

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

Tuesday, April 6, 1982

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

Prayer by the Reverend Doug Strong of the Unitarian Church, Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate
Non-Concurrent Matter
Later Today Assigned**

Bill "An Act to Establish Standard Procedures Enabling the Formation of Municipal Power Districts" (H. P. 1959) (L. D. 1932) which was passed to be engrossed as amended by Committee Amendment "A" (H-715) in the House on March 31, 1982.

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

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

Non-Concurrent Matter

Joint Resolution relative to Memorializing Congress to Call a Constitutional Convention to Limit the Annual Federal Budget (H. P. 2322) which was Adopted as amended by House Amendment "A" (H-753) in the House on April 5, 1982.

Came from the Senate with the Joint Resolution and accompanying papers Indefinitely Postponed in non-concurrence.

In the House: On motion of Mrs. Mitchell of Vassalboro, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 969) (L. D. 2136) which was Passed to be Engrossed as amended by House Amendments "A" (H-738) "B" (H-739) "D" (H-741) and "E" (H-744) in the House on April 5, 1982.

Came from the Senate with that Body having Adhered to its previous action whereby the Bill was passed to be engrossed as amended by House Amendment "D" (H-741) and "E" (H-744) in non-concurrence.

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

Messages and Documents

The following Communication:

**State of Maine
House of Representatives
Republican Office
Augusta, Maine 04333**

April 5, 1982

Honorable Edwin H. Pert

Clerk of the House

State House

Augusta, Maine 04333

Dear Clerk Pert:

Since my previous nominee to the Commission on Governmental Ethics and Election Practices is unable to fulfill his duties, in accordance with 1 MRSA, Section 1002, sub-section 1B, I am pleased to appoint Robert Marden of Waterville to this Commission.

I am sure Mr. Marden will bring to the Board the necessary experience required, and I respectfully ask the House to confirm this nomination.

Sincerely,
S/LINWOOD M. HIGGINS
Republican Floor Leader

The Communication was read and ordered placed on file.

On motion of Mrs. Mitchell of Vassalboro, the confirmation was tabled until later in the day.

Special Sentiment Calendar

In accordance with House Rule 56, the fol-

lowing items: (Expressions of Legislative Sentiment) Recognizing:

The top 10 scholastic students of the 1982 graduating class of Katahdin High School in Sherman Station: Julie Ballard; Audrey Brown; Lisa Dudley; Brian Gould; Keith Lane; Judy Lewis; Eva Lilley; Tammy McKenney; Christine Rush; and William Sheehan; (H. P. 2330) by Representative Michaud of East Millinocket. (Cosponsors: Senator Pray of Penobscot and Representative Smith of Island Falls)

The Lady Rams, of Bangor High School, winner of the Girls' Class A State Swimming and Diving Championship; (S. P. 980)

The Ellsworth High School Wrestling Team, coached by Tim Henderson, which won the 1981-82 State Class B Wrestling Championship; (H. P. 2332) by Representative Foster of Ellsworth. (Cosponsor: Senator Perkins of Hancock)

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

**Passed to Be Enacted
Emergency Measure**

An Act to Amend the Exemption from Sales and Use Tax for the Sale of Certain Instrumentalities of Interstate or Foreign Commerce (H. P. 1905) (L. D. 1890) (H. "A" H-734 and C. "A" H-723)

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. 125 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. 1 were taken up out of order by unanimous consent:

**Second Reader
Later Today Assigned**

RESOLVE, to Establish a Commercial Whitewater Study Commission (S. P. 981) (L. D. 2140)

Came from the Senate, under suspension of the rules and without reference to a committee, the bill read twice and failing of passage to be engrossed.

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

Mr. MacEACHERN: Mr. Speaker, I have an amendment being prepared for this Resolve, and I would appreciate it if someone would table it until later in today's session.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending second reading and later today assigned.

Special Sentiment Calendar

The following item:

Recognizing:

Charles Allen Bubar, son of Mr. and Mrs. Ralph Bubar of Linneus, chosen Valedictorian of Hodgdon High School for 1982; (H. P. 2333) by Representative Smith of Island Falls. (Cosponsor: Senator Carpenter of Aroostook)

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

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

**Passed to Be Enacted
Emergency Measure**

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law (H. P. 2239) (L. D. 2098) (S. "B" S-457; S. "C" S-458; S. "D" S-461 to H. "A" H-695; H. "B" H-696)

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. 120 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.

Emergency Measure

An Act to Revise the Salaries of Certain County Officers (H. P. 2280) (L. D. 2126) (H. "A" H-745)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and 4 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. 3 were taken up out of order by unanimous consent:

**Emergency Measure
Later Today Assigned**

An Act to Require the Maine Guarantee Authority in Certain Instances to Repay the State for Money Borrowed on its Behalf by the State (H. P. 2261) (L. D. 2107)

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

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

**Passed to Be Enacted
Emergency Measure**

An Act to Clarify the 1981 Amendments Relating to the Operating Under the Influence and Habitual Offender Laws (H. P. 2309) (L. D. 2138) (H. "A" H-742; S. "A" S-464; S. "B" S-465)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by Speaker and sent to the Senate.

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

**Passed to Be Enacted
Emergency Measure**

An Act to Extend the Health Facilities Information Disclosure Act and to Authorize the Charging of Fees for the Dissemination of Information (H. P. 2238) (L. D. 2096)

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

**Finally Passed
Emergency Measure**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1982 (H. P. 2300) (L. D. 2133) (H. "A" H-752; S. "A" S-459)

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. 120 voted in favor of same and 4 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

**Enactor
Later Today Assigned**

An Act Implementing Certain Recommendations of the Citizens' Commission to Evaluate the Department of Environmental Protection (S. P. 968) (L. D. 2130) (H. "B" H-750)

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

On motion of Mr. Crowley of Stockton Springs, tabled pending passage to be enacted and later today assigned.

Passed to Be Enacted

An Act to Amend the Electric Rate Reform Act to Require the Public Utilities Commission to Consider Utility Financing of Energy Conservation (H. P. 2275) (L. D. 2122)

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

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: We did debate this bill to some extent the other day and it has now come to the enactment stage. I still feel that this is a mistake on the part of the 110th Legislature to enact this legislation.

I am reminded by people of the high rates that they have to pay for their utility bills, and I recall that in the 109th Legislature we passed a bill which gives the Public Utilities Commission a percentage of the rates that are allowed by the utilities. The percentage of that rate goes into the budget for the Public Utilities Commission.

Just in this session of the 110th Legislature, we were asked to raise that percentage, and that bill went through without any difficulty. Now we are asked to pass a bill which will include in the utility rate an amount of money to be collected and to go out to the banks to buy insulation for homes. My question would be at this point, if that amount of money is put into the utility rate, will the Public Utilities Commission get its commission on that amount also? I think the answer is quite obvious. I think the answer to that question makes this bill somewhat unfair for the ratepayer, and in view of the fact that it is unfair to the ratepayer, I would once again move that this Bill and all accompanying papers be indefinitely postponed.

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

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

Mr. DAVIES: Mr. Speaker and Members of the House: This is an issue that this House has debated twice before and by resounding votes of better than two to one has passed the legislation further along. I would urge you today to do likewise.

The charges that have been raised by Mr. Cunningham simply don't bear out in examination of the legislation. His suggestion that the Public Utilities Commission is going to receive some kind of financial largess as a result of this legislation being passed simply ignores the very reason why this bill is before us.

Most people in the state recognize that energy conservation is critical to our success as a state, and they have made major strides towards conserving energy in all aspects of its usage in the State of Maine, and we can be quite proud of the fact that Maine leads all other states in the country in our energy conservation efforts. We have substantially reduced our overall consumption of energy over what it was five years ago. But there are a number of people who, even though they know conservation is an important thing and would like to do something about it, simply are not in a financial position of making the conservation improvements that would be necessary for them to reduce their consumption of electricity which, in turn, benefits the entire state.

The reason why it benefits the entire state is, if we can go for several years without needing to expand our generating capacity, for those several years the cost of electricity is going to be much more stable than it would be if we were to build a new plant, whether it is Sears Island, or to buy into Seabrook, or any other potential energy source, because the cost of a kilowatt hour of electricity from a new generating source, no matter what type of fuel it uses, is ten times higher than the cost of saving a kilowatt hour of electricity.

What this bill does, it allows us a mechanism through the Public Utilities Commission, through the banks of the state and through the efforts of the State of Maine, to begin making money available to people who know they need to make conservation improvements so that they can do it, reduce their consumption, which benefits not only themselves in their own electric bills but also benefits all consumers because by avoiding the need to build new plants for several years, everybody's electric rates are going to stay relatively stable.

