

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
INDEX

FIFTH SPECIAL SESSION
May 13, 1982
INDEX

SECOND CONFIRMATION SESSION
July 16, 1982
INDEX

HOUSE

Tuesday, March 9, 1982

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

Prayer by Reverend Sandy Williams, First Baptist Church of Freeport.

The journal of the previous session was read and approved.

Messages and Documents

The following Communication:

**State of Maine
House of Representatives
Speaker's Office
Augusta, Maine 04333**

March 8, 1982

Honorable Edwin H. Pert
Clerk of the House
Maine House of Representatives
Augusta, Maine 04333
Dear Clerk Pert:

Pursuant to my authority under Title 34, MRSA Section 525-A, I am appointing Representative Peter J. Manning of Portland to the Maine Correctional Advisory Commission for the 1982-1985 triennium.

Sincerely,

JOHN L. MARTIN

Speaker of the House

The Communication was read and ordered placed on file.

**Study Report
Committee on Taxation**

Representative DAY from the Committee on Taxation to which was referred the study relative to the Laws Concerning Sales Tax Exemptions, pursuant to the Revised Statutes, Title 1, Section 2603 have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Remove the Sales Tax Exemption on Motor Fuels" (H. P. 2153) (L. D. 2055) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, the Bill referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Special Sentiment Calendar

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

March 7th - March 13th, National Womens' History Week with special recognition to Maine women for their contribution to the history of the State and the Nation; (H. P. 2152) by Representative Reeves of Pittston. (Cosponsors: Representative Mitchell of Vassalboro, Senators Clark of Cumberland and Najarian of Cumberland)

On the request of Mrs. Reeves of Pittston, was removed from the Special Sentiment Calendar.

Thereupon, the Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, Men and Women of the House: Because this is National Women's History Week and Governor Brennan has proclaimed that we observe it, I would like to recall to our attention some of Maine's most famous women.

First, Rachel Carson, author of *Silent Spring* and *The Sea Around Us*. She first called American's attention to the dangers of pesticides to our environment.

Julia Ward Howe, who wrote the Battle Hymn of the Republic; Harriet Beecher Stowe, abolitionist, who wrote Uncle Tom's Cabin, which President Lincoln called "the book that started the Civil War"; Margaret Chase Smith, who had a long and distinguished career as our United States Representative and the first woman ever to be elected to the U.S. Senate, she will long be remembered for her courageous stand against Joseph McCarthy and McCarthyism; Sarah Orne Jewett, novelist, who

wrote *The Country of the Pointed Firs* and several other novels which were in the first rank of American literature; Edna St. Vincent Millay, the poet who wrote "My candle burns at both ends, it will not last the night; but oh, my foes and ah, my friends, it gives a lovely light." Louise Nevelson, internationally famous sculptor whose works are being displayed in museums around the world; and our own Elizabeth Mitchell, the first woman Majority Leader in the Maine House of Representatives, and the 43 women members of the 110th Maine Legislature, the largest number of women legislators in our history.

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

Margie Arnold for reaching 1000 career points in basketball, the first girl to do so in the history of Waterville High School; (H. P. 2154) by Representative Jacques of Waterville. (Cosponsors: Representative Kany of Waterville, Fitzgerald of Waterville and Senator Pierce of Kennebec)

Mr. and Mrs. Carl Hatch, of Bangor, on their 50th Wedding Anniversary, March 10, 1982; (H. P. 2156) by Representative Aloupis of Bangor. (Cosponsor: Representative Treadwell of Veazie)

There being no objections, the above items were considered passed and sent up for concurrence.

**House Reports of Committees
Leave to Withdraw**

Representative Perkins from the Committee on Business Legislation on Bill "An Act to Promote Competitive Pricing in Workers' Compensation Insurance" (H. P. 2017) (L. D. 1981) reporting "Leave to Withdraw"

Representative Lewis from the Committee on Labor on Bill "An Act to Clarify the Provision of the Maine Human Rights Act Relating to Employment Discrimination Which is not Prohibited" (H. P. 1868) (L. D. 1861) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act to Provide for a Comprehensive Career and Occupational Information System" (H. P. 2015) (L. D. 1985)

Report was signed by the following members:

Senators:

DUTREMBLE of York
SEWALL of Lincoln
SUTTON of Oxford

— of the Senate.

Representatives:

BEAULIEU of Portland
MARTIN of Brunswick
FOSTER of Ellsworth
McHENRY of Madawaska
BAKER of Portland
LAVERRIERE of Biddeford
TUTTLE of Sanford
ARMSTRONG of Wilton

— of the House.

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

Report was signed by the following members:

Representatives

LEWIS of Auburn
JACKSON of Harrison

— of the House.

Reports were read.

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

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

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

Mr. JACKSON: Mr. Speaker and Members of the House: When the vote is taken, I would request a division.

I would like to speak in opposition to the piece of legislation that is before us. Some of the reasons why I opposed this piece of legislation, number one, it is a new program to be funded by the state—and I would like to qualify "a new program". It has been a program which has been funded through federal funds, and federal funds are to cease. I understand, in October of this year.

In the testimony that was given in front of the Labor Committee, I just didn't feel that it demonstrated the justification of this expense. The information is currently available through other means. The only thing is, it will take a little longer to ascertain that information.

The third item that I considered very heavily was that I just didn't feel that this rated very high in priorities with the programs that will be coming along that will require funding from the supplemental side.

I would hope that I would have more luck in convincing this body than I did the Labor Committee in overriding this Majority "Ought to Pass" Report.

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

Mrs. BEAULIEU: Mr. Speaker and Members of the House: This really is not a new program. The system we are talking about was established by Executive Order by Governor Brennan in May of 1979. The Executive Order was an extension of Public Law 94-482, the educational amendments of 1976, which required the formation of such a system to be structured by a committee throughout other states as a condition for receiving vocational education and other employment and training funding.

During 1981, approximately 40,000 Maine citizens have used this system, not only schools. In fiscal 1982, close to \$100,000 will have been allocated by local education agencies and state agencies to support their share of the total cost of the system. The average cost to each site for participating in the system is about a thousand dollars per year, and this covers the direct cost of the computer processing, telephone costs, supplies and the equipment maintenance.

