct, an incentive for schooling, an incentive to prepare themselves for the day that they will be out. I suppose you can do that without parole, but with parole, they will be released based upon what they have done in prison, but in addition, we will be able to follow their conduct after they are released. We will

be able to set down strict guidelines for the prisoners to follow.

What is the sense of having people in prison, letting them out with no supervision, no guidelines, nothing? This way we can encourage prisoners, we can encourage them to become productive members of society with our help.

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

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

Mr. PAUL: Mr. Speaker and Members of the House: I have looked at the bill and the amendment and I would like to pose a question to the good gentledady from South Portland or any body else who would care to answer. I noticed that the committee amendment deals with specific crimes and exclusion of those crimes from eligibility on this thing, but I am also wondering if there are certain other crimes, particularly violent crimes, that people would be eligible to have parole on, and I guess my question is, one example I would use would be, say a convicted rapist, would that individual be eligible for parole under this bill?

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

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: It is my understanding that only what you see on the amendment are the only offenses that would not be eligible. I did understand that there was some talk about putting the example that was mentioned, the rapist, on in the other body and that could certainly be dealt with at second reader if that is a concern of the members of the House.

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

Ms. LUND: Mr. Speaker, Men and Women of the House: I wish to respond to one remark of Representative Benoit and then to go on to my speech. She mentioned split sentencing and not having any acquaintance with it. I would like to inform the good lady from South Portland that split sentencing is alive and working well. I had a young man break into my house five years ago, he was sent to the Maine Correctional Institution on a five year split sentence. He came out on probation, he broke into my house again and he went immediately back to prison. Probation worked well. I do not speak unkindly of him, I just wish he would pick some other house.

I have no argument against supervised release. This young man was on supervised release. However, the whole question of parole is more than supervised release, and I would say at this particular point, this bill is too much for us to bear. I have some major concerns with it. The first is the administrative setup. We have not one board appointed by the Governor, but two boards appointed by the Governor. One of them is going to make recommendations and guidelines and say what they should be, and the second one is going to adopt them and try to work them out. That seems to me to be an awful waste of manpower, five people trying to tell five other people or seven other people what to do.

I think there ought to be a single commission. I think it ought to set the guidelines in public and I think they ought to follow them.

My second problem is that we currently have a system of a judge sentencing a person who is charged with a crime. He comes before the judge, the judge has all the papers that he needs, he has reports of workers, he has social reports, he has even psychiatric reports if he needs them. He makes a decision based upon his experience of human nature about how long that person should be in prison.

This bill would set up a group of seven people adopting the suggestions of five other people who would six months later review the decision

of the judge. I have not heard one judge in the State of Maine who is in favor of this particular part of the bill. It is almost as if the judge were not considered a proper person to decide how long somebody should be in jail. We are saying on the one hand, do it; but on the other hand, we only trust you for six months and then we are going to make a second decision.

This bill is primarily a management tool, it is primarily a management tool for managing the population in the prison at Thomaston and the prison at Maine Correction Center. The management, ladies and gentlemen, is to put people out on the streets sooner. It seems to me that if I were running a prison and I have people in there who were there for crimes, that I would say, I am going to run this prison, so no matter how crowded it is, there is discipline in the prison, there are programs that the prisoners will be able to take advantage of. The shops will be run successfully if we have a shop. It seems to me that this is the Democratic administration's attempt to back out of poor management of the prisons, and I really don't support parole on that basis.

My final problem with this bill is that I feel there is an unrealistic cost figure attached to it. Governor Brennan has told us that the existing Probation and Parole Department can handle all the people that come out of Thomaston and Windham with no additional personnel. I submit that this is simply unrealistic.

I would support, as would most of the committee, some kind of supervised release, but I do not support this bureaucratic nightmare that would put criminals back out on the streets among you and I instead of dealing with them in the prison, which is where they have been sent and they are there for a reason.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: It is unfortunate that something was mentioned in regards to the Democratic administration. Of all bills before the legislature, I can assure you that this is not a partisan issue. It is an issue to address whether or not the State of Maine made a mistake when it enacted the Criminal Code and did away with parole. We are the only state in the country to do so.

It is also unfortunate that the old buzz words, "put the criminals back on the street," have been used. The truth of the matter is, there are only 126 individuals, roughly 126 individuals, give or take one or two, who will be eligible for parole under this system — that is only being eligible, that is not going before the commission and pleading their case. So this isn't a floodgate approach of opening up the prison gates and sending people back onto the streets.

It is a good-faith attempt on the part of the administration to address the issue of what the criminal justice system should be about. Should the criminal justice system put someone in jail, forget about them, give that person \$50 in cash and send him out the gate? That same individual is picked up by his friends who he went into prison with, and he starts the whole scheme over again. Well, that is what is happening, unfortunately, under determinate sentencing.

This bill is a good-faith effort on the part of the Department of Mental Health and Corrections, the administration and others to address the whole problem of supervised release, but also to set up a mechanism by which an individual can be released from prison if that person meets strict guidelines set forth by the commission.

We had an unfortunate experience with parole a few years ago. Our recreation to that unfortunate experience was to do away with it altogether and to enact the Criminal Code, determinate sentencing. I was around at that time. I stand before you to tell you that we made a mistake, and I hope today that we can correct that mistake.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: A question through the Chair to anyone on the committee or anyone who would care to answer. I would like to know the number of repeat offenders versus the number of first-time offenders within our jail system?

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

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

Mr. HOBBS: Mr. Speaker, I am not a statistician and I can't tell you the total, but what I can tell you is that recidivism is prevalent in Maine, as it is throughout our criminal justice system and our jail system. This bill, I think, is an attempt to help solve that problem of the woman or man going to jail and coming out five or ten years later and going back to the same environment where he or she came from and then they end up back in jail again.

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

Mr. CARRIER: Mr. Speaker and Members of the House: As expected, you expect me to go into a tough law and order stance here, and this is exactly what I am going to do.

In essence, I do believe in parole, rather than letting them out with no supervision, I would rather they let them out earlier but with some supervision somewhere.

This point hit me yesterday, just as those of you read the Bangor news where somebody was let out early on parole and yesterday he was charged with one of the worst crimes that there is.

But in essence, this parole bill, and it is a parole bill, the way it is written is why I was against it. The reason for this is the way that the sentencing is done. The way sentencing is done at the present time, somebody goes in there, and I will give you an example and stand to be corrected if I am wrong, let's say he gets a ten year sentence, the judge gives him a ten year sentence with two years to be suspended and on parole. That will leave him eight years. Actually, what can happen is, if the parole board wants to, after six months, or any time thereafter, then can actually meet with this person and if his behavior is right and everything else, and I don't think they should reward then for behaving right, that is what they should do in the first place, then they can take off another three years, which would bring it down to 50 percent. For a crime of that type, it means that he got a ten year sentence by the judge and under normal circumstances, he can get out in five years.

But there is another thing that enters into this. The fact is that he is also entitled to 12 days a month or so if he behaves right. Well, if you take the three years that he has spent in there and multiply that, that gives him almost another year, so on a ten year sentence, he can, in fact, get out in about four years.

As Representative Lund stated, when people commit crimes against you, you don't feel very kindly about it, and that is normal. I think that you want them to serve their sentence, I think that is what most people want. I don't think we should go to this one to one basis, and this is what is happening indirectly.

