

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Tenth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

INDEX

FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION

May 13, 1982

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SECOND CONFIRMATION SESSION

July 16, 1982

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HOUSE

Friday, March 5, 1982

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

Prayer by Father Joseph Holland, Chaplain, Augusta Mental Health Institute.

The journal of the previous session was read and approved.

Orders

On motion of Representative McSweeney of Old Orchard Beach, it was

ORDERED, that Representative Louis J. Albert of Lewiston be excused March 4 and 5 for personal business.

AND BE IT FURTHER ORDERED, that Representative Edward J. Kane of South Portland be excused March 1, 2, and 3 for personal reasons.

Special Sentiment Calendar

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

The Gorham High School Rams, and coach Tony DiBiase, winners of the Western Maine Class B Boys' Basketball Championship for 1981-1982; (S. P. 911)

Ralph J. Brooks, American Legion Department Commander, for his outstanding work for the veterans, widows and orphans of Maine and the Nation; (S. P. 908)

The Gorham High School Rams, and coach Tony DiBiase, winners of the State Class B Boys' Basketball Championship for 1981-1982; (S. P. 910)

Central Aroostook High School Cheerleaders, selected for All Eastern Tournament Classes C and D; (H. P. 2134) by Representative Smith of Mars Hill. (Cosponsor: Senator Carpenter of Aroostook)

Central Aroostook Boys' Basketball Team, winners of the Eastern Maine Class C SportsmanSHIP Award; (H. P. 2135) by Representative Smith of Mars Hill (Cosponsor: Senator Carpenter of Aroostook)

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

Ray and Phyllis Lemieux, who as volunteers, have provided untiring leadership and devotion to the development of hockey and youth in the Waterville area; (H. P. 2145) by Representative Kany of Waterville. (Cosponsors: Representatives Jacques of Waterville, Fitzgerald of Waterville and Senator Pierce of Kennebec)

On the request of Representative Jacques of Waterville, was removed from the Special Sentiment Calendar.

Thereupon, the Order was read.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: We have presented this order today because Ray and Phyllis Lemieux will be retiring from the Youth Hockey Program in the City of Waterville. Mr. and Mrs. Lemieux started that program over 25 years ago. Mrs. Lemieux sewed the first uniforms for the first youth hockey team in the City of Waterville, and her husband started coaching the first team. Since that time, they have developed a very fine operation in the City of Waterville and they have produced some fine hockey players.

My four years in high school, Waterville High School won the New England championships for three years and the State of Maine championships four years and the league championships for four years. Out of that group of hockey players came one man named Danny Bolduc who, in 1976, represented the United States on the United States Olympic Hockey Team and who has now signed a contract with the Montreal Canadians, one of the finest hockey teams in the world.

Mr. and Mrs. Lemieux gave much of their time over the past 25 years and have sowed the seeds for many a young man. I had the pleasure of playing hockey under the program that Mr. Lemieux started.

I would just like to pay them a little bit of tribute today by saying that the hockey program that Mr. and Mrs. Lemieux started in the City of Waterville over 25 years ago will not end with the retirement of Ray Lemieux. He has built a machine of fine coaches, fine hockey players, and hopefully it will continue in the future.

Twenty-five years ago there was a need for a man like Ray Lemieux to show the young people what it was like to play hockey, what it was like to win, what it was like to lose, and what it was like to be proud. We needed men like Ray Lemieux 25 years ago and we still need men like Ray Lemieux today.

I just wanted to make a special note of this because we feel they are two very special people and they will be sadly missed from the hockey program.