The project is now in effect in over 100 sites throughout the state. Approximately 60 percent of Maine high school students use this system, and over 300 school counselors, classroom teachers and agency staff have been trained.

Our system right now is the most advanced in the country because we were the first to institute it. The system aids, as I said, in training counselors. The National Governors' Association is expressing continuing interest in our system and implementing it in other states. It has been demonstrated to numerous federal officials, officials from other states, and to high level officials from over 15 foreign countries. It is used by the University of Maine, our VTI system, our voc-rehab locations, unemployment offices and by the Department of Human Services. It is also equipped and we are moving rapidly into the field to obtain data on employment and training in economic development in the state.

The price tag is \$99,000. It is incorporated in the Governor's budget, as proposed. He is a strong proponent, as are all the agencies that use it, and the hearing was well attended and well supported by the myriad of agencies who are using it.

It is also starting to be utilized by our prison system for those who are moving out and helping them to look at what is available for jobs and what kind of training they need.

I feel it is vitally important. It is a centralized system. There is no way that the schools or the agencies currently using it could ever afford to incorporate or to start their own systems.

The SPEAKER: A vote has been requested. The pending question is on the motion of the

gentlewoman from Portland, Mrs. Beaulieu, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

81 having voted in the affirmative and 25 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once and assigned for second reading later in the 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. 1869) (L. D. 1863) Bill "An Act Concerning Salaries of District Court Judges" (C. "A" H-633)

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

The SPEAKER: The Chair recognizes the same gentleman.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I have a few questions to ask about this bill. I don't have the Committee Amendment to it. I have looked in my friend's book and there is no amendment to it here either.

I would like to have the sponsor or somebody knowledgeable to explain to this House what this bill is all about. One of the questions I have is, if you look at it very closely, the legal minds in this House, in the 22nd line it clearly states that they shall receive an annual salary of June 30, 1980. My question is, having limited knowledge along this line, if we pass this bill as it is, along with line 25, if we are not making ipso facto laws which are illegal and we are not supposed to. I would like to have somebody comment on that. I don't think we can pass laws to take effect a while back, and I don't think it is just verbiage either. If somebody wants to answer that, then they can probably say why we need this bill and why this is such a great bill and actually how much this will cost. There are many things about this.

Actually, what you are doing here, you are giving them a guaranteed increase for the next few years. Those of you who haven't looked at this bill, you should look at it real close, and I would appreciate it if somebody would clarify what the purpose of the bill is and also the questions that I have posed.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, has posed a series of questions through the Chair to any member who may care to respond.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I will briefly try to address some of the issues raised by the good gentleman from Westbrook, Mr. Carrier.

We have a court system which is made up of the district courts, superior court and the supreme judicial court. This court system was established, and when it was originally established there was a policy whereby there would be a \$1,500 differential between the salary of a superior court justice and a district court judge. This existed in 1971 and 1972. In 1973, the superior court justices received a \$2500 increase, while the district court judges received a \$1,500 increase.

What we have found since that period of time was percentage increases in our judicial system at all three levels of our court system. Last time, it was a 5 percent raise, and what has occurred is, there has not been that consistency of the \$1,500 differential between superior court justices, which is our general trial by juries, and our district court, which is the court most people deal with on an everyday basis. That is the court where we handle speeding charges, divorces, other family matters, small claims, etc. Last year, the court system han-

dled in the district court over a quarter of a million cases.

This bill has a price tag of \$50,638. If you include the amendment to the bill of \$11,187, which represents an amendment that was put on by the Appropriations Committee dealing with tying this to salaries of commissioners of the Workers' Compensation Commission, we find that this will bring us in line with the original intent of the legislation of our court system, which was a differential between the superior court and the district court of \$1,500.

At the hearing before the Appropriations Committee, there were no opponents to this legislation that appeared. This legislation originally, when we established the court system differential, was supported by then Senator Elmer Violette, who, as you know, is now on the Maine Supreme Judicial Court. Unfortunately, he was not able to speak at that particular hearing because of inclement weather, but at the hearing we heard from Chief Judge of the District Court Divine, we also heard from Associate Justice Wathen on the merits of this bill and basically the urgency on the court to keep in line the original intent of the \$1,500 differential between the superior court justices and the district court judges.

To address the question by Mr. Carrier, I don't see the problem which he addressed about ipso facto law. I think the salaries are self-explanatory if you look at the salary structures and I don't see the problem which he addresses in that regard.

I urge you to support the unanimous report of the Appropriations Committee.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am a little confused at this point because it seems to me we just raised the PUC commissioners' salaries, and they were based on the district court salaries. Beginning in January of 1983, we are going to be 90 percent of the district court judges for the PUC; beginning January 1, 1984, we will be 95 percent of the district court judges; and January 1, 1985, it shall be the same as the district court judges. What we did here the other day is, on July 1, 1982, the PUC members will go to \$32,945 and the chairman will go to \$35,445, based on the district court judges' pay scale. In three years, they will increase \$19,796; in two years, they increased \$7,660; in one year, they are going to increase \$4,908. It seems to me, if you give another raise to the district judges, you are going to have another couple thousand dollars in there, so I think you have to evaluate this increase for your district judges or we have got to change the PUC rate.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-633) was read by the Clerk and adopted and the bill assigned for second reading later in the day.

Later Today Assigned

(H. P. 2028) (L. D. 2004) Bill "An Act to Permit Physicians' Assistants to Take Blood Samples in Cases Involving Operating Under the Influence." (C. "A" H-634)

On the objection of Mr. McHenry of Madawaska, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-634) was read by the Clerk.

On motion of Mr. McHenry of Madawaska, tabled pending adoption of Committee Amendment "A" and later today assigned.

(H. P. 1975) (L. D. 1950) RESOLVE, Authorizing the State Planning Office to Study the Implications for Maine of Canadian Tidal Power Development in the Bay of Fundy.

No objections having been noted, the above item was passed to be engrossed and sent up

for concurrence.

(H. P. 1872) (L. D. 1866) Bill "An Act to Change the Corporate Limits of the Kittery Water District"

On the objection of Mr. Vose of Eastport, was removed from the Consent Calendar.

