

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Tenth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION

May 13, 1982

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SECOND CONFIRMATION SESSION

July 16, 1982

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HOUSE

Thursday, March 25, 1982

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

Prayer by the Reverend William Wilson of the Phillips Shared Ministry.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

The Senate of Maine

Augusta

March 24, 1982

The Honorable Edwin H. Pert

Clerk of the House

110th Maine Legislature

State House

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the Minority Ought Not to Pass report on Bill, "An Act Relating to Assigned Risk Plans in Workers' Compensation Insurance", (H. P. 1995) (L. D. 1971).

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Reports of Committees

Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Clarify the Authority of The Courts to Remand Persons to Alcohol Shelters" (S. P. 888) (L. D. 2034)

Came from the Senate with the Report read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Business Legislation on Bill "An Act to Amend the Banking Code Regarding the Investment and Lending Powers of Thrift Institutions and Regarding Service Corporations" (S. P. 825) (L. D. 1928) reporting "Ought to Pass" in New Draft (S. P. 942) (L. D. 2083)

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

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

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-410) on Bill "An Act Authorizing Husson College to Confer a Degree of Bachelor of Science in Nursing" (S. P. 786) (L. D. 1851)

Report was signed by the following members:

Senators:

PIERCE of Kennebec

CLARK of Cumberland

— of the Senate.

Representatives:

CONNOLLY of Portland

BROWN of Gorham

LOCKE of Sebect

MURPHY of Kennebunk

MATTHEWS of Caribou

BROWN of Livermore Falls

THERIAULT of Fort Kent

GOWEN of Standish

ROLDE of York

— of the House.

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

Report was signed by the following members:

Senator:

TROTZKY of Penobscot

— of the Senate.

Representative:

THOMPSON of South Portland

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-410)

In the House: Reports were read.

On motion of Mr. Connolly of Portland, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once.

Committee Amendment "A" (S-410) was read by the Clerk and adopted in concurrence.

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

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-414) on Bill "An Act to Require Mandatory Reporting of Elderly Abuse" (S. P. 779) (L. D. 1847)

Report was signed by the following members:

Senator:

BUSTIN of Kennebec

— of the Senate.

Representatives:

BRODEUR of Auburn

NELSON of Portland

McCOLLISTER of Canton

RICHARD of Madison

KETOVER of Portland

MANNING of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-415) on same Bill.

Report was signed by the following members:

Senators:

GILL of Cumberland

HICHENS of York

— of the Senate.

Representatives:

RANDALL of East Machias

WEBSTER of Farmington

MacBRIDE of Presque Isle

PINES of Limestone

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-414) as amended by Senate Amendment "A" (S-433) thereto.

In the House: Reports were read.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once.

Committee Amendment "A" (S-414) was read by the Clerk.

Senate Amendment "A" to Committee Amendment "A" (S-433) was read by the Clerk.

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: While this bill is before us, I think it is important that we all know some of the difficulties the committee experienced with this bill.

When it appeared before us, we all agreed on one thing—we wanted to do everything possible to prevent elderly abuse and we wanted to find out the best solution for it.

Unfortunately, there were many complications from the beginning. The department, number one, brought in a fiscal note of \$250,000

that they felt it would take for extra staff if this bill were passed. They felt that every call they received needed to be investigated in order for the program to have creditability. The sponsors felt there should be no fiscal note on this bill, and so that presented a very big problem. They finally compromised with \$63,740 for three staff members, and now with the Senate Amendment which you have before you, you will see that there is no fiscal note. Usually I do not like to support a bill that has to be funded at a later date; however, there are positions under this amendment that can be staffed from the Protective Services.

Number two, we had difficulty with the terminology. We had difficulty defining "dependent adult, endangered person, incapacitated adult." All of these presented many problems with mandation.

Number three, along with the contents of the bill, the Committee on Aging sent out a letter to senior citizens throughout the state listing the members of the committee, their political party and how they voted on the bill, and that was a week before the committee took its final vote.

Naturally, I was very much disturbed to have my vote preempted when I was still deciding how to vote.

The Committee on Aging next sent out another letter to those senior citizens apologizing for the mistake.

Then we found through the department that we perhaps had a legal problem. We had a mandatory bill with an optional clause and it was felt that there would be some difficulty with that in the law court.

By that time, we were nearing the deadline to have bills out of committee and were in a hurry. With all of these problems, I decided at that point to support Committee Amendment "B", which would allow for immunity only for those people who reported. I felt that was a better and safer report at the time.

However, the Senate has come along now with an amendment that really takes care of most of these concerns that I feel I really can accept. I am not happy with the way the bill evolved, I felt that many of the circumstances were most unfortunate. However, the committee really has tried very hard to find a proper solution. They really worked well and we did try. We just seemed to be thwarted wherever we seemed to turn with this bill.

In spite of all this, the amended bill does require professionals to report incapacitated adults who have been abused—incapacitated adults, that is. It does allow for other people to report other cases of abuse, but that is not a 'shall' condition, that is a 'may.'

It does require that the department endorse an information campaign on elderly abuse and it does give immunity to those reporting.

These are the conditions that the elderly of our state wanted, and I feel they should have them, so today I am changing my vote from Committee Amendment "B" to Committee Amendment "A" as amended by Senate Amendment "A".

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I want to address this issue just very quickly and to the point.

I initially supported Committee Amendment "B", which I still feel is a good amendment, but one of my major concerns was addressed by Senate Amendment "A", so I am reluctantly supporting this legislation.

I have a concern about mandating further mandates from Washington or Augusta, wherever we are here—Augusta—to the citizens of Maine. But my biggest concern remained with the \$63,000 price tag.

When this bill originally came in, I believe that it was in to do something other than mandate elderly abuse. I feel as I have always felt, this was an attempt by the Department of

Human Services to hire three people. Perhaps due to budget cuts there was some need to hire three people. Since Senate Amendment "A" has removed that price tag and no people will be hired. I will reluctantly support this legislation.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I think we have heard a great deal as to why people didn't like what we have before us, but I think you ought to know what we do have before us. It is something that is extremely important, needs to be done and now has the unanimous support of the committee. I hope, indeed, it will have the unanimous support of the House.

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

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

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

Non-Concurrent Matter Tabled and Assigned

An Act Relating to the Compensation of Public Utilities' Commissioners (H. P. 1921) (L. D. 1903) which Failed of Passage to be Enacted in the House on March 11, 1982.

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

In the House: On motion of Mr. Connolly of Portland, tabled pending further consideration and tomorrow assigned.

Orders

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

ORDERED, that Representative Norman O. Racine of Biddeford be excused March 15, 16, 17, 18, 19 and 23 due to illness.

House Reports of Committees Ought to Pass in New Draft

Representative Rolde from the Committee on Education on Bill "An Act to Provide for the Direct Election of Community School District School Committees" (Emergency) (H. P. 1983) (L. D. 1955) reporting "Ought to Pass" in New Draft (H. P. 2237) (L. D. 2095)

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

Ought to Pass in New Draft/New Title

Representative MITCHELL from the Committee on Energy and Natural Resources on Bill "An Act to Protect Freshwater Wetlands" (H. P. 1961) (L. D. 1934) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Identify Freshwater Wetlands" (H. P. 2236) (L. D. 2094)

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

Ought to Pass Pursuant to Joint Order 1846

Representative Wentworth from the Committee on Local and County Government pursuant to Joint Order H. P. 1846 reporting a RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1982 (Emergency) (H. P. 2235) (L. D. 2093) asking leave to report that the same "Ought to Pass"

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

Divided Report

Majority Report of the Committee on Health and Institutional Services on Bill "An Act Concerning Maine Emergency Medical Services" (H. P. 2050) (L. D. 2000) reporting "Ought to Pass" in New Draft (H. P. 2234) (L. D. 2092) Report was signed by the following members:

Senators:

BUSTIN of Kennebec

GILL of Cumberland

— of the Senate.

Representatives:

BRODEUR of Auburn

PINES of Limestone

MacBRIDE of Presque Isle

KETOVER of Portland

NELSON of Portland

MANNING of Portland

McCOLLISTER of Canton

RICHARD of Madison

RANDALL of East Machias

WEBSTER of Farmington

— of the House.

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

Report was signed by the following member:

Senator:

HICHENS of York

— of the Senate.

Reports were read.

On motion of Mrs. Nelson of Portland, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading later in the day.

Divided Report

Eight Members of the Committee on Education on Bill "An Act Concerning Need Under the School Lunch Program" (H. P. 1774) (L. D. 1764) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-684)

Report was signed by the following members:

Senator:

CLARK of Cumberland

— of the Senate.

Representatives:

MATTHEWS of Caribou

GOWEN of Standish

ROLDE of York

LOCKE of Sebec

THERIAULT of Fort Kent

MURPHY of Kennebunk

THOMPSON of South Portland

— of the House.

Three Members of the same Committee on same Bill report in Report "B" that the same "Ought Not to Pass"

Report was signed by the following members:

Senators:

TROTZKY of Penobscot

PIERCE of Kennebec

— of the Senate.

Representative:

CONNOLLY of Portland

— of the House.

Two Members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass"

Report was signed by the following members:

Representatives:

BROWN of Gorham

BROWN of Livermore Falls

— of the House.

Reports were read.

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

Mr. CONNOLLY: Mr. Speaker, I move acceptance of Committee Report B, "Ought Not to Pass."

The SPEAKER: The gentleman from Portland, Mr. Connolly, moves that Report B be accepted.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope this morning that you do not go along with the pending motion on the floor. If there is some discussion to be held on this issue, obviously, the one that I would hope would prevail in the House would be Report C; that is the one signed by my younger sister from Gorham, Ms. Brown.

At any rate, Mr. Speaker, I would request a division.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would go along with my friend from Livermore Falls, Mr. Brown, and ask you not to accept the pending motion.

I would hope you might have some curiosity as to why eight members of the committee did sign Report A, and I would hope you would defeat the motion for Report B so we could then take up Report A.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: Instead of talking about motions, I guess we ought to talk about what the issue is.

Right now, all school districts in the State of Maine are required to have a school lunch program. However, there is a provision in the law that allows school districts to receive a waiver to postpone the criteria. One of those criteria is need. If a school unit can demonstrate that it has no need, that there is no need in that unit for a lunch program, it can make application to the State Board of Education and the State Board of Education is authorized to grant a waiver for up to three years.

The bill that was presented to the committee came from legislators representing the communities of Millinocket and East Millinocket, who currently hold waivers at this particular time because they have been able to satisfactorily demonstrate that they have no need for the program.

The bill in its original form, the bill that Representatives Brown would have you support, would grant units who have been given that waiver a permanent waiver. Right now, if they have the waiver, they have to come back to the State Board of Education in three years and say "we have no need again," and if they can demonstrate that, the State Board of Education is permitted to give them an extension, another three-year waiver. The bill as it was presented to us said that there should be a permanent waiver for those units.

The committee, when we were discussing the bill in a work session, was trying to arrive at a compromise position, and what the majority report of the committee, or the compromise position as it originally evolved, was trying to say was that instead of three years, we will allow you to have four years and then you can come back in.

However, there were some people who said that just didn't make any sense at all. If they had been able to demonstrate that there is no need, they should be able to have that waiver forever, and in effect, a back-door approach to get around the law that says school units should offer or have to offer a hot lunch or a school lunch program.

One of the issues that has come before the Education Committee in the last three or four years has been a concern for strengthening the role of the State Board of Education. There has been a real concern that the State Board of Education has been controlled and been manipulated to a certain extent by the Department of Education, and every opportunity that we have had, we have tried to give the State Board of Education more authority.

The State Board of Education is the body that rules on these waivers, and I think that we should leave it the way it is in the judgment of the State Board of Education—and there are

people on the State Board of Education ranging from Mary Adams to former Representative Jerry Talbot—if those people on that board agree by a majority vote that a waiver is all right, then they will grant it, and the last community, Millinocket, that came and requested the waiver was granted that waiver this past year by the State Board of Education.

I see no reason to change the present law. It works very well. Let's keep the decision making in the hands of the State Board of Education, let's not retract at all from that position.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Clark.

Mr. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this bill. After going to the hearing and presenting the bill, you have to know some facts of what happened in Millinocket and East Millinocket.

We have a three-year waiver that we just received with a little bit of hard time getting it. I feel. The Board of Education gave us a three-year waiver with a little bit of reluctance, with one member voting this time in our favor, and I am not saying that she will or he will vote the same way the next time around.

In Millinocket, we do not have a school lunch program because our children who go to school can get back and forth to school within five or ten minutes. We have an hour and fifteen minutes for recess. Most of the time these students—the only time they might see their parents is at dinnertime. We have a revolving shift in Millinocket and East Millinocket, so there is some part of the family at home and that may be the only time they get to see their kids.

We do not feel that we should be forced into a school lunch program if the need is not there yet. That is not saying the need may not be there in future years.

We should have more control over whether we need a school lunch program and not have it forced onto us.

I would like to see the motion the chairman put forth of "ought not to pass" turned down and give us a chance to vote on the Committee Amendment "A" to give us another waiver of another year and give us four years.

The superintendent of schools came down and presented this. We could live with another year. It takes them eight to ten months to get ready for the setup for the waiver. It is not right now in Millinocket. We do not feel we need this program, so I would like to see you vote against "ought not to pass" and give us a chance for the amendment.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Michaud.

Mr. MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I must say that first of all this is not a Portland bill, it is a Millinocket and East Millinocket bill.

As Representative Clark of Millinocket said, when Millinocket went for the waiver, the department approved the waiver but the State Board disapproved it by one vote. What discouraged me was that one of the board members on the State Board of Education—they do not care what the department wanted, but he felt that every school should have a school lunch program, and with that attitude, it discouraged me.