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

The Senior Citizens' Choral Group, of the Multi-purpose Center in Lewiston, Maine, and their director Paul Emile Belanger, for the groups' 14 years of service to the public; (H. P. 2146) by Representative Boisvert of Lewiston. (Cosponsors: Senators Charette of Androscoggin, Minkowsky of Androscoggin and Representative Telow of Lewiston)

Dan Simoneau, of Livermore Falls, who led the U.S.A. to an 8th place finish in the World Nordic Ski Championship in Oslo, Norway; (H. P. 2147) by Representative Brown of Livermore Falls. (Cosponsors: Senator Ault of Kennebec and Representative Boisvert of Lewiston)

Caribou High School, which placed 1st in the Aroostook County Telequiz; (H. P. 2148) by Representative Lisnik of Presque Isle. (Cosponsors: Representatives Matthews of Caribou, Peterson of Caribou and Senator McBrearty of Aroostook)

The Wells High School Boys' Basketball Team, for winning the overall SportsmanSHIP Award in the Western Class B Championship Playoffs; (H. P. 2150) by Representative Wentworth of Wells. (Cosponsor: Senator Hichens of York)

Emma Sawyer, of Freeport, a remarkable woman who at age 101 received a golden head cane in honor of the community's oldest living resident; (S. P. 915)

The Houlton High School Girls' Basketball Team, which won the Eastern Maine Class B SportsmanSHIP Award for 1982; (S. P. 913)

Steven Skaling and Raymond Hanson of Stratton and Claude Pepin of Coplin Plantation for their heroic efforts in rescuing several snowmobilers when the ice on Flagstaff Lake collapsed beneath the snowmobilers; (S. P. 912)

The Houlton High School Boys' Basketball Team which won the Eastern Maine Class B SportsmanSHIP Award for 1982; (S. P. 914)

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

House Reports of Committees
Ought Not to Pass

Representative Kelleher from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate \$5,000 for the National Guard Scholarship Program at Vocational-technical Institutes" (H. P. 1834) (L. D. 1831) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

Leave to Withdraw

Representative Brennerman from the Com-

mittee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to the Department of Labor to Operate Offices of the Maine Job Service for Federal Fiscal Year 1982" (H. P. 1866) (L. D. 1860) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Representative Davies from the Committee on Public Utilities on Bill "An Act to Incorporate the Farmington Falls Water District" (H. P. 1985) (L. D. 1954) reporting "Ought to Pass" in New Draft (H. P. 2142) (L. D. 2051)

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

By unanimous consent, ordered sent forthwith to the Senate.

Ought to Pass

Pursuant to Joint Order H. P. 1846

Representative Armstrong from the Committee on Local and County Government pursuant to Joint Order H. P. 1846 reporting a RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1982 (Emergency) (H. P. 2149) (L. D. 2052) asking leave to report that the same "Ought to Pass"

Report was read and accepted, the Bill read once and assigned for its second reading, Monday, March 8.

Consent Calendar

First Day

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

(H. P. 1827) (L. D. 1809) Bill "An Act to Permit Municipalities to Adopt Contract Zoning Under the Maine Zoning Laws" — Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-627)

(H. P. 1953) (L. D. 1924) Bill "An Act to Establish Procedures for Withdrawal of Participating Local Districts from the Maine State Retirement System" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-629)

(H. P. 2084) (L. D. 2023) Bill "An Act to Fund and Implement Collective Bargaining Agreements Relating to Vocational-Technical Institute Employees" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-630)

(H. P. 1727) (L. D. 1712) Bill "An Act to Revise the Fair Credit Reporting Act and to Conform it to Recent Maine Judicial Decisions" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-631)

(H. P. 1837) (L. D. 1834) Bill "An Act to Clarify the Statutes Pertaining to Search and Rescue" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-632)

(H. P. 1807) (L. D. 1792) Bill "An Act to Increase the Working Capital of the State Liquor Commission" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 1976) (L. D. 1951) Bill "An Act to Revise the Lubec Water and Electric District Charter to Modify the Requirements for Issuance of Bonds" — Committee on Public Utilities reporting "Ought to Pass"

There being no objections, these items were ordered to appear on the Consent Calendar of March 8 under listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 2030) (L. D. 1996) Bill "An Act to Permit Persons Employed by Games of Chance Licensees as Bartenders to Operate and Conduct Certain Licensed Games of Chance"

No objections having been noted at the end of the Second Legislative Day, the House Paper was passed to be engrossed and sent up for concurrence.

Second Reader**Tabled and Assigned**

Bill "An Act to Authorize Governmental Entities to Provide Self-insurance" (H. P. 1825) (L. D. 1807)

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

On motion of Mr. Brannigan of Portland, tabled pending passage to be engrossed and specially assigned for Tuesday, March 9.