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

Passed to be Engrossed

Bill "An Act to Amend Charters of Various Water Districts Organized Under the Private and Special Laws Including Milbridge and Strong" (H. P. 2151) (L. D. 2054)

Bill "An Act to Make the State Unemployment Tax Exemption for Individuals Engaged in Fishing Consistent with the Federal Unemployment Tax Exemption for Such Individuals" (Emergency) (H. P. 2008) (L. D. 1979)

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

Amended Bill

Bill "An Act Revising Executive Salary Ranges" (S. P. 813) (L. D. 1909) (S. "A" S-399 to C. "A" S-397)

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

Orders of the Day

The Chair laid before the House the first 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 5 by Representative Davies of Orono.

Pending—Acceptance of Committee Report.

On motion of Mr. Diamond of Windham, retabled pending acceptance of the Committee Report and later today assigned.

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

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

Tabled—March 5 by Representative Brannigan of Portland

Pending—Passage to be Engrossed.

On motion of Mr. Brannigan of Portland, retabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT—Majority (10) "Ought to Pass" as Amended by Committee Amendment "A" (H-597) Minority (3) "Ought Not to Pass"—Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine Prohibiting Bond Issues of Less than \$2,000,000 (H. P. 1792) (L. D. 1782)

Tabled—February 23 by Speaker Martin of Eagle Lake.

Pending—Ruling of the Chair.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, requested a ruling of the Chair in reference to the germaneness. The Chair would rule that the Amendment as proposed by the Committee is germane.

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

Mrs. KANY: Mr. Speaker and Members of the House: I move acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany, moves that the Majority "Ought to Pass" Report be accepted.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I first want to say, before I get into the substance of this particular bill, that I was very much satisfied with the ruling of the Chair and the method in which it was done.

The Speaker went to considerable pains to research this with the help of the Clerk of the House and consulted a number of different authorities on exactly what the ruling ought to be. He was extremely fair in his ruling.

My objection to the bill is that this bill, which started out as a constitutional amendment, which is not statutory, says that you can't put out a bond issue in the state unless it costs \$2 million or more. That is, in effect, saying that there are no projects in the state that would go out to bond issued that are worthy of less than \$2 million.

I have a historical record of a number of bond issues that have gone out in this state over the last several years. I would like to read just a couple of them to you. We had a bond issue for \$100,000 at one time for docking facilities on Matinicus Island. We had a bond issue one time for \$1,900,000 for state parks. We had a bond issue for \$210,000 for construction of Camp Waban. We had bond issues to enlarge mental and correctional institutions, one that was for \$1,420,000. We have had bond issues of \$384,000 to modernize school facilities at the Indian Reservations before the land claims. We have had a bond issue of \$500,000 for the Boys' Training Center, and on and on the list goes. We have also had a number of different projects that have affected the vocational schools of the state for under \$2 million.

If you were to pass this bill, you would be saying that we are not going to have anymore bond issues for less than \$2 million. If we had a situation in this state like we thought we had a year or so ago in which we thought we had no more money and because of the constitutional prohibition against appropriating more money than you have, we had to go to a bond issue in order to keep a major industry in Maine. Let us assume that we get ourselves in that situation again in which we don't have enough money to do a project that immediately must be done and in the consideration of most of the people of Maine it is something that is very worthy. At that point, let's assume that it costs less than \$2 million. In order to get it passed, the Governor or the legislature would probably have to inflate that figure to over \$2 million in order for it to qualify. It is only a built-in inducement to spend more money than you need in order to meet the requirements of this particular bill. I don't think we should in any way bind a future legislation.

Some of us here, maybe, from time to time think we are the smartest people that have ever come down the pike and that there never is going to be another legislature that is as smart as we are. But, you know, that is not really true. The future people that will be in our seats have every right to expect that they can make the decisions that will affect the State of Maine at the time in which they serve. You are asking for a limit on a legislature to come that really shouldn't be placed on them—handcuffs on them.

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

Mr. JALBERT: Mr. Speaker, Members of the House: With due deference and respect to the capable House Chairman of the Appropriations Committee, the gentleman from Old Town, Mr. Pearson, I would hark back to a remark he made in a discussion at the executive session yesterday in the Appropriations Room in which he said to me, "Times change and people get old." Now, that is very appropriate and I agree with that because the bond issues that the gentleman rattled off, at that time the interest on them, these bond issues,

were sometimes not over one and a half percent. A bond issue today that so many people called on and I accepted the ruling of the Speaker yesterday on his position and I accept the ruling he has made on the question the gentleman from Old Town asked today, but I think that the State of Maine can no longer afford to have these bond issues of low prices and yet pay more money for interest than the actual bond. As far as being an inducement to raise a bond issue from \$2 million to \$2.5 million, we have a Appropriation Committee that I have always had some faith in that can really see through these things and can keep these bond issue prices back.

I still will go back just for a moment, to yesterday. I supported the last big bond issue. For months, however, I read these ads that this was a bond issue of \$33,400,000 and when you tack the interest on, it became a \$68 million bond issue. A lot of people to this day don't know that. That is all they ever saw on the tube — \$33.4 million and actually the bond issue was \$68 million.

We are here for a purpose and we are not here to pass back to every Tom, Dick and Harry that wants it a bond issue to the amount we used to pass a few years ago. Talk about inducement — what would you call \$375,000 tangled into a \$68 million bond issue—yet \$300,000 item for Maine Maritime Academy put into the General Fund Budget? Mr. Pearson voted for that \$300,000 on the Appropriations Committee for Maine Maritime Academy — just like both of us reported the \$68 million bond issue. Let's be right about this thing.

I accept the position of the man with the hammer as of yesterday. He asked that question a couple of weeks ago, he got his answer this morning. I would think he would accept it.

I hope that the motion of the gentlelady from Waterville, Mrs. Kany, passes, and when the vote is taken I would ask for the yeas and nays.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the arguments of the gentleman in the far right-hand corner primarily because I had a personal experience with this type of problem and I think some of you may recall the bond issue last year that I sponsored for resource recovery — Solid Waste. It started out with a price tag of \$2,500,000 and was, over the course of the session, reduced to \$1,000,000. If this bond issue had been prohibited last year, we would not have a beginning, a handle on helping municipalities with this great statewide problem.