If we need to build new plants, the cost of a kilowatt hour of electricity from Seabrook is going to be about 11 cents a kilowatt. Right now, we are paying an average of about 7 cents a kilowatt. That cost is going to have to be averaged in and probably we will see an increase in the price of electricity of about 2 cents a kilowatt as a result of that plant being built and us getting into it.

I urge you to reject this motion to indefinitely postpone the bill, and give it its final enactment.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Weymouth.

Mr. WEYMOUTH: Mr. Speaker, Ladies and Gentlemen of the House: These people that Mr. Davies speaks of that would receive low income loans from this bill, they are going to get these low income loans at the expense of those of us who have done all we can already to conserve. There is no way that we, the ratepayers, are not going to pay for this.

I urge you to go along with Representative Cunningham and vote to indefinitely postpone this bill.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't planned to speak on this bill, but as this session drags on, you have to speak once in awhile. I hate to take your time but we have wasted so much time this morning, I think I can take a few minutes.

We passed a bill here recently, 2015, which is in association with the Governor's Housing Bill. We didn't pass the housing bill, which we probably will pass, but that 2015 provides and will provide, when we pass the rest of the bill, \$10 million for people to have for energy conservation. Why do you need this? You are going to have \$10 million for energy conservation. You are going to have people who are going to be allowed up to \$27,000 income for four people, 150 percent of the median income, to be able to participate in this. It takes care of all the people under the median income; \$10 million will do a great job.

The thing that bothers me is that you talk about delaying the cost of construction of energy plants. Mr. Davies says we will save so much money on the wattage and the cost of electricity. You know, for the last 10 years it has cost us 10 percent more per year to build or do any construction. Do you realize that in five years you will probably double the cost of what it will cost to build a plant to generate or to do any type of work, whether it is tidal or anything else. I say that if the electric companies have their monies and if they are allowed to develop power, whether it be tidal, whether it be any type, coal, anything that we can do, that is where we will save the money.

I am all in favor of energy conservation, I am all in favor of protecting the people who are spending their money foolishly now, so let's not have anymore. We don't need it; \$10 million will do a good job and I don't think you need this bill at all. The utility companies have all they can do to handle what they are doing in trying to generate the power.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: Very briefly, Mr. Cunningham, I believe, said that this would be a cost to the ratepayer and that is true, we were quoted that it would cost approximately 5½ cents per month and that would mean that Central Maine Power could back up loans of \$14 million. You can put that cost onto the ratepayer or you could eventually put the cost of building new generating facilities onto the ratepayer, because if we don't conserve electricity, that is exactly what will happen. I would wager that the cost for building new generating facilities would be a lot greater than 5½ cents per month.

This is an idea to conserve the use of energy, and I think you all know that if you have tried to insulate your own home or to make your own home more energy efficient, that it costs a lot of money. It is difficult for people to save money these days for anything, and if we can help people to save energy through loan interest loans, I think it is something that we should do.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I believe that we have been misinformed by Representative Weymouth when he said that this would provide loans to low-income people. I believe the bill is that it will provide low-interest loans to any ratepayers. I may be wrong, I stand to be corrected if I am.

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from New Gloucester, Mr. Cunningham, that this bill and all its accompanying papers be indefinitely postponed in non-concurrence. 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, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Dudley, Foster, Gavett, Hanson, Higgins, L.M.; Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Manning, Masterman, Masterton, McPherson, Nelson, A.; Norton, Paradis, E.; Perkins, Peterson, Pines, Randall, Reeves, J.; Salsbury, Sherburne, Smith, C.W.; Stevenson, Stover, 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, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Hobbins, Huber, Jacques, Joyce, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Martin, A.; Martin, H.C.; Matthews, McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Paradis, P.; Paul, Pearson, Perry, Post,

Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Smith, C.B.; Soulas, Soule, Strout, Swazey, Theriault, Thompson, Vose, The Speaker.

ABSENT—Carrier, Dexter, Fowle, Higgins, H.C.; Holloway, Jalbert, Kane, Laverriere, O'Rourke, Rolde, Small, Tuttle.

Yes, 62; No, 77; Absent, 12.

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

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

Enactor

Later Today Assigned

An Act to Amend the Maine Implementing Act with Respect to the Houlton Band of Maliseet Indians (S. P. 931) (L. D. 2076) (C. "A" S-463)

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

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

An Act to Protect the Atlantic Salmon Fishery in the Lower Penobscot River from Veazie to the Southernmost Point of Verona Island (S. P. 906) (L. D. 2048) (S. "B" S-460 to C. "A" S-436)

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

Enactor

Indefinitely Postponed

An Act Authorizing the County of Cumberland to Raise and Expend Funds for the Construction of a Court House and for Capital Improvements to and Related Facilities for Certain Court Houses (H. P. 2087) (L. D. 2024) (H. "B" H-751 to C. "A" H-728)

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

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I certainly do not want to delay this process any further than it has been, except that I want to remind you briefly that this is the bill we discussed for about an hour a few days ago. It is a bill that allows Cumberland County to send out a bond issue to build a courthouse and also to make renovations in two other sites in Bridgton and Brunswick. My concerns at that time were quite available and also quite prominent, I thought, in terms that there are a lot of other issues besides just space. Over the weekend I have been able to gather a lot more information regarding all this, and I would be happy to share that with you at the appropriate time.

I have talked with the Bureau of Public Improvements and they have information that would also be needed or should be talked about and I would also point out that the amendment that was put on yesterday now causes a great deal more concern. I think anytime you have a lease arrangement, you have to have escalators built into that lease, the state is going to be contributing money to that courthouse and those renovations. I think there has been a lack of planning, there has not been any kind of progression or any kind of sequence in laying out the issues and dealing with it in an appropriate manner. The BPI speaks to that, as do other people.

In an effort to be brief, I would just say that I think there are many, many concerns, many more than I had anticipated before, and I still think this is poor timing. I would certainly like to be involved in better planning and better timing in working on this issue at a later date.

The delegation is certainly divided on this,

and I think to ask the state to become involved financially, when the delegation itself is not unified behind this, would warrant a delay in this measure.

Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed and I would request a roll call.

The SPEAKER: The gentleman from Windham, Mr. Diamond, has moved 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 South Portland, Ms. Thompson.

Ms. THOMPSON: Mr. Speaker, Men and Women of the House: As Representative Diamond said, the delegation does not have a consensus on this issue. I regret to say that even our car pool is split.

It is my sense that this is not the time for the expenditure of \$4,500,000 to be considered. I don't believe it is the time for government to be advocating the construction of new buildings, and these are the reasons I would like to cite.

The debate as to whether the courthouse at Cumberland County is overcrowded could perhaps be alleviated by better management of time and scheduling. All of the groups involved in the judicial process are not entirely convinced that the building should be constructed. Some law enforcement officials feel that the process is poorly managed and better efficiency should be established before \$4,500,000 is spent on a new building.

Another reason — there is now a bill on the Governor's desk waiting to be signed that will allow use by the judiciary of other government buildings. This might be a cost-efficient way to make use of some of the school buildings that are being closed in your communities and in mine.

Another reason — the state should be concerned over whether this issue is put to a referendum by Cumberland County. Even though the voters of Cumberland County will be the only ones to vote on the issue, it will be the state that, in fact, pays for the bonds through the lease agreement with Cumberland County over the space of several years, so it is definitely a statewide concern and it is my feeling that it should therefore be a statewide referendum.

The strongest reason, I think, were reasons that were cited yesterday in our discussion about the constitutional amendment regarding a balanced budget. Both Democrats and Republicans cited the fact that students now are finding it very difficult to find money to go to college. Families are struggling to buy new homes, but because of the unavailability and the expense of borrowing money, they find that they have to renovate rather than build new ones. The elderly on fixed incomes continue to struggle to meet their property tax payments.

For those reasons, clearly we see that people are having to make do with less. People are having to reassess their needs and wants. I believe that this is clearly not the time for government to be considering the option of new construction to the tune of \$4,500,000.

I urge you to support the motion to indefinitely postpone the bill.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: Both Representative Diamond and Representative Thompson are concerned about this funding mechanism. That is, although the state court system is a state responsibility, we are asking the County of Cumberland to pledge its faith and credit in floating a bond to construct a new district court in Portland, a new district court in Brunswick, and to rehab the one in Bridgton. Let me answer that concern by emphasizing that out of the 33 district court facilities in this state, 14 of them are county owned but state leased. The

latest example of a courthouse, a district courthouse that was built with a county bond issue was in Knox County. I have a list of where these district courts are but in the interest of time, I won't read it.

