

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

Thursday, March 11, 1982
The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend Reginald Couture of the Union Congregational Church, Ellsworth.

The journal of yesterday was read and approved.

Orders

On motion of Representative Thompson of South Portland, the following Joint Resolution: (H. P. 2161) (Cosponsors: Senator Gill of Cumberland, Clark of Cumberland and Representative Tarbell of Bangor)

State of Maine

In the Year of Our Lord Nineteen Hundred and Eighty-Two

Joint Resolution Memorializing Congress to Support A Mutual Freeze on Nuclear Weapons by the United States and the Soviet Union

WE, your Memorialists, the House of Representatives and Senate of the State of Maine, in the Second Regular Session of the One Hundred and Tenth Legislature, now assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the United States and the Soviet Union between them currently possess 50,000 nuclear warheads and are in the process, over the next 20 years, of building 20,000 more nuclear warheads; and

WHEREAS, the destructive power of these weapons can render the planet earth uninhabitable for any form of life; and

RESOLVED: That We, your Memorialists, respectfully urge and request the Congress of the United States to take immediate action by calling upon both the United States and the Soviet Union to adopt a mutual freeze on the testing, production and deployment of nuclear weapons, completely verifiable by whatever methods necessary to ensure compliance by both nations; and be it further

RESOLVED: That it is recognized that President Ronald W. Reagan has taken a positive step in this direction though his proposal for nondeployment of nuclear weapons in Europe; and be it further

RESOLVED: That it is further recognized that a mutual freeze of nuclear weapons is to be followed by the mutual reduction of such weapons and a balance of nuclear forces between these nations; and be it further

RESOLVED: That notice be given to government officials of the Soviet Union; that no illusions should be entertained concerning the resolve of the Memorialists to protect the national security of the United States; and that the government officials of the Soviet Union are urged to allow their own citizens free and open support of a mutual, verifiable freeze and reduction of nuclear weapons; and be it further

RESOLVED: That a duly authenticated copy of this Resolution be immediately submitted by the Secretary of State to the Honorable Ronald W. Reagan, President of the United States, the Honorable George Bush, President of the Senate, and the Honorable Thomas P. O'Neill, Jr., Speaker of the House of Representatives of the Congress of the United States, and each Member of the Senate and House of Representatives in the Congress of the United States from this State.

The Resolution was read.

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

Ms. THOMPSON: Mr. Speaker, Men and Women of the House: In your calendar, clearly written, is a resolution similar to the resolutions taken up in town meetings throughout the State of Maine and towns throughout the country. This resolution is different, however, in that it has adopted several amendments that were offered by both Democrats and Republicans in this Legislature. The broad message

stays the same, however.

Where mutual and bilateral is the key philosophy in the resolution, bipartisanship is the key philosophy in the effort here in the House.

The committee membership of 35 Democrats and Republicans in this Legislature, who presented this resolution, reflects not our partisan ideas but our bipartisan concerns. The sponsorship, you will see, reflects not our differences but our common concerns. The broad issue reflects not our political philosophies but rather our common concerns for humanity.

You have heard from your constituents, you have had time to study the resolve; I urge the early passage of this resolution.

Thereupon, the Resolution was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

**House Reports of Committees
Divided Report**

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-641) on Bill "An Act Relating to the Closing of State Liquor Stores in Communities with One Store" (Emergency) (H. P. 1996) (L. D. 1972)

Report was signed by the following members:

Senators:

VIOLETTE of Aroostook
CHARETTE of Androscoggin
SHUTE of Waldo

— of the Senate.

Representatives:

McSWEENEY of Old Orchard Beach
STOVER of West Bath
STUDLEY of Berwick
TREADWELL of Veazie
BOISVERT of Lewiston
COX of Brewer
SWAZEY of Bucksport
PERRY of Mexico

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-642) on same Bill.

Report was signed by the following members:

Representatives:

SOULAS of Bangor
DUDLEY of Enfield

— of the House.

Reports were read.

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

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

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

Mr. CARTER: Mr. Speaker, I move that we substitute the Bill for the Reports.

The SPEAKER: The gentleman from Winslow, Mr. Carter, moves that the Bill be substituted for the Reports.

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

Mr. HIGGINS: Mr. Speaker and Members of the House: I wish before we do that we would have an explanation of the difference between the three reports now before us.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: The original bill would have said that the 10 mile radius restriction which now applies to the replacing of a store where it is within 10 miles of another store would not apply in the case of a store which was located in a town where there was only one liquor store. That is what the original bill would say. It would say that if a state store or an agency store closed, if there were only one store in the community, that store could be replaced by either an agency store or a state liquor store, and the mood seems to be to replace it by an agency store.

The committee report would say, the majority report, that if a state or agency store closes, it may not be replaced by an agency store but may be replaced by a state liquor store. This seems to be in keeping with the policy that this legislature has adopted when this legislature voted against getting the state out of the business of running retail liquor stores.

The third report would say that the 10 mile restriction contained in this section shall not apply to the replacement of a state liquor store located at Winslow, provided that it is opened within one year of the closing of the store which is there at present.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Some of you may recall that I have been around these halls for quite a number of years. Except for a brief break, I have served in both ends of these hallowed halls since the 102nd, and I would like to tell you that of all the issues that I have tried to deal with, this has exceeded by far any of them. This has been the most frustrating thing that I have ever encountered.

This issue is strictly a local issue. There are 8,057 citizens in my community and they have been held on the end of a line for over a year. I don't know just who is responsible, but apparently there is some bad blood between the Legal Affairs Committee and the director of alcoholic beverages, and I don't think that this is the place to discuss that.

My community, as some of you know, is a rather unique community, a community of 8,000 people, but we don't have the luxury of having a main street, we have got a small neighborhood shopping center—no main street. We depend mostly on services from across the river, which some of us refer to jokingly as 'West Winslow,' but many times we mean it because originally that was part of Winslow.

I was told last year—and incidentally, I wear several hats in my community. I happen to be a charter member of the Council form of government, I am also president of the Local Non-profit Economic Development Corporation and, of course, I serve here in the legislature. In those three capacities, I was approached by a local business informing me of their intentions to expand, and the expansion meant that the existing space for the liquor store was going to be utilized. In other words, the state was going to be evicted, which would leave the community without a liquor store. Now, this was way back last year, and some of you may recall that last year I introduced legislation to try and correct that problem in anticipation of what was going to happen. I didn't even get the opportunity to debate the issue because the tiff between the Legal Affairs Committee and the liquor director was already in full bloom. Other than verbal information, I had nothing in black and white informing me that this was going to take place, so this session I introduced another piece of legislation to try and resolve the same problem, only in this instance, I had letters from the people involved, in black and white, telling the commissioner of alcoholic beverages, informing my community that the store was going to be closed, that the state, in essence, is being evicted.