I completely agree with the idea that if we put a \$2 million price tag limit on these bond issues, we will have a number of \$2 million bond issues when we could have gotten away with \$1 million. I think that is important for the people of the state, it is important for the interest cost as well, and I urge you to defeat the motion.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I don't propose to speak on all items, but I couldn't resist getting up to speak and answer Mr. Pearson and the lady from Falmouth.

There are other possibilities and ways of receiving money without the bonds being put out by the State of Maine. There is a Maine Health and Higher Education Facilities Authority which issues bonds, which has nothing to do with the state whatsoever. Bonds, notes or other obligations of the authority do not constitute an obligation of the State of Maine or any political subdivision within the state. Recent issues include \$10,990,000 to Colby College Waterville has two issues—there is \$2,750,000 for the Kennebec Valley Medical Center, Augusta; \$2,610,000 for the Maine Medical Center; \$23,770,000 for Mid-Maine Medical Center, Waterville; and \$3,970,000 for Memorial Hospital in

Brunswick. They can put out any amount of money for any educational or health facility. This money has nothing to do with the state, it doesn't cost the state anything. The bonds are sold privately, and the most interesting thing is the financial and fiscal data relative to this unit. I am surprised that nobody knows about it but it is being done, so you don't have to worry about getting your \$2 million if you need it.

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

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

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

Mrs. KANY: Mr. Speaker and Members of the House: I would like to corroborate what Representative Dillenback has said and go on for there. There are many economic development measures that we allow all revenue bonds to. We have the Municipal Securities Approval Act in which individual municipalities can issue up to \$10 million of tax exempt revenue bonds; we have the Maine Guarantee Authority which has revenue obligations; we are only talking here about general obligations of the state and I hope you keep that in mind as you vote.

I would like to point out also that for the last several years we have had over a billion dollar budget annually. Beginning in 1979, we went over the billion dollar mark, and in 1981, it was \$1.2 billion. It would seem that when we are in a budget at that level, that something under \$2 million perhaps is best funded with up front money through the appropriations process and saving that interest.

I would like to point out again that we are talking about a statutory change, not freezing something into the Constitution so that if interest levels ever fell to the one and one-half percent level again in a time of great inflation when you borrow cheaply and pay back with very cheap dollars when, in the future, you might then want to change your financial policy and could then begin borrowing extensively again. As for now, it seems like reasonable financial policy for the State of Maine to begin up front appropriating monies for small projects and I certainly hope that you go along with the 10 to 13 "Ought to Pass" Report.

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

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

I would like to know if this \$2 million limit includes or excludes the interest rates on the bond issues?

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: Excludes the interest.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that has been changed from a constitutional issue to a statutory issue. What it does at that point is, it sets up a guideline for people to follow. I have nothing against guidelines for people to follow. I think that sometimes they are important. One of the guidelines that we have that isn't in the statutes, for example, in this legislature is that we have made a commitment amongst ourselves, at least I understand it to be a commitment, that we are not going to float anymore bond issues than we retire. As a matter of fact, we are going to float fewer, we are going to

retire more money than we are going to float. That is a guideline and I think it is a worthy one.

But let's assume that we get to the end of the session and we find ourselves with a situation of not enough money to do a certain project. Let's assume that project is to bring a big employer into the City of Waterville to fill the position of the Wyandott Industries which has just pulled out and we need to go to a bond issue in order to finance whatever it is that we need to do, and that bond issue would be something along the order of \$1.5 million, then what would we do? Well, at that point, we would probably pass a bill, if it were the consensus of the legislature, that it would say "notwithstanding any other provision of the law, we are going to float a bond issue, put it out to the people, and ask them to vote on it." What have you accomplished when you passed this piece of legislation if with the simple phrase "notwithstanding any other provision of the law we will float this bond issue?"

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

Mr. DIAMOND: Mr. Speaker and Members of the House: My good friend from Old Town, Mr. Pearson, presented a story or an example of what he feels is an inadequacy in this proposal before us, and unfortunately it is one that really is not very likely or reasonable. The example he uses could be dealt with and would be dealt with more adequately through the proposals or alternatives that Representative Kany outlined just before Representative Pearson spoke. So I don't think that at all is he on base with his argument.

He mentioned the point that there is an understanding among legislators about what will be done and what won't be done. Unfortunately, we won't all be here next time, after next year's election. Representative Pearson does not plan to be in this body after next election, but there are those of us who are new here and there will be people who will be coming for the first time who will need some guidance in some direction, and this particular proposal is aimed at doing just that.

We legislators have very short memories, as we all know. In fact, some of the people who are opposed to this particular proposal last year supported a very similar proposal dealing with a constitutional limit on state spending. Some of these same people who oppose setting statutory limits were then using the statutory provision as an alternative, and one they thought was a very viable alternative. Again just another example of the short memories we all have.

I think we have had several bills this session that have tried to address the problems that were voiced by the voters prior to and following last November's referendum. They were concerned about the length of the ballot, they were concerned about the propriety of certain items on the ballot, and they were also concerned about the need for certain items on the ballot. This particular piece of legislation deals with the need for certain items being on the ballot.

The good gentleman from Lewiston, Mr. Jalbert, has attempted, through a couple pieces of legislation this session, to deal with those problems. This particular one, I believe, is a reasonable one. It is a statutory guideline that is flexible enough for us to change if we feel we must. And again, we feel that that flexibility is there; but, then again, it does provide guidelines for this legislature and for future legislatures to follow in order to best meet the concerns of the voters.

Again, nobody here will be in a position to remind us what the voters said in 1981, what those concerns were, but by having this on the books, a statutory guideline similar to the other statutory guidelines that we have dealing with state spending and state borrowing, then I believe that it is indeed proper and appropri-

ate. I would hope that you would support the proposal.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I know the gentleman from Old Town, Mr. Pearson, has some concerns with \$2 million being the limit, and as I dropped him a note, I couldn't help but tell you that I mentioned to him that with his vote yesterday and with some of your votes yesterday, all we have to do is combine three or four of these gems into a package and we will be over the \$2 million mark and we won't have to worry about it.