You might be interested to know that 13 of the district courts are municipally owned; that is, municipalities have floated bonds or otherwise appropriated money for district courts in their towns. Four of the district courts are privately owned; they were built by developers and the state is leasing them.

The only state-owned building, district court, that we have in Maine is the one right down here on the rotary in Augusta. So you see, this idea of somebody else building the facilities but the state leasing that facility is a tradition in the state of Maine, so I hope that quells some of your concerns on that issue.

Representative Thompson said that this is not the time to build a new building. Well, I say, if not now, when? Two years ago, the court system asked for various constructions around the state for district court buildings and we didn't get that bond issue. Every year that goes by, add another \$500,000 or a million dollars. Already what they are asking for this time is a million dollars more than what they asked for in Portland last time, so consider that.

As far as the inefficiencies that both Representative Thompson and Representative Diamond are concerned about, I don't know whether inefficiency is avoidable or unavoidable in the court system. Is it unavoidable that a policeman doesn't show up for a hearing? Is it unavoidable that a hearing gets postponed because a police officer is not there as a witness? Certainly, there may be various ways that the efficiencies of the court can be tightened up and improved, and I certainly am with you 100 percent on that issue, but that is not what we are talking about today. We are talking about the bricks and mortar, without which the district court in Portland and Bridgton and Brunswick are going to continue to be clogged and log jammed because of lack of space.

What about using closed school buildings? Well, last time around, two years ago, the administrative system in the court looked at a fire station that was kitty-corner across the street from the present Cumberland County Court House, and after some look at it from an engineer and an architect, they decided that it was not economically feasible to rehab that building into a court facility. It would have been very advantageous because it is right across the street. Any other closed school building is not right across the street and it is imperative that the court facility be close to the jail. Otherwise, you have transportation problems with people who are unstable and actually sometimes violent, so it is advantageous to have it right next door.

Finally, I would like to stress that this is a partnership between the state and the counties and the towns, actually, of Cumberland County. We are asking the state to pay back the bond through the leasing, but remember, it is the faith and credit of Cumberland County that is behind that bond and, in turn, the cities and towns of Cumberland.

This bill, the bond issue, will go out to referendum and I will tell you, if the citizens of Cumberland County cannot be persuaded that a new court building or three of them are needed, then we won't have them, so I urge you to defeat this motion to indefinitely postpone this morning.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not interested in tradition, I am interested in the money that is being mentioned. I cannot vote for money for brick and mortar when we have people in the state in dire need. This building is truly needed but there are more pressing issues than a building right now.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker, I would like to pose a question through the Chair to the Chairman of the Committee on Local and County Government.

Would you share with the House the scenario of this bill as it was deliberated by your committee, please?

The SPEAKER: The gentleman from Freeport, Mr. Mitchell, has posed a question through the Chair to the gentleman from Sabatatus, Mr. LaPlante, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: The bill came into our committee and we held a public hearing. After the public hearing we had voted "leave to withdraw" or "ought not to pass". One of the reasons was that it was lined up strictly for the Portland district area and I didn't feel at the time, and the members didn't feel, that it was fair to commit the assets of the municipalities of Cumberland County for one district in Cumberland County, so we made a strong pitch that the only way that we would even consider sending the bill out would be if Bridgton and Brunswick were added onto that. Then, come to find out, BPI has a building or a plan ready to go out to bid for the Brunswick area at approximately half the cost that the county could do it under this bill. Apparently, the Director of BPI is ready to go out to bid this Spring.

The Bridgton area, there is a school that may be accessible and that is what possibly will be remodeled for the Bridgton court system.

The only fear that I had at the time, and members of the committee and I am sure that they can express this for themselves if they wish, is building a building in the center of town that is restricted for future expansion if the case loads increase enormously.

We did send the bill out and the only reason was because it did affect all the people.

The only other concern I had was whether the county will negotiate properly with the state and if the state will go along with it and that is the commitment payment for the first year — will they receive a check from the state prior to the building costs for the first year or will they assess the communities of Cumberland County, which will raise the property tax, and then receive a check one year down the road from the state and then the appropriations will be paid a year later. That was one of my concerns.

The other concern I had when Judge Devine and Mr. Beckett came in and I made that public at the time when they asked and said they couldn't figure out why two years ago the state voted down the bonding issue for the judicial system, and I did point out and it is my feeling and the feeling of many people in the state that they have done an extremely poor job of public relations with the public and that the victims feel victimized by the courts. It is not enough that they have been victimized by the criminals, but they now feel victimized by the courts, which is supposed to protect them.

For the first time, I received hand written letters from the Cumberland County people, starting this last weekend—I was surprised that I received more letters than I received from my own constituents for other issues—and that is not to send out this bill. I just wanted to bring that out because I did receive a lot of mail. That is not my district, so I am not going to fight against this bill but I guess there is a concern and the scenario was that we did allow the bill to come out so it would be discussed and aired out here on the floor.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: A little while ago in the Appropriations Committee, we had come down to our committee from the Bureau of

Public Improvements, Mr. Leighton Cooney, who walked into our committee one day and said, we want to build a new court facility in Brunswick. What we want to do is, we want to lease it. He had the blueprints there and he rolled out the blueprints and we had been told for some time that there were problems in Brunswick, so we looked at it. We looked at the blueprints and listened to his pitch about how they are going to lease this space for the state and have a new court there.

We thought about it and we thought about it, we discussed it among ourselves and my co-chairman suggested that while he certainly was not opposed to that sort of thing, and we all came to the same conclusion, at least I think we all did, was that there had never been established by the court system any kind of a priority list of the crisis problems in the state in the courts.

Now, in our budget documents, we have listed within the General Fund the different projects rated as to what should be done first before anything else is so we could allocate our money wisely. The courts have not done that. What they have done is, they went out to a referendum that they got turned down on not only by the state but by the people in Cumberland County they also have come to us before several times and said, we have done this study, we have done that study and I don't know if their problems are really as great as they say they are. I don't know that there not either. But one of things that we were concerned about there was, after we began to think about it, if the courthouse in Brunswick, which was the one that was immediately before us, was 10 miles away from the courthouse in Bath, perhaps they could serve one another. The courthouse in Portland, we had been told over the last several years, has always had problems but we don't know exactly whether or not those problems can be solved by judges working longer hours or alternating their schedules or whatever.

What I am trying to say in a nutshell is, if you bring this in a county in the state, whether it is Aroostook or Cumberland or Piscataquis or Washington that comes in with a bill and says, here is our problem—for example, we have one in Skowhegan, in Somerset County, it is a bad facility—they come in and say this is our problem, we want it solved. We say to ourselves, where is that on the priority list? The courts don't have a priority list. What are we doing? Are we addressing the one problem in the state that needs addressing first or are we doing this one that is way down the list? There is no rhyme nor reason to this, so the county in Cumberland now comes in, at least part of the delegation, and says, we need a new court facility in Portland. The rest of the county in Cumberland now comes in, at least part of the delegation, and says, we need a new court facility in Portland. The rest of the county, knowing the history of that county as little as I do, Brunswick says, aha, you are not going to get that unless we get something and Bridgton wants something too, so it grew within Cumberland County to satisfy everybody.

Now, I am wondering, they set up this special way of funding the construction of a building by creating a dedicated revenue account, that is what essentially was done when the amendment that was put on yesterday. All of the fines that are going to be collected will pay for that court facility—what about ours in Bangor, what about one in Houlton, what about the one in Ellsworth or other parts of the state? Do we all create little special revenue accounts to build our buildings and forget the rest of the state?

I don't think it is a sensible way to go about funding court buildings or establishing the need of court buildings. I am not saying in any way that Cumberland County doesn't need a court facility, but this certainly is not the way to go, about figuring it out.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Old Town, Representative Pearson, has touched on an issue that we did discuss in Appropriations, and let me tell you at the outset that it is not my intention to get involved in county issues. But, unfortunately, this is not a county issue.

The gentlelady from Cape Elizabeth, Representative Masterton, has indicated that this is a partnership type of deal. I would suggest to you that it is a blind partnership if it is one. This is the type of back-door financing that has been taking place in the state for too long. If we allow this bill to become law, the state is going to pick up the tab for courthouses when a statewide referendum has just turned one down.

It is true that BPI did come before Appropriations and the Appropriations Committee was very unhappy with the way the project in Brunswick was being proposed. The proposal for the community of Brunswick was on a lease—purchase agreement.

You have heard me state before on the floor of this House that the state is currently paying \$4 million a year for rents across the state. We in Appropriations have written into the budget document instructions to BPI to take a close look at all the lease properties in the state to see if some state offices could not be combined to afford more efficient leasing. If you take \$4 million and think of that as the principal payment per year, you could parlay that into a \$60 million bond issue and how many court buildings can you build with \$60 million, or other buildings, for that matter?