The local town council, based on this information, indicated to the Liquor Commission that it made no difference to the members of the community or to the council whether it was an agency store or a state store; they merely wanted their facility. They didn't want to have to fight the traffic to get across the river in search of liquor.

Apparently, the Legal Affairs Committee has chosen to ignore this. They keep insisting that the commission is going to maintain a state store facility in the community.

There was, incidentally, a small store available that was vacant across from the present location, and this was brought to the attention

of the Liquor Commission last year. They visited the premises, they found the premises inadequate and they voted against it.

There are no other facilities in the community. Incidentally, the Legal Affairs Committee didn't buy this argument. They took it upon themselves to visit my community, and before doing that, they contacted local real estate people.

It seems to me that probably what we should have on this bill is an amendment to abolish the Liquor Commission and empower the Legal Affairs Committee to run the liquor business of the state, because certainly this is no way to operate a business.

If the bill is passed on my motion, and, incidentally, it was drafted by the Attorney General's Office, it would take care of several problems. As the law is now, if a state store closes in a community, it cannot reopen if it is within 10 miles of an existing store, let alone an agency store. Apparently nobody was aware of this, but this came out in my research and working with the Attorney General's Office. This is a very awkward way of operating a business.

I would hope that you would go along with me and accept my motion so that we can straighten this business out once and for all.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I support the minority report of this committee. I have been on this committee for some time and I think I understand the problem and, above all, I understand Mr. Carter. He has been a good legislator, he has represented this community for some time. Prior to that, he was on the council there, helped run the town on the local level. He knows the people there and their feelings as well as you do in your community.

If there was a similar thing going on in your district or your town, I would support you too, because I think you represent the people in your community. I think it is wrong for the Legal Affairs Committee to indulge in this kind of nit-picking, which I had no part of and want no part of, because if we are going to do this type of thing, we would be running to Presque Isle and Portland on all kinds of little items. I respect the man from his district, think he has done a good job and we should support him, and I ask you to do the same.

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

Mr. COX: Mr. Speaker, a point of parliamentary inquiry. Is the original bill now before this body?

The SPEAKER: The motion made by the gentleman from Winslow, Mr. Carter, has now placed the original bill before this body.

Mr. COX: Mr. Speaker and Members of the House: It is unfortunate that certain people have chosen to make this somewhat of a personal thing between the director and the Legal Affairs Committee.

First, I would point out that the original bill does not deal with only Winslow, it deals with any town or city in the state in which there is only one liquor store, including my city of Brewer, and I don't want my City of Brewer, when their base runs out, to be faced with this same situation because the director decides he can close the store and then come to whoever the representative is in Brewer and try to get a bill in exempting Brewer from the existing law.

All we are trying to do is to get the director of the Liquor Commission to obey the law and not close the state liquor store and replace it with an agency store.

There was no need for closing the store in Winslow. If I remember the exact figures, the State Liquor Store in Winslow at the present time made approximately \$124,000 profit last year. The director's chief motivation for closing this store seems to me to be that its operat-

ing expense last year was 11.6 percent of its gross revenues.

The vacant store, which is said to be inadequate, is located within 150 feet of the present store in a mini-mall. We were told last summer that the available store had 1,250 square feet. We were not told there was another 500 square feet available in the back of the store; we were not told this until after the director had found out that a group of members from the Legal Affairs Committee had been up and inspected the site. And we decided, with all of the available space, there would only be 300 square feet less in the available store and that in the existing store, which I think had about 2,100 feet, the whole center of the store was not being utilized, only shelves around the outside of the store were being utilized, so we certainly felt that the new store would be adequate with a row of racks down the center of the store.

Incidentally, the rent in the new store would be about \$2 a square foot less than the rent in the old store, which would take care of some of that problem of the operating expenses at present in the old store which are a little higher than average.

We feel that there was no justification for closing the store in Winslow. Perhaps for the good of the town of Winslow, it would make much more sense to maintain a business in their downtown area if they maintain the present liquor store in its present location, or in the new location across the street, than it would be to have an agency store which would probably consist of a little corner of one of the grocery stores in town, which obviously could not stock the variety that a state liquor store could stock.

The whole question seems to be that regardless—and, by the way, the Legal Affairs Committee, as empowered by law, held a hearing on the closing of that store and directed the liquor director at that time that it was our desire and intention that he maintain a state liquor store in Winslow.

Shortly thereafter, we found out that he still proposed to put an agency store in and we were informed by him that that law allowed him to replace the liquor store with an agency store. We accepted his word on this, assuming we had done all we could when we directed him to keep open an agency store there, he could replace it just once.

Objection was raised to me as chairman of the committee that this was not the proper procedure, so I proceeded to study the existing law and found that in fact clearly spelled out in the existing law was that director had no such authority. I did not proceed on my own interpretation of the law, I got an opinion from the Attorney General stating that the directors could not open a store.

Sometime after that, we were having hearings on other bills and the director was in the building, and after we finished the other bills, we called in the director and asked him what he was going to do with the Winslow Liquor Store in view of this Attorney General's opinion, and he said, "I am going to keep it open."

Next thing I heard about this was when I went before the Appropriations Committee to make sure that the Director was asking for funding enough to keep open 34 other stores whose leases will be expiring. At that time, he told the Appropriation Committee, when they inquired, that he was waiting to see what happened to this bill which we have before us now before he decided what to do. So this is where we are.

We have a bill before us which would open every community in the state that has only one liquor store to just the same problem that we have now that the Director of the Liquor Commission and the Liquor Commission can decide to close these state stores and replace them with agency stores and there will be nothing that this legislature can do about it if this bill passes.

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

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

How many agency stores and state liquor stores are operating now within the state?

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

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: In reply to that question, any figures I give you will have to be from my memory. I believe that it is somewhere around 60 or 70 state liquor stores and somewhat less in agency stores, but I do not have the figures before me. Someone else may have them before them.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: A few months ago, when the Appropriations Committee was hearing a bill that Representative Kany had presented on job services, there was nothing else brought to light that afternoon to the attention of the committee, it was the fact of rent that was being paid cross the state to operate these different agencies throughout the state and, believe me, it was astonishing to find out what we were paying for rent in operating these government agencies. I only bring this point up because I think more and more as the State of Maine is confronted with the cost of operating state stores, and I believe there are 68 or 69 of them in this state, that that is going to be a factor and it should be a factor with the commission in terms of running a state operated store or running a private agency store. I believe that is one reason why Mr. Carter is in here today, because of that situation and was the main point of his argument.