Under this bill, the prison term, some people say the judge will raise the sentence in order to allow for this. Let's not play on that basis; let's play on the basis that the judge will use his good judgment and he is not tied up with some foolish rule in order to balance the inequities, that he has to give them more, and essentially you don't accomplish anymore anyway.

The thing is, this bill circumvents what the judge says. If the judge sentences you for so long, you should stay in there for so long. Actually, that is what the bill is all about, in essence

that is what it is.

If you want to talk about the technical parts of it, you read the bill and read the amendment and read everything else that might disguise the bill, but whatever way it is, it is all in favor of the criminal and I don't think it should be that way at all.

We are always told that we need supervision; I agree with that. Actually, the parole system that we had before did not work and the inmates actually made fun of it and they knew just about when they would get out even though they get a five or ten year sentence. I think if they want to do something, they should come up with a bill or suggestions about something that will work. I think something they forgot when they made this bill is the sentencing part of it. This doesn't cover it at all. Under the present sentences, actually a criminal can get out real early, and I don't believe that is what people want.

If the system is to work, I think we need something quite different from this. I think the big crimes, such as were stated, they are not eligible for this, and I don't think they should be, so there is no great accomplishment there.

I don't want a system that gives the criminals a confused message. I would like to see a bill that would make it nice and clear as to where we stand, not at the discretion of the parole board. I think the parole board can work right, but under the system that is set up now and under this parole bill, even if they do their best, the thing is all in favor of the criminal and I am not for that.

I move for the indefinite postponement of this bill and all its papers, and I request a roll call.

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

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you not to vote for the indefinite postponement of this bill.

I didn't think too much of this bill when it was first shown to me and I was asked if I would be one of its sponsors. After taking it home on the weekend and reading it, I said, there is something missing here. They know that I am for law and order, but I didn't see much law and order in the bill. I then worked on an amendment that would say, basically, any person involved in a crime where firearms or explosives were used would in no way come under this bill. They are the hardcore criminals and I don't feel that I owe them that understanding and compassion that we might owe the others.

Yes, this is a law and order bill. This bill, if you listened to today's news, last night's news, out in the state of Michigan the hardcore criminals all had their sentences reduced by three months this week on a court order to help with the overcrowding of the jails. I don't want Maine to get into this situation.

The two-board system that was referred to here earlier, it is working well in Oregon, they are having no problems with it.

Many of the 1600 bills that we had here this session, they will be amended within the next year by this House. I have yet to see in my years here the perfect bill come through where it has no criticism, especially when it got in the outside world.

A management tool — yes, I think all bills are management tools. I don't feel this bill will be abused, I think it will put us in a position where we will be one of the leaders in the country in handling our prison problems.

I urge that you not vote for the indefinite postponement of this law and order bill. The good people out there want us to do something and I think my amendment has put some real good teeth in this bill.

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

Mr. LIVESAY: Mr. Speaker and Members of the House: I just want to assure the House that we are, in fact, right now a leader in the country. We were the first state to abolish parole back in 1976. And contrary to what Representative Hobbins says, we are not the only state. Since we abolished parole, the states of Illinois, California, Indiana, Minnesota, North Carolina and Connecticut have followed our lead, and the state of Pennsylvania is presently in the process of doing this.

I think I want to reiterate one more time that I think to take action now would be premature. I have indicated that there is a group studying our criminal justice system and our sentencing process in Maine. They will be able to report back to us in time for us to take such a big step at this time, when we don't have all the facts and all the information that we will shortly have.

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

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

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

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

Mrs. WENTWORTH: Mr. Speaker, I would like to pair my vote with the gentleman from Madison, Mr. Richard. If he were here, he would be voting nay; if I were voting, I would be voting yea.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Baker, Bell, Berube, Boisvert, Bordeaux, Boyce, Brown, A.; Brown, D.; Cahill, Callahan, Carrier, Carter, Chonko, Clark, Conary, Connors, Connolly, Cunningham, Curtis, Damren, Davies, Day, Dexter, Diamond, G.W.; Dillenback, Dudley, Erwin, Foster, Fowlie, Gavett, Gillis, Hall, Hanson, Hayden, Hickey, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Jackson, Jacques, Jordan, Kiesman, Lancaster, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Mahany, Masterman, Masterton, Matthews, McHenry, McKean, McPherson, Michael, Michaud, Murphy, Nelson, A.; Paradis, E.; Paul, Pearson, Perkins, Perry, Peterson, Post, Prescott, Randall, Reeves, J.; Reeves, P.; Ridley, Roberts, Salisbury, Sherburne, Small, Smith, C.B.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Theriault, Thompson, Treadwell, Walker, Webster, Weymouth.

NAY—Beaulieu, Benoit, Brannigan, Brennerman, Brodeur, Brown, K.L.; Carroll, Cox, Crowley, Diamond, J.N.; Drinkwater, Fitzgerald, Gowen, Gwadosky, Higgins, H.C.; Hobbins, Ingraham, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Leverriere, Macomber, Manning, Martin, A.; McGowan, McSweeney, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, P.; Pouliot, Racine, Rolde, Smith, C.W.; Soulas, Soule, Swazey, Tuttle, Vose.

ABSENT—Davis, Jalbert, Martin, H.C.; McCollister, Twitchell, The Speaker.

PAIRED—Richard-Wentworth.

Yes, 95; No, 47; Absent, 6; Paired, 2; Vacant, 1.

The SPEAKER: Ninety-five having voted in the affirmative and forty-seven in the negative, with two paired, the motion does prevail.

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

Mr. CARRIER: Mr. Speaker, having voted

on the prevailing side, I move for reconsideration and hope you vote against me.

Whereupon, Mr. Hobbins of Saco requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that the House reconsider its action whereby this Bill and all its accompanying papers were indefinitely postponed in concurrence. All those in favor of reconsideration will vote yes; those opposed will vote no.

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

Mrs. WENTWORTH: Mr. Speaker, I request permission to pair vote with the gentleman from Madison, Mr. Richard. If he were here, he would be voting yes; I would be voting no.

ROLL CALL

YEA—Beaulieu, Benoit, Brannigan, Brenerman, Brodeur, Carroll, Cox, Crowley, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Gowen, Gwadosky, Higgins, H.C.; Hobbins, Joyce, Kane, Kany, Kelleher, Kilcoyne, LaPlante, Laverriere, Macomber, Manning, Martin, A.; McGowan, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, P.; Pouliot, Racine, Rolde, Smith, C.W.; Soulas, Soule, Swazey, Tuttle, Vose.

NAY—Aloupis, Armstrong, Austin, Baker, Bell, Berube, Boisvert, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Chonko, Clark, Conary, Connors, Connolly, Cunningham, Curtis, Damren, Davies, Day, Dexter, Dillenback, Dudley, Foster, Fowle, Gavett, Gillis, Hall, Hanson, Hayden, Hickey, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Ketover, Kiesman, Lancaster, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Mahany, Masterman, Masterton, Matthews, McHenry, McKean, McPherson, McSweeney, Michael, Michaud, Murphy, Nelson, A.; Paradis, E.; Paul, Pearson, Perkins, Perry, Peterson, Post, Prescott, Randall, Reeves, J.; Reeves, P.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.B.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Theriault, Thompson, Treadwell, Walker, Webster, Weymouth.

ABSENT—Davis, Jalbert, Martin, H.C.; McCollister, Twitchell, The Speaker.

PAIRED—Richard-Wentworth.

Yes, 45; No, 97; Absent, 6; Paired, 2; Vacant, 1.