My real concern about this issue is not the scenario that has been played out on providing some language in a bond issue down the road that says "notwithstanding this particular section of the law." My concern would be a situation where if we have a two-thirds vote to pass a bond issue to send it out to referendum, we might just simply amend the statutes at the same time to take the \$2 million limit out. That is my concern, and it seems to me that if we are going to do something and want it to mean something, that perhaps in this instance it does need to be a constitutional change, I don't know.

I guess my question to the committee is, why did ten of you decide that it needed to be statutory and no one thought it needed to be in the Constitution? It just seems to me that if we are going to do something and make it effective and worthwhile, in this particular instance, since it takes a two-thirds vote to send a bond issue out, we need something more than statutory language.

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

Mr. VOSE: Mr. Speaker, I would like to pose a question through the Chair.

If I, from the town of Eastport, were fortunate enough to convince somebody that we could get \$750,000 maybe for a port development or that nature, how would I go about getting that money under this situation? Would I have to go to the Appropriations Table or put a bill in by itself or what?

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

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I didn't make my question quite clear. What I am really concerned about is that I can't foresee the city of Eastport getting \$750,000 from this legislature on its own merits. I feel that if I could convince somebody, I would have to go into one of the bond issues and obviously this bill right here would restrict that particular bond issue of \$750,000 if I were able to convince somebody that we need it.

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

Mrs. KANY: Mr. Speaker, Members of the House: To answer two questions — one is for Representative Vose's problem, which is a real one, of a community which is not a wealthy community needing to raise those funds, there are several things that could be done. One is, of course, lumping together, along with several other small items, which is what the determination was made by this House and the other body yesterday.

Secondly, you could go to the Maine Guarantee Authority and you can get a guaranteed loan for whatever industry it is.

Thirdly, you can go to the Maine Guarantee Authority for revenue bonds.

Fourthly, you, as a municipality, can issue revenue bonds for the developer or whomever. There are many, many ways you can go in addition to what I would hope you could do, and that is to convince us, through our appropriations

process, that you indeed have a worthy project that should be funded. For instance, many communities do come to the legislature and are very successful. Bangor, for instance, is trying for some sort of tax exemption now and there are other communities that come successfully and that is what would be hoped, that we wouldn't have that many small, individual bond issues for people to vote on.

Mr. Higgins asked a question, why didn't we go constitutional on this. I will reiterate that perhaps in the distant future the policy should be different and, at that time, we could change it without getting a two-thirds vote in both bodies and then having to go out to the voters for ratification, but it seemed appropriate to set this as the financial policy now to upfront monies, particularly since we have reached the billion dollar mark on our budget.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Waterville, Mrs. Kany, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Bell, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brown, A.; Callahan, Carrier, Chonko, Clark, Conary, Conners, Cox, Curtis, Damren, Davis, Day, Diamond, J.N.; Dillenback, Fitzgerald, Foster, Gavett, Gowen, Hanson, Hayden, Hickey, Higgins, L.M.; Hobbins, Holloway, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jalbert, Jordan, Kany, Ketover, Kiesman, Laverriere, Lewis, Lisnik, Livesay, Lund, Macomber, Masterton, Matthews, Michaud, Murphy, Nadeau, Nelson, M.; Paradis, E.; Perkins, Pines, Randall, Reeves, J.; Richard, Ridley, Salisbury, Sherburne, Smith, C.B.; Stevenson, Stover, Strout, Studley, Telow, Theriault, Twitchell, Walker Webster, Wentworth, Weymouth, Willey.

NAY—Austin, Baker, Beaulieu, Brodeur, Brown, K.L.; Cahill, Carroll, Carter, Connolly, Crowley, Cunningham, Davies, Dexter, Diamond, G.W.; Drinkwater, Dudley, Erwin, Fowlie, Gillis, Gwadosky, Hall, Huber, Hunter, Jacques, Joyce, Kane, Kelleher, Kilcoyne, Lancaster, LaPlante, Locke, MacBride, MacEachern, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, McColister, McGowan, McHenry, McPherson, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nelson, A.; Norton, O'Rourke, Paradis, P.; Pearson, Perry, Peterson, Post, Pouliot, Racine, Reeves, P.; Roberts, Smith, C.W.; Soule, Swazey, Tarbell, Thompson, Treadwell, Tuttle, Vose, The Speaker.

ABSENT—Benoit, Brennerman, Brown, D.; Higgins, H.C.; Paul, Rolde, Small, Soulas.

Yes, 75; No, 68; Absent, 8.

The SPEAKER: Seventy-five having voted in the affirmative and sixty-eight in the negative, with eight being absent, the Majority "Ought to Pass" Report is accepted.

The Resolution was read once.

Committee Amendment "A" (H-597) was read by the Clerk and adopted and the Resolution assigned for second reading tomorrow.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I had distributed on your desks this morning an editorial written by the editorial manager of the Lewiston Daily Sun, Mr. L.A. Lemieux, headed "Cheap Shot."

I am notorious for not taking issue with newspapermen, so that would leave out the gentleman who wrote this editorial working with the New York Times in which he talks about the City of Lewiston, blaming Bates' problem on the City of Lewiston as the typical New England industrial town with little to offer socially or culturally. As a matter of fact, almost calling it, as it states in the article later on, "nowhere Lewiston." I don't think the people of

Lewiston deserve such writings from a person who would write an editorial sitting behind his desk in New York City. I could write a couple of editorials about the "Big A" such as being told when I go out of the hotel by the porter, "get back in your room, lock your door and stay there" but I won't.

People of Lewiston are industrious people, they are hard-working people. We have had several very bad things happen to us lately, such as a dozen or more industries going out of business, over 2800 people thrown out of work and the calls I get at home, 75 percent of them are people not wanting welfare but wanting a job. We have in Lewiston the unbeatable ten skilled fingers of our people. We enjoy pleasant relationships with Bates College.

Bates College happens to be in my district. There is not a day that goes by that I don't talk to at least a dozen of the kids that jog around in front of my house. You never pick up a newspaper and see where the young ladies and gentlemen at Bates College have had any hassles. We welcome them to go on that campus.