There are only two towns in the state that this bill does affect, and that is Millinocket and East Millinocket. Those are the only two towns that were granted a waiver just because of need.

I would urge you to defeat the motion before you so you can accept Committee Amendment "A".

When I first mentioned this bill to a member, he asked me, what is the matter with you guys up there, don't you want to feed the kids? If you will look, we are not hurting up there in that area, so I would urge you to defeat the motion

before you to accept Committee Amendment "A".

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

Mr. BROWN: Mr. Speaker and Members of the House: This is the kind of bill I really like. If there ever was a local control issue, it is this one. And as the Representative from East Millinocket says, and Millinocket, this doesn't do anything on a state-wide basis; it merely directs its attention to a very small group of communities who have very peculiar kinds of situations within their communities.

Representative Connolly indicated that this bill would provide a permanent waiver; I think he used the word "forever" which takes on many, many different meanings. But before we think this means forever, I would just like to point out to you, this bill would still permit one percent of the local residents to petition the school board, school committee, to reconsider their decision.

I guess what Representative Connolly is saying, if I understand him correctly, I think he is assuming that the local school board would be unreceptive when petitioned by the local residents of the community, and I, frankly, don't buy that. I think we ought to start giving the locals more credit for what they are doing than we do.

You know, we sit here in Augusta as big brother or big sister and we think we know what is best for everybody throughout the state, and I would submit to you that we don't always know what is best.

Representative Connolly stated that we are trying to give the State Board of Education more power than the State Department of Education, and I would submit that that is correct. But let me just ask you—where should the authority really be, whether it is at the State Board of Education level in Augusta or whether at the State Department of Education level in Augusta or back home? I think back home.

Look at this bill carefully, vote no on the pending motion so that we can then go on to pass either of the other two reports.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I support the town of Millinocket in their endeavor. I would support your town if you were asking for the same thing.

I seldom speak on anything from the Education Department because I am probably the least qualified to speak on education bills than any bill that comes before the House. However, these people are my neighbors and I know the situation.

I am also very critical about school lunch and always have been. It reminds me of back on the farm trying to raise a dog without feeding him. He ends up at the neighbor's getting lunch and up in the country we call him a tramp dog. And I think in a lot of areas that I am familiar with, these school lunch programs make the children tramps and they end up in the pool room, they don't know where home is.

I think this is a serious thing and it is causing more delinquency and more harm, the school lunch, in most areas than it is good. I am thoroughly convinced in my own mind, and I am not going to try to convince you, but I would point out to you that if you kind of keep a little eye out on your local area and see what school lunch is doing to the children, you may have the same philosophy that I do, that it is not a good idea. Children don't know where home is. They get up in the morning, they jump on the bus with no breakfast and they are going to have it at school and they are going to have lunch, and when they get ready to come home, they don't know where home is because they don't have to be there at mealtime, so they end up just like a dog that never gets fed at home and he ends up running around the neighborhood and gets known as a tramp dog and then finally the dog catcher hauls him away.

Finally, these children end up in reform school someplace, that is the final net result. So if any town in the State of Maine is intelligent enough to do away with school lunch, whether it be your town or any other town, I will be the first one to back them, but I was very serious about Millinocket because they do happen to be my neighbors and I know they are sincere and I know that they don't need a school lunch and they don't want to make tramps out of their children.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Ms. Brown.

Ms. BROWN: Mr. Speaker, Men and Women of the House: I am on the Minority Report C of this L. D. because school officials from the Millinocket area say there is little likelihood that they will ever need a school lunch program and they would like to do away with periodic paperwork required by the state to prove their point.

The Millinocket superintendent of schools testified at this hearing. He said the school's 1,700 students all walk or are bused for lunch, and he is tired of completing forms for the state.

Some people enjoy having their children home for lunch. With the different shift work, it is sometimes the only time the whole family can be together. I would encourage Report C, the "Ought to Pass" Report, to keep the state out of the town's business.

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

Mr. MURPHY: Mr. Speaker and Members of the House: We have one motion before us on the floor but we actually have three variations of that motion that you have to consider as you cast your vote. And just so we can keep familiar with the three choices that are available, Report A, which I hope we can get to shortly, adds one more year to the waiver period. The Representatives from Millinocket and East Millinocket, very articulate spokesmen for their communities, have indicated that that one year extension, from three years to four years, is acceptable to them and will relieve some of the administrative burden.

Report B freezes it at three years.

The "ought to pass" says that once that waiver has been granted, due to one of three criteria, either the need or the space, then it is permanent, even though the need and space conditions may change over the years. And I would hope that on Report B we could defeat that motion and move on to Report A.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I believe if we want to be fair, Report A should be accepted and Report B should not be accepted. If we want to represent the children, Report C might be accepted, because I know my kids hate the school lunch. But I want to be reasonable and Report A would be good.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that Report B be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

11 having voted in the affirmative and 106 having voted in the negative, the motion did not prevail.

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

Mr. ROLDE: Mr. Speaker, I move acceptance of the Majority Report A.

The SPEAKER: The gentleman from York, Mr. Rolde, moves that the House accept Report A.

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

Mr. BROWN: Mr. Speaker and Members of the House: For the same reasons I stated earlier, I hope that this body will reject the pending motion on the floor to accept Report A so that we can then go on and act responsibly.

something for the folks back home, provide the locals with perhaps a little more authority, just a little bit more authority, and I assure you that this isn't any great big major thing that is going to change anything, really, as far as the school lunch program, except for one little handful of communities that could use a little bit of assistance.

If we are really, really sincere, and I know that we are, about providing the locals more control over their situation, you will vote against the pending motion and go on to Report C. If we are really sincere about cutting to some small measure the amount of red tape that the locals have to go through, you will vote against the pending motion and accept Report C.

I would simply state that while it has been offered and suggested that Report A is a compromise, well, if you consider that kind of thing a compromise, I suppose that it is. All we are doing is increasing the waiver from three years to four years; whereas, Report C goes back and does exactly what the sponsors originally wanted to do. I am kind of amazed that they have backed off from that position. I think that perhaps they saw what direction things were going in the committee. I tried to convince them that just maybe the locals and local issue has more appeal than perhaps they think it does.

So, if you are against red tape, if you are for giving the locals a little bit of a break and if you are for some small measure of local control, you will vote against the pending motion and then we will go on and accept the responsible report, Report C.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I just simply want to remind you, it has been said this is a Millinocket-East Millinocket bill. The Representatives from Millinocket and East Millinocket are in favor of Report A and I ask you to support Report A.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Clark.

Mr. CLARK: Mr. Speaker and Members of the House: I don't know how to put this. We are going with Report A mainly because we do not want to upset the appcart or the school lunch program. We know there are a lot of towns in the state that really need it.

We who put this bill in, the sponsor and the cosponsors, are in favor of the school lunch program and its concept. There is a lot of need for it throughout the state. We would like to have Report C, but we are going to live with Report A. We can live with this and we would like to have you go with us.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from York, Mr. Rolde, that Report A be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 40 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-684) was read by the Clerk and adopted. Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Adjust the Eating, Lodging and Recreational Place Licensing Fee" (S. P. 811) (L. D. 1907)

Was reported by the Committee on Bills in the Second Reading, read the second time and passed to be engrossed in concurrence. (Later Reconsidered)

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

Bill "An Act Deleting the Requirement of a Federal Matching Share for the Expenditure of Funds for Expansion and Improvement of the Biddeford Municipal Airport" (S. P. 951) (L. D. 2097)

Came from the Senate referred to the Committee on Transportation and ordered printed. In the House, the Bill was referred to the Committee on Transportation in concurrence.

Orders of the Day

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

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

—In House, Receded from Passage to be Engrossed on March 24.

—In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-641) in non-concurrence.

Tabled—March 24 by Representative Mitchell of Vassalboro.

Pending—Further Consideration.

On motion of Mrs. Mitchell of Vassalboro, retabled pending further consideration and tomorrow assigned.

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

Bill, "An Act to Eliminate the Requirement that Changes in the Public Utility Rates be Prorated" (H. P. 1790) (L. D. 1780)

Tabled—March 24 by Representative Davies of Orono.

Pending—Passage to be Engrossed.

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

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

Bill, "An Act to Amend the Child Support Laws" (H. P. 2184) (L. D. 2070)

Tabled—March 24 by Representative Diamond of Windham.

Pending—Passage to be Engrossed.

Mr. Carrier of Westbrook offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-671) was read by the Clerk.

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

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is being offered to a very particular portion of the bill. The sun will set tomorrow whether we adopt it or not, but I thought I would at least explain the bill to you and the effect of Mr. Carrier's amendment.

This bill involves the procedures for collecting child support payments. The current practice, and I might back up a step to let you know that the amendment affects only a very specific portion of that procedure, the portion of that procedure in which the parent who has been asked to provide support by the state has received notice of the finding and has now requested a review. This amendment speaks only to the notice that that parent is given as to a hearing date.

He has already received notice of the proceedings by formal notice. The current practice the department follows is to send certified mail with a return receipt requested. Apparently, this is costing the department in the area of \$1,000 a year. It is a minor amount but it is something that we in the committee felt was unnecessary. In any type of hearing at this time, the initial notice is served by certified mail or by actual service by a sheriff; that is the case in this instance. In all future dealings in that particular matter, notice is given by regular mail. I guess what we are talking about is the type of notice and the type of hearing that is requested here.

It was the feeling of the committee that regular mail, especially in an instance where the

petition is bought by the person to be notified, they are going to certainly be interested and find out whether or not the hearing is to be held and when it is to be held. The cost-saving is minimal but this conforms with all other proceedings presently and I urge you to reject this amendment.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Ketover.

Mrs. KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: Well, I am finally up to talk against my seatmate, Mr. Carrier, for the first time. I thought I would never get up to speak against him because he is such a good friend but today I must speak against him and ask for indefinite postponement of this amendment.

This amendment basically puts this into concurrence with the Maine Administrative Procedure Act. The Judiciary Committee has worked very hard to put this into a new draft and the vote came out 12 to 1.

All this does by the administrative review hearing are requested by the responsible parent, which means that the responsible parent will be watching for notices for the review hearing and if he then doesn't get a notice, he can then contact the department for the review hearing if it doesn't arrive within a reasonable time.

The department sends out, I guess, about 20 to 30 administrative hearing notices per month. Certified mail costs about \$2.75. Service in hand by the deputy sheriff costs about \$8.00 plus postage and mileage.

Now, the majority of the notices of hearings are served by certified mail, which historically we spend about \$900 to \$1,000 per year to serve these notices.

I believe that certified mail isn't needed to guarantee the responsible parent notification of his hearing. If the responsible parent is serious about the hearing, he will find out and there is no reason why he cannot use the regular mail as well as certified mail.

So, my dear friend Mr. Carrier, I submit to you that I ask for indefinite postponement of this bill and I urge that you support the bill in its new draft.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I will talk solely about the value of the bill, if there is any value to it at all. I have been kind in letting the bill come out in its present form and I think there probably is a lot that you want to study about that bill, if you ever find yourself in the position the bill addresses itself to, but this is not the issue.

My amendment brings it back to the original procedure act which she mentioned, and the original procedure act required registered or certified mail. My reason for that is because I believe and I know now that some of the bills we have — this is the first in a series of bills that for some reason or other the judicial departments or representatives of the courts have tried to present to you taking away some of the rights and jeopardizing some of the rights of the people involved in the bills that are in front of our committee. This jeopardizes the rights of the people that are to receive the notice.

What could happen is that by regular mail, as you know, and if you haven't tried it, take a letter and send it over here and see how long it takes to go to your place. From here to Westbrook, which is just 63 miles, at times it takes from three to four days by regular mail for them to receive it. This is not unusual, this is the way it runs today, but what happens? What actually happens, as well as what can happen on other matters, if you are the defendant, you can get a judgment by default not having any notice at all. No notice, regular mail, you have no proof that the thing was ever sent and you find yourself not having received the mail

whatsoever.

This is what you have to think about. You have to think about your constituents, you have to think about their rights, you have to think that they are entitled to proper notice, whatever kind of action they face, whether it is in this bill or any other bill. This is why I think they should receive registered or certified mail.

They talk about prices — what is \$1,000, for those people, to try to save \$1,000 and come here and ask you for a quarter of a million in raises for the court department, for the judicial court? This is ridiculous. You lose your rights because they won't send you registered mail for a lousy 75 cents plus 20 cents for the stamp for a certified letter. I don't know where they get these numbers but this comes from the post office — 75 cents plus 20 cents for the postage, 95 cents. I think if you are a defendant or a plaintiff, you are at least entitled to receive the fairest notice.

If you receive certified or registered mail, you don't show up and get a judgment of default against yourself, that is up to you, you have made that decision. On regular mail, you could find yourself with a judgment against you because you never got notified properly.

This is why the amendment is here. I presented it in good faith. I do think that this is a proper service and, you know something, interestingly enough, who comes up and talks about this small cost which could take away the rights of people, who came up there, the judges came up there and talked to us about saving a few pennies.

I say to you that I think this is a good amendment and we should protect the people, protect your clients' rights; in order to do so we do need registered mail or certified mail. I hope that you vote for the amendment.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Portland, Mrs. Ketover, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

27 having voted in the affirmative and 72 in the negative, the motion did not prevail.

Thereupon, House Amendment "A" was 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 fourth tabled and today assigned matter:

Bill, "An Act Creating the Housing Opportunities for Maine (HOME) Program and Governing Program Funds Appropriated by this Act to the Maine State Housing Authority" (Emergency) (H. P. 2071) (L. D. 2012) (H. "D" H-683)

Tabled—March 24 by Representative Mitchell of Vassalboro.