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

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

The following Communication:

THE SENATE OF MAINE

Augusta

May 28, 1981

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

The Senate today voted to Adhere to its former action whereby it Indefinitely Postponed Bill and Papers on Bill "An Act to Clarify Certain Provisions of Law Relating to the Method of Voting for School Committee Mem-

bers of the Wells-Ogunquit Community School District," (H.P. 605) (L.D. 682).

Respectfully,
S/MAY M. ROSS

Secretary of the Senate

The Communication was read.

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

Mrs. WENTWORTH: Mr. Speaker and Members of the House: For the benefit of those members who will be here when this bill returns, I would like to have it on record that in the past two years, in order to give the town of Ogunquit their set town status, the town of Wells has given up one third of its tax base, one quarter of its population and the right to maintain an independent school district, but we at least have reserved the right of both towns to vote.

Thereupon, the Communication was ordered placed on file.

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

The following Communication:

THE SENATE OF MAINE

Augusta

May 28, 1981

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

The Senate today voted to Adhere to its former action where it accepted the Majority Ought Not to Pass Report on Bill, "An Act to Conform the Definition of Manufactured Housing with Federal Law," (H.P. 1534) (L.D. 1646).

Respectfully,
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

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

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 28 (Till Later Today) by Representative Cox of Brewer.

Pending—Passage to be Engrossed.

Thereupon, the Bill was indefinitely postponed and sent up for concurrence.

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

Bill, "An Act Promoting Alcoholism Prevention, Education, Treatment and Research" (H.P. 1540) (L.D. 1655)

— In House, Passed to be Engrossed on May 26.

— In Senate, Passed to be Engrossed as Amended by Senate Amendment "C" (S-296)

Tabled—May 28 (Till Later Today) by Representative Post of Owl's Head.

Pending—Further Consideration.

On motion of Mrs. Post of Owl's Head, retabled pending further consideration and later today assigned.

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

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 28 by Representative Mitchell of Vassalboro.

Pending—Further Consideration.

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

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

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

Tabled—May 28 by Representative McSweeney of Old Orchard Beach.

Pending—Motion of the same gentleman to Indefinitely Postpone. (Roll Call Requested)

Thereupon, the Bill was indefinitely postponed and sent up for concurrence.

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

Senate Report—"Ought to Pass" in New Draft (S.P. 609) (L.D. 1607) 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)

Tabled—May 28 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Committee Report.

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

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

Mr. Higgins of Scarborough 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 Limerick, Mr. Carroll, that this be tabled for one legislative day, pending acceptance of the Committee Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Beaulieu, Benoit, Berube, Brannigan, Brenerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowle, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; 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.; Ridley, Roberts, Rolde, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Tuttle, Vose, Webster, The Speaker.

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

Walker, Wentworth, Weymouth.

ABSENT—Boisvert, Davis, Dexter, Jalbert, Martin, H.C.; McCollister, Richard, Twitchell.

Yes, 77; No, 65; Absent, 8; Vacant, 1.

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

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

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 (Bond Issue) (H.P. 1528) (L.D. 1641) (S. "A" S-289)

Tabled—May 28 by Representative Diamond of Windham.

Pending—Passage to be Enacted.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and especially assigned for Tuesday, June 2.

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

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1981 (Emergency) (H.P. 1498) (L.D. 1618)

— In House, Finally Passed on May 22.

— In Senate, Failed of Final Passage in non-concurrence.

Tabled—May 28 by Representative Aloupis of Bangor.

Pending—Further Consideration.

On motion of Miss Aloupis of Bangor, the House voted to insist.

By unanimous consent, ordered sent forthwith to the Senate.

By unanimous consent, all matters acted upon were ordered sent forthwith to the Senate.

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

Bill, "An Act Providing for Certain Public Utility Bond Financing by the Maine Municipal Bond Bank" (H.P. 1558) (L.D. 1668)

Tabled—May 28 by Representative Post of Owl's Head.

Pending—Passage to be Engrossed.

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

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

Emergency Measure Later Today Assigned

An Act to Restructure the Public Utilities Commission (S.P. 637) (L.D. 1652)

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

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

Passed to Be Enacted Emergency Measure

An Act to Establish the Municipal Cost Components for Services to be Rendered in Fiscal Year 1981-82 (H.P. 1290) (L.D. 1484) (S. "A" S-290; C. "A" H-468)

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

Finally Passed Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1981 (H.P. 1548) (L.D. 1661)

Was reported by the Committee on En-

grossed Bills as truly and strictly engrossed.

Mr. McPherson of Eliot 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 having expressed a desire for a roll call, a roll call was ordered.

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

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Benoit, Berube, Bordeaux, Brannigan, Brennerman, Brodeur, Brown, D.; Cahill, Callahan, Carrier, Carroll, Chonko, Clark, Conary, Cox, Crowley, Damren, Davies, Day, Dexter, Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Fowle, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Huber, Hunter, Hutchings, Jackson, Jacques, Jordan, Joyce, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Livesay, Locke, MacBride, MacEachern, Mahany, Manning, Masterton, Matthews, McGowan, McHenry, McKean, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Post, Pouliot, Prescott, Racine, Randall, Reeves, P.; Ridley, Salisbury, Sherburne, Small, Smith, C.B.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Telow, Theriault, Thompson, Treadwell, Tuttle, Vose, Webster, Weymouth.

NAY — Boyce, Brown, A.; Brown, K.L.; Carter, Connors, Cunningham, Curtis, Foster, Higgins, L.M.; Ingraham, Kiesman, Lancaster, Lewis, Martin, A.; Masterman, McPherson, Michael, Murphy, Nelson, A.; Reeves, J.; Roberts, Rolde, Smith, C.W.; Tarbell, Walker, Wentworth.

ABSENT — Boisvert, Connolly, Davis, Diamond, G.W.; Jalbert, Kane, Lund, Macomber, Martin, H.C.; McCollister, Richard, Twitchell, The Speaker.

Yes, 111; No, 26; Absent, 13, Vacant, 1.

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

Signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to Veterans' Tax Exemptions (S.P. 236) (L.D. 654) (S. "A" S-288 to C. "A" S-272)

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

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

Mr. HIGGINS: Mr. Speaker, I would like to pose a question through the Chair to anyone who may answer. If we enact this legislation and it is funded, does this put us back in the same posture that we were with our veterans' tax exemptions on property taxes, that we were prior to the Lambert case in December?

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Yes, it would.

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

By unanimous consent, the preceding enactments were ordered sent forthwith to the Senate.

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

Passed to Be Enacted

An Act to Increase Local Control of Water Districts (S.P. 629) (L.D. 1638) (H. "A" H-490; S. "A" S-278)

An Act to Amend the Site Location of Development Law to Protect Ground Water (S.P. 632) (L.D. 1647) (S. "A" S-282; S. "B" S-293)

An Act to Authorize a Water District for the Town of Milbridge in Washington County (S.P. 636) (L.D. 1651) (H. "A" H-491)

An Act to Encourage Small Power Production Facilities (S.P. 638) (L.D. 1653) (S. "A" S-294)

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) (H. "A" H-487 to C. "A" H-339)

An Act to Regulate the Use of Motor Vehicles on Ice-covered Bodies of Water (H.P. 992) (L.D. 1180) (H. "A" H-492; C. "A" H-455)

An Act to Establish an Emergency Radiological Response System (H.P. 1518) (L.D. 1633)

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

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

Passed to Be Enacted

An Act to Amend the Maine Securities Act (H.P. 1541) (L.D. 1656) (H. "A" H-496)

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

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) (S. "A" S-298)

An Act to Establish Rights for Residents of Nursing, Boarding and Foster Homes (H.P. 1545) (L.D. 1659)

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

By unanimous consent, all foregoing enactments were sent forthwith to the Senate.