As far as Bates College is concerned, the writer of this "cheap shot" editorial should recognize in his articles that as graduates of Bates College, we have such men who graduated as the former U.S. Secretary of State, Edmund S. Muskie; Erwin Cannon, internationally known editor of the Christian Science Monitor and, incidentally, Brian Gumbel of NBC fame, I knew him, he was a fine young man, very much respected and accepted among our people downtown and uptown in Lewiston; Dr. Charles Phillips, President Emeritus of Bates College, internationally known economist; the present President, T. Hedley Reynolds of Bates College, who travels throughout the country and does a fine job for the school. I might comment that my young friend who sat behind me, former Representative John Simon, last year decided to give up his teaching profession at Bates — he is now at Yale Law School not only as a student, mind you, but he was home last weekend and he teaches a course at Yale. Of course, he doesn't mind flashing his Phi Beta Kappa Key either on his vest or his lapel because he has earned it.

I want to thank you, Mr. Speaker and members of the House, for having the patience to listen to me. I was born and brought up in Lewiston and I am proud of it and I am proud of Bates Mills, I am proud of Bates College and I am proud of the people in Lewiston. They have done me honor by sending me here on several occasions and it just irks me a little bit, and I am not easily aroused to lose my temper, but this kind of stuff, I don't think is right and I would like to commend the writer of our editorial in the Lewiston Daily Sun when he calls it a cheap shot, because that is exactly what it was.

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed, all matters that required Senate concurrence.

(Off Record Remarks)

On motion of Mr. Soule of Wiscasset,
Recessed until four-thirty in the afternoon.

After Recess

4:30 P.M.

The House was called to order by the Speaker.

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

Passed to Be Engrossed

Bill "An Act to Provide for a Comprehensive Career and Occupational Information System" (H. P. 2015) (L. D. 1985)

Was reported by the Committee on Bills in

the Second Reading, read the second time, passed to be engrossed and sent up for concurrence.

Second Reader Tabled and Assigned

Bill "An Act to Change the Corporate Limits of the Kittery Water District" (H. P. 1872) (L. D. 1866)

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

On motion of Mr. Higgins of Scarborough, tabled pending passage to be engrossed and specially assigned for Thursday, March 11.

Amended Bill

Bill "An Act Concerning Salaries of District Court Judges" (H. P. 1869) (L. D. 1863) (C. "A" H-633)

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

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

Consent Calendar

First Day

(S. P. 817) (L. D. 1921) Bill "An Act Relating to Fuel Adjustment Clause of Natural Gas Utilities" — Committee on Public Utilities reporting "Ought to Pass"

(S. P. 839) (L. D. 1962) Bill "An Act Relating to the Installation of Utility Poles" — Committee on Public Utilities reporting "Ought to Pass"

(S. P. 868) (L. D. 2013) Bill "An Act to Amend the Terms of the Directors of the Auburn Water and Sewerage Districts" — Committee on Public Utilities reporting "Ought to Pass"

(S. P. 830) (L. D. 1938) Bill "An Act to Abolish the Mandatory Reporting of Alcoholism Section of the Board of Registration in Medicine Act" — Committee on Health and Institutional Services reporting "Ought to Pass"

(S. P. 785) (L. D. 1850) Bill "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,300,000" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-402)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 10, under the listing of Second Day.

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

Ought to Pass in New Draft

Report of the Committee on Education on Bill "An Act to Revise the Education Laws" (Emergency) (S. P. 561) (L. D. 1554) reporting "Ought to Pass" in New Draft (Emergency) (S. P. 879) (L. D. 2042)

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

In the House, the Report was read.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: The bill that is before us is the recodification of Title 20, the Education Laws of the State.

So that no one will be confused or concerned about the legislation, the bill does not, to the best of the committee's knowledge, and we have spent a considerable amount of time preparing this legislation, contain any substantive changes whatsoever. It is merely a revision, a recodification and a reorganization of all the education laws.

When we developed this draft, all perspectives within the educational community were involved and had a chance to finally review it.

That included not only the Teachers Association but the Department of Education and the Maine School Management Association, which represents school boards and school superintendents. Everyone was satisfied that this new draft of the committee contains no substantive changes.

Whenever there was an issue that was identified which was of concern to any particular party, we left the law exactly as it was. We made no changes whatsoever.

I would simply call this to your attention, and I would hope that no one has any problems with it, but if they do, would they please get in touch with me or a member of the committee before we vote on it in second reading tomorrow.

Thereupon, the Report was accepted in concurrence, the New Draft read once and assigned for second reading tomorrow.

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

Passed to Be Enacted

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

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

Enactor

Tabled and Assigned

An Act to Prohibit Public Drinking on School Premises Without Requiring Prior Warning by a Law Enforcement Officer (H. P. 1929) (L. D. 1912) (S. "A" S-400)

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

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

An Act to Reduce Discrimination by Allowing Employees of Local Districts with Participate in the Social Security System the Option of Withdrawal from the Maine State Retirement System (H. P. 1990) (L. D. 1966)

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

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

Petitions, Bills and Resolves Requiring Reference

Bill "An Act to Remove Restrictions Preventing Persons Elected to the Legislature from Receiving Certain Benefits" (H. P. 2158) (Presented by Representative Walker of Skowhegan) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Was referred to the Committee on Aging, Retirement and Veterans, ordered printed and sent up for concurrence.

Later Today Assigned

RESOLVE, Authorizing the Commissioner of Marine Resources to Convey an Easement over Certain State Land (H. P. 2159) (Presented by Representative Livesay of Brunswick) (Co-sponsor: Representative Holloway of Edgecomb) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Committee on Energy and Natural Resources was suggested.

On motion of Mrs. Post of Owl's head, tabled pending reference and later today assigned.

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

Petitions, Bills and Resolves Requiring Reference

Bill "An Act to Revise the Laws Pertaining

to Bail in Criminal Cases" (H. P. 2160) (Presented by Representative Tarbell of Bangor) (Cosponsors: Representatives Murphy of Kennebunk and Crowley of Stockton Springs) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

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

Bill "An Act to Increase the Sardine Tax" (H. P. 2157) (L. D. 2057) (Presented by Representative Fowlie of Rockland) (Cosponsors: Representatives Cahill of Woolwich, Hanson of Kennebunkport and Senator Shute of Waldo) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

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

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

Consent Calendar First Day

(H. P. 1882) (L. D. 1875) Bill "An Act Concerning Look-Alike Drugs" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-638)

(H. P. 1935) (L. D. 1919) Bill "An Act to Amend the Uniform Commercial Code Regarding Investment Securities" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-639)

(H. P. 2111) (L. D. 2036) Bill "An Act to Establish 'Free Look' Requirements for Medicare Supplement Policies" (Emergency) — Committee on Business Legislation reporting "Ought to Pass"

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 10, under the listing of Second Day.