Passed to Be Engrossed

Bill "An Act to Amend the Definition of Table Wine" (S. P. 829) (L. D. 1937)

Were reported by the Committee on Bills in the Second Reading, read the second time, the House Paper was passed to be engrossed and sent up for concurrence and the Senate Paper was passed to be engrossed in concurrence.

Amended Bills

Bill "An Act to Repeal the Maine Bid Preference Law" (H. P. 1904) (L. D. 1889) (C. "A" H-624)

Bill "An Act Relating to the Publication of a Consolidated Map of the State" (Emergency) (H. P. 1843) (L. D. 1838) (C. "A" H-623)

Bill "An Act Relating to the Compensation of Public Utilities Commissioners" (H. P. 1921) (L. D. 1903) (C. "A" H-626)

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

Orders of the Day

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

Bill, "An Act to Establish Voluntary Certification for Building Energy Auditors" (H. P. 1916) (L. D. 1893)

Tabled—March 2 by Representative Hall of Sangerville.

Pending—Passage to be Engrossed.

Mr. Hall of Sangerville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-628) was read by the Clerk and adopted.

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

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

House Divided Report—Majority (10) "Ought to Pass" as Amended by Committee Amendment "A" (H-606) — Minority (3) "Ought Not to Pass" Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prevent Combining more than One Bond Issue item on a Single Bond Issue Bill (H. P. 1793) (L. D. 1783)

Tabled—March 2 by Representative Pearson of Old Town.

Pending—Acceptance of either Report.

On motion of Mr. Pearson of Old Town, retabled pending acceptance of either Report and assigned for Monday, March 8.

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

HOUSE REPORT—"Ought to Pass" as Amended by Committee Amendment "A" (H-

614) — Committee on Public Utilities on Bill, "An Act to Clarify the Regulation of Sewer Districts" (H. P. 1791) (L. D. 1781)

Tabled—March 2 by Representative Davies of Orono.

Pending—Acceptance of Committee Report.

On motion of Mr. Davies of Orono, retabled pending acceptance of the Committee Report and assigned for Monday, March 8.

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

An Act to Adjust Fees for Licenses issued by the Real Estate Commission (Emergency) (H. P. 1809) (L. D. 1794) (C. "A" H-612)

Tabled—March 4 (Until Later Today) by Representative Carroll of Limerick.

Pending—Passage to be enacted.

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

A vote of the House was taken.

Whereupon, Mr. Carrier of Westbrook 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 Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I have to admit that I wasn't paying too much attention here, but I am now. I am prepared to discuss quite a lot about this. We have discussed some things in the past, but I have before me two things which I think are of great importance to this bill for all of us, and especially to those of you who haven't looked at it.

One thing I have is the roll call from the last time and also, the important part of it, under this budget book and annual report that we have, for those of you who are interested in what the Real Estate Commission does or is supposed to do, on page 100 you will find their duties. You will also find a list of expenses but it never shows a list of income.

The main thing about this bill and the thing that I am concerned about is, whether this bill passes, it is only going to be a temporary solution for this year only. There is nothing in the bill that will cover the income for the following years — it will June 31, but we will have to pay back the bills that are owed.

What has upset me is that the last time we had a discussion on this, there were either some untruths said or misguided information said, things which were not true. One thing was said by two people who I actually want to believe myself that they were saying what they believed in.

The fact is, ladies and gentlemen, at the time it was said that if we didn't pass this bill, the Real Estate Commission would die. Well, this is not true. I am sure that the people who made that statement will agree to this. I hope it was made in good faith, but we had to fight that the last time and we have to fight that again today. This is not true. The fact is, if this bill does not pass, it will stop them from increasing the fees for the real estate brokers and yet the Real Estate Commission will keep going on and will have to figure some way to pay their bills that they have made over a period of three years. A period of three years shows that there has been gross inefficiency within the department.

It is very easy to say that the present commissioner or any commissioners should not allow this to happen, but it has happened, and the commissioner has been there for less than a year. I am not defending the commissioner,

but finally he has found some solution to what has happened for the last three or four years.