The following paper was taken up out of order by unanimous consent:

The following Joint Order: (S.P. 651)

ORDERED, the House concurring, that when the House and Senate adjourn, the House adjourns to Tuesday, June 2, 1981 at 9:00 o'clock in the morning and the Senate adjourns to Tuesday, June 2, 1981, at 10:00 o'clock in the morning.

Came from the Senate read and passed.

In the House the Order was read and passed in concurrence.

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

In reference to the action of the House on May 28, whereby it joined in a Committee of Conference, the Chair Appointed the following members on the part of the House as conferees:

Representatives:

CARTER of Winslow
JALBERT of Lewiston
AUSTIN of Bingham

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

Bill Recalled from Legislative Files

(Pursuant to Joint Order — House Paper 1569)
 BILL, "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (H. P. 1411) (L. D. 1576)

On motion of Mr. Reeves of Newport, under suspension of the rules, the House reconsidered its action whereby it voted to adhere.

On further motion of the same gentleman, the House voted to recede.

On motion of the same gentleman, House Amendment "C" was indefinitely postponed.

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

House Amendment "E" (H-503) was read by the Clerk.

Mrs. Berube of Lewiston offered House Amendment "A" to House Amendment "E" and moved its adoption.

House Amendment "A" to House Amendment "E" (H-506) was read by the Clerk.

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

Mr. MacEachern: Mr. Speaker, I move the indefinite postponement of House Amendment "A" to House Amendment "E".

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

Mrs. BERUBE: Mr. Speaker, Members of the House: I was really hoping beyond hope that we would be given the same free passage that House Amendment "E" has been given but I guess we will have to explain ours.

The original recommendation transferred the inspection stations away from public safety to the Secretary of State. At that time, there was considerable concern over that transfer. The committee then met and, after speaking with many of you, we unanimously agreed a week ago to bring out a so-called compromise amendment which would place the inspectors of the inspection stations not under the Secretary of State's Department but rather under the Department of Public Safety; more precisely, the Traffic Division of the State Police. This is what the amendment does. It places five civilian inspectors, who will be devoting one hundred percent of their time to inspecting the gasoline stations or the stations that do the inspection of cars, they will be under the State Police, and in so doing, the taxpayers of this state will be saving about \$356,000 over the next biennium.

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

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a couple of questions through the Chair to the gentlelady from Lewiston, Mrs. Berube.

One is the total savings of this L. D. with her House Amendment, and maybe she could give us the difference if this House Amendment wasn't adopted. My second question is, what additional revenues are contained in this bill by new fees?

The SPEAKER: The gentleman from Corinth, Mr. Strout, has posed questions through the Chair to anyone who may care to respond.

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

Mrs. BERUBE: Mr. Speaker, Members of the House: If the gentleman will give me five minutes, I will open up the book and I will give you the correct answer. I know that there is an increase in fees but that has nothing to do with the amendment that we are discussing at this time, it is in the original document of Sunset Review L. D. 64. I think there is an increase in fee from \$10 to \$20 for those who have lost their license, driver's license, in order to reinstate it.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: The reason why I asked

that question is, I think it makes a difference to me. I heard earlier this week that there would be a savings to the state around \$2 million if this L. D. passed. It is my understanding, I guess, that she doesn't have the increased revenues before her. I have heard indications that there might be from \$500,000 to \$700,000 additional revenues here, and I think we are being told that there would be a net savings to the state of \$2 million, and I question whether we are going to have that savings when we are increasing the way I read it in the bill, Sections 92 and 94, driver license fees for automobile dealers are going to go from \$20 to \$50; snowmobile trailer dealers are going to go from \$10 to \$15, and there are a couple of other sections in here that have increases.

The SPEAKER: The Chair would advise the gentleman from Corinth, Mr. Strout, that at the present time the only matter before us is not the bill but only the amendment which deals with, as the Chair understands it, the question of the state police. So the Chair would ask him to restrict his remarks to that at the present time.

Mr. STROUT: Mr. Speaker, I understand it. I will keep my remarks to the amendment, but I do have to say that if this amendment is adopted, I would still think that it might make the bill in jeopardy.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that House Amendment "A" to House Amendment "E" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

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

Mrs. BERUBE: Mr. Speaker, the motion before us right now is to indefinitely postpone a unanimous recommendation from the committee. Last week, we failed to pass the bill, that is to recede and concur with the Senate, by a mere three votes. It was our understanding at that time that a great concern was raised because of the transfer to the Secretary of State's Department. We have rectified that. The savings, if the amendment is accepted, is \$356,000 for the biennium. I think it boils down to, are we going to address the concerns also for the taxpayers, our constituents, are we going to address this issue on logic, or are we going to listen to a bureaucracy that insists that they cannot function with civilians within their own department? I think I have heard that argument this morning in the hall of the House.

The committee has reviewed many programs within three departments. We did so keeping in mind the cost effectiveness of the program, could it be handled any other way in a less expensive manner but at the same time not taking away any of the services to the general public, the people who foot the bills? I think this recommendation, which was originally in L. D. 64, does not take away services from the general public.

The nine troopers involved will not be out of a job. The legislature enacted Part I last week, it funds 12 new positions. They can only be transferred if they so choose. If they have other problems that are personnel problems, then I think those should be addressed via the route of collective bargaining. We have, I think, identified some good reasons why civilians would do the inspection.

I also heard earlier today that they couldn't vote for this amendment because the civilians would not wear a uniform and when they

walked into the filling station or garage that does the inspection of cars, they would not carry any weight. You know, we have the sanitation inspectors from the Department of Human Services who can close any establishment if they are defying the law, and I would like to see any filing station owner defy an Internal Revenue man who walks in in civilian clothes.

These people will have the same power of summons if there is a violation. I think what we tried to do in the committee is to balance between what is justifiable and what is self-perpetuating, and I think, from speaking to many many people outside this building, in my home community especially, they all favor the recommendation.

I would hope that you would vote against indefinite postponement.

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

Mr. SMITH: Mr. Speaker and Members of the House: I think it was mentioned here today that the troopers spend 28 percent of their time inspecting. Why does it need five people full time to do what nine are doing on 28 percent of their time? I can't understand the reasoning why; if we are really saving money, it shouldn't take more than three full time.

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

Mrs. BERUBE: The figures, Mr. Smith, come directly from the Department of Public Safety; in fact, the supervisor of the department. 28.2 percent of their time is inspecting the stations; speaking engagements, 5.1 percent of their time. And in the officers' own handwriting they say that the equivalent of the nine troopers who are now doing this is five full time inspectors.

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

Mrs. HUBER: Mr. Speaker, I guess I find it kind of ludicrous to know that we have a select committee or whatever, it is working on the highway problem, and here this House is faced with an obvious opportunity to save several hundred thousand dollars in that account. I feel firmly confident that under the supervision of the state police and trooper Clark, the five civilian employees, who would be paid less than state troopers, who would retire on a normal 25-year basis as opposed to the 20-year retirement for state police, would drive smaller cars with less official equipment, perhaps, than the state troopers, but all these things have absolutely nothing to do with the effectiveness of the inspection program. I would certainly urge you to support the good gentlewoman and to vote against indefinite postponement.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: For the life of me, I can't figure out any savings. The question that hasn't been answered, how are they going to travel. Are they going to travel in state police cars? Are we going to buy them cars and typewriters and go through the whole works of a whole new administration?