The other issue that has not been brought out before you is the fact that the project in Brunswick is supposed to be constructed on land taken by eminent domain by the highway department, and any land that has been taken by eminent domain, to my understanding, may not be used for anything else but what it was taken for. Even if this bond issue were to pass, Brunswick would not be able to build that courthouse where they wanted to build it, on the corner of, I think, 201 and Route 1. That land was taken by eminent domain and is for highway purposes and may only be used for highway purposes.

I think we are rushing into something, and I would urge this House to indefinitely postpone this bill and wait for BPI to conduct its study, as it has been or will be directed when we pass the budget document, and report back to us and then we will have a system of priorities set up, as the good gentleman from Old Town has indicated, and we will know where we are to go and we can more wisely spend the taxpayers' dollars.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to answer a few of the questions that have been raised here today. Granted, in the city of Bath there is a new courthouse, but the reason there is a new courthouse or a new court facility is because not this legislature but past legislatures indicated that that was a district court in itself. I personally think it is foolish, but we have always talked about, we cannot bind future legislatures. I think past legislatures have really done it to us in this instance. Within 10 miles you have a new court facility; yet, the town of Brunswick, which is presently the court facility in northern Cumberland County, has an old one. If we want to go and amend that part of the law that deals with district courts, I am sure that the people in the Brunswick and Bath area would go along with it. But this time there must be a district court in Brunswick and there must be a district court in Bath.

A little earlier in the discussion, we heard Representative Diamond talk about timing and scheduling, he indicated about meetings, a

letter that was written. I talked to Chief Dave Pickering of the Cape Elizabeth police department over the weekend and Chief Pickering is the head of the Police Chiefs Association for Cumberland County, and he has indicated that the letter they wrote to Dana Baggett did not have in it anything that was negative towards a new court building. It just indicated that scheduling was a problem and they would like to sit down and meet with him. Talking with Chief Pickering, he did indicate, because it wasn't too long ago that Chief Pickering was a police officer himself, that there is a problem in Cumberland County, especially in the Portland area. He said, when you bring in somebody in handcuffs for a trial and the witness is sitting right across from him, it makes it very difficult, it intimidates the witness.

We talked about judges not working long. I have heard that for two years up here. Let's look at what the district court judge has to do. The district court judge deals with fines, he also deals with the juvenile cases, and in juvenile cases, most of those juvenile cases, if not all of them, are behind closed doors, so therefore the public doesn't realize maybe they are in chambers or maybe they closed the courtroom because they are in there talking with the parents of the juvenile or the victim of the crime and therefore we sometimes don't realize that, okay, maybe the court is only open four or five hours a day but I am sure if we looked at those justices, they are there eight to nine hours a day. Don't forget that a lot of them are traveling justices and therefore, if it is a Friday afternoon and they are in Millinocket or in Machias or in Calais and they live in the Augusta area, do you expect that person to get home at one or two o'clock in the morning? Maybe they will leave early, maybe they will leave at four thirty or three-thirty or two-thirty.

I think one of the things that has got to be brought out is that the estimated fines collected in Bridgton during this year will be roughly \$89,736; the fines for Brunswick, \$357,348; the fines for Portland, \$1,533,468; for a total of \$1,980,552. That is a lot of fines being brought into those three courts.

I know that the state is strapped, but I think there is another problem that we have got to address and that is the problem of overcrowdedness. You have heard people talking about witnesses—let's get back to the fact that—what about the divorce cases?

I am sure there have been people in this body that have probably been on either side of a divorce case. Being single, I haven't had that opportunity yet. That is a private thing and there should be some privacy in that. When you go into Portland District Court, I have been down there, not to pay any fines but I have been down there doing some research, and it is, it is pretty crowded. When you have somebody in there who is really upset and they are going through a divorce, it is something and I think that is one of the things that we have to address.

I would hope that you wouldn't go along with the indefinite postponement. I am sure there are going to be others up here to discuss other counties that have done the exact same thing that Cumberland County has. Bangor was one of them. The Bangor District Court, in 1971, had the same bond issue and the state is paying for the Bangor District Court right now. There are others throughout the state, so this isn't anything new.

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

Mr. LIVESAY: Mr. Speaker, Ladies and Gentlemen of the House: We have addressed an awful lot of peripheral issues this morning and I think we have strayed somewhat. I will attempt to bring us back on line a little bit.

It seems to me that there are two really critical issues that we need to be discussing this morning. The first issue is the question of need.

Does Cumberland County need these additional district court facilities?

In listening to the various people that work within the district court system in Cumberland County, I have become convinced that there is, in fact, a need for a new facility in Portland and that there is, in fact, a need for a new facility in Bridgton, and I know for a fact that there is a need for a new facility in Brunswick. In Brunswick, we haven't acted precipitously, this hasn't been a head over heels, let's get this thing constructed overnight approach. We have been discussing and working around our district court problems for at least four or five years now.

I know in Brunswick that we created, I think three years ago, a committee whose specific assignment was to inventory the various buildings within the town and attempt to locate one of those buildings that was being under-utilized and suggest the possible conversion of that building but we never came up with that sort of a structure, it just wasn't feasible. So at least in Brunswick, we came to the conclusion that there was an absolute need for a new facility.

Let me tell you what we struggle with in Brunswick with our present district court building. We have a judge's chamber that serves as the office of the Clerk of Courts. We have a 12 by 16 room that is occupied by four additional clerks or deputy clerks or assistant clerks, they are literally desk to desk. We have a dutch door, which is the area where these clerks service the public, it is a narrow doorway with a top that swings open and maybe you will have a line of 10 to 15 people backed up there seeking to address their problems. We have a district courtroom that is furnished with folding chairs, depending on the number of people that show on a particular day, chairs are brought in as needed, so there is absolutely no question but that there is a need in Brunswick, and I am convinced also that there is a need in the other two communities.

I think the second critical issue that we need to be discussing today is whether or not this particular funding mechanism is appropriate. I have given that a lot of thought, because at the outset I was somewhat uneasy about utilizing a county referendum, but after giving it a good deal of thought, I have concluded that, in fact, that is the most appropriate way to go. Who knows better than the citizens of a particular county as to whether or not that county ought to be appropriating additional monies for new court facilities?

I think if you look at the alternative, you will realize the difficulties. A statewide bond referendum for construction of new court facilities, if it were to go out today, and if we were talking about maybe a \$10 million referendum, it would become evident to the voters of this state quite quickly that at least five of that ten million was earmarked for Cumberland County. I don't think it takes a great deal of wisdom to realize what will happen to that sort of a bond issue; I think it would lose.

It seems to me that in the future, maybe what we ought to be talking about is, in fact, invariably county-wide referendum voted on by the people most directly affected by the inadequacies of their court facilities.

Beyond that, let me tell you how I think we would progress in terms of the actual construction of a court facility. First of all, these county-wide referendums would have to be authorized by the legislature. Once it was authorized, it would have to go to the voters and if it were approved by the voters, what would then happen would be that the court administrators, in conjunction with the county officials, would come up with a list of specifications and then solicit bids and proposals. They would then, I presume, accept that bid or proposal that most closely aligned with their thinking and presumably the one that would cost the least amount of money. But before they would ever authorize an issuing of these bonds and actual sale of

these bonds, they would then go to the Bureau of Public Improvements and enter into some sort of a long-term lease arrangement, and if, in fact, it was evident to the Bureau of Public Improvement that this wasn't a good deal, that this wasn't the sort of deal that the state ought to be coming involved in, then they wouldn't enter into the contract and the bonds would not be issued. There is ample protection in the utilization of this funding mechanism as far as the state is concerned.

If Mr. Cooney, over in the Bureau of Public Improvement feels that he has a cheaper way of going about construction of a district court facility, then he will have the opportunity to exercise that alternative. All he needs to do is say, look, I am sorry, I know a better way to go, I know a cheaper way to go, so the state is protected. The need is there, the mechanism is appropriate, and I certainly hope that you will not vote in favor of indefinite postponement.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support the motion before this body. Please do not burden my people of Portland and my people of Cumberland County with such a bill.

I have listened patiently to these speakers. Don't they realize there is no such thing as a free meal? Somebody is going to pay; somebody always pays. On this one, it is not only going to be the people in Cumberland County, it is going to be all of you, you will all pitch in.

I have visited that courthouse many, many times in the last 50 years, that courthouse that is down there now. I have often talked to the judges, yes, Judge Devine, Judge Donovan, I spent many hours down there talking to Judge Edward Rogers and you know Judge Rogers and myself over the years would discuss the problems down there and we could settle 99 percent of them over a cup of coffee. Now you are trying to shove something down our throats, I feel.