We happen to have had there some commissioners appointed by the present administration that actually should not be there. This is why in the past I have argued so much about the quality of nominees that we should have and accept, and reject them if they haven't got them, regardless of what party you are in or regardless of who promotes them. This is what has happened. Let's put the blame where the blame is supposed to be.

Let's correct another untruth that was said a couple of days ago. It was said here on the floor that they were in debt for \$30,000. This is not true. The Real Estate Commission right now owes \$70,000, and you know where they owe it? They borrowed \$60,000 from the Governor and they borrowed \$10,000 from the Banking Department that we have over here. The fact is that today they cannot borrow from them anymore. So what we have is \$70,000 in the hole. My solution is, whether you agree with it or not, but at least it is a suggestion, which we have been trying to get from the department or somebody else — how are you going to take care of this \$70,000? My solution is, you come to the legislature—and I am saying exactly what I said the last time—you come to the legislature and say, look, we made a mistake you don't have to admit that, I don't really mean that—but there has been some inefficiency because it shows that we are in debt. We want to correct it, this is what we plan to do in the future. If we can get the money from the legislature to pay off this bill, then we can be almost sure, at least we will try real hard to keep the thing going and keep it aboveboard.

There are many reasons why they are in the hole, but you couldn't run your business for three years this way. If you did, it just isn't the proper thing to do, that is all, and this should have been caught before. It is a matter of policy, it is a matter of who knows who, and I don't want to touch this one, I don't want to touch that one. That's what it is, it's politics. That is why I suggested to them that they come to this legislature and they ask us for whatever, \$70,000, \$60,000, whatever they say they have, and I will work along with your people and realize that we do have a problem, this is the final solution and probably we don't understand it, we can get it out of surplus or get it wherever it comes from, out of the Appropriations Committee or from some of my friends that have got money.

The thing is, ladies and gentlemen, if you pass this, whatever you do, you have to make changes. If we go on this way for the next year with the present situation that they have, you will be in the hole again next year and they are going to be back here next year, because this past year they claim they lost 700 licenses—okay, that's less income. But next year, they are going to get less yet, they are probably going to lose another 500, and this is where they have to come out with a budget with solutions to the problem and how we are going to do it.

I know they are going to say, well, we have already done away with three or four people but that is probably \$42,000 or \$43,000, and we are talking about \$70,000. We are not talking about \$442,000. There is only so much that you can get out of there and there is some reason why these people who have worked there, who used to work for the commission, now they are involved in spending half a day every day working on some foolish program on land zoning or something that hasn't got much value.

I actually think that this is not a good bill because it is not the solution to the problem. Real estate is bad and the fees are going to be high, \$70 for two years.

I just want to state in passing that yesterday I was at an optometrist's and we were discussing this bill among other things, and the optometrist, who is a professional, in essence he is a professional, not by name, and he is much

more liable for negligence than any real estate broker could ever be, their license fee is \$25 a year. How do you balance this kind of thing?

I really think that we can do much better than this, and I am sure that if we don't pass this bill, we need two thirds, we need 101 votes, if we don't pass it, they will survive, we will all work together and we will come up with either a study or some solution, and if you have got any good ideas, you can present them then or anytime, that is your privilege.

I do suggest that there has to be some changes within the makeup of the Real Estate Commission. The Real Estate Commissioner has very limited power. He has the right to hire and fire, and that's about it. As far as the policies are concerned, it goes within the Real Estate Commission, and I am telling you that the fault lies right with some of the commissioners who don't care if you've got \$50,000 to spend or you have \$6,000—they will still spend.

I hope that you vote against this bill.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: The part of this bill that really bothers me is raising the fee 75 percent in one whack. As the former speaker mentioned, a great many of the occupations and professions are far below this; for instance, doctors, \$50; dentists, \$50; chiropractors, \$50. The only one that comes near this is land surveyors, and they are \$60. It just doesn't make sense to me for this department to be requesting a 75 percent increase in one whack.