Pending—Adoption of House Amendment "C" (H-682) (Roll Call requested)

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 Auburn, Mr. Boyce.

Mr. BOYCE: Mr. Speaker, Ladies and Gentlemen of the House: When I ran for this body, I said that I would like to be a voice for the people of Auburn. I have tried to make it a quiet voice and not try to get up every day of the week, but if you will bear with me, I am going to blow a little bit on this one.

We spent a lot of hours on this bill in the State Government Committee. It came out, looking at every possible variation that we could, with

a totally unanimous report. It has flown through the other body and ends up here now being hacked apart by an amendment that would gut out a very important segment of this bill. It would also remove from the housing market individuals where this may be the only method in which they could get into their own home.

Some of the objections we heard yesterday dealt with the ability of a family to earn up to \$27,000 or less a year, that is right, that is the bracket we are talking about, the bracket of individuals that I like to call the "forgotten taxpayers." That is the middle man who is always getting it, who is always paying but never getting anything in return. This bill helps several different money bracket groups, including this forgotten taxpayer. This particular amendment would, once again, forget the forgotten taxpayer. Once again, he or she will get it.

We are talking about buying a home with two, three or maybe four units. This is the normal federal regulation, it is the normal regulation. That the Maine Housing Authority has run under for years, it is discrimination regulations up to four units, owner occupied.

For the last four to five years, I have been Chairman of Auburn's Community Development Block Grant Loan Committee and it has been our experience that the best possible multi-family units that have been rehabbed, have been those that have been owner occupied, those where the owner of the building lives within it, rents out two or three other units within the same structure. He keeps the building up, he provides much needed rental units. He cleans up the area, providing a better looking building, and also contributes a greater tax load to the city and the township.

We are talking of houses in the area of \$83,000, possibly, for some of them. The individual buyer cannot have assets greater than \$30,000 and also he is a first-time owner, he cannot have owned an interest in a home for the preceding three years.

Many individuals in the state of Maine are not able to get into the first home because of the high cost of buildings, because of the high cost of interest rates—myself included. We would not have been able to purchase our first home if it had not been for the same situation. We have a home with a flat above it. By being able to rent out that upper flat, we were able to meet the requirements whereby we could swing the mortgage to get the house going, get it through the bank and run with it. The same thing is true today, ladies and gentlemen, only greater, because now we are looking at unbelievable inflated interest rates.

There has been some talk about this is all well and good, you get the individual into the home and what happens when the apartments end up vacant? Well, they still have to run by a bank to get this loan. The Maine Housing Authority is merely guaranteeing this loan, so they check it out as well. Out of 865 mortgages in the last set of single family bond issues sold by the MSHA, 41 were for two to four unit homes, about 4.8 percent. We are not talking about a tremendous portion but we are talking about a very important portion of this bill.

As far as default, only 1.5 percent of the MSHA loans have defaulted. That is a lower default rate than currently being experienced by private banking and lending institutions, so we are not talking about a haphazard scattering of our taxpayers' bond funds either.

I don't have to tell you about the housing situation and what it is like. Production is at its lowest level since the Depression, it is impossible to find anything being built, it is impossible to find rehab apartments or anything else. This particular section of the bill would help alleviate this.

We are talking about an overall program to help the state of Maine, everything from apartments to single-family homes; we are trying to cover it all in this bill. We are trying to give ev-

erybody a chance for decent housing and this includes those who might want a decent rental to live in too.

I urge you, please, defeat this amendment, let this bill go on in the manner in which it was drawn up after hours and hours of arduous work covering every possible angle we could. A unanimous report from our committee should mean something. I urge you to defeat this motion.

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

Ms. SMALL: Mr. Speaker, Ladies and Gentlemen of the House: It was a unanimous committee report but that is only because I left the committee before the bill came out, because I had discussed it in committee, I had some support in committee, but after I left, apparently they decided they did not want to come out with more than one report on the bill. I can understand that but I don't feel that the bill is now sacred and that we can't amend it on the floor of the House.

Again, I will mention that this bill does not deal with rehabilitation of an apartment—that keeps being brought up. This section does not deal with that, that is dealt with elsewhere. This amendment does not preclude people from buying, it just restricts what they can buy.

Representative Boyce bought an apartment to subsidize his rent, which is fine, and I think that just proves the point that this can be done now without subsidized lower interest rates. Those who really need the lower rates are those who have only one income, their own, which is to pay the mortgage.

You listened to debate over this amendment yesterday and I will try not to repeat the same arguments. I do have some new points to add on the potential abuse of the first-time home buyer provision which I feel that the House should be aware of.

Under the proposed Maine State Housing Authority guidelines, a family of four may qualify for this reduced interest rate if they earn less than \$27,000 a year. If the applicant qualifies, gets the low interest mortgage on a four-unit apartment and rents three units for \$350 apiece, which would be the going price around Bath, his income increases \$1,150 a month, or a possible increase of the yearly salary of \$13,800. Even a low rent charge of \$200 a month per unit gives the owner \$600 a month more plus \$7,200 extra a year. This income, and I say this is income and not profit, would put many applicants over the income guidelines they originally had to meet to qualify.

Also, the live-in owner of a four-unit apartment is able to deduct from his income 75 percent of all expenses such as fuel, electricity, water and sewer. The owner can depreciate his capital assets 75 percent of the entire structure and the owner can deduct the annual interest that the owner pays on his mortgage.

I maintain that there are methods of financing apartments available now and the benefits are substantial enough. Apartment buildings do not need to be included in this section of the legislation. Remember, there are other sections in this bill which deal with low interest rehabilitation of apartments and gives advantages to the elderly and low-income renters. This amendment does not affect these provisions.

I hope you will again support Amendment "C" and leave the small number of mortgages available, approximately 1100, for single-family homes.

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.

Yesterday and again today, the gentlewoman from Bath has informed us or given us an example of somebody who decides to purchase a multi-family unit home under this program, and then being able to rent out some of the particular apartments, and I guess my question is,

just how many of these multi-family units or what is the percentage of these units available presently in the state of Maine for a new purchase? It sounds like there is a ton of these available and my question is, just how many are we talking about?

The SPEAKER: The gentleman from Fairfield, Mr. Gwadosky, has posed a question through the Chair to the gentlewoman from Bath, Ms. Small, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Ms. SMALL: Mr. Speaker and Members of the House: I don't know how many are available in Fairfield, but if you want to come down to the Bath area and take a ride through town, you will find that there are quite a few of these apartments available and you will also find that these are the ones that most likely have the realtors "sold" sign or "sale pending" underneath the existing sign "for sale." I think it varies.

There are some areas that are depressed and that do need new apartment buildings. However, this bill will not create new apartments. All it is dealing with is those areas that have existing four unit or three unit apartments. My area is one and I think one area that would take advantage of it. I think your larger cities are another area. It is the possible misuse that I am worried about and that is why I am in favor of this amendment.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: Unfortunately, yesterday I think we kind of lost our sense of what exactly this whole program is trying to do. I think it is important for us to understand just what the home program is about in order to fairly deal with Representative Small's amendment.

Governor Brennan introduced this program to deal with two major problems facing the people of the State of Maine—the cost of housing in Maine and the supply of housing in Maine. Those are two important factors. There are a number of sections of this bill, some overlap, some don't. This is one of those sections that we are talking about where the two needs do overlap. It deals with both the cost of available housing and the supply of housing.

The cost is addressed by providing assistance at a reduced rate of around 12 to 15 percent to people who are trying to buy their first home, people who have not owned a home but would have the income sufficient enough to get it with a little assistance through this program.

The other need addresses the supply, the fact that there are not enough sufficient units available in the state of Maine to meet the supply. The population of the state has grown tremendously over the past 10 years, 13 percent as the result of the 1980 census figures, but even more importantly, the needs for housing for certain two categories of people looking for housing, people in the 20 to 35 age bracket looking for housing, going out on their own for the first time and also the needs of the elderly. Those groups find themselves in the position where they can't find decent, safe, affordable housing.

Through this particular area that Representative Small's amendment is trying to address, we are meeting both purposes and we are doing so in a very practical sense, we are providing assistance for those people who want to get into a home for the first time and they, in turn, will be providing assistance to those people who are looking for decent places to live.

As I mentioned yesterday, it is proven that people who own property and live on the premises are substantially better landlords than those who are the so-called absentee landlords. I think if we look in our own communities, we will find examples of that. By having them on site, we are better assured that they are going to have a better supply of housing.

Again, this particular program is not talking

about or this particular section is not talking about new construction, and Representative Small has made that point, we are talking about protecting the existing housing market or protecting the existing housing units available to the people of Maine.

Most of the units available in the state are 40 years old or more. We can't afford to lose those. We have to have a mechanism or do something to encourage people to keep those up and protect those units as they are now. In other areas of this bill we deal with the problems of new construction and so forth, but something has to be done to protect those units so they aren't torn down or turned into real estate offices, doctors offices, etc.

If we do what Representative Small suggests in her amendment, we will be ending a program that has existed and worked extremely well for almost 20 years. The federal government permits this particular definition already. Representative Small's amendment would prohibit it and, as a result, would deny people who would be eligible for this particular program to take part in it. If we are going to address these problems of cost and of the supply of housing in Maine, we can't afford to pass this amendment.

I urge you to oppose it.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Bath is right on target. You know, since I have come to the legislature, I have learned some new words—I won't tell you what all those new words are but one of them is "program." When I was growing up, the only program I knew was the Bugs Bunny Show on Saturday morning TV. I guess at one time I was in a church program, although that could be debatable at this point perhaps.

I think Mr. Boyce hit the gist of my argument right on target when he said that at the committee level, and I think I am quoting him, he said we were trying to cover it all. That is my problem, we are trying to cover it all. He spoke eloquently of how the middle income folks want something. Ladies and gentlemen, they sure do, they want a little tax relief, they don't want anymore new programs.

He spoke eloquently about the hours of arduous work that this committee put into this bill, insinuating, I guess, that it shouldn't be amended. That is the beauty of the legislative process, because after hours of arduous work and after hours of arduous deliberation, and I admit the committee worked very hard on this bill, I think it is wrong of us to think that it should just pass under the hammer. I commend, again, Ms. Small for having the foresight to point out what she called some potential abuses of this particular bill, and she is right on target.

Are we here to help people purchase their first home or are we here to help landlords get started in a business venture? I urge you to support Ms. Small's amendment.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to get up and debate the bill, which I did the other day, to any great extent.

I do want to defend the lady from Bath. She was on our committee and was removed from the committee and she did bring up the subject. We discussed it and, honestly, I didn't understand what she was trying to get at at the time she brought it up. I thought she was talking about the poor family rehab program but when I found that one of the units had people of low income in it, I said it isn't really a big problem. I understand what she is talking about now and I would have supported her in committee, but that is not what I am up here for.

I am going to support this housing bill whether you put this amendment on it or not. I think

it is a good bill and I think we need it, but it is not important, this is not a big deal, this single-family versus four units or two-unit housing. It won't hurt the bill that much, it wouldn't make that much difference. I think it would give people perhaps more opportunity to buy single-family units.

But my associates are very upset about this bill and I have had a difficult time selling my point of view. I am going to tell you right now, if you turn down this amendment, you may defeat the bill and I don't think you should take that position. If you want to help the people in the state of Maine, you had better vote for the amendment as well as the bill.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I do remember Representative Small's concern in committee while she was with us. We didn't answer her at the time, and I certainly understand her concern about possible abuse. But I do want to emphasize that this program that we are talking about for purchase of one to four unit apartment houses, owner-occupied, is a first-time deal; therefore, it is a one-time deal. A person cannot get rich buying several apartments and renting them out through the Maine State Housing Authority. It is a one-time deal for the first-time home buyer, and let me tell you why.

The Ulman Bill, a federal restrictive bill that was passed last year, restricted these housing programs to first-time buyers, so this bill reflects that federal necessity. So let me emphasize again, a person can't get rich renting out apartments under the Maine State Housing Authority.

The purpose of allowing this purchase of a small apartment building is to allow people who would not otherwise be able to afford the principal and interest of purchasing a home for themselves. It is a way to help finance their first home. Look on it that way.

Secondly, I want to emphasize that the maximum income for a person who might be eligible for this program would be \$27,000 for a family of four. If you are a single person, you would be eligible, any one of you, if your income amounted to no more than \$18,000.

Point number three is something that I brought up yesterday and I want to reiterate because I think it is very important. I said yesterday that this program for purchase of small apartment buildings has been in the Maine State Housing program for several years. It isn't appropriate, it isn't proper, to amend out, repeal that ongoing program with a little amendment to a bill. If Ms. Small doesn't like that program and wants to restrict the Maine State Housing Authority from going on with it, then she ought to come in next year with a bill to prevent them from going on with such a program.

I urge you to please support this very important bill to provide housing for ordinary citizens in the state of Maine.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: A couple of comments—first, I would be happy to take Representative Brown on a tour of my district and show him first hand the need for this legislation, the extreme need for this legislation.

Secondly, I disagree a little bit what the gentleman from Cumberland, Mr. Dillenback, that it makes no difference, changing a definition of single-family unit in this bill which includes those four-family units is devastating to my particular district.

I will give you a brief history of what I am talking about. My district is made up of about, I would suspect, this is off the top of my head but fairly accurate, 80 percent of the units in my district are multi-family, very few single family homes. The makeup of my district in

terms of individuals is primarily elderly, people on fixed incomes, and working men and women, primarily in the mills and the shoe-shops.