Where are they talking about putting this palatial palace that they are going to build in my city? Just where? They going to put it between a rock and a hard place. They are going to put that court right across from Wino Park. They say they are going to have 40,000 people a year visit that court. I don't want you good people coming down there and stepping over my poor winos there in Lincoln Park. Look, they won't let them stay in the jail and I don't want you to distrust them. I don't want the construction of this building to really disturb those nice people. They are there now. A lot of them stay there most of the winter.

This place where they want to build it, it is boxed in by interstate 295 and on one side the county jail, a rather new building; on the side by the federal building, I am telling you that it is a sad place down there.

It was mentioned about going down and people don't like to go down there and get divorces, you know, you are on display—that is not so. Last year, we passed a bill in here that says divorces are a private matter now. It is a behind closed doors thing. Nobody knows who is down there getting a divorce now. I just thought that should be mentioned.

In Portland, we have many attractions. We have the golden triangle down there. I know many people from this body, when I have invited you down to Portland, you would always say, where is the golden triangle? It is a vacant lot, they park cars on it. You thought it was something great. Well, it is down there and we can't afford to build anything on it right now. This piece of land where they want to put this building, I think it is almost as valuable as the golden triangle and if they ever put a \$4.5 million building there, hey, the golden triangle won't drag any of you people down to Portland anymore and that would disturb me.

Yes, more planning has got to go in there before they pass this bill. I sat here earlier this

morning when I saw it on the calendar and I said, why can't somebody amend this bill so they could build this courthouse out in Cape Elizabeth or up in Eagle Lake? There has to be other alternatives. Remember, someone always ends up paying. There is no such thing as a free meal, and I would ask for the yeas and nays.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to respond very briefly to my colleague and cousin from Portland, Mr. Joyce. Mr. Joyce says that this may cost the state some money—no kidding? This is a state responsibility. The whole idea is that Cumberland County is willing to do a bit more than its usual part to make sure that the citizens of Cumberland County are well served.

It is a state responsibility, and this legislature ought to take a step today to live up to that.

If it does turn out that Mr. Pearson is right and that the courts and their administrators have not prioritized which courts are in the worst shape in the State of Maine, I can't see why that in and of itself should penalize the people of my county.

There is one last thing. There is kind of an implication here that this is a Portland bill. The gentleman from Winslow, Mr. Carter, referred to Representative Masterton as the lady from Portland; she is from Cape Elizabeth and I am from South Portland, a separate town.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I think we have kicked around Cumberland County enough this morning. I think you always have that opportunity to—I suppose it is the same kind of feeling that you would like to do with Eagle Lake from time to time in a joking fashion—but really, the problem we have before us is not a joke, and I suppose, just as Representative Kane from South Portland said, I guess all of us women who represent Cumberland County look alike. We are not alike and we have different constituents but we all have the same problem, and that is the county courthouse, district court.

Did you know that the court system of the State of Maine contributes over \$10 million to the General Fund? If, indeed, that third equal branch of government is not prioritizing its needs, perhaps they should. Why punish them over this?

If, indeed, this is a bill that is going to hurt the winos of the City of Portland, it certainly is a concern of the City of Portland.

I think it is important to remember what we are dealing with here. We are dealing with the fact that people, thousands and thousands of them who serve as jurors in the state, are being in a compromised position. This is extremely uncomfortable for them physically to do what they are supposed to do as good citizens.

I have a letter from a superior court justice, Justice Perkins, and it speaks of these people, that the judicial branch of government undoubtedly has a greater citizen participation than either of the other two co-equal branches of government. The judicial system survives because of it. Thousands of people are called upon as an obligation of citizenship to serve two or three weeks in Cumberland County as jurors, and they have no direct connection with the judicial system otherwise and should be in a position to evaluate fairly the judicial and court performance. How many of you have, indeed, been on a jury or spoken to jurors?

We have no assurance that if we don't spend this money that it will go for education, that it will go for the elderly. I wish we had those assurances; we don't.

We all know that time is money and money is time. If we wait much longer on this issue, it will be that much more expensive for all of us. I have said it once at the hearing and again at a

workshop and again a few days ago, that this is a bill not for the justices, not for the lawyers, but for the people, the people who should be served by justice and I think to kick Cumberland County around one more time is not what should be appropriate here before us, and to vote against this bill so that the winos have a place to relax in the City of Portland is another reason why I think we really ought to take a good look at this bill and what it does.

This is a county problem—at least we are voting on it—and I will tell you that as the Chair of the Cumberland County Delegation, of which there are 38, only 9 had concerns that they were not going to support this bill and three of them changed their concerns once they heard of the new amendment.

I know some of you come from smaller counties and 38 is a pretty unruly number, you need a whip and a whistle and a chair and a gun at some of those meetings, so we don't always agree, but we passed a Cumberland County budget with less people in agreement than we have here today on the Cumberland County court, what we have before us.

I plead with you, as people who understand what it is like for county needs, to vote to pass this and get it on to the people of Portland and Cape Elizabeth and Brunswick and all the towns and communities of Cumberland County to make the decision if they want it and need it.

This is a co-equal branch of government we are talking about, and let's stop kicking Cumberland County around and stop kicking the court system around.

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

Mr. MICHAEL: Mr. Speaker, I move the question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and obviously more than one third of the members present having voted in the affirmative, the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I hope you vote against the motion to put the question now. I think it is very unfair for anyone, and very discourteous, to move the question in this House. I have been here a long time and I have never made such a motion. I am not the prime example of a legislator here, but I do intend to give the consideration to the people so they at least have a chance to talk. I do hope, as a matter of courtesy, that you vote against the motion and I would ask for a roll call.

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

Mr. JACKSON: Mr. Speaker, I think this is a good idea. I think we should move the question. We are down to one day in this body, we have talked about this for about a half hour. I don't think anyone is changing their mind and I think we ought to move the question a good deal more.

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

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

The SPEAKER: The pending question is,

shall the main question be put now. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Clark, Connors, Curtis, Davies, Davis, Dillenback, Drinkwater, Dudley, Fitzgerald, Gillis, Gowen, Hanson, Hickey, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jacques, Kiesman, Lancaster, Locke, Lund, MacEachern, Macomber, Martin, A.; Masterman, Masterton, Matthews, McColister, McGowan, Michael, Michaud, Moholland, Murphy, Nelson, A.; Nelson, M.; Norton, Perkins, Pines, Pouliot, Racine, Randall, Reeves, J.; Ridley, Sherburne, Small, Smith, C.B.; Stevenson, Studley, Swazey, Tarbell, Telow, Wentworth, Willey.

NAY—Austin, Baker, Beaulieu, Bell, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Carrier, Carroll, Carter, Chonko, Conary, Connolly, Cox, Crowley, Cunningham, Damren, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Erwin, Foster, Fowlie, Gavett, Gwadosky, Hall, Hayden, Hobbins, Huber, Jackson, P.C.; Jordan, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lewis, Lisnik, Livesay, MacBride, Mahany, Manning, Martin, H.C.; McHenry, McPherson, McSweeney, Mitchell, E.H.; Mitchell, J.; Nadeau, Paradis, E.; Paradis, P.; Paul, Pearson, Perry, Peterson, Post, Reeves, P.; Richard, Roberts, Salsbury, Smith, C.W.; Soulas, Soule, Stover, Strout, Theriault, Thompson, Treadwell, Twitchell, Vose, Walker, Webster, Weymouth.

ABSENT—Higgins, H.C.; Jalbert, Laverriere, O'Rourke, Rolde, Tuttle, The Speaker.

Yes, 66; No, 78; Absent, 7.

The SPEAKER: Sixty-six having voted in the affirmative and seventy-eight in the negative, with seven being absent, the main question is not ordered.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I wish to say a few words this morning on this particular bill, and the reason is because I have a different approach to the bill.

There is no doubt but what there is a need for some changes in the Cumberland County Courthouse, but I want to present to you some alternatives which apparently have not been given this morning.

First, I have to go into short detail on the unused courtrooms currently in Cumberland County. I have with me here the schedule of the Superior Court assignments for the year 1982, and it clearly shows that the courthouses in Lincoln and Sagadahoc counties are not being used, each one of them, six months out of the year. With that information, I want to make a few recommendations.

We are talking about the district court's use, and in order to get to it, I have to use first the superior court setup.