I can appreciate Mr. Cox's problems and his concerns with the jurisdiction that he feels his committee has dealing with the State Liquor Commission, but I honestly believe that Mr. Carter, as well as Mr. Dudley, presented stronger arguments this morning on behalf of this bill.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Kelleher is absolutely right. Ten years ago when we negotiated these liquor stores, people bought them and put them in and built the stores because they wanted the additional business in their shopping centers or wherever they were to be located. They subsidized the liquor stores. The rents ran around \$2 a square foot. What is happening today—it also included maintenance of furnaces and other things, snowplowing and everything that went with it—today they have to ask for more money so, consequently, you can see what is happening. The state liquor stores, to renew their leases, are going to have to pay the additional amounts of money, they are going to have to pay the going rate.

Don't be misled that this is going to save the state any money. The minute the agency stores are all set up and you eliminate your state stores, you are not only eliminating the employees, you are going to eliminate a well-run operation.

Once these are eliminated, today the retailers who have those stores are not satisfied with the return they are getting on the sale of liquor, I think they are getting something like 8 percent. If you recall, I think there was a bill in here asking for a higher rate. That rate will keep going up and up and up and up so that you will be cutting your profit just as much as you would be if you were paying the rate for the rent on the liquor stores.

I would hate to see this state eliminate the

state liquor stores.

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

Mrs. KANY: Mr. Speaker and Members of the House: I wanted to point out to you that that if precisely what the state has done, has eliminated a state liquor store, and all Representative Carter is asking is that the people of his community, who want a liquor store in some form, be allowed to have it.

I guess I represent the West Winslow that Representative Carter spoke of, which, of course, is Waterville, and we share the same newspaper, local daily, and it is so apparent to anyone who reads our daily paper that if there is anyone in the state who knows his community and who represents it well, it is Representative Carter. He has long served on the town council and he talks with his people daily, and this is what they want.

If you don't like the bill in this form, I hope that you will at least allow it in and give it a second reading and amend it then, but give him a chance. He does know what he is talking about and the people of Winslow want some sort of liquor store.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I thought we had taken care of this situation resoundingly on a 124 to some two dozen votes a couple of weeks ago.

I will repeat what I said then in the debate and I am certainly in sympathy with Mr. Carter. I want them to have a liquor store in Winslow, I want them to have a state liquor store in Winslow.

I would like to elaborate a little bit on the remarks of the gentleman from Cumberland, Mr. Dillenback. As I stated before, since prohibition was taken aside and we started the state stores, one state attempted to go into the agency stores and get out of the state liquor store business, Oregon. It went to a referendum, it was soundly defeated.

Here is what happens in some states, and I think probably that the elaboration comes in now on Mr. Dillenback's remarks. Let us say that I am a liquor salesman and we will have nothing but agency stores in this state or a state. I walk in, nicely dressed with a briefcase, and the man and wife who operate the store, which it would now be according to some—there are so many ways being pulled out of the hat to try to get us into the agency store business, it is not even funny—here is what happens when I walk in, I open up the briefcase and there are samples of five different brands of liquor in that briefcase. So the man and wife discuss it with me and they tell me, I'm sorry but our shelves are full, maybe a little later but certainly not now. That is Monday morning about 10:30.

Now Thursday night about 9:30, the man and wife are just about ready to close the store and all at once I walk back in. I have a slip of paper in my hand and there is a truck right outside the door, there is the liquor and here is the bill, and that is what is going to happen.

I am in full sympathy with Mr. Carter. He is a friend, he is a colleague of mine on the Appropriations Committee of long standing, I recognize his ability and I know the respect the people of his community have for him.

But I also recognize the fact that there are so many ways that are being attempted to get us into the agency business, it is not even funny, and I want no part of that. I saw one example in Saco, the store was closed—wham, they got into a brouhaha, they wind up getting two agency stores now in Saco where we only need one actually.

I am also a friend of the Director, former Senator Guy Marcotte, a close friend, and I was reminded that I helped to kill that bill two weeks ago.

I want Mr. Carter to get what he wants; he wants a liquor store in Winslow, I want it to be

a state liquor store. I am not for throwing out of work 250 to 300 people who have eight, ten, twelve sixteen years in their pension rights. I don't want my people at home thrown out of work who have many years in their retirement program, I don't think it is fair. There were 28 people thrown out of work in the last eleven months in Lewiston—enough is enough. I don't want these people to be thrown out of their jobs and lose their pension rights.

I hope this thing is straightened out, but until it is, I am going to go along with the position of Mr. Cox.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, want to keep state liquor stores and, as Mr. Carter has told you, he is satisfied with the state liquor store. So I suggest the way to do it would be to give this bill its first reading and this House, I am sure, can come up with an amendment that will satisfy those of us who want to keep state liquor stores for those who are afraid that it might spread to your community. I think there is talent enough in this House to write an amendment.

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

Mr. SOULAS: Mr. Speaker, Men and Women of the House: First, I would like to tell you exactly how many agency stores and how many state liquor stores we have. There are 70 state liquor stores and 34 agency stores in our state.

As you know, I am on the Minority Report and I also hope that you will pass the bill, and then we can amend it so we can take care of Winslow.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Swazey.

Mr. SWAZEY: Mr. Speaker, Ladies and Gentlemen of the House: If you remember, last year we had a Governor's Bill in here that would eliminate the state liquor stores and have agency stores and I signed that out to see what sort of reception it would receive in the House and we got a total vote of twelve, which indicates pretty well that people want the state stores they do not want agency stores and the state stores eliminated, they want state control. I feel that this would be just the first of many stores to close, sort of a domino effect. Next year we will have three or four more in here or five or six, people will find out that they can go up on their rents.

We have no problem with the Liquor Commissioner, Mr. Marcotte. I think he is a very commendable man. The only problem we have is with any committee and any department head that comes before you, you have problems with them and you don't always agree, and that is all our problem is.

It is a town of 8,000 people, and I feel if there is a space there that is available for a state liquor store, then that is what we should have in there and I hope that you vote that way.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge the House to support the motion of Mr. Carter to substitute Bill for the Report. My prime reason is, when the Governor's Bill came out on agency stores, I, like a great many of you in this House, didn't support it. I believe, without question, the state of Maine should have as much control over the liquor industry as humanly possible. There are 34 agency stores in the state today, and why? They are there because (1) there is a need for them; (2) in the judgment of the Maine State Liquor Commission and the judgment of the Director of that commission and in the judgment of the Legal Affairs Committee, they have given the authorization through this legislature for the flexibility to determine whether you want to run a store at a minimal cost or at a loss or let someone run a private agency store.