As we all know, these people aren't in the position to be able to purchase housing in this economy. These people need assistance.

In terms of history in my district, my family, my grandmother and my grandfather started a business way back when. My father grew up in the district where I rent today. In those days, it was not uncommon for two, three-family, four-family units to be owner-occupied, family residences. That has deteriorated over the years. Over the years, the owner-occupied multi-family dwelling has virtually been eliminated.

In parts of my district today, certain buildings have been condemned, abandoned, large landlords are purchasing a number of these buildings and a number of these units and quite frankly, not upkeeping them to the degree that I would like to see them. They are bleeding them, quite frankly. And the days of the owner-occupied multi-family unit in my district, you could walk down the streets of downtown Lewiston and see some well upkept, very, very prime real estate because the owner was there, the owner paid attention to the property and the pride was very, very evident. As the economy worsened, as interest rates went up, that is simply more difficult, people cannot afford to do that any longer.

Therefore, in a district such as mine, and I don't think I am that unique in this House, I am sure there are many, many representatives that represent the kind of area that I do, particularly in the cities where there are a large number of multi-family units. I am an incredible advocate of owner-occupied buildings because of that simple factor, there is a spirit of certain pride there that I think spreads throughout neighborhoods in cities like Lewiston and I think can do a great deal to better that situation.

I announced my re-election a few weeks ago and one of the comments I made, one of my priorities was going to be housing because of this very problem that we are experiencing in my district. I was not blowing smoke, I am committed to that and I know that this legislature is committed to that.

I think we should do ourselves a favor, we should do the people of Maine a favor, we should defeat this amendment, pass what I think is a very well written document that came out unanimously from the State Government Committee.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I think owner occupied multi-family units is probably a very desirable thing but I would like to make a point or two where I come from. Mr. Dillenback got pretty close to where I come from. This was a federal program with federal monies in it and now we are talking about pumping some state tax dollars in it to carry it on. If there is a limited amount of money available, somebody is not going to be served by this. They are going to put in their application, they are going to be turned down because, sorry folks, it is all gone. I don't know how I go back in my district and tell someone in my district that tried to buy a house under this program, his first home, the same person that everyone has been talking about, sorry, you can't qualify because the money is all gone and a lot of it went to multi-family units so it becomes a money-making operation on a subsidy by all of the taxpayers of the state of Maine. I can't go back and do that and I am one of those that can't support this without that amendment.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I will be very brief but Representative Kiesman pointed out some-

thing that I, too, had been somewhat confused on yesterday. Overnight, I did some research into this project and I learned that historically this portion that we are talking about and have spent so much time talking about is 2 percent of the entire housing program. It is limited on the federal level to 25 percent, so even if they wanted to change the historical precedent, they couldn't go above 25 percent of the issue, so we are talking about a very small part of this program. I think it is important that we all realize that.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Lisnik.

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I have just completed several calls back home, and in talking with people at the Community Development and the Presque Isle Housing Authority I believe this amendment should be defeated.

Right now, the rental vacancy rate in Presque Isle is extremely tight. We are running at about 2.4 percent availability. I believe the stable rate is between 5 and 6 percent.

We are currently faced with a situation in Presque Isle where approximately 84 units may be eliminated entirely from the rental market, as it is rumored that two large complexes are going to be turned into condominiums—if you can believe that in Presque Isle. This will push our rental availability down to below a one percentage level. This is going to make a bad situation even worse.

The people I have talked to support this bill the way it is written without any amendment, and I hope you will do the same.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to know what percentage of all of these monies will be allocated toward the three and four apartment buildings that we have heard referred to earlier this morning. Those that Mr. Nadeau from Lewiston referred to, and he certainly is well versed in that issue, his family, he was quite right, has been involved in many of these income properties in his district, and I was wondering if much of it goes into multi-family dwellings, how much will be left for the single family? Is there a division within the bill?

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 Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: The last single-family issue that was floated by the Maine State Housing Authority, 5 percent went to either two, three or four unit owner-occupied dwellings. That is not written specifically into the legislation, but as we have heard from the various members of the legislature, housing problems differ in different areas of the state and it is certainly appropriate to leave this program, which has long been part of our state program, within the law so that it would help in those areas where it would be of assistance.

I would also like to point out that the appropriation on the bill is only necessary because of a change in the federal law requiring that there be some monies available to help with the cost of issuance and administration of state issued tax exempt revenue bonds. So, we will have much more money available, not just the dollar amount of the four and a quarter million dollar appropriation, but could have as much as perhaps \$60 million available. Right now it is planned that \$40 million would be available for this type of program and that will just allow people, in the long run in Maine, to be using that capital which may have come from every place else in the nation because people from throughout the nation will be buying our Maine State Housing Authority tax exempt revenue bonds, bringing that capital into the state so

that money can be available for our people for their housing at a lowered interest rate.

I do hope that you do kill this amendment and that we go on and pass this very important measure for housing, for the housing industry and for consumers.

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

Ms. SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I seem not to be getting any direction from this House. First, we debated last week that there is no need to follow the federal guidelines on a program, that the state has a right to accept whatever program policy it wants and then, all of a sudden, we have to follow the federal government housing guidelines because they apparently know what is best. I say that the state is the best one to handle that program and understands the needs of its citizens and I don't feel that we are being inappropriate by setting a state limit on what units are available for this program.

I hope people aren't too disillusioned by this section of the bill because, as far as helping the low income and the elderly, my amendment does not affect them. They cannot be eligible for these apartment buildings to buy it, they aren't going to be getting a subsidized rental from it because there is no limit on what rent you can charge once you buy it. Certainly, the bank isn't going to provide a mortgage, even at 12 percent, to someone that is low income that might not be able to keep up the payments. So, this bill deals with more or less middle class, first-time home buyers, which I am all in favor of, but I believe they should be buying single unit homes and not apartment buildings.

There are other provisions in the bill and, unfortunately, we have been debating the bill and not my section. There are other sections in the bill that do deal with rehabilitation and gives you 8 percent monies and by rehabilitating, you have to have someone who is either elderly or low income living in a subsidized rent in your apartment. That deals with elderly and that deals with low income. This section doesn't and I wish people would stop bringing that up because it has no bearing on this section of the amendment.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I hate to get up again on this but there is a point that Representative Small just made that has to be addressed because it is the bottom line on this bill. This most clearly deals with the elderly and people trying to get into housing for the first time, because the people who will be taking advantage of these mortgages through a lower interest rate will be providing for those elderly and those other people who are in need of homes. They are the ones who are going to be supplying the market, taking care of those needs, and that is one of the most crucial points of why this amendment should be defeated.

Again, it deals with the two aspects of the problem, not just a single one, and if we focus our attentions on the single issue of whether or not we like the federal definition, then obviously we will not understand the whole concept of the whole program.

We can't afford to let this particular provision or this particular amendment pass simply because it is not recognizing the overall need. If you recognize that need, then you will oppose the amendment.

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

A vote of the House was taken.

68 having voted in the affirmative and 79 in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "D".

The SPEAKER: The Chair recognizes the

gentleman from Livermore Falls, Mr. Brown.
Mr. BROWN: Mr. Speaker, I move that the House reconsider its action whereby the Bill was passed to be engrossed.

The SPEAKER: Mr. Brown of Livermore Falls moves that the House reconsider its action whereby the Bill was passed to be engrossed. The Chair will order a vote. Those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Brown of Livermore Falls 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 desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the gentleman from Livermore Falls, Mr. Brown, that the House reconsider its action whereby the Bill was passed to be engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, Lewis, Livesey, Lund, MacBride, Masterman, McGowan, McPherson, Nelson, A.; Paradis, E.; Paul, Perkins, Peterson, Pines, Post, Randall, Ridley, Salsbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Strout, Studley, Tarbell, Telow, Treadwell, Twitchell, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Huber, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.; Martin, H.C.; Masterton, Matthews, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, P.; Pearson, Perry, Pouliot, Racine, Reeves, J.; Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Soule, Stover, Swazey, Theriault, Thompson, Vose, The Speaker.

ABSENT—Higgins, H.C.; Hobbins, Mahany, McColister, Tuttle.

Yes, 67; No, 79; Absent, 5.

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

Sent up for concurrence.

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

Finally Passed Constitutional Amendment

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)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 110 voted in favor of same and 5 against, and accordingly the Resolution was

finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled Unassigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1982 (H. P. 2199) (L. D. 2078)

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. 4 were taken up out of order by unanimous consent:

Emergency Measure Tabled Unassigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1982 (H. P. 2218) (L. D. 2080)

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.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1982 (H. P. 2219) (L. D. 2081)

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. 5 were taken up out of order by unanimous consent:

Passed to be Enacted Emergency Measure

An Act to Amend the Maine Consumer Credit Code Regarding Educational Loans and Cosigner Notices (S. P. 787) (L. D. 1852) (S. "A" S-425 to C. "A" S-407)

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

An Act to Revise the Allocation of Funds to Provide Photographic Nonalterable Driver's Licenses and Identification Cards (S. P. 823) (L. D. 1923) (C. "A" S-423)

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

Whereupon, Mr. Strout of Corinth 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 enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K.L.; Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Cox, Crowley, Curtis, Davies, Diamond, G.W.; Diamond, J.N.; Drinkwater, Dudley, Erwin,

Fitzgerald, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Hutchings, Jackson, P.T.; Jacques, Jalbert, Joyce, Kany, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Lewis, Lisnik, Livesey, Locke, Lund, MacBride, MacEachern, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Masterton, Matthews, McGowan, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nelson, M.; Norton, O'Rourke, Paradis, P.; Paul, Pearson, Perry, Pines, Post, Pouliot, Reeves, P.; Richard, Ridley, Roberts, Rolde, Salsbury, Sherburne, Smith, C.B.; Soulas, Soule, Stevenson, Stover, Strout, Swazey, Tarbell, Telow, Theriault, Thompson, Twitchell, Vose, Webster, Wentworth, Willey, The Speaker.

NAY—Bordeaux, Brown, A.; Cahill, Connors, Connolly, Cunningham, Damren, Davis, Day, Dexter, Dillenback, Foster, Gavett, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Ingraham, Jackson, P.C.; Jordan, McHenry, Nelson, A.; Paradis, E.; Perkins, Peterson, Racine, Randall, Reeves, J.; Small, Smith, C.W.; Studley, Treadwell, Walker, Weymouth.

ABSENT—Higgins, H.C.; Hobbins, Kane, Kelleher, Macomber, McColister, Nadeau, Tuttle.

Yes, 108; No, 35; Absent, 8.

The SPEAKER: One hundred and eight having voted in the affirmative and thirty-five in the negative, with eight being absent, the Bill is passed to be enacted.

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:

Passed to be Enacted Emergency Measure

An Act Appropriating Funds for the Agent Orange Information Committee (S. P. 945) (L. D. 2084)

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

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Since I was absent for a period of about a week and a half, when this bill first came to my attention I questioned the necessity of expending \$8,000—however, at that particular time it was \$10,000—to publicize the fact that there was a problem with some of the Viet Nam veterans concerning Agent Orange. The reason why I question this is because I really have some concern about this, the fact of whether or not we do have some veterans that are not aware that there was a problem with Agent Orange. Based on the information that I have, all of our veterans are aware of this. It has been publicized on the radio, it has been publicized on television, it has been publicized in local newspapers, it has been publicized in veterans organization bulletins and pamphlets, and I still question whether or not we have to expend \$8,000 to have these pamphlets placed in a city clerk's office or any other areas where they might be placed.

Unless somebody can convince me that we need this, I am afraid I am going to have to vote against it to save the \$8,000.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Agent Orange was a chemical that was used in spraying in Viet Nam to defoliate trees in areas to make it easier for American fighting men to fight in that particular area of Southeast Asia. We are starting to find out now that there may be some ramifications from that spraying affecting men who served in Viet Nam.

I was aware of this in a periphery sort of way myself. Until very recently, it was just a nebulous, while I read it in the paper, sort of thing, but it came home to me a little while ago when

one of the men in my district, on the reservation, who had been in Viet Nam came to see me one time because he couldn't get a job and had all sorts of problems. I began to talk to him and he said, "You know, I think I might be a person that was a victim of Agent Orange." He took his shirt off and his whole back was all covered with a type of acne like. He had had all sorts of problems psychologically, and I said to him, "Have you been down to Togus to be looked at?" He said, no, he didn't know anything about going to Togus, and I said, well, I think you ought to.

Then, a little while later, along came Senator Carpenter from Houlton, who told me about this particular bill, and I related to him the story that I had heard, and he said, "Mike, there are people like that all over this state who have problems and they don't even know about it."

I think it is true, and if those men were good enough to serve over in that area of the world during that period of time, and that was a difficult period of time, as Representative Lisnik could tell you, and they have had problems or think they are having problems, then we ought to be good enough to say to them—this is what you do if you have those problems or suspect you have those problems.

The federal government has become very reluctant to acknowledge that there is any relationship between the spraying and what these people are going through.

What they are trying to do, the Agent Orange Committee, is to set up a bank of information and get people into Togus, get them to have some physicals, so that when they finally admit, as I think they will, that Agent Orange has caused a profound effect on those men, we will have served the men of Maine who served in that war very well by having gotten them the information in time.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Lisnik.

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I just want to speak very briefly on the bill.

Representative Pearson is right on the money. Most of you have received this pamphlet. I hope that some of you have sent it out to veterans in your area. I have and it has proved to be extremely helpful. I can't believe that this body would not be willing to spend \$8,000 to help people follow up on medical disabilities that may have been incurred because of this Agent Orange that was sprayed in Viet Nam.