Secondly, the Maine Realtors Association does not take any stand on this. They are not necessarily in favor or against but we will find, those of us who have been lobbied for the most part have been lobbied by the agencies that are franchised by the countrywide franchisors. They have a great number of agents coming and going all the time. They feel that they need the protection of the commission.

As far as the commission is concerned, I agree with Representative Carrier, there are plenty of people that would serve on this Commission, plenty who would serve for gratis. In fact, the people who are on there, I think might even consider such a move.

Finally, as far as threatening the real estate industry with the Attorney General to deal with versus the Real Estate Commission, that wouldn't worry me a bit, not one iota. If someone does something wrong, eventually they will wind up before the Attorney General's Office anyway, so I don't think that that threat should influence our vote one bit. I think the only thing a real estate person has got to do is make sure that he does his work properly and in a professional manner.

I would hope that you would vote against this bill.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I was one of those individuals that stated that if you voted against this bill, it would abolish the Real Estate Commission. I would like to clarify that point. When I made that statement, what I meant to say was that the Real Estate Commission would not have the sufficient manpower nor the resources to be able to effectively enforce the laws which they are required to enforce. I hope that I did not mislead anyone in the House and if I did, I apologize. That statement was made in respect to the enforcement, that is the only reason why I mentioned that if you fail to vote for this bill, you will be abolishing it. I should have said that the Real Estate Commission will become ineffective and will not be able to perform those duties that are included in the law.

I would like to respond to the two previous speakers' comments in reference to license fees of other departments that are much lower than the real estate license brokers' fees are. The reason for that is that the other agencies

are not regulated in the same manner as our real estate brokers, that is the only difference. Optometrists are not regulated like the real estate commission, it is as simple as that. If you are going to regulate the way we have mandated, then you need the manpower and the resources to do so.

I do not intend to go back and restate what I said in my previous discussion on this matter. I still hope that you will support the bill and if you don't, let your conscience be your guide.

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I will attempt to be brief on this issue. I think all of the elements have pretty much been discussed in their entirety. I did speak on this the other day and I am glad that Mr. Carrier and Mr. Davis agree with me on this particular piece of legislation.

I received more mail on the this piece of legislation than any other this year. I think clearly in the Statement of Fact it states the Commission has overspent itself over the last few years, so I think that is a clear sign of what the outcome of this legislation should be today.

I would recommend to the Commission that they have their brokers and salesmen renew their licenses at the same time every year, such as other states in the nation do; therefore having money coming in all year round and that would prevent them from overspending.

I feel at this time that it is not in the best interest of the people of Maine that we pass this bill and I hope you will defeat it.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I spoke on this bill the other day when the debate was going on and there were some suggestions and recommendations made for the possibility of a joint study order studying the functions and the duties of the Commission. I still think this is a proper channel to exercise. I think the responsible thing for this body to do today would be to defeat this piece of legislation and have the Chairman of the Business Regulation Committee generate a joint study order, give that committee the opportunity to study that Commission in depth and report back to the next session of the legislature with its recommendations.

It seems to me that it is quite unclear as to what functions the Commission should undertake, what manner they should receive their fees in, and I think these two concerns are major and should be addressed. So today I am going to support the gentleman from Westbrook, Representative Carrier, and I hope the majority of the body does.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I feel encumbered to respond to the remarks of the gentleman from Harrison in regard to his suggestion of a study because I do think that a study is a good idea.

First of all, I want to thank those 106 members who just voted for enactment of this bill and I hope that you will see your way to do it on the roll call.

This has been thoroughly debated. I don't think there is anybody who doesn't know what the issue is. The Real Estate Commission brought a fee increase before our Business Legislation Committee; they asked for the same funding that would give them seven positions. Under an amendment offered by Mr. Racine, we reduced the amount of money that they requested to some \$75,000 to give them five positions on the theory being that the real estate business is not that hot so perhaps they don't need as many people overseeing that business.

I've got to tell you that there are many people on our committee that are concerned about the functions and activities that the Real

Estate Commission is doing at this time. We are concerned about the idea of continuing education and it was things like continuing education which we passed a couple of years ago, which is probably the reason they are overspent at this time, the legislature has put more, at their request, responsibility onto these boards and commission, the real estate board, and that is probably why they are overspent. At least that is one reason.