As it is now, the superior court, which is based in these two places, in Bath and Wiscasset, their courtroom is not in use six months out of the year. If there is such a need for a new courthouse, how come this backlog of cases in Portland hasn't been transferred there? Why don't we keep these courthouses open? That is what they are for. If you don't think you have enough superior court judges, why don't we send one chief judge for all the regional sections of this state, just as they have in Massachusetts and in Connecticut and in New Hampshire? These same places have the same amount of judges, 15 judges and 15 courtrooms, and this is what they have done. They have taken and instead of having three regional judges, they have one and use the other two to work on this backlog of cases. This is one suggestion.

The problem of freeing up more space for the district court in the courtroom in Portland—I

suggest to you that we consider moving the Maine Supreme Court, which is based in the Cumberland County Court House, from their present quarters to quarters here in Augusta where the activity is, where the center of activity is. We can bring them over here and let them rent places for the Supreme Court and that would be much cheaper and a different solution than spending all the many million dollars as suggested to build a new courtroom. By moving them here, it would also give us pretty close to a whole floor for the district court in Portland, which would be available for the district court. This is much more efficient and would cost much less to do this.

We also have, I believe, an overabundance of administrative office staff. Do we actually need three court administrators for the superior court instead of one? I don't believe you do.

Again, other states have managed to run very efficiently without such a number in court administration. Why can't the Maine system think of saving instead of always looking to expand buildings and court administration with no guarantee that the efficiency will be better?

We passed a bill here recently that allows the court to go out and lease buildings, even if they are not governmental buildings.

We can transfer cases from Portland or anywhere else to Sagadahoc County and to Lincoln County. This is not a precedent; it would not be a precedent. For your information, at present we have the Fryeburg people, who belong to Oxford County, who now have sent them to the Bridgton Court, which is in Cumberland County. We also have the people of Jay and Livermore Falls, who are in Franklin County, and they are sent to Androscoggin County. So this would not be anything different, to take somebody from Cumberland and sent them over to Sagadahoc County or somebody from Cumberland and sent them over to Sagadahoc County or Lincoln County.

I will say this to clarify it—I would not suggest this be done on a jury case, but I think a lot of non-jury cases could be sent there and taken care of very efficiently.

The problem of the overcrowdedness of the courthouse in Portland is a reality, and I believe that if you take the law court out of there and also all their law clerks, they have two, and their other staff and move them over here to Augusta, some people believe Bangor would be the ideal place, which would be the middle of the state, but I feel that Augusta would be in the center of things and the judges themselves either live a few miles south or a few miles north, and I think that this could be right in the center of activity and they would be able to listen to what goes on around here and what we do need.

It was mentioned that this is a district court, but I think the place you need the most improvement on is Bridgton and Brunswick, but mostly in Brunswick.

I am of a different opinion than what was said this morning. I figure that if you would hit the people of Cumberland County for a million dollars, \$750,000 in Brunswick for improvement there, and improvement in the Bridgton Court for \$250,000, for a million bucks instead of a four or five million dollar bond, I think it would pass. I think the people have spoken on the big amount that was to be spent, including Cumberland, but I do believe that we do have to consider very seriously the need in Bridgton and in Brunswick.

I think the time is now to actually kill this bill, and I hope you move for the indefinite postponement.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that we are back on the right track. I have seen this bill go from a Cumberland County bill to a Portland bill, and I guess we are now back to a Cumberland County bill.

I do represent one of the areas that are concerned in reference to the district court facilities, and that happens to be the Bridgton facility. I don't know how many members of this body have been in the facility. It is up over the municipal offices and it is a small facility. We do have a problem with space. We do have a problem with accessibility for handicapped people. We also have a problem with storage space. These are some of the concerns that we share with the other areas that are mentioned in the bill.

It seems to me that if we want to sit here in Augusta, or I should say stand here in Augusta and debate this bill today, we should oppose the motion to indefinitely postpone this, let these same people who are opposed to this piece of legislation take up throughout Cumberland County, the people the courts serve, the opportunity to vote on this issue, to make the decision for themselves.

I don't see anything unique about this piece of legislation. We have done this 13 or 14 times with a county bond issue with the district court facilities statewide, as someone mentioned. Ellsworth, Caribou, Houlton, Wiscasset, South Paris, Bangor, Dover-Foxcroft, Fort Kent, Belfast and Rockland. I don't see anything really unique about this piece of legislation. Maybe the financing is a little unique, but certainly we contribute a tremendous amount of money to the General Fund every year through the court system, and if we are concerned about the financing aspect, I don't think we should be.

I do think, you know, as an individual from the northern part of Cumberland County, that we do have a problem and this is the only way the problem can be addressed. If it is taken and passed in its entirety and passed on to the citizens of Cumberland County to make their vote, I certainly would hope that they would see fit to pass this piece of legislation.

I think that the delegation, not only the delegation but I think the court system has indicated and demonstrated that there is a need, this need is certainly a space need, and I think that is what we should be addressing today. I don't think we should be addressing the administrative part of the court system. That seems to be what the concern is, there is a great concern for the administrative part, but we are talking about an entirely different issue, and that is the space issue. I say let's address that first and then, if there is a problem with the administration of the court system, we should address that separately.

I would hope and would urge the members of this body to take the side to support the acceptance of this bill and oppose the motion of the good gentleman from Windham, the motion to indefinitely postpone.

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

Ms. THOMPSON: Mr. Speaker and Members of the House: Very briefly. I would just like to respond to some of the statements that have been made earlier.

Representative Kane said that this is a state responsibility; I agree. Therefore, it should be a statewide referendum.

Representative Jackson said that, yes, the funding mechanism is somewhat unique; yes, it is. It is basically saying that Cumberland County voters can vote to spend the state's money. My sense in that is that I can go out, buy a new car, and put my neighbor's name on the contract to make the payments.

I am a member of Cumberland County, I have not been convinced that I am misrepresenting my county by stating my opposition to this bill. I have not been convinced that the judicial system is managed efficiently or properly. I disagree with Representative Jackson, who says that we can let that situation be dealt with after, in fact, we pose this question to Cumberland County. I think the question of ef-

ficiency in the judicial system should be answered before, in fact, we advocate the building of new buildings.

I am not convinced that it is wise at this time for the state to look at the expenditure of \$4.5 million on this construction.

The statement was made that if, in fact, we do not spend this money on the Cumberland County Court House, we don't know if that money will go toward education or toward helping the elderly. Well, I can counter that to say that if we do, in fact, authorize this expenditure, we certainly do know that that money will not go for education or helping the elderly on fixed incomes or helping students to get student loans.

I am certainly not convinced, as a Representative of Cumberland County and also as a Representative in the State, that this is the proper time or place to accept this construction as a top priority.

I urge you to vote with the motion to indefinitely postpone.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: Let me make myself perfectly clear to my colleagues in the House and my colleague from South Portland, this is a statewide responsibility, which is why I am pleading with the members of this State Legislature to kill this motion.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I rise as a proponent of this bill and I rise to ask you to not indefinitely postpone action on it.

I am extremely familiar with the court building, and that is what we are talking about, as Mrs. Masterton said, bricks and stones at this point in time.

I feel and I am convinced and have been for the past six years that we need a building. We have pleaded continually for the past six years for the state to take action because we feel very strongly that it is a state responsibility. Unfortunately, no action has come forward in the six years that I have been here. I feel that we have an obligation to serve our people who find themselves in the judicial process whether they deserve to be there or not.

There are many problems with our judicial system and they certainly have been highlighted here on the floor of this House. Let that serve as a warning to those in the judicial system to take action to correct them. However, that does not mean we need to ignore the facility that has to be used by those who use the judicial system.

If anybody here could rise and point out ten identifiable problems with the court systems in Cumberland County, not necessarily on the floor of this House, and I honestly and sincerely feel that I am representing my constituents and the constituency in Cumberland County that feel that they have a right to debate and take action at the local level on this issue.

I ask you not to indefinitely postpone the bill and to let us do what we need to do at home, be it positive or negative, and maybe in the interim, if there is a delegation from Cumberland County that comes back, should we fail and not get positive action on the bill, then maybe the state will begin to assume its responsibility and do something for the entire state.