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

Mrs. WENTWORTH: Mr. Speaker and Members of the House: As Mr. Pearson said, the spraying did a lot of damage, but it was not only the spraying. When these planes came back to that area, they had to discharge all that chemical on board before they could safely land. Therefore, many of the personnel were involved that would not have been.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Until this pamphlet came across our desks here, I was not aware of how much involvement I had had with this Agent Orange, personal involvement with it. I have submitted myself, it caused me to submit myself for the screening test. Notwithstanding all of the radio ads or the other little spot announcements that I have been exposed to, when I read it in the pamphlet it made a decision for me. I have since forwarded those pamphlets to my own veteran's post in my area and it has brought attention to these people in the same manner, a lot better than the ordinary spot announcements on the radio.

I urge you to support the measure.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, Ladies and

Gentlemen of the House: The problem—obviously, there has been quite a bit of publicity but the fact of the matter is that only 1,000 out of 16,000 people have turned themselves in for the screening. This is what the \$8,000 is needed for.

It is impossible to find out what the real effect of Agent Orange is until we get a real cross-section, because obviously the people with recognized problems tend to turn themselves in and the people that don't have problems tend not to, so we must get a much larger cross-section to get examined, and that is why the \$8,000 is needed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The House Chairman of the Appropriations Committee made a fine explanation, and the last speaker touched upon a point. The fact of the matter is, we were told by the heads of the various veterans departments that attended the hearing, and incidentally, nobody opposed the bill, it was a very good hearing, but the fact of the matter is, we cannot identify the 16,000. We couldn't mail them a direct letter. We don't actually know who they really are. We got very little cooperation from Washington. We feel that this way here, that by utilizing this, at least we can mail them a pamphlet if they haven't got one, and we can reach them somehow in that fashion.

In answer to the gentleman from Biddeford, Mr. Racine, I think the \$8,000 is a very small pittance for what it may bring forth, even if we only save one life, for that matter.

At the hearing, I jokingly made the statement that I thought we ought to have them checked right then and there and have it all over with.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank the members of the House for bringing up all of these points. I will support the bill now that I have heard it is a worthwhile effort.

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

A vote of the House was taken.

120 having voted in the affirmative and none in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Make Additional Allocations from the Regulatory Fund, Public Utilities Commission for the Fiscal Year Ending June 30, 1983 (H. P. 1908) (L. D. 1897) (C. "A" H-669)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 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.

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

Passed to be Enacted Emergency Measures

An Act Enabling the Department of Educational and Cultural Services to Administer the Education Block Grant Program (H. P. 2086) (L. D. 2028) (C. "A" H-668)

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

An Act to Amend the Law Establishing the Maine Self-insurance Guarantee Association (H. P. 2223) (L. D. 2082)

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

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

Passed to be Enacted

An Act to Regulate the Harvest of Antlerless Deer (H. P. 1754) (L. D. 1744) (C. "A" H-653)

An Act Excluding Wages of Certain Temporary Alien Workers from Unemployment Compensation Tax (H. P. 1972) (L. D. 1947) (C. "A" H-664)

An Act to Revise the Charter of the Brunswick Sewer District (H. P. 2097) (L. D. 2031) (C. "A" H-665)

An Act to Amend the Charter of the Lincoln Water District (H. P. 2119) (L. D. 2041)

An Act to Establish the Discount Rate for the Tree Growth Tax Law (H. P. 2177) (L. D. 2069)

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

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

Passed to Be Enacted

An Act Relating to the Board of Harbor Commissioners and its Powers for the Harbor of Portland (H. P. 2198) (L. D. 2077) (S. "A" S-430)

Finally Passed

RESOLVE, Authorizing the Commissioner of Marine Resources to Convey an Easement over Certain State Land (H. P. 2159) (L. D. 2059)

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

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

The following Communication:

State of Maine Committee on Agriculture

March 25, 1982

The Honorable John L. Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Agriculture is pleased to report that it has completed all business placed before it by the Second Regular Session of the 110th Legislature.

Bills received in Committee 9

Unanimous Reports 8

Ought to Pass 2

Ought to Pass as Amended 2

Ought to Pass in New Draft 1

Ought Not to Pass 1

Leave to Withdraw 2

Referred to other Committee 0

Divided Reports 1

Bills held in Committee 0

Respectfully,
S/REP. LUMAN P. MAHANY
House Chairman

The Communication was read and ordered placed on file.

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

Petitions, Bills and Resolves Requiring Reference

Bill "An Act to Provide an Alternative Withdrawal Procedure from Tree Growth Tax Law for the 1982 Tax Year" (Emergency) (H. P. 2241) (Presented by Representative Hayden of Durham) (Cosponsors: Representatives Twitchell of Norway, Brown of Bethel and Senator Emerson of Penobscot) (Governor's Bill)

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

The SPEAKER: On March 19, there was a roll call which was brought to the Chair's attention at that time and it escaped me—there were two people on roll call L. D. 2039 that were recorded and the roll call machine kicked out. One is the gentleman from Madawaska, Mr. McHenry, who voted yea. That is the only one I can find for now and I'll have the other one for you later.

By unanimous consent, unless previous notice was given to the Clerk of 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 for lunch and also thirty minutes after the House adjourned for the day, all matters requiring Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

On motion of Mr. Gwadosky of Fairfield,
Recessed until three o'clock in the afternoon.

After Recess 3:00 p.m.

The House was called to order by the Speaker.

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

Consent Calendar First Day

(S. P. 847) (L. D. 1982) Bill "An Act to Provide State Funding for Literacy Volunteers"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-434)

(S. P. 814) (L. D. 1910) Bill "An Act to Implement the Single Trial Law"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-428)

(S. P. 860) (L. D. 1993) Bill "An Act to Authorize Municipalities to Establish and Maintain Employment Offices"—Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-431)

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

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

Ought Not to Pass

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Remove Legislators from Membership on Educational Boards Under Multi-State Compacts" (S. P. 820) (L. D. 1917)

Was placed in the legislative files without further action pursuant to Joint Rule 22 in concurrence.

Second Reader Tabled and Assigned

Bill "An Act Concerning Maine Emergency Medical Services" (H. P. 2234) (L. D. 2092)

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

The SPEAKER: The Chair recognizes the

gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker and Members of the House: The sponsors and I are working on a small amendment to this bill and I would like to have somebody table it for one day, please.

Thereupon, on motion of Mrs. Nelson of Portland, tabled pending passage to be engrossed and tomorrow assigned.

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

The following Communication: The Senate of Maine Augusta

March 25, 1982

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

The Senate today voted to Insist and Join in a Committee of Conference on Bill "An Act to Adjust Fees for Licenses issued by the Real Estate Commission" (H. P. 1809) (L. D. 1794).

Respectfully,
MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

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

Divided Report Tabled and Assigned

Ten Members of the Committee on Judiciary reporting on Report "A" "Ought to Pass" as amended by Committee Amendment "A" (S-426) on Bill "An Act to Establish a Small Claims Court" (S. P. 743) (L. D. 1746)

Report was signed by the following members:

Senators:

DEVOE of Penobscot
CONLEY of Cumberland
KERRY of York

— of the Senate.

Representatives:

HOBBS of Saco
REEVES of Newport
JOYCE of Portland
LUND of Augusta
O'ROURKE of Camden
BENOIT of South Portland
SOULE of Westport

— of the House.

Two Members of the same Committee on the same Bill report in Report "B" that the same "Ought Not to Pass"

Report was signed by the following members:

Representatives:

CARRIER of Westbrook
LIVESAY of Brunswick

— of the House.

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "B" (S-427)

Report was signed by the following members:

Representatives:

DRINKWATER of Belfast

— of the House.

Came from the Senate with Report "A" read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-426) as amended by Senate Amendment "A" (S-435) thereto.

In the House: Reports were read.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I move that we accept the Majority "Ought to Pass" Report as amended by

Committee Amendment "A".

The SPEAKER: The gentlewoman from South Portland, Ms. Benoit, moves that Report A be accepted in concurrence.

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

Mr. LIVESAY: Mr. Speaker and Members of the House: There is some confusion amongst committee members as to how best debate and discuss this bill, so I would ask that somebody table it for one legislative day.

Thereupon, on motion of Mr. Soule of Westport, tabled pending the motion of Ms. Benoit of South Portland to accept Report A in concurrence and tomorrow assigned.

On motion of Mrs. Nelson of Portland, the House reconsidered its action of earlier in the day whereby Bill "An Act to Adjust the Eating, Lodging and Recreational Place Licensing Fee," Senate Paper 811, L. D. 1907, was passed to be engrossed in concurrence.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: I would like to explain to you the difference between the proposal that is being brought out to you from the Health and Institutional Services Committee and the one which will be brought up shortly before you in the Sunset Bill.

As you know, both committees have a recommendation. It is up to you to make the decision of which of the two you prefer. The one out of the Health and Institutions Committee raises the licensing fee to \$20 and dedicates the revenue to the department and hires four part-time, seasonal inspectors over and above the five that they presently have. Our proposal, from our committee—without sounding too confusing, there will be two proposals before you. One proposal would increase the fee to \$10; the other one to \$5. Both proposals from our committee undedicate the revenues.

At the hearing in front of our committee, the Commissioner of Human Services accepted the recommendation of the committee; namely, to undedicate revenues and to leave it with the five people had. In his words, "We concur with this recommendation."

I thought that before you vote on Representative Nelson's motion, you should be aware of what we are coming up with shortly.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I allowed the Chairperson of the Audit and Review Committee to explain to you what we are about to do, because I felt it was only fair and just that she do that because you have two options before you.

Clearly, we of the Committee on Health and Institutional Services believe it is in the best interest of the health and safety of the people of the state that you follow our lead and do what we as a majority believe to be fair and just.

We had a hearing in which we invited the industry, of course, and the department, and I think earlier I explained to you that it was decided by the industry, who wants very much to have their fees increased, interestingly enough, and they would like to have it increased to a maximum of \$20 to allow them five full-time people and four part-time people. They would be working for ten weeks at a time during the summer months, and that would make up for a sixth person.

They wanted this because they wanted to protect the second largest industry in our state, tourism. They wanted it upped to \$20 so that they wouldn't have to come back and ask for any more money until 1989. They also felt that the monies should be dedicated. As a committee, we felt it should be that way, because if it isn't, then we as a committee who have been handling these problems year in and year out will have lost the right to determine should these fees be increased or not. They would

simply become a line item and the Appropriations Committee could do what they pleased.

But we deal with the issue, we know the issue, and the industry came and asked us to please do it this way. So out of courtesy to you people who are here, so that you could understand the problem, and to the Performance Audit Committee, who certainly worked long and hard, we now give you that option to decide which way you want to go, to dedicate it, just like we do other fees, just as we do licensing to control their own industry, and that is what they wanted.

The amount of money allows five full-time, which the department needs and wants, and four seasonal, working 10 weeks, that busy time that we have here in our state. Yes, it makes it up to six people, but it allows them the flexibility in the seasonal months to have them and not to have them when they don't need them, in the off-season.

Of course the department would rather have our bill because it allows them more flexibility and the money is safe. It is safe because those people who want it are willing to pay for the protection.

I do hope that you will vote to continue the travel of this particular bill and indeed have it engrossed and indeed sign it into law.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: If I may respond briefly to Representative Nelson. She is, indeed, correct when she says that the \$20 fee which her committee is proposing would fund the program through fiscal year 1989. Our proposal, the \$10 fee increase, will fund the program through 1988—1989. Bear in mind that with the \$20 increase you will go from 1983, when they will have an accumulative balance on hand of \$9,540, with the fee increase, in 1984 they will have a balance of \$57,580; 1987 they will have accumulative balance of \$100,780.

So, the \$20 fee, in our opinion, is raising much more than is needed, number one. Number two, if you leave it dedicated, with all this accumulated balance on hand, you as a legislature will have no say whatsoever as to the number of people they can hire because it will be dedicated. They will have all of those thousands of dollars to do as they please.

If you put it undedicated, you, the legislature, your Appropriations Committee certainly are qualified to decide how many staff people are needed and you, the representatives of the people, will determine whether or not you should use all these monies to hire additional staff.

I thought I would point out to you one more thing. That is that I do not understand that as a result of the two public hearings we had on this issue that not one person representative of the industry, so-called, appeared before our committee.

Now, we have been barraged with literally hundreds of letters from vested interests on all other issues which have come before this committee on the sunset review; not one came from the industry.

I don't like to do this, Representative Nelson, but I think I should move to indefinitely postpone your bill.

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, has moved that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentlewoman from Presque Isle Mr. MacBride.

Mrs. MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to add to your confusion about this bill this afternoon.

In addition to the reports you have heard from the Representative from Portland and the Representative from Lewiston, there is another report. There were two reports that came out of the Health and Institutional Services

Committee, the one that Mrs. Nelson has explained to you and which has been discussed, then there was a minority report of the Health and Institutional Services Committee. That report is just a little bit different from the other. That report would provide for sewer sanitarians but it would undedicate the fund.

So, you do have all of these choices this afternoon. I believe the decision that is before us now is the bill that came out of the Health and Institutional Services Committee, and I don't know how we are going to arrive at all of this, but I think probably now we have to vote on either the majority report of the Health and Institutional Services Committee or the minority report out of the committee.

The minority report is undedicating the funds and the majority report is dedicating funds. I do request a division, Mr. Speaker.

The SPEAKER: A vote has been requested on the motion to indefinitely postpone.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: I would like to clear up a few points.

The Department of Human Services, in fiscal year 1979, had 10 inspectors. Every member of the Committee on Health and Institutional Service thought that we ought to have a \$20 increase—every member. Both reports addressed that issue of a \$20 increase. We did feel that it was necessary.