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

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 8 by Representative Kelleher of Bangor.

Pending—Passage to be Enacted.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I am sure you have heard more than you ever want to hear about the real estate bill and the real estate fees and Real Estate Commission. I certainly have, but I do want to speak about it once more, I feel I need to, I feel I must, because I feel I need to clarify one issue that has been clarified for me in the last 24 hours.

As you know, the measure before you requires 101 votes in this House because it happens that the real estate licenses come due in June, which would be prior to any law without an emergency taking effect.

We have been saying to you that if you do not pass this, this is not enacted by this body, the increases that we have asked for, that the Real Estate Commission, the commissioners and their employees, would be whittled down from what has been seven, which is now down to three, and it would be able to run at three employees. Some people, I guess, have been under the impression that this would do away with some commissioners, which some people would like to do — that is not the case. We are talking about the employees that carry out the work of the commission.

What we have told you is true, there will be enough money in fiscal year 1982-83, beginning this next July, enough money throughout the whole year to allow them to have three employees. But what I must clarify to you and

what has been clarified to me is that most of that money will come at the end of that fiscal year and there will be no staff as of July 1.

We have sat down at length with the people in the Business Regulation Department today, gone over every bit of their projected budget. Once they have the fees in, as they stand now if we do not increase the fees, once they get them in, pay back the \$70,000 they have borrowed, take care of all their expenses for 1981-82, by July 1 they will be plus or minus \$2,000 — that's it; that is the only cash they will have. That is the situation. It is not a pleasant situation, the situation is deplorable, to get to that point. That is why we wish very much to study that whole system and to make sure that this kind of thing never could happen in the future. But, it is the decision of our committee that we present to you a bill that will raise fees that will keep the Commission going, probably at a level of three people. They could, if they wanted to, sometime during the year build up maybe to four. This will allow us to study it next year and come back with recommendations.

There is nothing more I can say. That is what we will be faced with. There will be no one to work, to handle complaints, to carry out the statutory obligations, only the commissioners themselves, and if that is the way we want it, then those people will have to handle whatever complaints come in, but there will be no staff as of July 1.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: This is really a sad situation. I doubt very much if those of you who have or hold real estate licenses now will get your renewal this year. They won't have any money to do it and I doubt if the Department of Business Regulation, which does prepare that license, will do it this year knowing that they will get no money for it. So it looks to me like we will have a law on the books and we are not going to have anybody to handle it.

I guess if we are going to vote against it, that is exactly what is going to happen. We have looked it over carefully and I am sorry to tell you that regardless of what has happened, that is exactly where we have found ourselves today.

I would hope possibly that we could change around and at least keep the Real Estate Commission.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote against this bill. I am a little embarrassed, as I feel many of you in this House are. With this bill, we have heard too many half truths, too many innuendos. Yes, Representative Carrier was right, he hit the sore spot and I am sorry he couldn't be here today.

I have been misled and many of you have been misled—The lobbyists dancing in the hall saying what a great bill this was, I don't think it is a great bill. It is that old "16 tons and what have you got? It is like selling your soul to the country store, that is what I feel they are asking us to do. I am not buying their arguments.

I had all kinds of problems with this. I felt that anybody that would dare get up and discuss this bill anymore would violate the cruel and abusive section of our Constitution. I apologize for having to talk on this bill, but I urge you to get the yeas and nays, Mr. Speaker, and I urge that we get a lot of nays up there—please. It is a bad, bad bill.

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

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

ordered.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to a member of the Business Legislation Committee. What is currently their dedicated revenue for the seven people?

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

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: The dedicated revenue or the total income for the year 1981 was \$168,612. We are projecting for the year 1982-83, \$163,000, and this based on the fact that at every renewal, anniversary date, there are some people that do not renew their licenses as active brokers and change to inactive and we have some inactive that don't renew their licenses at all. Does that answer your question?

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I am just wondering why we are in effect condoning the actions of departments who operate at a deficit. I think that if seven people cannot live with \$168,000, I don't see why we have to, once again within a period of two years, I guess it is, increase fees to members of the realty business.

All of us know that there are very few sales being done right now in real estate, and so it tells me that they have much less work to do obviously, and so there may very well be a study. But in the past I have seen that although studies do make certain recommendations, many times the sore spot which has caused the problem is not resolved.

I think that if we continue to allow this to cover their shortfalls, to bail them out, to give them the needed monies to pay back the contingency account and the loan that was made by another department to them, which I understand is no longer permissible, has not been permissible, but would no longer be done, I feel that using the means of increasing fees to cover this is not a way to run a store. I guess for this reason, I will be voting against it.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: The money that is coming in in June will be used to pay off loans. I believe that is around \$70,000. Well, we have two \$30,000 loans and one \$10,000 loan and these would be paid off. Without the funding, I am convinced basically that you are doing away with the commission. You will still have the commissioners that meet. Their funding isn't affected, they will still be coming in, but you won't have a government department, you won't have the ability of the government department to function.

I personally feel that there have been some mistakes made and they should be addressed. I personally think that a study is in order on this and I think a study could solve this problem and could get to the bottom of it and would be helpful. The only thing I would point out to you is, if you don't leave something there to study, there really is no point in having a study because there is nothing there to study. I have had my problems with this, I have wrestled with this whole question in my own mind.

I am a real estate commissioner and it is money that is directly going to come out of my pocket, and it hasn't been a very good year either, but the conclusion I reached is, we should fund it. It is a consumer service, it helps the people in Maine. It isn't just to help the people who are selling real estate, and I hope very much that you will choose to vote for this and I think if you do, the problem will be addressed and will be solved. I hope you can sup-

port this.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: The way I would solve this problem is I would put these commissioners to work doing something. I don't know how many real estate agents there are in the state of Maine but I know that there are a lot of these snowsleds and I know fewer than that register them; I know there are a lot of boats in the state of Maine and fewer people than that register them, so these people must be working and these other people must be figureheads. I can't believe there are that many real estate people in this state that it takes more than seven people to register them. I think three people who are willing to do their job could register all the people that are in the real estate business in this state. If they can't we should do away with the commission. We shouldn't put more burden on the people because the people that buy the property are the ones that pay this in the long run. It is all added on somewhere like any other tax.