I am satisfied the way it is and there is no way they can prove to me, with all the conversation we have had in this House, that this is a savings of even \$2. We are getting good service from these people that are on the highway now. They know their job and have been doing it well, and they do a lot of other work, admitted even by the opposition, they are only spending about 28 percent of their time on this particular inspection thing and they are full-time officers while they are doing that. I can't see hiring anymore people on the state payroll. I would be against putting people on the state payroll in any department at this time. I don't want to put anymore people to work in the Highway Department or any other department.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to belabor this, but there are a couple of points which I made in previous debates on the issue. The committee did look at shifting some of the responsibilities in other areas where the state police receive special money from special accounts, such as their inspecting of games of chance and beano, and we rejected that idea, but as I stated yesterday, the state police helps fund their positions through a special account in this regard where they sell stickers, they get fees from mechanics' licenses and they get the fees from the station licenses. That is sort of the bottom line, I think, in their opposition to this measure.

I guess the thing that has finally convinced me to go along with the rest of the committee is that there has been talk of changing the inspection system. I know the Committee on Transportation has looked at this, has had a study of it, has even recommended making changes, and it bothers me, if we set up this funding mechanism for the state police, that we have it in concrete and we will never be able to change the system. I am not sure what kind of a job they do. One of the things that bothers me most is the difficulty as a citizen getting an inspection sticker. If you don't have your own regular garage where you do business all the time, I know I once spent four hours going from Kittery to Ogunquit just trying to get an inspection sticker, and being treated rather rudely in many of the stations.

I just feel if we ever are going to want to change things, perhaps this is the time to do it.

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

Mr. REEVES: Mr. Speaker and Members of the House: I agree that this bill has really been belabored on this floor several times in the past two weeks. I do not intend to rise and prolong this debate, but there are a couple of things that I would like to point out.

First of all, Mr. Rolde's problem of not being able to obtain a sticker at a given garage, at a given time, is not going to be affected in any way by this bill or the amendment before us at the present time.

I have heard it said many times, and I have disagreed each time and I am going to disagree once more. I cannot honestly believe that this amendment is going to save any amount of money, anywhere near the amount that has been mentioned on this floor.

I would like to further state that I cannot possibly imagine how five persons can cover the inspection work involved throughout this great State of Maine. You are talking about five persons. Ladies and gentlemen, I don't know how many of you have been from Kittery to Fort Kent and from Calais to Rumford, but I can tell you, it is no short haul.

I think we all realize that we have 16 counties in this state. You are talking about five individuals. Let's try to look at this from a realistic standpoint. Sixteen counties — I can almost visualize that one area might be Aroostook, Washington and Hancock counties, a huge area. I can visualize the next unit probably consisting of Penobscot, Piscataquis and Somerset counties, another large area. I could envision a third covering Waldo, Knox, Lincoln and Sagadahoc, another large area. We are still left with six more counties. You would have left Kennebec, Androscoggin, Franklin, Oxford, another large area. We are still left with Cumberland and York. If you think that five persons can cover these huge districts at a cost savings, I submit that it is false economy.

I can envision that certain people will be back here next year, or at least the next session, requesting, and justifiably so, more personnel because they will be unable to handle it. When they come back, justifiably so, and ask the second session of this 110th, or the next session, the 111th, for more men, I am certain that they will justify it and more men and more ex-

pense will be authorized.

I think that this proposal is really asking for either an impossible dream or a total nightmare. I think that the proposal is unrealistic. I honestly can't see any way possible that five men can do it, even if they were five Supermen. I urge you to vote for the indefinite postponement of House Amendment "A" to House Amendment "E".

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

Mr. GILLIS: Mr. Speaker and Members of the House: In reply to the Representative's query as to how we could expect five people to do the work that is being done by the state police now, it is very simple. You have state police on there that are putting in 28 percent of their time doing the job. We are putting five people on 100 percent of the time.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: A trooper is a trained person, he retires in 20 years because of his enforcement activity. A civilian would not retire this soon. It is hard to understand why the state police, in all their wisdom, haven't hired civilians before.

Most of the savings are there because of this retirement activity.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that House Amendment "A" to House Amendment "E" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

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

Mr. BRODEUR: Mr. Speaker, I request leave of the House to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he was here, he would be voting yes; I would be voting no.

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

Mr. RACINE: Mr. Speaker, I would like to ask permission to pair my vote with Mr. Richards of Madison. If he were here, he would be voting nay; I would be voting yea.

ROLL CALL

YEA — Aloupis, Armstrong, Beaulieu, Bordeaux, Boyce, Brannigan, Brown, D.; Callahan, Chonko, Clark, Conary, Connors, Damren, Day, Dexter, Diamond, G. W.; Drinkwater, Dudley, Erwin, Foster, Fowlie, Gavett, Gowen, Gwadosky, Hanson, Hayden, Higgins, L.M.; Hobbins, Hunter, Ingraham, Jacques, Jordan, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Locke, MacEachern, Mahany, Masterman, Matthews, McPherson, McSweeney, Michaud, Mitchell, E.H.; Murphy, Nelson, A.; O'Rourke, Paradis, E.; Pearson, Perkins, Perry, Post, Pouliot, Prescott, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Smith, C.B.; Soulas, Soule, Stevenson, Strout, Studley, Tarbell, Theriault, Thompson, Treadwell, Tuttle, Webster, Wentworth, Weymouth, Mr. Speaker.

NAY — Austin, Baker, Bell, Benoit, Berube, Boisvert, Brennerman, Brown, A.; Brown, K.L.; Cahill, Carrier, Carroll, Carter, Connolly, Cox, Crowley, Cunningham, Curtis, Davies, Diamond, J.N.; Dillenback, Fitzgerald, Gillis, Hall, Hickey, Higgins, H.C.; Holloway, Huber, Hutchings, Jackson, Joyce, Kane, Kany, LaPlante, Lewis, Lisnik, Livesay, Lund, MacBride, Macomber, Manning, Martin, A.; Masterton, McGowan, McHenry, McKean, Michael, Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Peterson, Randall, Reeves, P.; Rolde, Small, Smith, C.W.; Stover, Swazey, Telow, Vose, Walker.

ABSENT — Davis, Laverriere, Martin, H.C.; McCollister, Twitchell.

PAIRED — Brodeur-Jalbert; Racine-Richard.

Yes, 76; No, 65; Absent, 5; Paired, 4;

Vacant, 1.

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

Thereupon, House Amendment "E" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT—Majority (12)—"Ought to Pass" in New Draft (S. P. 642) (L. D. 1662)—Minority (1) "Ought Not to Pass" Committee on Health and Institutional Services on Bill "An Act to Establish and Coordinate Training, Education and Employment Programs for Recipients of Aid to Families with Dependent Children" (S. P. 437) (L. D. 1278) which was tabled and later today assigned pending the motion of Mrs. Prescott of Hampden to accept the Majority Report in concurrence.

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

Senate Amendment "A" (S-301) was read by the Clerk and adopted in concurrence.

The New Draft was assigned for second reading the next legislative day.

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

Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Make Changes in the Tree Growth Tax Law" (S. P. 472) (L. D. 1328)

Came from the Senate with the Report read and accepted.