We are concerned about the idea of the enforcement functions that the commission and board is presently performing. Right now if there is a dispute between a buyer and a seller, it seems like a habit that they come to the Real Estate Commission and they try to resolve these disputes between a buyer and a seller. Perhaps they could be going to the Attorney General's Office; perhaps they could be going to a civil court. We think that that is fine and maybe that should be looked at, but we can't adjust that in this particular bill because this bill is a fee increase.

I think it is inappropriate for us to kill this bill and then just say, there you are, you have reduced funding now you do what is best. The reason why I feel it is inappropriate is because that doesn't give us any say in what they are going to be doing.

I really think what is appropriate for us is to go ahead and pass this proposal for reduced funding, go ahead and put a study in and then study the functions and activities of this particular commission and board. Maybe they don't even need a commission and board, and I have some serious doubts in my mind right now that they do need a commission and board but if we can get this passed, then have a study, let's find out if they need a commission and board, let's find out their functions, their activities, find out if they still need continuing education, let's find out if they have to be doing the enforcement provisions that they are doing at this time, then make those recommendations in a study report and utilize that as a tool to solve many of these problems that we are talking about this afternoon.

I would urge you to vote in favor of the enactment of this bill.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Maybe I am not reading the right piece of legislation. I don't see anywhere on that piece of legislation the amendment where it reduces the funding for the Maine Real Estate Commission. I would just like to make that point clear to the Representative from Fairfield.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: When we speak of reducing, we are speaking of reducing the requests which were asked for by the Commissioner of Business Regulation to allow this group to continue at their present status of seven people. Although they are authorized for nine, they have been running with seven. We have reduced their request to allow them to run with five. We have done that only because we have decided that we must do that in order to allow them to carry out the statutory obligations that they have now.

I don't feel that we have threatened with the AG's Office. What we have been told by realtors, and we have been told very little and that is one of our frustrations and one of my frustrations in dealing with this bill, was "don't increase fees but keep the Commission because we don't want to be regulated by the Attorney General."

It might very well be that in the study that we are going to propose and we are going to lobby to the hilt and I believe that we will have definitely—it may be in that study that we will reduce the statutory obligations so they will not have to regulate themselves, so they will not

have to pay those fees. To do that, the fees will be paid out of the General Fund.

We feel now that the responsible thing to do is to give them at least enough people, five rather than two or three, in order to carry out the statutory obligations, so we can get back to you with a comprehensive study and a decision as to what should be done with this real estate regulating body.

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

ROLL CALL

YEA—Aloupis, Baker, Beaulieu, Bell, Boisvert, Boyce, Brennerman, Brodeur, Cahill, Chonko, Clark, Connors, Connolly, Cox, Crowley, Davies, Day, Diamond, G.W.: Diamond, J.N.: Drinkwater, Erwin, Fitzgerald, Fowlie, Gavett, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.: Hobbins, Holloway, Huber, Jackson, P.T.: Jordan, Kany, Kiesman, Kilcoyne, Laverriere, Livesay, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Martin, A.: Martin, H.C.: Masterman, Masterton, Matthews, McCollister, McGowan, Michael, Mitchell, E.H.: Mitchell, J.: Moholland, Murphy, Nadeau, Nelson, M.: Norton, O'Rourke, Paradis, E.: Paradis, P.: Pearson, Perkins, Perry, Post, Pouliot, Racine, Reeves, P.: Richard, Roberts, Rolde, Salisbury, Small, Smith, C.W.: Soulas, Soule, Stover, Telow, Theriault, Thompson, Vose, Walker, Webster, Wentworth, Willey, The Speaker.

NAY—Armstrong, Austin, Berube, Bordeaux, Brown, A.: Brown, D.: Brown, K.L.: Callahan, Carrier, Carroll, Carter, Conary, Cunningham, Curtis, Damren, Davis, Dexter, Dillenback, Higgins, L.M.: Hunter, Hutchings, Ingraham, Jackson, P.C.: Jacques, Joyce, Kane, Kelleher, Ketover, Lancaster, LaPlante, Lewis, Lisnik, MacBride, McHenry, McPherson, McSweeney, Michaud, Nelson, A.: Paul, Peterson, Pines, Randall, Reeves, J.: Ridley, Sherburne, Smith, C.B.: Stevenson, Strout, Studley, Swazey, Treadwell, Tuttle, Twitchell.