Here is what this bill does as far as I am concerned. It puts a freeze on the Commission and the Director in trying to determine what is a fair rate of return for renting office space. And indirectly do you know what you are doing if you disregard this bill? You are guaranteeing an opportunity for anyone that owns or leases a piece of property to the state to drive the rent up. Why do they drive it up? Because they can drive it up with the suspicion and the support of Mr. Cox's committee in determining the factor that we don't want to have that kind of flexibility.

Nobody wants to take the liquor store away from Mr. Carter's town, is that correct? I think it is. I think every one of you here wants to be sure that there is a liquor store in Winslow, but at what price? At what fair, economical price do you want to allow it? You can't have it both ways. You can't tell the state that they shouldn't put a store in there because it is losing money but, on the other hand, you want to handcuff that community, that is exactly what you are doing, no matter how you read it.

So, as Mr. Dudley stated, let's let the bill go to second reader. There are one or two of you here that are smart enough and capable enough to take care of Mr. Carter's problem because you all want to help him. I haven't heard one of you say differently. But you are not going to help him if you kill this bill in this House this morning or, for that matter, any other of our communities that have liquor stores that can be in the same position that Mr. Carter's town is in.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: The question here is not can Winslow have a store or not, they can have a store. They have a liquor store now and the law specifically says that they can replace the liquor store. The whole difference of our agreement is, they shall not have an agency store. Mr. Kelleher talks about profit. What are we talking about? We are in the liquor business to control it. We are making money, sure we are interested in making money, but the prime reason for having state liquor stores is so we can control this industry.

Someone said years ago, "What does it profit a man to gain the whole world and lose his own soul?" I think this more or less applies here.

We are not interested primarily in money, we are interested in controlling this business which contributes to so many of our problems, whether it is drunken driving or, as I said before, it is the greatest health problem next to heart disease and cancer. That is what we are interested in doing, controlling it. We have no objection to Winslow replacing this store with another state liquor store but we don't want an agency store and that is why I urge you to support Mr. Cox.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to refresh the memory of those who were here in 1979 and also inform some who may not have been here in 1979 of why we have this 10 mile radius law which says that you cannot replace a state liquor store or an agency store if it closes and there is another state liquor store or agency store within 10 miles.

When the original law was passed authorizing state agency stores, the argument was that these stores were needed in communities and areas that were somewhat remote and could not justify the operation of a state liquor store. We found almost immediately that the previous director was putting agency stores in towns that already had liquor stores and then coming and saying that he was going to close the state liquor stores. So this 10 mile radius bill was passed to prevent (1) the unnecessary proliferation of agency stores and (2) the closing of state liquor stores and replacing them with

state liquor stores.

What we see here is that this cannot be done in Winslow because of the law, so now we are being asked to change the law not only for Winslow but for any store in the state, any community in the state which has only one liquor store, and there are a number of them. The one I am most familiar with is Brewer. I think what it comes down to is a question of state stores or agency stores, that this is the tip of the iceberg, if you will, that Winslow is being used as a hostage or a wedge to drive a wedge between this legislature and the actions that it has taken in the past to prevent the proliferation of agency stores.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Bangor, Representative Kelleher, hit the nail right on the head when he referred to the exorbitant rent charges that the state is being hit with.

Back in 1979, I want this body to know that I supported the same bill that created the 10 mile limit, and you know what we accomplished in doing that? I have the evidence right here in front of me in black and white. We have locked the state into unbelievable increases in rent. In 1980, the rent for this particular location was \$330 a month — you know what the renewal request was? \$650 a month, a hundred percent increase, and this is what the 10 mile radius law is creating besides other problems but this is one of the biggest ones.

If we are going to run a business, let's allow the commission the flexibility of operating it the way it should be operated, not handcuffing them into paying unreasonable rent.

Mr. Swazey of Bucksport requested a roll call.

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

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

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

Mr. McHENRY: Mr. Speaker, I would like to pose a question. If this bill were to pass, am I correct in assuming that probably like Sampson's or what have you, we could have agency stores all over the state, everywhere? Am I correct in assuming this, that if this bill passes we could possibly have an agency store like in Madawaska, where we have a liquor store — am I correct?

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 Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would respond that if Madawaska has only one liquor store at present, their state liquor store could be closed and an agency store replace it.

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

Mr. GWADOSKY: Mr. Speaker, I would like to pose a question through the Chair. If a state liquor store is going to close in a community does the Committee on Legal Affairs have the jurisdiction or any provisions that they can hold a public hearing to analyze a store that is going to be closed?

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

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

Mr. CARTER: Mr. Speaker, Ladies and Gen-

tlemen of the House: In answer to the good gentleman's question, Representative Gwadosky, it is my understanding that under the current law, the community has to be notified. The town council of Winslow was so notified and they elected not to hold a public hearing because there had already been a hearing in Augusta on this bill.

To answer another question that was brought up as to what this would do in a community, let me say that this would apply only to communities that have one liquor store, and when the commission receives a letter like this one here, dated June, 1981—it states "we do not plan to renew our lease unless you meet these highway robbery rental fees," what is the Commission going to do if you do not give them flexibility?

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

Mr. DILLEBACK: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up but I will be very brief. Every community has empty stores today. Nobody has to be forced into paying the rent. If there is a building that is asking an exorbitant rent, the Liquor Commission negotiates right down the line. With the empty stores that we have in the communities today, if you are going to enter into a 10 year lease, there is no problem making a deal with somebody else, and the stores have to upgrade anyhow about every 10 years. Don't let anybody tell you they are going to be forced into paying rent in the existing location, because I know there are many other locations that would like to have that liquor store.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I have stated my feelings toward Mr. Carter. I am a little disappointed when he comes up with the highway robbery rentals. You know, just about two years ago, we had a revaluation program in my community and my home, which is a new home, the valuation jumped double what it was. Let me ask any of you here how much you used to pay in 1969 for a hamburger sandwich and how much you have to pay today. I could go on and on and on.

I am sorry Representative Carter, you are weakening your argument. I think we had better vote.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I want to address one statement that was made earlier. There was an inference made that a couple of employees would be losing their jobs if the state liquor store closed. It is my understanding that the employees of the Wilson Liquor Store at this time already have slots reserved for them, they will be going into the stores in Fairfield or Waterville and they are going to be taken care of. So I don't think this has anything to do with supporting jobs or reducing jobs.