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

Non-Concurrent Matter

Bill "An Act to Promote Alcohol and other Drug Abuse Education and Rehabilitation" (H. P. 1533) (L. D. 1645) which was passed to be engrossed in the House on May 28, 1981.

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

In the House:

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

Mr. CONNOLLY: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The gentleman from Portland, Mr. Connolly, moves that the House recede and concur.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to disagree with the gentleman from Portland, Mr. Connolly, but perhaps he could tell us why. It was my understanding that this Bill had a unanimous Committee Report out of Education, and if someone has changed their mind in here why this bill should be killed, I guess I would like to know why.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to the question, this bill was really seen by the Committee on Education as a backup, a second effort, if the other bill that deals with the same subject matter, alcohol and drug abuse education, were not to pass this legislation, or not to be dealt favorably by the legislature, then this bill would be given a shot. But the decision now is that the issue should be fought out in the other bill that has come out from the Taxation Committee

and that this bill should be killed at this time. Thereupon, the House voted to recede and concur.

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

Non-Concurrent Matters

Bill "An Act to Amend Provisions Concerning the Operation of the Operation after Suspension and Habitual Offender Laws and Certain Non-sentencing Provisions of the operating under the Influence Law" (H. P. 556) (L. D. 635) which was passed to be engrossed as amended by Committee Amendment "A" (H-501) in the House on May 28, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-310) and Committee Amendment "A" (H-501) in non-concurrence.

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

Later Today Assigned

Bill "An Act to Provide More Public Accountability for Sewer and Sanitary Districts" (H. P. 1562) (L. D. 1670) which was passed to be engrossed in the House on May 28, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-311) in non-concurrence.

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

(Off Record Remarks)

All matters acted upon requiring Senate concurrence were ordered sent forthwith, and all matters requiring engrossing were ordered sent forthwith at this time.

On motion of Mrs. Mitchell of Vassalboro, Recessed until the sound of the gong.

After Recess

12:40 p.m.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act to Provide More Public Accountability for Sewer and Sanitary Districts" (H. P. 1562) (L. D. 1670) which was tabled and later today assigned pending further consideration.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: This bill came on our desks yesterday morning. It is a rewrite of a bill that had a hearing quite some time ago. I sent a copy of it back to the attorney who represents the Scarborough Sanitary District and he called me about two hours ago and informed me that there were a couple of errors that he had some concern with relating to this piece of legislation. Before the bill gets into the engrossment stage, I thought if we kept it in non-concurrence it would give me the chance to offer an amendment if one was necessary. It is my hope that I will have some information available by Monday, and I will be able to share that with members of the Public Utilities Committee; therefore, I would ask that someone table this for one legislative day.

Whereupon, on motion of Mr. Davies of Orono, tabled pending further consideration and specially assigned for Tuesday, June 2.

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

Passed to Be Enacted Emergency Measure

An Act to Establish a Consolidated Map of the State (H. P. 1158) (L. D. 1379) (Conf. Com. "A" H-482)

Was reported by the Committee on En-

grossed 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. 123 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

The following Communication:
COMMITTEE ON STATE GOVERNMENT

The Honorable John L. Martin

Speaker

Maine House of Representatives

State House

Augusta, Maine 04333

Dear Speaker Martin:

The Joint Standing Committee on State Government is pleased to report it has completed all business placed before it by the First Regular Session of the 110th Maine Legislature.

Total number of bills received	115
Unanimous reports	98
Ought to Pass	13
Ought to Pass as Amended	24
Ought to Pass in New Draft	8
Ought Not to Pass	2
Leave to Withdraw	51
Divided reports	17
Recommitted	1

Sincerely,
DAVID R. AULT
Senate Chairman
JUDY C. KANY
House Chairman

The Communication was read and ordered placed on file.

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

On motion of Representative Carroll of Limerick, the following Joint Order: (H. P. 1587)

ORDERED, the Senate concurring, that Bill, "AN ACT Authorizing a Bond Issue in the Amount of \$29,000,000 for the Purposes of Fostering Agricultural and Economic Development in the State of Maine," Senate Paper 488, Legislative Document 1428, be recalled from the Engrossing Division to the House.

By unanimous consent, the order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act Promoting Alcoholism Prevention, Education, Treatment and Research" (H. P. 1540) (L. D. 1655) which was tabled and later today assigned pending further consideration (In House, passed to be engrossed) (In Senate, passed to be engrossed as amended by Senate Amendment "C" S-296 in non-concurrence)

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

Mrs. POST: Mr. Speaker, I move we adhere.

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

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

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

A vote of the House was taken.

Whereupon, Mr. Kelleher of Bangor requested a roll call vote.

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

A vote of the House was taken, and more

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: No matter how you address this issue this afternoon, this House is dealing with a tax. Some people in this House call it a premium. You know, you can boil, bake or fry a potato and it is still a potato, and you can use any term that you want to describe a tax, and believe me, this is a tax.

Trying to understand why we should be putting a tax on beer and wine, in talking to some people out in the hallway, it is because of the potential cuts that are going to be coming from the federal government dealing with alcohol and drug abuse. So I took a few moments this morning to check with the Legislative Finance Office, which works with the Appropriations Committee and also with this full legislature, to see just exactly how this legislature has acted dealing with the Office of Alcohol and Drug Abuse. In the Part I Budget, there is a considerable amount of money that is earmarked for this department. I checked to see what it was like in 1980 and 1981, 1981-82 and 1982-83, and there is not much difference in the allocation of funds both in the Department of Human Services and also in the Department of Education.

The Governor of our state has repeated time and again that he is against a tax. Yet, there appears to be a great number of Democrats in this House that want to vote for a tax.

We have got a President in this country that campaigned across this nation that he was against taxes; yet, there are a great number of Republicans in this House who are for a tax, because, believe me, that is exactly what this is.

The concern of the people in ODAP is that because of the potential federal cuts, we need to raise millions of dollars under this tax, because of what is going to happen or will happen in Washington. We all know that there are going to be some cuts in human services and education because of the block grant system, and this legislature is waiting and the Governor is waiting and the departments are waiting until we see what they are in October. We are either going to be back in here in special session or we will be coming back in January to address them.

I suggest that we treat this issue no differently than you and I are willing to treat all the others. We should not be making any exceptions, and that is exactly what we are doing but, more importantly, the thing that bothers me is the old disguise that we are passing a premium and not a tax. Believe me, I am not voting for a tax on this issue, and that is exactly what it is.

Mr. Speaker, if the motion to indefinitely postpone is in order, I would so move and I would request the yeas and nays if that motion is in order.

The SPEAKER: The Chair would advise the gentleman from Bangor, Mr. Kelleher, that his motion is not in order.

Mr. KELLEHER: Mr. Speaker, the gentleman from Bangor thanks the speaker and just as soon as it is in order, I will make it.

The SPEAKER: The Chair would advise the gentleman that at enactment will be the time for indefinite postponement motion.

Mr. KELLEHER: I thank the gentleman for his advice on the rules. I certainly need advice on them.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I think that the previous speaker enlightened us somewhat, clarified somewhat, exactly the situation that we are in now. We have four choices, the motion which I made, the one to adhere, the choice which is before

you now to recede and concur. What that does is put us in a position with the bill that the sponsors of the bill, that the Governor, that the Taxation members who supported this bill cannot accept. If you want the bill to become law, we make a very difficult decision to adhere and then we fight the battle in the other body.

I think the overwhelming majority of people in this House, when we spoke the other day, made it very clear that we want a bill such as this to become law to deal with the problem of alcoholism. That vote was overwhelming.