ABSENT—Benoit, Dudley, Foster, Gillis, Jalbert, Tarbell, Weymouth.

Yes, 90; No, 54; Absent 7.

The SPEAKER: Ninety having voted in the affirmative and fifty-four in the negative, with seven being absent, the motion does not prevail.

Sent to the Senate.

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

Non-Concurrent Matter

Bill "An Act to Prohibit Public Drinking on School Premises Without Requiring Prior Warning by a Law Enforcement Officer" (H. P. 1929) (L. D. 1912) which was passed to be engrossed as amended by Committee Amendment "A" (H-616) in the House on March 2, 1982.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-400) in non-concurrence.

In the House:

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

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

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

Mr. PEARSON: Mr. Speaker, I would like to pose a question through the Chair to anyone who would care to answer.

I would ask that someone explain the amendment, please.

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

The Chair recognizes the gentleman from

Presque Isle, Mr. Lisnik.

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: This amendment simply includes all schools, K through 12, both public and private. It also states that if a school is rented out, say, to the firemen's ball, under this legislation it will be up to the community to decide. With the approval of the superintendent of schools and the school board, they will get written permission from the authorizing body, that written permission will be posted conspicuously, I would imagine at the front door, the cafeteria doors, the gymnasium, etc., or would be shown on the demand of a law enforcement officer. It is essentially the same thing that we had, with the exception that it now includes private schools and it also includes written permission.

I have no problem with this amendment.

Thereupon, the House voted to recede and concur.

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

Passed to Be Enacted

An Act Relating to Guide dogs for Handicapped Persons (S. P. 765) (L. D. 1823) (S. "A" S-393 to C. "A" S-390)

An Act to Provide the District Courts with Concurrent Jurisdiction Over Mechanics Lien Actions (S. P. 746) (L. D. 1749) (C. "A" S-394)

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.

Mrs. Nelson of Portland was granted unanimous consent to address the House.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: On your desk is a publication entitled "Arts and the States." It has been recently issued by the National Conference of State Legislatures. This comprehensive report on the state support for the arts is one visible outgrowth of the activities of the States and Arts Committee of NCSL. Funded principally by private donations, the publication revolves around 21 separate recommendations for state arts legislation at a grass root level.

At first blush, it would appear that the only role of a state legislature interested in support for the arts is increased funding of States Arts Commissions. A deeper analysis makes it quite clear that there is a broad range of legislation and regulation in support of the arts which can be adopted and which does not necessarily cost anyone any money. It is in these areas, particularly in these times of austerity, that we must focus our attention and bend our energies. I think that ultimately all of us will be amazed at how much can be done for the arts and for the quality of life in our states by the legislation that we are considering and the goals that we are seeking.

Specifically on pages 10 and 11 you will see at a glance every state in the Union and where they are in the arts. On pages 38 and 39 there is consumer protection for the purchase of art. It gives you the recommendation, it gives you reasons for supporting it, and it gives you the different laws in the different states.

I am particularly proud of this document because I presently serve as the Chairwoman of this Committee at the national level. The book was the outgrowth of much hard work and commitment by over 100 dedicated groups of American leaders from every state.

I hope you enjoy the publication and I know it will help us as we deliberate arts issues here in Maine. If you do not want the book, please give it to your local libraries. If you do not want to do that, please return it to me. It is expensive, and we, not the states, paid for that publication, I and the private industries, and we would appreciate it if you do not wish to use it, there are many thousands of people, at least in the State of Maine, who can use it.

I want to thank the Speaker of the House for appointing me to that committee. I am proud to have served on it, I am proud to serve as its Chair and I am proud to represent the State of Maine on a national level.

(Off Record Remarks)

On motion of Mr. Joyce of Portland, Adjourned until Monday, March 8, at eighty-thirty in the morning.