One of the points that I would like to make is that presently if an increase is not granted, there will be four people operating as inspectors as opposed to if there is a \$10 increase, they will continue with five and if there is a \$20 increase they will go to six, to the position of where they were or less than what they used to be before fiscal year '81.

Under the present system with five inspectors, one of them has been on sick leave and four inspectors actively working, they are inspecting only 60 percent of the restaurants per year. And I think that with five inspectors, as recommended by Mrs. Berube, that is what is going to happen. They will only be able to inspect less than all the restaurants every year, and I don't think that is fair to the people of Maine, I don't think that is a wise decision on the part of the legislature.

I would also like to make one more point. If people are going to pay fees for licensing of restaurants, then the fee money ought to go for that reason, they shouldn't go into the general fund, they shouldn't go for some other purposes, such as transportation or fisheries and wildlife or whatever other thing you want it to be. The fund is for restaurant inspection and ought to be left in that category.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the sponsors of this bill and I would like to ask a question through the Chair. Which one of these bills is going to positively guarantee the best protection for the public?

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

The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I think it is very hard to give you a complete statement, to be sure, but I would think, in whatever wisdom I have been able to accumulate over these years, that the bill that allows the most latitude and the most coverage would be the bill that would increase the fees to a maximum of \$20, allow for the flexibility of more establishments being examined during the peak time of recreation time, which is the summer months. Therefore, it would be the committee bill, it would be the Health and Institutional Services bill, that

heard this bill, that had the hearing, that had the expertise.

And while I am up, Mr. Speaker, I might simply remind people that right now four out of ten recreational eating areas and boarding homes are not being inspected because they don't have enough people to do it.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: There is one big difference between the two bills. L. D. 1907 brings you in more personnel and remains dedicated. They will accumulate a vast amount of money in the dedicated amount. And you know from experience with other dedicated accounts, that money will be spent in some way, shape or form.

If the procedure in L. D. 1814, which is the sunset bill, is adopted, that fund would become undedicated, it would be a general fund revenue, and the department then would have to justify that program, would have to justify their expenditures. I think this is the best way to go.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: If you want some justification here, I will give you some. June 5, 1981, one person reported ill after eating in a restaurant, a local restaurant; 6/10/81—three persons reported ill after eating in a restaurant in Bangor; 7/7/81—30 children ill after eating evening meals at a boarding girls' camp.

I think we have heard from a lot of testimony over the last couple of years that a lot of our boys' and girls' camps throughout this state, those children come from out of state. If we have episodes like this and their parents find out about it, are those children going to come back next year? I don't think so.

I think one of the things we have forgotten to mention in this bill is that these inspectors also inspect schools throughout the whole state of Maine and they try to inspect them twice a year. I think that is the important thing we have to remember. If we want our children's cafeterias inspected, minus the ones in Millinocket, I guess, then we should go along with this bill.

I would like to pose a question to the gentlelady from Lewiston. She mentioned that by 1988 there would be \$100,000 in surplus. Does that include what she feels the future negotiations with state employees—will that include future negotiations with state employees?

The SPEAKER: The gentleman from Portland, Mr. Manning, has posed a question through the Chair to the gentlewoman from Lewiston, Mrs. Berube, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Mrs. BERUBE: Could the gentleman from Portland, Mr. Manning, please restate his question.

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

Mr. MANNING: Mr. Speaker, the question was—will the \$100,000 that you had indicated, will that be eaten up by labor negotiations between now and 1988?

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

Mrs. BERUBE: Mr. Speaker, if we are to judge by the contract negotiations now, I doubt very much that there will be a difference of \$100,000 in surplus monies spent to the five individuals.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I think it will be eaten up, ladies and gentlemen. I don't expect those inspectors to go without pay for the next six or seven years and I don't think you do.

I think we have to be realistic about this problem. We went around with it last year and

we didn't pass anything and we had some real serious problems out there last year. I think what we really have got to do, if we are really interested in our tourism and we are really interested in our children, then we really have to look at this bill.

I just want to point out one thing. I think all of you who live in southern Maine remember the scare that Old Orchard Beach had about three or four summers ago when the Canadian press indicated that there wasn't any gasoline available in Old Orchard Beach. The Canadians put that in their press, they put it in the newspapers and on the radios. What happened is, the Chamber of Commerce of Old Orchard had to go to Canada, had to go to Montreal, Quebec and other towns up there and indicate to them that there was plenty of gasoline. Now, just think what two or three weeks would do if there was a scare down on the coast, like Old Orchard Beach, for instance, where there are a hundred thousand people in the summertime and only 6,000 people in the wintertime—just think what that would do to our state coffers.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: As one of the cosponsors of this bill, I would like to reiterate the point which was made earlier. The people from the industry, the Maine Innkeepers Association and the Campground Owners Association came and said they would be very happy to have the fees increased up to \$20, provided that these fees would remain dedicated. If the fees were not dedicated, they definitely were not in favor of the increase in fees.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: May I pursue for just a second the increase of salaries to the employees in that department? The \$100,000 or so figure, Mr. Manning, does include an 8 percent annual increase.

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I think this debate is confusing today because what we have before us—we have everything before us, I guess, but what we are voting on is the Health and Institutional Service bill, the bill itself, and then the report. The bill itself would dedicate the funds and the amendment would undedicate the funds.

Representative Berube's bill is not at the moment before us, but that certainly does enter into the whole discussion. But we really are voting on these two reports out of the Health and Institutional Services Committee today, are we not, Mr. Speaker?

The SPEAKER: The Chair would advise the gentlewoman, the only bill left before us is what you find as L. D. 1907.

Mrs. MacBRIDE: That has the majority and minority report?

The SPEAKER: The Chair would advise the gentlewoman from Presque Isle and members of the House that the bill before us, and the only bill before us is the one without the amendment from committee, and it is the majority Report "A" from the committee.

Mrs. MacBRIDE: The bill that is before us then is the one that is dedicating the revenue?

The SPEAKER: The Chair would answer in the affirmative.

Mrs. MacBRIDE: I hope that you will vote against the majority report.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I feel somewhat frustrated today, because while I think we should be discussing this issue in terms of three proposals, in fact we can only discuss the proposal from Health and Institutional Services, L.D.

1907. Therefore, in the interest of trying to come to a fair resolution of this question of fee increases, which I know we love to deal with, I would hope that somebody would be good enough to move that this item be tabled until we can take up the other recommendations.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I only rise to say that I hope the House takes care of the business in front of us. No matter how many reports are going to be coming by, we are still only going to be able to discuss the one, under our House rules, that is presently before us even if there were 18 reports.

I don't know where I am going on the issue, but I would like to vote on this thing this afternoon and others will be coming along and we can do whatever we want to.

The SPEAKER: The Chair recognizes the gentleman from East Machias, Mr. Randall.

Mr. RANDALL: Mr. Speaker, I believe at this point most of the House is totally confused as to what we are talking about, but I would urge those who have heard the Chairwoman of the Audit and Program Committee, urging for indefinite postponement, to keep in mind that this would perhaps be the closest vehicle to what we have to vote on to the minority report of the Health and Institutions Committee, or Committee Amendment "B".

What I am saying, I guess, is that I would urge you to support Representative Berube's proposal.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: We have before us a motion, and that motion deals with a report that was accepted by this House, which was the majority report. You either accept that report, which we did previously, or you accept the motion to indefinitely postpone that report. That is all we have before us. That is the issue we are supposed to be debating; nothing else is before us. That is the majority of the Health and Institutional Services Committee that dealt with this problem year in and year out, I think it is so ironic.

Last year, nobody wanted to give these people any raise, and now we have two committees who said definitely they need to have some money. It is just a question of whether you are going to dedicate the money or undedicate it.

Our committee said to dedicate that revenue and to allow it up to \$20 so that that department could have the flexibility of hiring five full-time people, just like Performance Audit and Review says, and also to allow the flexibility of part-time, four part-time people just during the hot season when you have a lot of camps opening up, campgrounds, and seasonal lodging and restaurants. They are part time. They don't deal with contracts and employment insurance and so forth, these are just part-time people, that flexibility to do what needs to be done.

Right now, four out of ten establishments are not being inspected. We owe it to the health and safety of the people of our state to say something, and this is what we need and this is what we are voting on now.

The only real difference, the real difference is whether you are going to dedicate it or undedicate it, and I allowed this bill, which was moving on its way beautifully, to stop for a moment to reflect on what you did, or what we did. That may have been my first mistake. That is neither here nor there.

Right now, we are dealing with this bill, the majority report out of the committee which you already agreed with, to stop for a moment to be sure that you knew that this is to dedicate it, to put it where it belongs for the services that are needed. That is all we are talking about; that is all we should be voting on.

I urge you to vote no on the motion before you

to indefinitely postpone.

The SPEAKER: At this time, to avoid confusion, the Chair will attempt to tell us where we are and I think we probably then could proceed to vote.

The Performance Audit Report is not before this body. That will be coming later. The issue before the body now is on the motion of the gentlewoman from Lewiston, Mrs. Berube, to indefinitely postpone this bill and all its accompanying papers.

The history of this bill is that it was referred to the Committee on Health and Institutional Services, it was a Senate document. The bill came out of committee 8 to 5 "ought to pass" without an amendment. That is now the position that the bill is in.

The Committee Amendment "A" which was put on the bill by a minority of the committee of five is no longer with the bill.

This body and the other body are now in concurrence as to the bill itself. The issue raised by the gentlewoman from Lewiston, Mrs. Berube, will then follow on Performance Audit.

Therefore, the motion before this body is on the motion of the gentlewoman from Lewiston that the bill and all of its accompanying papers be indefinitely postponed.

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

Mrs. HUBER: Mr. Speaker and Members of the House: Since this House obviously does not wish to delay the decision on this L.D., I would just point out to you that by defeating this bill at this time by voting yes on the motion pending, you will, in fact, be left with further suggestions in the two versions of the Audit and Program Review bill. So regardless of your wishes today, I am sure we will be discussing this in the future.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would just like to make a brief comment and ask a question to anyone who might care to answer it. It has been my experience as a member of this body that whenever we, so to speak, tax or take revenue from private industry in order to further their industry or promote their industry, that it does go into a dedicated fund. It would seem to me that that is only fair, that they should not have to put money into the general fund and then have someone come and fight for them if they are private industry. Perhaps someone on the Appropriations Committee or Audit and Program Review Committee can correct me if I am wrong.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Nelson of Portland 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 motion of the gentlewoman from Lewiston, Mrs. Berube, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier,

Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Hanson, Hickey, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jalbert, Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Martin, A.; Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; Norton, O'Rourke, Perkins, Peterson, Pines, Randall, Reeves, J.; Ridley, Salisbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth.

NAY—Beaulieu, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gowen, Gwadosky, Hall, Hayden, Higgins, H.C.; Jackson, P.C.; Jacques, Joyce, Kany, Kelleher, Ketover, Kilcoyne, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Soulas, Soule, Theriault, Thompson, Twitchell, Vose, Willey, The Speaker.

ABSENT—Baker, Cunningham, Davies, Fowlie, Hobbins, Kane, LaPlante, Laverriere, McCollister, Paradis, E.; Tuttle.

Yes, 73; No, 67; Absent, 11.

The SPEAKER: Seventh-three having voted in the affirmative and sixty-seven in the negative, with eleven being absent, the motion does prevail.

Sent up for concurrence.

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

Divided Report

Majority Report of the Committee on Audit and Program Review on Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (H. P. 1832) (L. D. 1814) reporting "Ought to Pass" in New Draft (Emergency) (H. P. 2239) (L. D. 2098)

Report was signed by the following members:

Senators:

McBREAIRTY of Aroostook
SEWALL of Lincoln

— of the Senate.

Representatives:

PETERSON of Caribou
NORTON of Biddeford
CUNNINGHAM of New Gloucester
HUBER of Falmouth
GILLIS of Calais

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (Emergency) (H. P. 2240) (L. D. 2099) on same Bill.

Report was signed by the following members:

Senator:

MINKOWSKY of Androscoggin

— of the Senate.

Representatives:

BERUBE of Lewiston
ROLDE of York
BAKER of Portland
HICKEY of Augusta
NADEAU of Lewiston

— of the House.

Reports were read.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: I would first move acceptance of Report B, which is the Minority Report.

The SPEAKER: The gentleman from Lewiston, Mrs. Berube, moves the the Minority Report be accepted.

The gentleman from York, Mr. Rolde.

Mrs. BERUBE: Mr. Speaker and Members of the House: In the interest of saving time and cost and whatever, there are two reports before you, Report A and Report B, L.D. 2098 and L.D. 2099, and as you heard previously this morning, there was a printing error, and so I would request that you take both bills before you, rip up the two last pages of both bills and simply switch them around and then you will have the corrected copy.

Now if you will bear with me, and I apologize for being up so often this afternoon, I would like to explain — I am getting all kinds of signals, Mr. Speaker — should I explain what both versions do?

The SPEAKER: The Chair would answer in the affirmative.

Mrs. BERUBE: Okay — there are three basic differences with both reports. I would tell you what our report does, "our" being the report which I have just moved.

Both reports agree on most of the issues. The basic difference is, first of all, on the medical eye care, our minority report reinstates the \$50,000 allowed for eye exams.

Secondly, in the developmental day care, we are leaving the appropriations as they presently are. The minority report deletes or removes the funding for that.

Thirdly, our report — there are four — increases the licensing fee by \$5 for the eating establishment on the issue that we have just debated previously.

Finally, the other difference is that we do not include in this report the paying of the administrative costs of the food stamps program with the General Fund. We had hoped that another bill would be before you, brought out by the committee, to do just that and place it on the Appropriations Table, so our bill does not include the food stamp proposal.