I don't represent the town of Winslow but family was brought up in the town of Winslow and I have received probably as many calls on this bill as any I have this session. I think the comments of the gentleman from Bangor, Mr. Kelleher, and Mr. Dudley of Enfield are right on track. We are going to have to do some long-range planning on this whole idea of liquor stores and agency stores in the future if we are going to decide to fund liquor stores the way they should be, but regardless of how you feel on liquor stores and agency stores, I think it is inappropriate for us this morning to deny the people of Winslow the opportunity to have this facility because this is a facility that they desire.

I would encourage you to support the good gentleman from Winslow, Mr. Carter.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Winslow Mr. Carter, that the Bill be substituted for the Reports. All those in

favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Baker, Beaulieu, Berube, Bordeaux, Boyce, Brannigan, Brennerman, Brown, A.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Conary, Connors, Connolly, Curtis, Davies, Davis, Day, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Ingraham, Jackson, P.C.; Jacques, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Lisnik, Lund, MacEachern, Macomber, Manning, Martin, H.C.; Masterton, McGowan, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Perkins, Peterson, Pines, Post, Pouliot, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Salsbury, Sherburne, Soulas, Soule, Stevenson, Telow, Theriault, Tuttle, Twitchell, Vose, Webster, Wentworth, Willey.

NAY—Bell, Boisvert, Brodeur, Brown, D.; Clark, Cox, Crowley, Cunningham, Damren, Dexter, Dillenback, Drinkwater, Foster, Holloway, Huber, Hunter, Hutchings, Jackson, P.T.; Jalbert, Jordan, Joyce, Lewis, Livesay, Locke, MacBride, Mahany, Martin, A.; Masterman, Matthews, McCollister, McHenry, McPherson, McSweeney, Nelson, A.; O'Rourke, Paradis, E.; Pearson, Perry, Reeves, J.; Small, Smith, C.B.; Smith, C.W.; Stover, Strout, Studley, Swazey, Treadwell, Walker, Weymouth.

ABSENT—Benoit, Fowlie, Paradis, P.; Paul, Tarbell, Thompson, The Speaker.

Yes, 95; No, 49; Absent, 7.

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

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

Consent Calendar

First Day

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

(H. P. 2157) (L. D. 2057) Bill "An Act to Increase the Sardine Tax" — Committee on Marine Resources reporting "Ought to Pass"

There being no objections, this item was ordered to appear on the Consent Calendar Second Day later in today's session.

Consent Calendar

Second Day

(S. P. 774) (L. D. 1845) Bill "An Act to Permit the Superintendent of Insurance to Promulgate Rules Requiring Provisions in Group Health Contracts Providing for Conversion to Individual Coverage Upon Termination of Group Coverage" (C. "A" S-405)

(H. P. 1835) (L. D. 1832) Bill "An Act to Allow Priority Social Service Program Funds to Match Appropriate Federal Funds" (C. "A" H-643)

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

(Off Record Remarks)

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

Special Sentiment Calendar

The following item: Recognizing: Father Leonard LeClair, Chaplain, Veterans Hospital, Togus, Maine, recipient of the 1982 Calumet Club Education Foundation Humanitarian Award; (H. P. 2164) by Representative Paradis of Augusta (Cosponsors: Senator Bustin of Kennebec, Representative Mitchell of Vassalboro and Representative Lund of Au-

gusta)

The citizens of Poland on the opening of a new wing at the Poland Community School; (S. P. 921)

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

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.

The following paper requiring reference to Committee was taken up out of order by unanimous consent:

Bill "An Act to Amend the Maine Turnpike Authority Statutes" (Emergency) (H. P. 2165) (Presented by Representative Diamond of Windham) (Cosponsors: Senators Usher of Cumberland, Emerson of Penobscot and Representative McPherson of Eliot) (Governor's Bill)

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mrs. Chonko of Topsham,
Recessed until four-thirty in the afternoon.

After Recess 4:30 p.m.

The House was called to order by the Speaker.

Orders of the Day

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

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

Tabled—March 9, by Representative Higgins of Scarborough.

Pending—Passage to be Engrossed.

On motion of Mr. Vose of Eastport, retabled pending passage to be engrossed and specially assigned for Monday, March 15.

The Chair laid before the House the second tabled and today assigned 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)

Tabled—March 9 by Representative Davies of Orono.

Pending—Acceptance of Committee Report.

On motion of Mr. Vose of Eastport, retabled pending acceptance of the Committee Report and specially assigned for Monday, March 15.

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

An Act to Increase the Working Capital of the State Liquor Commission (H. P. 1807) (L. D. 1792)

Tabled—March 10 by Representative Kelleher of Bangor.

Pending—Passage to be Engrossed.

On motion of Mr. Pearson of Old Town, retabled pending passage to be enacted and later today assigned.

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

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

Tabled—March 10 by Representative Connolly of Portland.

Pending—Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to urge you today to vote against passage of this bill.

As many of us are aware, this bill is a bill which gives the Public Utilities Commissioners a pay raise by eventually linking them in with district court judges, and as you all know, we gave those district court judges a pay raise just in the past few days in the legislature.

We also gave the Public Utilities Commissioners themselves a pay raise last year, so this would be their second raise in this 110th Legislature.

There are several reasons why I am opposed to giving a pay raise to the Public Utilities Commissioners at this time. Among other things, we are all well aware of the fact that working people in the State of Maine have been working without raises. Not only have the state employees been going without raises, but many of the factory workers across this state are going without raises because of this terrible inflation that we are in.

I am also concerned that if we are trying to give a raise to attract better people to the job, that obviously this raise that we are going to give is not going to be any incentive to get someone to go away from his \$100,000 job in the private sector.

But I think the real issue today is whether the Public Utilities Commissioners deserve what we could view almost as a merit increase. Last fall, we all dealt with the Public Utilities Commission referendum question on whether we should elect a PUC. We discovered at that time that the people in the State of Maine are very unhappy with the PUC. They rejected the alternative in front of them, but they did voice their concern about the PUC. Certainly people in my area are very concerned that when rate hearings are held, Public Utilities Commissioners are not even showing up at those hearings.

It seems to me that if what we are trying to do is get some new commissioners, we should wait until we get those new commissioners and perhaps in the 111th Legislature give a raise. I do not feel it is appropriate to give two raises in this one legislative session, and for that reason I urge you to vote against enactment, and I request that when the vote is taken, it is taken by a roll call.

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

Mr. PARADIS: Mr. Speaker and Members of the House: This bill and the amendment, Committee Amendment "A" under filing H-626, if you will all take a look at it, is the result of a unanimous agreement worked out by the State Government Committee.