I just doubt that there are as many real estate agents as there are snowsleds or boats in the state and fewer people than that register them.

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: The other day I was voting against this legislation because I felt, just as has been expressed today, that when we find that business isn't being carried on properly, probably the best thing to do is to put it out of business and put it out of its misery.

I guess probably in the interim time, after talking with the gentleman in Yarmouth and after talking with people in the department, I have come to the conclusion that when business is in trouble, even if it is a little country store that might be in trouble, the only way you can really correct the trouble and to get that business back on its feet is to keep the store open.

I understand that the manpower has been reduced, but in order to keep the store open, I am willing to change my vote and go with the bill today so that we can at least have something working for us, so that we can at least have something to study and to correct. If we kill it today, what can we correct? So, I would be willing to change my vote so we can keep the store open, and I hope that some of you other people will look at it in this manner.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Just to assure my colleague from New Gloucester, Mr. Cunningham, if we are lucky enough to have 51 votes in this House this afternoon to stop this bill, being around here the short time that I have been, I know full well this bill isn't going to die. Someone will join the 51 and make it 52 and they will bring it back again, and that is quite all right. What this House wants is some accountability. We didn't have it last week, and unless you are satisfied with the remarks that were made here this afternoon on accountability over in that particular department, then I would suggest you vote for it. But if you still feel uneasy, you will be surprised how accountable that commission is going to be, and I think Brother Joyce is right on tune with "16 ton and what have ya got."

If we don't give them that 101 votes, they will be back here, so I would suggest you not heed Mr. Cunningham's appeal here today and listen to Brother Joyce from Portland and just vote no.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Representative Kelleh-

er's remarks touched a sensitive cord, and that is accountability.

A few moments ago, we heard from the House Chairman, my good friend Representative Brannigan, who spoke of possibilities of this organization being cut from seven down to three members. Then we heard Representative Cunningham talking about keeping the store open. Those are the points that I want to address very briefly. I want to draw some comparisons between the private sector and government.

The private sector, whether it be real estate, whether it be retail sales, whether it be consulting, whatever it might be, is faced with some very difficult times today. We who have small businesses are faced with folding or keeping the store open. I know in my own particular case, a year ago I had eleven employees; now I am keeping the store open with about four, but I am keeping the store open and I am responding to the economic times. This is what government has to do. Government has to respond to the economic times as well.

We are looking at a particular area, the area of real estate, which we know is suffering some depressed times. Therefore, ladies and gentlemen, I ask you, don't we have to look at that regulatory commission with an eye for accountability, and don't we have to ask ourselves, doesn't state government have to be accountable, as does the private sector?

I am going to vote no on enactment, and I hope that you do the same.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I want to correct one thing—my seatmate always pays attention to everything I say and he pointed out that I said I was a commissioner. I am not a commissioner, I am a real estate broker.

I still think it is worth keeping the store open. Unfortunately, government isn't always judged the same way as private business, and we have a great responsibility to the citizens of this state, and I think in this case this responsibility is that we should try to keep the store open in this case and I hope you will support it.

The SPEAKER: A roll call has been ordered. 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—Baker, Bell, Boisvert, Brannigan, Brennerman, Brodeur, Cahill, Chonko, Clark, Connolly, Cox, Crowley, Cunningham, Davies, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Gavett, Gillis, Gowen, Gwadosky, Hanson, Hickey, Higgins, H.C.; Hobbins, Holloway, Huber, Jackson, P.T.; Jordan, Kany, Ketover, Kiesman, Kilcoyne, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McCollister, McGowan, Michael, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Nelson, M.; Norton, Paradis, E.; Paradis, P.; Pearson, Perkins, Perry, Pines, Post, Pouliot, Racine, Reeves, P.; Richard, Rolde, Small, Soule, Stover, Telow, Thompson, Vose, Walker, Webster, Walker, Webster, Wentworth, Weymouth, Willey, The Speaker.

NAY—Aloupis, Armstrong, Austin, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Callahan, Carroll, Carter, Conary, Connors, Curtis, Damren, Davis, Dillenback, Dudley, Foster, Hall, Higgins, L.M.; Hunter, Hutchings, Ingraham, Jackson, P.C.; Jalbert, Joyce, Kane, Kelleher, Lancaster, Lewis, Lisnik, McHenry, McPherson, McSweeney, Michaud, Nelson, A.; O'Rourke, Peterson, Randall, Reeves, J.; Ridley, Roberts, Salisbury, Sherburne, Smith, C.B.; Smith, C.W.; Stevenson, Strout, Studley, Tarbell, Theriault, Treadwell, Tuttle, Twitchell.

ABSENT—Beaulieu, Benoit, Brown, K.L.; Carrier, Fowle, Hayden, Jacques, LaPlante, Laverriere, Martin, A.; Moholland, Paul, Soulas, Swazey.

Yes, 84; No, 55; Absent, 14.

The SPEAKER: Eighty-four having voted in the affirmative and fifty-five in the negative, with fourteen being absent, this Bill fails of passage to be enacted.

Sent up for concurrence.

The Chair laid before the House the following matter:

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) which was tabled and later today assigned pending acceptance of the Committee Report.

On motion of Mr. Davies of Orono, retabled pending acceptance of the Committee Report and specially assigned for Thursday, March 11.

The Chair laid before the House the following matter:

Bill "An Act to Authorize Governmental Entities to Provide Self-Insurance" (H. P. 1825) (L. D. 1807) which was tabled and later today assigned pending passage to be engrossed.

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

House Amendment "A" (H-636) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter:

RESOLVE, Authorizing the Commissioner of Marine Resources to Convey an Easement over Certain State Land (H. P. 2159) which was tabled and later today assigned pending reference.

Thereupon, the Bill was referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Rolde of York,
Adjourned until eight-thirty tomorrow morning.