Our report will show a net savings to the taxpayers of this state in the amount of \$295,905 — net. The other report would have to sit on the Appropriations Table because it will have a funding mechanism, a fiscal note.

I would urge you to vote for the Report B, which is the minority report.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess I have been remiss in following along on these particular bills from Performance Audit, but I am in a dilemma, I don't know how to solve — I realize I am late and I apologize to the House, but most of these items that I see in these bills that deal with different positions in different departments deal with measures that we have talked about and talked about and talked about in Appropriations from Human Services — well, Maine Human Services Council, for example, we have had numerous discussions about that, day care and all kinds of different things. It would appear that the work we have done in many ways and in many different areas is going to be undone in this bill, and that leads me to a dilemma that I don't know how to solve.

If we are asked to address the funding and position counts and that sort of thing in Appropriations and then find that another bill is coming in to do just the opposite of what we have done, at the end of the year, where are we?

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against L.D. 2099, the report proposed by Representative Berube.

She stated that the differences between the two reports is that her eye care bill reinstates the \$50,000. On the medical eye care, both versions of the item provide from the continuation of the current program to assist people with serious eye diseases and those who are going

blind. The difference is the \$50,000 for eye exams for people above the Medicaid income ceiling and below the 80 percent of the state's median income. There are about 165,000 people in the income group, assuming that an eye exam is needed every three years at \$20 an exam, and that would cost just over \$1 million to provide for the exams, plus an additional \$380,000 for the administrative costs, which is the department's estimate. Therefore, the total costs, if everyone eligible used the program, is about \$1,500,000.

The second difference that she pointed out was the developmental day care. In the 1979 legislation, the law was passed with an appropriation to provide services for pre-school children with disabilities regardless of income level. An appropriation was attached to pay for the services for children above the 80 percent state median income guidelines, a total of \$65,000 for 1981; \$86,000 for 1982 and \$86,000 for 1983. Because of the problems with a restrictive fee schedule, the families above the 80 percent guidelines which is in the legislation, the Department of Human Services could only spend \$20,000 in fiscal year 1981 in this income group. The balance of the \$86,000 was used for below the 80 percent income.

I have a table here that would show you the various assignments of the funds but I won't bore you with that at the present time.

The other difference she stated was the increase in the licensing fees for inspections: her bill increases by \$5. This bill, the majority bill, would increase it by \$10. The minority bill does not contain the food stamps and administrative costs that would revert to the state. The majority bill does contain the food stamp bill. I know throughout the months that we have been up here, I have had many calls and many contacts from people not only from my district but all over the state that were very desirous of the food stamp administrative costs being returned back to the state rather than the counties. I believe, for the best interests of the people of the state of Maine, the Majority Report is the one that should be passed and I ask that you vote against the Minority Report.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: It is very late in the day to be talking about complicated things. I will try to make it as simple as possible. We have three main areas of difference here. The eye care situation is a very complicated one. We have taken care in both versions the problem of people with definite eye disease, that is not a problem here. What we found was that last year the department spent some \$75,000 on eye examinations and free eye glasses for people within a certain eligibility category, and that went somewhat beyond the law that originally established the eye care program.

We had a sub-committee that looked at this problem, we looked at the possibility of opening this up to everyone, and as Mr. Gillis said, that would cost probably around \$1 million. We weren't going to eliminate those funds entirely but we did get a plea from the Optometrists Association saying that if we could just keep in the eye exam portion, not the free eye glasses but the eye exam portion, we might be dealing with people who could contact eye disease and needed to have eye examinations, but at that particular moment when they went for the examination, they might not have a disease, but if they were discouraged from going for examinations, they could conceivably end up with a disease that would not be treated. Therefore, our subcommittee recommended keeping in \$50,000.

There is a cap on that. Admittedly, there are more people that are eligible than the \$50,000 would cover, but we felt that since they spent \$75,000 last year, \$50,000 was an appropriate amount of money. That is one of the issues we are dealing with.

The other is the developmental day care situation. I think there was a misconception in the committee, that when this program was transferred from the Department of Human Services to the Department of Mental Health and Mental Retardation, the Mental Health and Retardation was going out and spending the money in a way that they were not supposed to under the law. However, I do have an opinion here from the Attorney General, it is technical, but I would just read one part of it that says, "Insofar as the Bureau of Mental Retardation is to have responsibility for administering the PL509 funds, it may do so using its own policies, practices and guidelines." Therefore, the usages that the Department of Mental Health and Retardation has are legal, contrary to what some of the members of the committee would lead to believe.

I would just point out where some of these funds are going. In Aroostook County, they are scheduled to go to the Southern Aroostook Association; the Handy Children's Center; in Hancock County Children's Center; U.C.P., northeastern Maine; Washington County Children's Center; Little Red Schoolhouse; Chickadee Nursery School; Midstate U.C.P.; Kennebec Valley Council; Hathaway's Inc.; Waban Projects; Portsmouth Rehab. Center for southern York County; Midcoast Preschool Services; Project Search and Coastal Child Care, and the difference here is that one bill cuts that program by \$49,000 and the other leaves it intact.

The question of fees for the inspection of restaurants has already been discussed. There is a \$5 difference between the two bills.

Then there is the question of the funding, having the state pick up the funding for the county's share of food stamp administration. And one of the things that has bothered me is that we were led throughout the discussions on this to believe that the costs of that was some \$400,000, but that \$400,000, which is supposed to be balanced off by the savings in this report, is only a half year figure and the total cost is somewhere in the neighborhood of \$800,000 or \$900,000. So I want you to be aware of that when you are voting on this, because if you do it for half a year and that is the county year, which is the calendar year, you are certainly going to have to pick it up in the future, so that you are talking about a \$800,000 to \$900,000 cost if you go with the food stamp, taking that off.

We have tried in our committee, those of us who signed the Minority Report wanted to put out the food stamp situation as a separate bill. We have been blocked in doing that. There is some technicality that does not allow us to do that. We did have some feelings of approval for at least putting that before the legislature but we did not want the two things to be tied together. I am sorry to go on at such length but that is the situation with these two bills.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: You will note in both these L. D.'s that a major part of that bill also is the licensing board for hearing aid dealers and fitters. I am not making any objections to the bill, I only hope that you will accept the Majority Report. But just to give you an example of what happens when you transfer from a dedicated to an undedicated revenue and all that process, our fee, at present, is \$25 annually for a license. This will go up to \$100. Chances are, it says, it will go up to \$100, but presently right now, I have made some comments to another department to find out whereabouts we would come in on this bill.

In order to just survive, the licensing fee is going to go up to about \$60 the first year. The major reason for this is that it is all administrative. Presently, we can operate with a bare minimum budget but once we transfer it into another department, we cannot operate efficiently and we won't have enough money.

Frankly, we will be broke if we didn't get that licensing fee increase. The Majority Report, I hope you will accept it, although reluctantly we have to accept it because we can't live without this bill right now.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I appreciate the efforts of both proponents and opponents to Report B and I would like to clarify a little further, if I may, the financial implications of these bills.

First of all, to speak to Representative Pearson's comment we have done this for three years and it seems to work for leading personnel making changes in budgets and I don't think this is any different from the previous Performance Audit and Program Review report in terms of that function. I think it is important to realize here, and I believe the gentleman from York, Mr. Rolde, mentioned that there would not be a separate food stamp bill. Before I proceed, Mr. Speaker, may I request an answer on that? Will there be a separate food stamp bill, please?

The SPEAKER: The Chair would advise the gentleman that anything is possible. At this point, none has been admitted.

Mrs. HUBER: So, in terms of where we are right now, we are faced with two reports, one which contains transferring the administrative costs of food stamps from the counties to the state level; i.e., paying for it. I think it is important to keep that in mind regardless of what might be possible because we don't have another bill before us at this time.

Report B, which the good Chairwoman of the Committee has asked you to accept today, has a savings in taxpayers' dollars of \$295,950; that is the savings in Report B. It does not make any mention of transferring the administrative costs of food stamps from the counties to the state.

Report A, which I hope you will accept after defeating the pending motion, has in it a reduction in costs to the taxpayers of Maine of \$428,450. Those reductions are then all set in Report B by the cost of picking up for six months in fiscal 1983 the food stamp program, giving Report A a net price tag and requiring it to go on the Appropriations for an appropriation of \$46,650.

Those are the bare economic bones of the two reports and I don't think anybody was misleading anybody to say that the \$950,000 cost of administering food stamps on a year basis was not known. Frankly, I have been aware of it. It is something that the next legislature will have to make a determination on when it looks at the budget for fiscal 1984 and 1985.

I think the important thing to remember here is that Report A, which is not the subject of the pending motion but I hope it will be, saves more money, number one, provides, I believe, a generally high level of services and is a compromise among the committee members. It also, perhaps most importantly, does provide for taking the administrative cost of food stamps off the county budgets that are paid for by yours and my and our constituents' property taxes. From what I hear out there in this great state of Maine, I can tell you that people like that idea very much. I would advise you to check with them to find out if there are any objections to having the state pick up these costs.

Those are the basic economic differences in these two bills. I would suggest that if we can accept Report A today instead of Report B, which my good Chairman has asked you to accept, we will then be able to proceed with some of the specific problems that some of the people here on the floor of the House have. We need to accept a report, first of all, we do not have vehicle that contains the food stamp change if we accept Report B. So I urge you to vote against that motion which is pending.

The SPEAKER: The Chair would like to make note of the fact that there is no Report A or B. There is only a Majority Report and a Mi-

nority Report. The pending question is the motion made by the gentleman from Lewiston to accept the Minority Report.

The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, I stand corrected. I apologize and if you have ripped your covers off and have them in the proper order, I urge you to vote against the Minority Report, the pending motion on L. D. 2099.

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

Mr. MANNING: Mr. Speaker, a point of order? Section 28 of the Bill deals with Co-paying of medical drugs for Medicaid and in front of our committee this year, we had a bill dealing with that and it was a "Leave to Withdraw." I am just wondering whether or not it is proper to be in this bill here?

The SPEAKER: The Chair would advise the gentleman from Portland, Mr. Manning, and members of the House, that if, in fact, Section 28 or any other, are the same as any bill which has already been defeated last year or this year, pursuant to Joint Rule 37, the matter would not properly be in any version of any bill. At this time, however, the Chair would simply indicate that in order for the bill to be enacted, it will require that an amendment be prepared in second reading to delete those sections. At this time, however, there is no problem, but before the Bill is passed to be engrossed, it will require that to occur. The Chair would make note of that fact and you may want to check other sections of that as well.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is a mess. First, the numbers are off, some parts of the bill have been rejected by the legislature, and as far as I know, the Committee on Health and Institutional Services hasn't been consulted on how this affects the work they have done and we in Appropriations, as the Representative from Bangor, Miss Aloupis, can tell you, have long thought about the question of food stamps and payment of the state. Several times it has been rejected because we didn't have enough money, and I just don't think the process is working. It doesn't all mesh together, it doesn't come together, doesn't make any sense. I don't understand how you can have one committee reviewing something that another committee is in charge of. If I am wrong, you can tell me, but I just don't understand how you can have so many hands in the soup.

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

Mr. JALBERT: Mr. Speaker, Members of the House: On the last measure, I went along with my colleague from Lewiston because she was my colleague from Lewiston. I have read this bill and to tell you the truth, I could agree no more with the gentleman from Old Town, Mr. Pearson, the House Chairman of the Appropriations Committee, than I do now.

With due respect to the committee, the Performance Audit Committee, with due respect to the members who signed both reports, I can assure you of one thing, if you read these two reports, they are loaded with fees. No matter how you cook it, a fee is a tax, and as far as the food stamps are concerned, the gentledady from Lewiston, Mrs. Berube, knows that for years I refused to pay the county's share to the state on food stamps. If we did pass the bill, we wouldn't have any money to fund it. You can't just, on the Appropriations Committee, spend \$55 million or \$60 million when we only have about \$45 mmillion and unless things change drastically, that \$45 million might go down.

If you look at your calendar, you will see that after tomorrow we have seven days to roll, and by the time this bill goes on the other side, if you will look at the report, you know what the outcome of this is going to be on the other side, so we are coming back here in non-concur-

rence, then we are coming back and possibly have a committee of conference on this, that and the other and in the meantime, let's say it does wind up on the Appropriations Table, it won't take two minutes or two seconds before the thing is killed anyway.

I am not in any way taking issue. I have read both reports. I can tear off two pages and put two pages together, but no matter how you do it, you still get a bad mess of fish on your hands. There is a great deal to do in that committee and I could stand here for over an hour and tear different items apart.

I spoke to a man who is on the committee, he was on the other side, and I told him that I thought both reports weren't all that good as far as I was concerned, and being the gentleman that he is, he just smiled and we parted company as friends.

Win, lose or draw, I want to give my position on this right now by making a motion—Mr. Speaker, I move that this bill, both reports, all accompanying papers, every single comma, period, semi-colon on that bill be indefinitely postponed and I would ask for the yeas and nays.

THE SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that this bill and all its accompanying papers be indefinitely postponed, and requests that when the vote is taken, it be taken by the yeas and nays.

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

MR. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that this debate has somehow degenerated into an attack on the committee. I do feel that the members of the Audit and Program Review Committee have worked very, very diligently, we have done it not because we wanted to but because state law requires that we have a sunset committee, and if you want to change the process, then I suggest that you get rid of the sunset law. We have done the best job that we possibly could. It has been difficult because we have been dealing with very many difficult situations.

I hope you won't vote to indefinitely postpone the bill. If the gentleman is concerned about the funding of the food stamp administrative cost, which I am, then he can vote for the Minority Report because that does include it.