This bill—and I was hoping that the gentlewoman from Auburn had taken a close look at it—raises eventually, by three steps, the salaries of the chairman and two members of the Public Utilities Commission to the level of the court system in the State of Maine. A few years back, the legislature adopted a full-time Workers' Compensation Commission and tied their salaries to that of the district court system. What this bill does is adopt the same idea and removes from the legislature, from the domain of politics, once and for all the idea that we should be giving them raises every year, that we should be considering their salaries.

It isn't a fun job, I would suppose, being a Public Utilities Commissioner and having to vote to raise the price of energy that we pay in this state, but it isn't their fault. Why should we be taking it out on them and voting against their pay raises because they have unpopular decisions to make.

I have quite a few state employees in my district and I wouldn't vote to give any bureaucrat a raise and overlook the employees who make most of the work that we do here possible.

This bill goes into effect on January 1, 1983. Every objection that was raised in committee by members of the committee to this bill was worked out. It was bipartisan; it received the endorsement of every member of the commit-

tee. The date of adoption was put back so that I am confident, I am sure, that by January of next year we will have a state employee package worked out that henceforth no longer will we have to face every year the challenge of adopting a pay raise and going back home and defending it to some people who might have a gripe with the Public Utilities Commission.

They have an important function, they have an unpopular function in an era where the cost of energy is rising far faster than the rate of inflation, but we don't have to take it out on them personally, on the members of the commission. They should be paid a salary equitable with the responsibility that they have. They are a quasi-judicial commission in scope and in function, and they were created by the legislature way back.

I hope that you will support this bill and vote against the gentlewoman from Auburn.

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

Miss BELL: Mr. Speaker, Ladies and Gentlemen of the House: As Representative Paradis has indicated here, we have tried to establish a mechanism which is fair and in line with other roles and responsibilities in state government.

District court judges do serve a similar role in an adjudicatory fashion. Some of the members of the PUC came forward, as well as other members of the PUC Committee, and indicated there were some staff people who worked for the commissioners who were receiving benefits greater than the commissioners themselves. With the responsibility that we ask of these people, we felt that it was fair to link them to the district court judges and have an on-going mechanism.

I urge you to support this piece of legislation and the work of the committee.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I agreed that the PUC might deserve a raise last year, I fought for it myself, but to tie it in with the judges, I just don't agree with that. The next thing you know, our own salaries, we will do like they do in Washington, we will vote for our salary increase underhandedly by voting for an increase for the judges.

I believe that each and every one of them should stand on their own two feet and be voted upon.

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

Mr. DAVIES: Mr. Speaker and Members of the House: Representative Lewis of Auburn has raised an issue that by passage of this bill we will be granting two pay raises to the Public Utilities Commissioners in the course of one session of the legislature. I would like to point out exactly what has taken place since 1980 in relation to the three commissioners' salaries.

Since June 29, 1980, the salary of Chairman Ralph Gelder has gone from \$36,129.60 to \$36,171.20, a pay raise of \$41.60 a year. The exact same figure is true of Commissioner Carrigan. And Commissioner Smith, because he chose to accept a state coverage of retirement in lieu of a 5 percent pay increase, is making \$1,415 less in 1982 than he was in 1980.

There was a problem with the bill we passed last year. The Governor was not satisfied with the way that it was dealt with, and one of the results of that was we did reduce the salary of one of the commissioners.

This bill does take it out the political process. It does recognize the fact that PUC commissioners are quasi-judicial in their functions and ought to be paid on some kind of scale comparable to our judicial employees, such as judges at the district court level.

The result of this will be that in 1983 the commissioners' salaries will go to less than \$33,000; in 1984, they will be about \$34,000; and in 1985, when it takes full effect, the end of the

three-step process, a PUC commissioner will be making about \$36,605.

The individuals who are serving in this job may not be particularly well liked by members of this body, but the jobs that they do in regulating utilities, whose rates raised \$600 million a year for their companies, is an extremely critical job that affects the lives of each and every one of us and our constituents. We want the best qualified individuals serving in those jobs, and if we are not willing to pay a reasonable price to get them, we are not going to get qualified individuals.

If you kill this, you are being pennywise and pound foolish. I urge you to pass this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am opposed to this myself, but it may be a good thing. It is only making the people who don't want them more aware that we don't need them, because the higher they get their salaries, the more irritable people are back home and sure that we don't need them in the first place.

I can't convince any of the people where I come from that they are needed, and I am not going to try to, because I personally believe we don't need them. Because if there were enough intelligent people in this House, all we would do is say to the public utilities in this state, we allow them eight percent or four percent or whatever we agree on and that is final or we can take their excess profit. The only saving we can make to the people of this state is do away with the Public Utilities and use the money that it is costing to run that department.

The outcry from the public, you must have heard it yourself, as well as I have, is that they don't need them. If we keep raising their pay, the public is going to see that they are non-existent pretty soon. That is one way to get them non-existent. But for the time being, I would like to see this measure not passed and, above all, I don't want to put it in with the judges. I think that is another bad move and if you do do it, down the road a ways, you will find out that I am right. You have on many occasions when I have stood here and told you people what the situation is going to be down the road and you don't listen, but it will be down the road just about like I tell you. People will find out that they don't need them. They already know it and they must have brought the message to you already.

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

Miss ALOUPIS: Mr. Speaker, I would like to pose a question through the Chair. Are these figures that we are being given taking into consideration if the judges salary raise does pass—would these figures not have to be readjusted?

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

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

Mrs. KANY: Mr. Speaker and Members of the House: The amendment, which is the bill, actually calls for an adjustment over a period of three years to the district court judges' level and, in addition, it would be \$2500 more for the Chairman of the Commission, so the body of the bill itself, the language which would go into the statutes, does not have to be changed.

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

Miss ALOUPIS: Mr. Speaker, I understand that, Representative Kany. I was just wondering though—the language would remain the same but would not the figures change as far as the increases in salary?

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

Mrs. KANY: Mr. Speaker and Members of the House: It depends on what is finally enacted for the district court judges' salaries.

The idea behind the whole thing is that we need the most responsible possible people for this extremely important job, and the least we can do, perhaps, if we want outstanding public utility commissioners, is to pay them at the lowest possible cost equivalent to a judge. Our lowest paid judge is the district court judge, and certainly if we want outstanding public utility commissioners, we could afford to pay them that.

We all have basically agreed, under the hammer, unanimously, to change the terms of our public utility commissioners. We know that we will be having new people nominated in the near term, and certainly I would hope we could attract the very best for this extremely important position.

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

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

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

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

Mr. LIVESAY: Mr. Speaker, I would like to pair my vote with the gentleman from Brunswick, Mrs. Martin. If she were here, she would be voting no and I would be voting yes.