I can only tell you now that the people who have been involved in this issue all feel that the only chance we have of this bill becoming law, or a dedicated fund to become law to deal with the problem of alcoholism is through an adhere motion. A recede and concur motion will essentially kill the bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would thank the gentlewoman for providing this House with information for killing this bill. I don't care whether we kill it on indefinite postponement or if we kill it in non-concurrence, so I would urge this House, if you want to stop a tax, and that is exactly what it is, if we accept the gentlewoman's motion from Bethel, Miss Brown, to recede and concur, if that puts it in a position where the other body or Mrs. Post or the committee, or whomever, dislikes it and it will end up dying, I don't care how you do it, if you shoot it with a shotgun or shoot it with a rifle, it is all the same to me.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Kelleher has made me angry. I wasn't going to get up and speak on this. Mr. Kelleher is good at killing bills. I hope you people won't follow his light this time, because this time he is all wrong.

We need this very badly. I have visited some of these homes, and I am telling you, the way those people act in those places is great. I know the federal money is running out that is all right, but I think we need to support these people.

I visited one where the people do all their own cooking, take care of the house, and that house was immaculate, and they have the right to their own beliefs and they have sessions, and I will tell you, Mr. Kelleher is all wrong on this one. I don't care if the Governor doesn't want a tax. He may send up his veto, but if I have my way, it is not going to pass.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I can't, for the life of me, understand how receding and concurring it is going to be between the branches. It seems to me that this bill, in either posture, is going to raise the same amount of money and essentially provide us with some additional revenues that we, the other day by our vote, seemed to want to go along with providing.

I would hope that someone on the floor of the House could explain to us the reason why receding and concurring with the other body would kill the bill just because it is a different version than ours.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief today because I went on at length the other day about this. But to respond to the gentleman from Scarborough, it is really very simple. If this bill passes with Senate Amendment "C", it will be vetoed. If we pass the report that we accepted the other day, it will be signed.

If we want to do something, we have to go with the original report.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Maybe to elaborate on that a little bit. As I said before, the sponsors of the bill, the Taxation Committee members that have been involved in working on this bill, have all come to an agreement that the only way to save the bill is with an adhere motion.

The Governor has made it very clear that with the original concept it is a bill that he can support; the other is not.

A good Senator from Kennebec, a good male Senator from Kennebec, so I don't get mixed up in supporters, has made it very clear that if we deviate from the original bill, if we recede and concur, then he also will do his best to kill that bill. So we have brought the two gentlemen together, the Taxation Committee together, and the feeling is, the only way we are going to have this bill passed is with the original concept with the adhere motion, and the recede and concur motion kills the bill.

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

Miss BELL: Mr. Speaker, Ladies and Gentlemen of the House: The struggle that Mrs. Post has referred to is real, believe me. We have all struggled with many procedures. We have talked about the philosophy. Our number one concern is to keep this bill alive.

Just to talk about the need of the bill, we are talking about parliamentary procedure at this point. I am sure you have all come in contact with problems in your own communities. You have seen people in your community die in alcohol-related accidents, you have seen families destroyed, devastated by the effect of alcoholism and chemical dependency.

What we have done, the sponsors and within Taxation, we have thoroughly explored all the alternatives. Our feeling is, the best chance right now to keep this bill alive is to adhere, and I would urge you to go along with us on that motion.

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

Mr. DAY: Mr. Speaker and Members of the House: I have been interested in this alcohol business since I worked for the Dupont Company 40 years ago. On the Longley Commission, I proposed that we do more in the State of Maine for this problem. My company has a good program, like other companies do. I feel, tax or otherwise, Mr. Kelleher, we have got to do something about it, and I would like to see done about it whatever it takes to get a bill to put some more money into a problem that is a big problem. Now, how you politicians solve it is one thing. Being a greenhorn, I don't know the answers, but I hope the House will consider that we need this.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: In the last few days of the legislative session, the non-concurrent matters between the two bodies become very confusing. Motions to recede, concur, insist and adhere become very technical but very important. The last thing I want to see this House do is to be misled and misunderstand what the actual implications of voting one way or another way on these four motions really brings about.

What the other body did the other day was, it added an amendment to the bill, and that amendment is before us. If you support that amendment, you would recede and concur. What that would do, it would put the bill into concurrence, in agreement between the other body and this body if you voted to recede and concur. If you voted to adhere, we are playing Russian Roulette and chicken with the other body, as you might say. If we adhere and they don't recede and concur with us, the bill is dead. If you adhere today, you are putting this bill, if you care about it, in such a posture that if the other body doesn't go with us, the bill is dead. If you recede and concur today, you are

going along with the other body, in agreement, and the bill is alive because that would be passage to be engrossed, and then it comes back for enactment. So that is the key difference procedurally.

Substantively what is the difference between the two bills? The other day, I spoke in favor of the 10 percent tax approach as opposed to the premium approach. The 10 percent tax approach uses the current mechanism for increasing the revenues \$3 million. The other approach, which was the premium approach, assessed a tax, but called a premium, per ounce of alcohol that was in a given beverage. In other words, it was a tax according to alcohol, not a tax according to volume, which is what our current liquor tax is.

The key difference that everybody talked about on the floor of the House in saving the bill so that the Governor wouldn't veto it, is that the version this House adopted the other day said premium. The version I urged you to go along with said tax. But what the other body did with the amendment that is before you today with the recede and concur motion, is they changed the word to premium, so that the version before you now does not any longer say tax, it says premium. So the version we passed the other day and the version the Senate passed the other day both say premium, there is no tax any longer, it is a premium. We know that a premium is a tax, but it says premium. So if you recede and concur, you are voting for a premium, which seems to be the principal objection of the Chief Executive. He wants to sign a premium bill. It says premium, but it keeps our existing structure of raising revenues on a volume basis rather than a per ounce of alcohol basis. It removes the objectionable aspect, it says premium. It uses the current mechanism we have now for raising the additional \$3 million. There is no difference between the two versions as to how much it raises, it raises \$3 million and it will take that \$3 million and put it in a dedicated fund to be used solely and exclusively for alcohol rehabilitation programs.

I submit to you just the contrary of what the gentlelady from Owl's Head is urging you to do. If you really care about the bill, you want to put a bill into a posture in which it agrees with the other body, and the recede and concur motion will bring us into concurrence with the other body, then we can bring the bill back for enactment, and it comes back to us first for enactment, because it is a House measure that has got to come back to us, I think.

If we adhere, we are playing Russian Roulette and chicken with the other body, because if they don't back down and go along with us, then the bill dies.

I submit to you that if you really do care about it, recede and concur. It is my understanding from talking to people out in the hallways and out on the floors that the Chief Executive would not object to a bill that said premium. This measure before us does say that, and I think it is about time that we realized that we are the third branch of government here. We write the rules, we write the tax policies, we raise the revenue, power of the purse, and if there is that much support on this floor, which there apparently was, overwhelming support on this floor to support this measure, regardless of what the Chief Executive and the other branch does, we have got enough to pass this, regardless, two or three times over. So I would urge you to recede and concur.

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

Ms. LUND: Mr. Speaker, Men and Women of the House: It is very seldom that I take issue with the House minority assistant leader. He is a good teacher and a good guide and a good parliamentarian, and most of the time I follow him. However, he started off his conversation with us this morning by saying that the House probably didn't realize what it was doing, that the House was being misled and the House was

ignorant. I don't agree with that at all.