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

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, I just want to remind you one more time that there are 15 courthouses in the state that are state leased

buildings. This is not a new issue. It starts at Lewiston and goes all the way to Rockland and goes from north and goes from south, it is not a new issue, it is just asking that Cumberland can do it that is all.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I will be very brief. If you, indeed, want to indefinitely postpone the legislation that is before you so that the Bureau of Public Improvements can put forward a plan to build a new facility, remember that this is the very department that brought you our present telephone system.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Windham, Mr. Diamond, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Austin, Baker, Benoit, Boisvert, Boyce, Brodeur, Brown, A.; Callahan, Carrier, Carroll, Carter, Chonko, Conary, Connors, Connolly, Cox, Crowley, Cunningham, Davies, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Hall, Hanson, Hickey, Ingraham, Jackson, P.T. Jacques, Joyce, Kany, Kelleher, Kiesman, Kilcoyne, Lancaster, Lewis, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Martin, A.; Martin, H.C.; Masterman, Matthews, McColister, McGowan, McHenry, McPherson, McSweeney Michael, Michaud, Mitchell, J.; Moholland, Nelson, A.; Norton, Paradis, E.; Paradis, P.; Pearson, Perry, Peterson, Randall, Reeves, P.; Ridley, Roberts, Smith, C.B.; Smith, C.W.; Stevenson, Strout, Studley, Swazey, Telow, Theriault, Thompson, Vose, Webster, Wentworth, Willey.

NAY—Aloupis, Armstrong, Beaulieu, Bell, Berube, Bordeaux, Brannigan, Brennerman, Brown, D.; Brown, K.L.; Cahill, Clark, Curtis, Davis, Day, Diamond, J.N.; Gowen, Gwadosky, Hayden, Higgins, L.M.; Hobbins, Holloway, Hunter, Hutchings, Jackson, P.C.; Kane, Ketover, LaPlante, Livesay, Lund, Manning, Masterton, Mitchell, E.H.; Murphy, Nadeau, Nelson, M.; Paul, Perkins, Pines, Post, Racine, Richard, Sherburne, Soulas, Soule, Stover, Tarbell, Treadwell, Twitchell, Walker, Weymouth.

ABSENT—Higgins, H.C.; Huber, Jalbert, Jordan, Laverriere, O'Rourke, Pouliot, Reeves, J.; Rolde, Salisbury, Tuttle, The Speaker.

Yes, 86; No, 53; Absent, 12.

The SPEAKER: Eighty-six having voted in the affirmative and fifty-three in the negative, with twelve being absent, the motion does prevail.

Sent up for concurrence.

Orders of the Day

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

Bill, "An Act to Index Annually the Standard Deduction Provision of the Maine Personal Income Tax and to Provide for a Statutory Referendum" (H. P. 2074) (L. D. 2017)

—In House, Minority "Ought to Pass" Report Read and Accepted and Bill Passed to be Engrossed on April 1.

—In Senate, Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

Tabled—April 5 (Until Later Today) by Representative Mitchell of Vassalboro.

Pending—Further Consideration.

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

The Chair laid before the House the second matter of Unfinished Business

HOUSE DIVIDED REPORT—Majority (7) "Ought to Pass" as amended by Committee

Amendment "A" (H-732 - Minority (6) "Ought to Pass" as amended by Committee Amendment "B" (H-733) - Committee on Taxation on Bill, "An Act Providing for Administrative Changes in the Maine Tax Laws" (H. P. 1746) (L. D. 1735)

Tabled—April 5 (Until Later Today) by Representative Mitchell of Vassalboro.

Pending—Acceptance of Either Report.

On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of either Report and later today assigned.

The Chair laid before the House the third matter of Unfinished Business:

Bill, "An Act to Create the Maine Condominium Act" (S. P. 870) (L. D. 2019) (H. "A" H-743 and S. "A" S-451 to C. "A" S-447)

Tabled—April 5 (Until Later Today) by Representative Benoit of South Portland.

Pending—Passage to be Engrossed.

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

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: There is a House Amendment "B" being distributed at the moment. In order to allow people to become acquainted with that amendment, I would ask that this be tabled until later in today's session.

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

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

HOUSE REPORT—"Ought to Pass" as amended by Committee Amendment "A" (H-746) - Committee on Appropriations and Financial Affairs on Bill "An Act to Adjust Levels of Compensation for Constitutional Officers, Members of the Legislature and the Senate Secretary and House Clerk" (H. P. 2233) (L. D. 2091)

Tabled—April 5 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Committee Report.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-746) was read by the Clerk and adopted and the Bill assigned for Second Reading later in today's session.

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

Special Sentiment Calendar

The Following items:

Recognizing:

The late Moses Nanigian, of Madison, legendary football coach at Madison, Bangor, Edward Little and Lewiston High Schools and highly noted northeastern United States harness racing judge on his election to the Maine Sports Hall of Fame; (H. P. 2334) by Representative Richard of Madison.

The Resolution was read by the Clerk.

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

Mr. RICHARD: Mr. Speaker and Members of the House: Thank you for the opportunity to pay a brief tribute to a Madison native, the late Moses Nanigian, an outstanding, highly successful, legendary football coach, who guided numerous state football championships while coaching at Madison, Bangor, Edward Little and Lewiston High Schools. Moses also gained much respect and fame as a harness racing official and judge at tracks throughout the northeastern United States, including the well known Pocono Downs track in Pennsylvania. It is indeed fitting that the name of Moses Nanigian be enshrined in the Maine Sports Hall of Fame.

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

James H. Bisson, producer/director and

Marvin "Bud" Blumenstock, Extension Forester, Cooperative Extension Service, for excellence, achievement and service to the State of Maine in producing the "Yankee Woodlot" T.V. series; (H. P. 2336) by Representative Hall of Sangerville. (Cosponsor: Senator McBreaity of Aroostook) (Reconsidered)

Portland High School, the second oldest high school in the United States, on the celebration, April 16, 1982, of the 161st anniversary of its founding; (H. P. 2335) by Representative Brennerman of Portland. (Cosponsors: Representatives Manning of Portland and Nelson of Portland)

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

That April 8, 1982, marks the 50th anniversary of the death of Biddeford police officer Honored Dutremble, who was killed while performing his duties as a law enforcement officer; (S. P. 982)

The Resolution was read.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: The name Dutremble, you may not know who he is but he is the father of former Representative Lucien Dutremble and also the father of the State Civil Defense Director Richard Dutremble and the grandfather of Senator Dutremble.

He was police officer from 1928 until 1932 when he was struck down by an assailant's bullet in the performance of his duty. He started to work in the mills at the age of nine until he joined the police force at the age of 39.

He was a people's police officer. He was committed to the people of Biddeford and this was a time when an officer of the law was respected by the people on which the laws were being enforced. In those days, a strong word by your local police officer was worth much more than putting handcuffs on people today, as they are doing today. He gave his life in the performance of his duties for the people of Biddeford as well as for the state.

Thereupon, the Resolution was adopted in concurrence.

On motion of Mr. Hall of Sangerville, the House reconsidered its action whereby Resolution James H. Bisson, producer/director and Marvin "Bud" Blumenstock producing the "Yankee Woodlot" T.V. series; H. P. 2336 was passed.

Thereupon, the Order was read.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to say a word in regards to this Order. If any of you have had the opportunity to see the Yankee Woodlot, I think you will see what it means to the small woodlot owners in the state. I attended a conference Friday night and close to 1,000 small woodlot owners were represented. This show has been put on by two people in the Extension Service that made it a very, very wonderful show.

Thereupon, the Order was passed and sent up for concurrence.

By unanimous consent, all Orders sent forthwith to the Senate.

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

Non-Concurrent Matter

An Act to Provide for a Comprehensive Career and Occupational Information System (H. P. 2015) (L. D. 1985) which was Passed to be Enacted in the House on March 12, 1982.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-411) in non-concurrence.

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

Miss LEWIS: Mr. Speaker, I move that the House adhere.

On motion of Mrs. Beaulieu of Portland, tabled pending the motion of the gentlewoman of Auburn, Miss Lewis, that the House adhere and later today assigned.

The following Joint Resolution appearing on Supplement No. 8 was taken up out of order by unanimous consent:

The following Joint Resolution: (S. P. 984)
**JOINT RESOLUTION
 MEMORIALIZING THE
 CONGRESSIONAL BUDGET
 COMMITTEE AND MAINE
 DELEGATION REGARDING CHANGES
 TO THE RAILROAD
 RETIREMENT SYSTEM**

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

WHEREAS, the Railroad Retirement System was established by an Act of Congress, in 1935, to provide retirement-survivor and unemployment-sickness benefit programs for the Nation's railroad workers and their families; and

WHEREAS, the Railroad Retirement System has been financed jointly with contributions from rail carriers and rail labor for more than 45 years; and

WHEREAS, the Railroad Retirement System has a present cash investment worth \$3,600,000,000 and more than 1,100,000 annuitants, yet is administered with only 1% of the revenues; and

WHEREAS, the present organization, financial strength and longevity of the Railroad Retirement System allows for the efficient distribution of both railroad program benefits and, since 1974, social security benefits, to eligible recipients; and

WHEREAS, the abolition of the Railroad Retirement System or its absorption into the Social Security Program could conceivably jeopardize the continued distribution of benefits, now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the Congressional budget committees to reject any proposal contained in the 1983 federal budget which would abolish or reorganize the Railroad Retirement System, and be it further

RESOLVED: That a duly authenticated copy of this Resolution be immediately submitted by the Secretary of State to the Maine Congressional Delegation and the members of the House and Senate budget committees of the Congress of the United States.