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

Mr. HIGGINS: Mr. Speaker, I would like to pair my vote with the gentleman from Cape Elizabeth, Mrs. Masterton. If she were here, she would be voting yes and I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Bath, Ms. Small.

Ms. SMALL: Mr. Speaker, I would like to pair my vote with the gentleman from Westbrook, Mr. Carrier. If he were here, he would be voting nay and I would be voting yea.

The SPEAKER: The pending question before the House is on passage to be enacted, a roll call having been ordered. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Bell, Boisvert, Bordeaux, Brannigan, Carroll, Carter, Conary, Cox, Crowley, Davies, Day, Diamond, J.N.; Dillenback, Erwin, Fitzgerald, Gillis, Gwadosky, Hall, Hayden, Hickey, Huber, Jacques, Jordan, Joyce, Kane, Kany, Kiesman, Kilcoyne, Lund, MacEachern, Mahany, Manning, McCollister, McGowan, Mitchell, E.H.; Mitchell, J.; Moholland, Nelson, M.; O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perry, Post, Richard, Ridley, Roberts, Rolde, Thompson, Vose, Weymouth, The Speaker.

NAY—Aloupis, Armstrong, Austin, Baker, Beaulieu, Boyce, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Chonko, Clark, Connors, Connolly, Cunningham, Curtis, Damren, Davis, Dexter, Drinkwater, Dudley, Foster, Gavett, Gowen, Hanson, Higgins, H.C.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jalbert, Kelleher, Ketover, Lancaster, LaPlante, Lewis, Lisnik, Locke, MacBride, Macomber, Martin, H.C.; Masterman, Matthews, McHenry, McPherson, McSweeney, Michael, Michaud, Murphy, Nelson, A.; Norton, Perkins, Peterson, Pouliot, Racine, Randall, Reeves, J.; Reeves, P.; Salsbury, Sherburne, Smith, C.B.; Smith, C.W.; Soule, Stevenson, Stover, Studley, Tabbell, Telow, Theriault, Treadwell, Tuttle, Twitshell, Walker, Webster, Wentworth Willey.

ABSENT—Benoit, Berube, Brennerman, Diamond, G.W.; Fowlie, Hobbins, Laverriere, Pines, Nadeau, Paul, Soulas, Strout, Swazey. PAIRED—Carrier-Small; Higgins-Masterton; Livesay-Martin, A.;

Yes, 52; No, 80; Absent, 13; Paired, 6.

The SPEAKER: Fifty-two having voted in the affirmative and eighty in the negative, with thirteen being absent and six paired, the motion does not prevail. (Later Reconsidered)

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

Non-Concurrent Matter

RESOLVE, Authorizing the Commissioner of the Marine Resources to Convey an Easement over Certain State Land (H. P. 2159) (L. D. 2059) which was referred to the Committee on Energy and Natural Resources in the House on March 9, 1982.

Came from the Senate referred to the Committee on Marine Resources in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Revise the Fair Credit Reporting Act and to Conform it to Recent Maine Judicial Decisions" (H. P. 1727) (L. D. 1712) which was passed to be engrossed as amended by Committee Amendment "A" (H-631) in the House on March 8, 1982.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-631) and Senate Amendment "A" (S-404) in non-concurrence.

In the House: On motion of Mr. Brannigan, the House voted to recede and concur.

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

Non-Concurrent Matter

Bill "An Act to Fund and Implement Collective Bargaining Agreements Relating to Vocational-Technical Institutes Employees" (H. P. 2084) (L. D. 2023) which was passed to be engrossed as amended by Committee Amendment "A" (S-403) thereto in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Adjust Fees for Licenses issued by the Real Estate Commission" (H. P. 1809) (L. D. 1794) (C. "A" H-612) which Failed of Passage to be Enacted in the House on March 9, 1982.

Came from the Senate Passed to be Enacted in non-concurrence.

In the House: Mr. Brannigan of Portland moved that the House recede.

On motion of Mr. Brannigan of Portland, tabled pending his motion to recede and specially assigned for Monday, March 15.

The following papers from the Senate were taken up out of order by unanimous consent:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Authorize the Credit of the State to be Loaned to Secure Funds for Loans to Parents of Maine Students Attending institutions of Higher Education" (S. P. 920) (L. D. 2061)

Came from the Senate referred to the Committee on Education and ordered printed.

In the House, referred to the Committee on Education in concurrence.

Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Adjust the Rates of Reimbursement for Adult Foster Homes and to Adopt a Cost Reimbursement Payment System for Boarding Care Facilities" (S. P. 770) (L. D. 1842)

Came from the Senate with the Report read and accepted.

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

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

The Following Joint Order: (S. P. 919)

ORDERED, the House concurring, that the Joint Standing Committee on Taxation report out a bill to the House to update current law to conform the state tax code to the United States Internal Revenue Code by repealing and replacing the Revised Statutes, Title 36, section 5102, subsection 11, the substantive content of said bill to read in its entirety as follows:

11. Meaning of terms. Any term used in this Part has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

Any reference in this Part to the laws of the United States shall be construed as a reference to the provisions of the Internal Revenue Code of 1954, and amendments thereto and other provisions of the laws of the United States relating to federal income taxes as of December 31, 1981. This subsection shall be effective as to items of income, deductions, loss or gain accruing in taxable years ending on or after January 1, 1981, but only to the extent that those items have been earned, received, incurred or accrued on or after that effective date.

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. PEARSON: Mr. Speaker, I would like to pose a question to the Chair. Under House Rule 26 and 27, which says that every bill after cloture date must be presented to the Legislative Council, I would ask if this is properly before us?

The SPEAKER: This matter will be tabled pending ruling from the Chair.

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

Passed to be Enacted Emergency Measure

An Act to Revise the Lubec Water and Electric District Charter to Modify the Requirements for Issuance of Bonds (H. P. 1976) (L. D. 1951)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of same and 8 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,300,000 (S. P. 785) (L. D. 1850) (C. "A" S-402)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 having voted in favor of same and 8 against, an accordingly the Bill was passed signed by the Speaker and sent to the Senate.

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

Finally Passed Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the

House being necessary, a total was taken. 119 voted in favor of same and none against, and accordingly the Resolve was finally passed signed by the Speaker and sent to the Senate.

Tabled Unassigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1982 (H. P. 2149) (L. D. 2052)

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

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending final passage.