I would just once more emphasize the difference between the two reports are basically a difference of funds for eye care and developmental day care, which is for retarded children.

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

MR. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: Really, it pains me to take issue with the good gentleman from Lewiston this afternoon. I really feel, however, that it would be very irresponsible for this House to indefinitely postpone a bill that has been worked on since the beginning of January of last year. Our committee has bent over backwards to appease the many different special interest groups that come in and air their complaints about this bill. There is absolutely no reason why we have to rush into killing it.

I would plead with you to vote against indefinite postponement and then do some serious constructive work on the bill.

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

MR. JALBERT: Mr. Speaker and Members of the House: I don't think, since he has been on the floor, that I have ever disagreed with the gentleman from York, Mr. Rolde. When I voted to set up the sunset situation, I didn't realize it was going to cost upwards of \$73,000, a year and that is exactly what this thing has done. I am not arguing about the fact that you didn't work hard and that the work wasn't hard and this and that but the bill, as the gentleman from Old Town says, it's like something that has been taken from another department and

put in it. I am not arguing about that thing, I am just telling you, somewhere along the line the money has run out.

You can do what you want to but this thing can go back and forth and be argued and debated and go back and forth, but eventually it is going to wind up on that Appropriations Table. I can tell you what is going to happen if it lands there and if you don't believe me, just see me and I will gladly set the odds. Somewhere along the line, you can spend, but then comes the time for paying and we have run out of credit cards.

I am not arguing about the work that has been done, Mr. Baker, by any means. I am not criticizing any member of the committee. They are friends of mine, as you are, but I am just telling you the ultimate fate of this thing here and that is why I made the motion I did. I don't think there are five people in this House that know what the ultimate result is going to be.

The gentleman from Old Town set the scenario for the deal and you have a very split report on a partisan basis, so what else can you expect? This is election year and all I am worried about is what is going to happen with the Appropriations Act, that is what I am worried about. Will we ever come out with a bill with unanimity. If we don't, we don't have a budget, we won't have to worry about this thing here, everything will die. So let's start accommodating ourselves right now, the hour is getting a little late and the motion stands.

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. This is truly out of confusion—if we accept this bill and a position is cut and in the Appropriations Committee we report out a budget that includes that position restored, who wins? The last one or the first one to submit it? I really don't know, Mr. Speaker and I —

THE SPEAKER: Is the gentleman posing the question to the Chair?

MR. PEARSON: You are the only one I think would probably know the answer.

THE SPEAKER: The Chair would advise the gentleman from Old Town, Mr. Pearson, that under the law, if there is a conflict between the two and one is not effective after the other, then neither would take effect.

Also, the Chair would advise the gentleman that the normal way that would have to take place if, in fact, that is true, one document will have to be enacted, signed into law, so the other then could be amended by chapter, that is the only way that it can be done.

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

MR. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: Believe me, I understand your frustration. There has been a good deal of frustration on the committee. It is an extremely difficult process, there is no question about it.

The last three years, in reference to Mr. Pearson's concern, we have dealt with it. If I could just basically describe what I think would be the best approach at this time—first of all, with all due respect to my colleague from Lewiston, Mr. Jalbert, again understanding the frustration of this whole thing, we really, really certainly cannot indefinitely postpone this measure when you consider what the sunset law is. The sunset law does exactly that, it sunsets. Again, I really haven't given a great deal of thought to it, I am not quite clear, but I think we are basically going to close the Department of Human Services or at least the Bureau of Health, the Bureau of Medical Services, the Bureau of Income Maintenance, the Bureau of Social Services, the Bureau of Rehabilitation and the various independent agencies. If this bill isn't passed, ladies and gentlemen, they are history. That is basically comparable to not passing a budget. I mean it is a very, very serious situation.

Again, I do understand the frustration and complication of this entire measure, but I do encourage you to defeat the motion to indefinitely postpone so we can proceed and attempt to address the concerns that have been brought out on the floor today.

It would seem to me that in addressing a couple of those concerns, the best approach to take right now would be to accept the Minority Report because (1) it does separate out the food stamp proposal, which, incidentally, I do support, but as I think Mr. Jalbert pointed out, the situation is a concern of money. I do feel it is right that the Appropriations Committee take a good look at that bill, evaluate whether the need exists, we think it does but, then again, evaluate whether the money is there to do it. That is perfectly legitimate.

It is my hope, again we are going to have to wait and see what happens procedurally, that a separate bill can be reported to this legislature and sent to the Appropriations Table to discuss and evaluate whether we can actually go ahead and absorb the cost of the administration of the food stamp program.

The rest of the bill basically is in the same posture that the other three sunset proposals have been in the last three years. The bill comes to us; if there are particular provisions in that bill that you do not support, there is something called an amendment we can introduce to eliminate those concerns.

If, indeed, it is found that the ruling of the Speaker is accurate, that there are certain sections of the bill that were introduced in previous legislation and are not properly before the body in accordance with the rules, then, again, we will have to address that with an amendment.

I, myself, have exercised some slight inconsistencies today. In the previous vote on the licensing, I voted basically against what I signed out on the report. That is primarily because I am not willing to oppose the entire report because of that one particular section of the bill. So, I supported the report and voted against the motion to indefinitely postpone the licensing bill for that reason.

I would think, again I am in sort of a procedural dilemma myself, I am not sure what I will do with the licensing proposal within this report. At a future date, we will determine that once we get a report accepted.

I encourage you very, very strongly to defeat the motion to indefinitely postpone, accept the Minority Report, and at that point, we can hopefully go before the Legislative Council, have them accept the food stamp administrative costs, send that bill to the legislature for your determination, the Appropriations Committee's determination, and for those members who have strong concerns about sections within what is left in the report, then address those concerns with an amendment and we can discuss those concerns in the ensuing days to come. I think this would be the best approach to take at this time.

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

MR. NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am on the Majority Report. I think we have heard all the discussion of this issue that needs to be said. The hour is late, I would urge you to vote against the motion on the floor and then I would urge you to vote against the Minority Report and then go on to support the Majority Report.

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

MR. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I concur with everything that Representative Norton has said, and that is to defeat this indefinite postponement motion so then we can vote down the Minority Report and bring the Majority Report in, because if we don't, it is questionable whether or not a separate bill on the food stamp can come in. And rather than take a chance that it won't

come in and because of the high interest throughout the state by the people in the 16 counties to adopt the recommendation that the state pick up the administrative costs of the food stamps, I urge you to follow that procedure, kill the indefinite postponement and then we will request you vote against the Minority Report so we can bring the Majority Report in and carry the food stamp bill with it.

What the Appropriations Committee does with it then is their business. At least we will give them the opportunity.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: If I were a betting man, I would be willing to wager that if my motion is defeated, Mr. Gillis, and then you defeat Mrs. Berube's motion and then you go to your motion, the Majority Report, I guarantee you that when it comes back here, the gentlelady from Lewiston is going to be the first one with her mike up to kill that report, that is what I am trying to avoid. It is just a complete, absolute waste of time on a bill that just does not make any sense at this time. I don't care if you keep on studying the thing, I am not against that, but I will repeat myself—kill my motion, pass yours, it comes back here tomorrow morning, her mike goes up on Second Reader—whamo, to kill her own bill. I will ask her to answer if I am right or not.

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

Mrs. KANY: Mr. Speaker and Members of the House: I just wanted to speak to an issue which was brought up by Representative Pearson. As Chairman of the Appropriations Committee, he mentioned that he was confused as to what would happen when there was conflicting legislation passed by the legislature, and I would like to suggest that since any appropriation bill would be an emergency measure, as are the two measures before us at the moment, whichever would be the final one signed by the Governor would then be the prevailing legislation.

The SPEAKER: The Chair would suggest she look at the Attorney General's decision and the Supreme Court of the State of Maine.

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

Ms. BENOIT: Mr. Speaker and Members of the House: Earlier, I wanted to comment on the remarks made by Representative Jalbert. Now I am very curious and I would like an answer from Representative Berube as to whether he is correct in his statement?

The SPEAKER: The gentlewoman from South Portland, Ms. Benoit, has posed a question through the Chair to the gentlewoman from Lewiston, Mrs. Berube, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Mrs. BERUBE: Mr. Speaker and Members of the House: Representative Benoit, you should never presume what another legislator would do. But I will tell you, whatever I do on this bill is based on facts that we have studied, is based on principles, not on any little or large vested interest group which has been lobbying our committee, lobbying this very legislature to salvage the last whatever savings we have, to dilute those, and I give you my word that I would never vote to kill a good measure.

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 and voting having expressed a desire for a roll call, a roll call was ordered.

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

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: I guess one of the

most important issues to me right now is the fact that we do need some property tax relief. I see this measure in the Majority Report as being such.

I can only speak for Penobscot County, but we faced \$90,000 in administrative costs for food stamps this year. It seems to be rising \$20,000 per year in our county budget. Having listened to the debate, I find that there is no measure coming through that will address that, even though we were concerned with it in Appropriations, as I had asked several times, where is the bill and was told that Performance Audit was addressing that problem.

I would hope that you would vote against the motion to indefinitely postpone and that we continue and approve the Majority Report.

Also, from what I understand, the Performance Audit Committee does an excellent job, they look into the departments in further depth that perhaps other committees have the time frame in which to do that.

I hope we will be reasonable and rational about this. Most of us, I am sure, have not had the time, have not taken the time yet today because of our schedules, to look at both reports.

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

ROLL CALL

YEA—Beaulieu, Dudley, Jalbert, Webster.

NAY—Aloupis, Armstrong, Austin, Baker, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carroll, Carter, Chonko, Clark, Conary, Connors, Connolly, Cox, Crowley, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Erwin, Fitzgerald, Foster, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jacques, Jordan, Joyce, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterton, Masterton, Matthews, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, P.; Paul, Pearson, Perry, Peterson, Pines, Post, Pouliot, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Role, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Twitchell, Vose, Walker, Wentworth, Weymouth, Willey.

ABSENT—Carrier, Cunningham, Drinkwater, Fowlie, Hobbins, Kane, Kany, LaPlante, Laverriere, Martin, A.; McCollister, Paradis, E.; Perkins, Tuttle, The Speaker.

Yes, 4; No, 132; Absent, 15.

The SPEAKER: Four having voted in the affirmative and one hundred and thirty-two in the negative with fifteen being absent, the motion does not prevail.

The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that the House accept the Minority "Ought to Pass" Report. The Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative and 90 in the negative the motion did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted, the Bill read once.

On motion of Mr. Jalbert of Lewiston, tabled pending Second Reading and tomorrow assigned.

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

Petitions, Bills and Resolves Requiring Reference

Bill "An Act to Require the Maine Guarantee Authority in Certain Instances to Repay the State for Money Borrowed on its Behalf by the State" (Emergency) (H. P. 2261) (Presented by Representative Diamond of Bangor) (Cosponsors: Senators Gill of Cumberland, Violette of Aroostook and Representative Dillenback of Cumberland) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Was referred to the Committee on State Government, ordered printed and sent up for concurrence. By unanimous consent, ordered sent forthwith to the Senate.

Ought Not to Pass

Representative Twitchell from the Committee on Taxation on RESOLVE, to Reimburse the Town of Fort Kent for Loss due to Erroneous Increase in the 1981 State Valuation (H. P. 2005) (L. D. 1976) 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. 17 were taken up out of order by unanimous consent:

Consent Calendar First Day

(S. P. 906) (L. D. 2048) Bill "An Act to Protect the Atlantic Salmon Fishery in the Lower Penobscot River from Veazie to the Southernmost Point of Verona Island"—Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-436)

(H. P. 2178) (L. D. 2068) Bill "An Act to Revise the Definition of Forest Land for Purposes of the Tree Growth Tax Law and to Require Notification of Landowners' Obligation to Reapply" (Emergency)—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-688)

There being no objections, under suspension of the rules, the above items were given Consent Calendar Second Day notification passed to be engrossed as amended in concurrence or sent up for concurrence.

The following papers appearing on Supplement No. 18 were taken up out of order by unanimous consent:

Leave to Withdraw

Representative Drinkwater from the Committee on Judiciary on Bill "An Act to Revise the Laws Pertaining to Bail in Criminal Cases" (H. P. 2160) (L. D. 2060) "Leave to Withdraw"

Representative Reeves from the Committee on Judiciary on Bill "An Act Clarifying the Laws Governing Bail in Certain Capital Cases" (H. P. 2155) (L. D. 2056) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Consent Calendar First Day

(H. P. 1956) (L. D. 1929) Bill "An Act to Encourage Fuel Diversity by Increased Use of Natural Gas"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-689)

There being no objections, the above item was ordered to appear on the Consent Calendar of March 26, under the listing of Second Day.

The Chair laid before the House the following matter:

Bill "An Act to Eliminate the Requirement that Changes in the Public Utility Rates be Prorated" (H. P. 1790) (L. D. 1780) which was

tabled and later today assigned pending passage to be engrossed.

Thereupon, on motion of Mr. Davies of Orono, the Bill was passed to be engrossed and sent up for concurrence.

The SPEAKER: Reference is made to H.P. 1809, L.D. 1794, Bill "An Act to Adjust Fees for Licenses Issued by the Real Estate Commission." In reference to the action of the House on Tuesday, March 24, 1982, whereby it Insisted and Asked for a Committee on Conference, the Chair appoints the following members on the part of the House as Conferees:

Representatives:

JALBERT of Lewiston
KELLEHER of Bangor
LANCASTER of Kittery

(Off Record Remarks)

On motion of Mr. Gwadosky of Fairfield,
Adjourned until nine o'clock tomorrow morning.