In this particular bill, the difference between the two amendments, is the premium is based in one amendment upon the amount of alcohol; in the other amendment it is based upon some other factors, of which I am not quite sure. There is a difference between the two amendments.

This House is not misled, it is not ignorant of the procedure that goes between the two houses. We are aware that the real threat is not from the other body; the real threat is the veto from the Governor. If the Governor defines tax or premium by anything else differently from the members of this House or the members of the other body, at this point, on this particular issue, I really don't care. What I do care is that we save this kind of money to go into alcohol programs. I would rather take my chances over the weekend with swaying one member of the other body than I would trying to change the Governor's mind.

Therefore, I hope you will vote no on the motion to recede and concur.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to tell the learned gentleman from Bangor, Mr. Tarbell, this is a House bill, and I thank the gentleman for his lecture on parliamentary procedure. I am sure we all know what is at stake here, but I would like to add just a little bit to the lesson, because the amendment that was put on in the other body was put on by the liquor lobby.

The position that is being supported here, that you supported with 114 votes the other day, is those people who have a great concern about the alcohol problem. So I would just ask you very, very strongly to kill the motion to recede and concur and vote to adhere.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I think we have discussed the merits of this case enough. I just wanted to rise again to thank the gentleman from Bangor, Mr. Tarbell, for the lesson in parliamentary procedure, and because of his help through that lesson and his help with this bill, I have talked with a lot of the sponsors and they have agreed to hereinafter refer to this as Swift's Premium.

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

Mr. HALL: Mr. Speaker and Members of the House: I would like to pose a question to someone on the Appropriations Committee. Could anyone on that committee tell me if in the Part I Budget there is any money set aside for this already?

The SPEAKER: The gentleman from Sangerville, Mr. Hall, has posed a question through the Chair to anyone on the Appropriations Committee who may care to answer, and the Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, the answer is yes.

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

Mr. HALL: Mr. Speaker, would the good gentleman let me know how much there is?

The SPEAKER: The gentleman from Sangerville, Mr. Hall, has posed an additional question through the Chair, and the Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, from the General Fund, from state sources, it is \$1.5 million in each year of the biennium.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: To add to that, there is a million dollars less than in the last biennium on that issue because of a cut in federal funds.

The Chair recognizes the gentleman from

Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, I would like to pose a parliamentary inquiry. Is it not true that we are not supposed to use the action of the other body to influence this body?

The SPEAKER: The Chair would answer in the affirmative, but it is not a secret.

A roll call has been ordered. The pending question is on the motion of the gentlewoman from Bethel, Miss Brown, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

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

Mr. McPHERSON: Mr. Speaker, I would request permission from the House to pair my vote with the gentleman from Madison, Mr. Richard. If he were here, he would be voting nay; I would be voting yea.

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

Mr. JACKSON: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Topsham, Mrs. Chonko. I would be voting yea; she would be voting nay.

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Berube, Brown, K.L.; Carroll, Carter, Conary, Connors, Dillenback, Dudley, Foster, Gavett, Hall, Higgins, H.C.; Higgins, L.M.; Hobbins, Huber, Ingraham, Jacques, Kelleher, Lancaster, Lewis, Masterton, McKean, Michaud, Nelson, M.; Perkins, Peterson, Prescott, Reeves, J.; Studley, Tarbell, Weymouth.

NAY — Baker, Beaulieu, Bell, Benoit, Boisvert, Brodeur, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Cahill, Callahan, Carrier, Clark, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Gillis, Gowen, Gwadosky, Hanson, Hayden, Hickey, Holloway, Hunter, Hutchings, Jordan, Joyce, Kane, Kany, Ketover, Kiesman, Kilcoyne, LaPlante, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Masterman, Matthews, McGowan, McHenry, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Racine, Randall, Reeves, P.; Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soule, Stevenson, Stover, Strout, Swazey, Telow, Theriault, Thompson, Treadwell, Tuttle, Vose, Walker, Webster, Wentworth, The Speaker.

ABSENT — Davis, Jalbert, Laverriere, Martin, H.C.; McCollister, Soulas, Twitchell.

PAIRED — Chonko-Jackson; McPherson-Richard.

Yes, 34; No, 105; Absent, 7; Paired, 4; Vacant, 1.

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

Thereupon, on motion of Mrs. Post of Owl's Head, the House voted to adhere.

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

Mrs. POST: Mr. Speaker, having voted on the prevailing side, I move we reconsider whereby we voted to adhere, and I hope you all vote against me.

The SPEAKER: The gentlewoman from Owl's Head, Mrs. Post, having voted on the prevailing side, now moves that we reconsider our action whereby the House voted to adhere. All those in favor of reconsideration will say yes; those opposed will say no.

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

The Chair laid before the House the following matter:

Bill "An Act Providing for Certain Public Utility Bond Financing by the Maine Municipal

Bond Bank" (H. P. 1558) (L. D. 1668) which was tabled and later today assigned pending passage to be engrossed.

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

Mr. DAVIES: Mr. Speaker, I understand that the gentleman from South Portland, Mr. Kane, has an amendment to offer to this bill.

Thereupon, on motion of Mr. Nadeau of Lewiston, tabled pending passage to be engrossed and later today assigned.

On motion of Representative Fowlie of Rockland, the following Joint Order: (H. P. 1588)

ORDERED, the Senate concurring, that Bill, "AN ACT Relating to Aquaculture," House Paper, 1128, Legislative Document 1345, be recalled from the Governor's desk to the House.

Under suspension of the rules, the Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Second Readers

Tabled and Assigned

Bill "An Act to Authorize and Encourage Risk Capital Funds" (H. P. 1581) (L. D. 1675)

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

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

Bill "An Act to Create the Public Advocate to Represent the Interests of Utility Customers" (Emergency) (H. P. 1578) (L. D. 1673)

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

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

Bill Recalled from Engrossing Department

(Pursuant to Joint Order — House Paper 1587)

Bill, "An Act Authorizing a Bond Issue in the Amount of \$29,000,000 for the Purposes of Fostering Agricultural and Economic Development in the State of Maine" (S. P. 488) (L. D. 1428) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-297)

— In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (S-297)

On motion of Mr. Carroll of Limerick, under suspension of the rules, the House reconsidered its action whereby L. D. 1428 was passed to be engrossed.

On motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-297) was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-508) was read by the Clerk.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: We changed the amount of this bond issue to \$29,300,000. This was a committee amendment. When they redrafted the bill, they didn't continue in its entirety the amendment of \$29,300,000. They left the figure of \$29 million, so when it was engrossed incorrectly. Now the bill has been corrected and nobody is trying to give you a fast punch.

Thereupon, 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.

By unanimous consent ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act Providing for Certain Public Utility Bond Financing by the Maine Municipal Bond Bank" (H. P. 1558) (L. D. 1668) which was tabled and later today assigned pending passage to be engrossed.

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

House Amendment "A" (H-507) was read by the Clerk.

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

Mr. KANE: Mr. Speaker and Members of the House: The only purpose for this amendment is, it doesn't change the bill, it just gets us out of the possible difficulty of granting a new property tax exemption which we would be responsible for reimbursement of to the tune of 50 percent. As an instrumentality of the state, this would already be exempt under Title 36, Section 651, and this just makes it clear that in this bill we are not granting a new exemption.

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent, ordered sent forthwith.

(Off Record Remarks)

On motion of Mr. McHenry of Madawaska, Adjourned until Tuesday, June 2, at nine o'clock in the morning.