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

Passed to be Enacted Emergency Measure

An Act to Amend the Terms of the Directors of the Auburn Water and Sewerage Districts (S. P. 868) (L. D. 2013)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

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

An Act Relating to Fuel Adjustment Clause of Natural Gas Utilities (S. P. 817) (L. D. 1921)

An Act to Abolish the Mandatory Reporting of Alcoholism Section of the Board of Registration in Medicine Act (S. P. 830) (L. D. 1938)

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

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

Passed to be Enacted

An Act Relating to the Installation of Utility Poles (S. P. 839) (L. D. 1962)

An Act to Permit Municipalities to Adopt Contract Zoning under the Maine Zoning Laws (H. P. 1827) (L. D. 1809) (C. "A" H-627)

An Act to Establish Voluntary Certification for Building Energy Auditors (H. P. 1916) (L. D. 1893) (H. "A" H-628)

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)

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

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

Consent Calendar

Second Day

(H. P. 2157) (L. D. 2057) Bill "An Act to Increase the Sardine Tax"

There being no objections, the above item was passed to be engrossed and sent up for concurrence.

Passed to be Engrossed

Bill, "An Act Relating to the Closing of State Liquor Stores in Communities with One Store" (Emergency) (H. P. 1996) (L. D. 1972)

Was reported by the Committee on Bills in the second Reading and read the second time. Mr. Cox of Brewer requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes,

those opposed will vote no.

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

The SPEAKER: The pending question is on passage to be engrossed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Baker, Boyce, Brannigan, Brennerman, Carroll, Carter, Conary, Connolly, Davies, Day, Diamond, J.N.; Dillenback, Dudley, Erwin, Fitzgerald, Gavett, Gillis, Gowen, Gwadosky, Hall, Hayden, Higgins, H.C.; Higgins, L.M.; Hobbins, Jackson, P.T.; Jackson, P.C.; Jacques, Kane, Kany, Kelleher, Ketover, Kisman, Kilcoyne, LaPlante, Lisnik, MacEachern, Macomber, Manning, Martin, H.C.; McCollister, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Paradis, P.; Perkins, Peterson, Post, Pouliot, Racine, Richard, Roberts, Rolde, Salsbury, Soule, Stevenson, Tarbell, Telow, Theriault, Tuttle, Twitchell, Vose, Webster, Wentworth.

NAY—Beaulieu, Bell, Boisvert, Bordeaux, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Clark, Connors, Cox, Crowley, Cunningham, Curtis, Damren, Davis, Dexter, Drinkwater, Foster, Hanson, Hickey, Holloway, Huber, Hunter, Hutchings, Ingraham, Jalbert, Jordan, Joyce, Lancaster, Lewis, Livesay, Locke, Lund, MacBride, Mahany, Masterman, Matthews, McGowan, McHenry, McPherson, McSweeney, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Pearson, Perry, Randall, Reeves, J.; Reeves, P.; Ridley, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stover, Studley, Treadwell, Walker, Weymouth, Willey.

ABSENT—Benoit, Berube, Carrier, Chonko, Diamond, G.W.; Fowlie, Laverriere, Martin, A.; Masterton, Nadeau, Paul, Soulas, Strout, Swazey, Thompson, The Speaker.

Yes, 70; No, 64; Absent, 17.

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

Sent up for concurrence.

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

Ought Not to Pass

Representative Pearson from the Committee on Appropriations and Financial Affairs on Bill "An Act Incorporating Federal Funds Directly into the State Budgeting Process" (H. P. 1249) (L. D. 1473) reporting "Ought Not to Pass"

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

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

Ought Not to Pass

Representative Drinkwater from the Committee on Judiciary on Bill "An Act to Provide for Mandatory Jail Sentences for Repeat Offenders who Commit Certain Crimes on or to a Person 60 Years of Age or Older" (H. P. 2095) (L. D. 2029) reporting "Ought Not to Pass"

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

Consent Calendar

First Day

(H. P. 2121) (L. D. 2040) Bill "An Act to Eliminate Discrimination in Cases of Prostitution"—Committee on Judiciary reporting "Ought to Pass"

There being no objections, this Bill was ordered to appear on the Consent Calendar of March 12, under the listing of Second Day.

The Chair laid before the House the following matter:

An Act to Increase the Working Capital of the State Liquor Commission (H. P. 1807) (L. D. 1792) which was tabled and later today assigned pending passage to be enacted.

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

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

House Amendment "A" (H-644) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This is a housekeeping amendment that came out of the Appropriations Committee on a bill that had a unanimous committee report. It clarified the language dealing with working capital for the Maine Alcoholic Beverages Commission, and the bill would not be in the position for us to consider unless we accept this amendment.

Thereupon, House Amendment "A" was adopted.

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

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side on L. D. 1903, I move reconsideration and hope you all vote against.

The SPEAKER: The gentleman from New Gloucester, Mr. Cunningham, moves that the House reconsider its action whereby An Act Relating to the Compensation of Public Utilities' Commissioners, House Paper 1921, L. D. 1903, failed of passage to be enacted.

Mrs. Mitchell of Vassalboro requested a roll call vote.

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

Mr. JALBERT: Mr. Speaker, I move this item lie on the table for two legislative days.

Whereupon, Miss Lewis of Auburn requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this matter be tabled pending the motion of Mr. Cunningham of New Gloucester to reconsider whereby the bill failed of passage to be enacted and specially assigned for Monday, March 15. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Beaulieu, Bell, Boisvert, Boyce, Brannigan, Brennerman, Carroll, Carter, Chonko, Clark, Cox, Crowley, Davies, Day, Diamond, J.N.; Dillenback, Dudley, Erwin, Fitzgerald, Gillis, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Huber, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, LaPlante, Lisnik, Livesay, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nelson, M. Norton, O'Rourke, Paradis, P.; Pearson, Perry, Pines, Pouliot, Richard, Ridley, Roberts, Rolde, Small, Soule, Theriault, Thompson, Tuttle, Twitchell, Vose, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bordeaux, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Connolly, Cunningham, Curtis, Damren, Davis, Dexter, Drinkwater, Foster, Gavett, Gowen, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Lancaster, Lewis, Locke, Lund, MacBride, Masterman, Matthews, McPherson, Murphy, Nelson, A.; Paradis, E.; Perkins, Peterson, Racine, Randall, Reeves, J.; Reeves, P.; Salsbury, Sherburne, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Benoit, Berube, Carrier, Diamond, G.W.; Fowlie, Laverriere, Martin, A.; Masterton, Nadeau, Paul, Soulas, Strout, Swazey.

Yes, 74; NO, 63; Absent, 14.

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

(Off Record Remarks)

On motion of Mr. Gillis of Calais.

Adjourned until twelve o'clock noon Tomorrow.