Came from the Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence.

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

Passed to Be Enacted

An Act to Allow the Mapleton Sewer District to Charge the Full Cost Incurred in Filing a Lien (H. P. 2331) (L. D. 2139)

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

The Chair laid before the House the following matter:

Bill "An Act to Establish Standard Procedures Enabling the Formation of Municipal Power Districts" (H. P. 1959) (L. D. 1932) which was tabled and later today assigned pending further consideration.

On motion of Mr. Davies of Orono, retabled

pending further consideration and later today assigned.

The Chair laid before the House the following matter:

Resolve, to Establish a Commercial Whitewater Study Commission (S. P. 981) (L. D. 2140) which was tabled and later today assigned pending passage to be engrossed.

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

Mr. JACKSON: Mr. Speaker, I would move indefinite postponement of this.

This particular issue has been before us before and they raised the fees to, I believe, \$2,000, which was an attempt, in my mind anyway, to exclude anyone else from using the rivers for rafting; the fees were subsequently cut back to a lower figure. It proposes a moratorium which would keep everybody off the rivers except, as I understand it, one company. The bill is coming in in the final moments of the Legislature and I don't know whether it would get a public hearing or not, I kind of doubt it, and I really don't think we need to deal with it now.

I move indefinite postponement and I ask for a division on it.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't go along with the motion before you now. Initially, I was very much opposed to this bill myself because I think it was somewhat directed at protecting the people that now have permits to do this type of work. There is almost an emergency situation arising. Four years ago, we had something like 1500 people taking part in these whitewater rafting trips per year. Now it is in the vicinity of 20,000 a year that are going down these rivers and streams. It is becoming a hazardous situation and it is pretty much uncontrolled. The bill that is before us would provide for a moratorium on the issuance of future permits.

My amendment that was just distributed a short time ago would remove that moratorium provision in the bill and just provide for a study of the situation. It would be a committee, an ad hoc committee, that would study the situation until next session and come back with a recommendation for some regulation of the operation of these whitewater rafting companies.

Most of them have come in here from out of state and they get a permit and they can go and start running people down these rivers. It has come to the point where the rivers are becoming crowded. Other states have had to come to this point of regulation on the same thing years ago, but this is a fairly new industry to the state of Maine.

I just hope you don't go along with indefinite postponement so that I can amend the bill and have a study and have that study result in some good regulatory legislation next session. I would urge you to vote against the indefinite postponement so I could add my amendment.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Assuming that we do enact the study as an amendment, then the bill really has no effect whatsoever except they are going to study it during the summer. We can save the taxpayers money and time by just introducing it as a new bill in the next session of the legislature and then it can be handled in the regular course of committee business and we will save all the money of having to have a separate study, which really doesn't have any effect and we are not going to have any effect on it for this summer anyway with the moratorium removed. So, I think indefinite postponement would be a fine idea for this.

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

Mr. KELLEHER: Mr. Speaker, Ladies and

Gentlemen of the House: I think personally that we ought to give the gentleman from Lincoln an opportunity to present his amendment. That is originally why we tabled it this morning.

I don't want to wrap Mr. Jackson around in his own arguments, but he didn't mind telling this House only a few days ago how hard that banking study committee came in on the revision of the banking bill and how hard the committee studied it before it came before us.

If we want to listen to what Mr. MacEachern wants to do, I suggest that we give him the benefit (1) an opportunity and (2) if we believe this amendment is worth supporting, we can do that and then when we come back in the Fall, whoever comes back in the next session, will, in fact, have documentation to go with the bill that Mr. Jackson appears at one point to be in support of and then he argues in some way against it.

Mr. MacEachern, I believe, if we ever can get a chance to discuss his amendment in a proper fashion before this House, we should allow ourselves to do so. I would urge you to vote against his motion just temporarily, until we find out where Mr. MacEachern and his committee wants to go with the bill.

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

Mr. JACKSON: Mr. Speaker and Members of the House: In response to Mr. Kelleher's question, I would point out that the study on the banking bill was done within the committee on regular committee time as a bill; it was not done as a special study during the interim period of the legislature. Therefore, I think this can be handled as the banking bill was handled, within a regular committee as a regular bill, and I hope you will indefinitely postpone it.

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

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

How do you suppose the committee is going to operate between now and doomsday when the election comes around for them to act properly in terms of studying a bill without some financial support from this body and the other?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentleman from Yarmouth, Mr. Jackson, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think that the normal processes of the committee will handle it very well considering that they can't pass a bill anyway until the next session and it will save a lot of money. It could be handled very well, indeed, and I think Mr. Kelleher makes his own point that it should be handled through the regular committee processes and that there is absolutely no need to run a special study. It can be handled that way and save us some money by doing it.

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

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

How is the committee going to be able to study this particular issue if (1) we don't give them the authorization to do it; (2) the resources to do it as well? What is the magic formula that you have, Mr. Jackson, that we in this House are not familiar with in terms of committees doing studies and some reasonable appropriation to do that study?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed another question through the Chair to the gentleman from Yarmouth, Mr. Jackson, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. JACKSON: 100 legislative days, Mr. Kel-

leher.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the indefinite postponement of this bill. If you will just go to L. D. 2140 and read the statement of fact, I think you will find out the reason why a study is needed.

Several of the states south of us and west of us have declared moratoriums in permits for rafting. This is a rapidly growing sport and there are a great many people interested in it. If they can't raft on their own rivers, then they are going to come to the State of Maine because the State of Maine has a very good reputation as far as the whitewater is concerned. I ask you to give this industry the right to make a complete study of just what the impact will be and vote against the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I think we have a situation here this morning that compares to when we came from the horse and buggy days to the motorized world that we know today. When we had the first automobile, it frightened the horses off the street and we had no regulations, we had no traffic rules, and this is what we are finding on the rivers today.

Only a couple or three years ago there was no crowding on the rivers, but today we do have a problem and it is a traffic problem similar to what we had with the automobiles when they became very popular and I think we should look at it so that we don't lose this river traffic, the whitewater rafting and boating which has an appeal to many people.

I would urge you to support Representative MacEachern's motion this morning.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: If the committee is going to study whitewater rafting, I have some empathy for them. I think it would be better if they studied it in the winter, January, February and March.

The SPEAKER: The pending question is on the motion of the gentleman from Yarmouth, Mr. Jackson, that this Resolve be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

28 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

Under suspension of the rules, the Resolve was read twice.

Mr. MacEachern of Lincoln offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-755) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter:

An Act to Require the Maine Guarantee Authority in Certain Instances to Repay the State for Money Borrowed on its Behalf by the State (H. P. 2261) (L. D. 2107)

Mr. Carter of Winslow 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.

On motion of Mr. Carter of Winslow, tabled pending passage to be enacted and tomorrow

assigned.

The Chair laid before the House the following matter:

An Act to Provide for a Comprehensive Career and Occupational Information System (H. P. 2015) (L. D. 1985) which was tabled and later today assigned pending the motion of Miss Lewis of Auburn to adhere. In House—passed to be enacted on March 12; In Senate—passed to be engrossed as amended by Senate Amendment "A" (S-411) in non-concurrence.

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

Mrs. BEAULIEU: Mr. Speaker, I move that we recede and concur.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: This is a ridiculous bill and so I hope that you will not recede and concur today so that we can kill it.

What this bill does, it continues a computer system in various schools around the state, but not all, to supposedly help students find jobs. And what the amendment that the Senate put on does is give an appropriation of \$99,750. This would include three positions, as well as other things such as computers, I suppose. I think that this is money that we do not need to spend right now.

Let me tell you briefly what this computer does. If you are a student and you go to your guidance office, instead of your guidance counselor saying, why don't you be a lawyer or why don't you be a plumber, instead you can play with this computer. You can plug into the computer and say, I am color blind, I like to work outside and I am good with my hands, and the computer will then tell you what jobs you are good for. In the demonstration that I watched in the Labor Committee, the jobs that you were good for were stuntman, professional athlete and plumber. How many positions are there for stuntmen and professional athletes in the State of Maine, I would like to know.

Sure, it would be nice to have this computer, it would be good for kids in school to sit around and plug in with the computer and it would be fun to find out that maybe you could become a stuntman when you grow up, but for \$99,750, I think that we have more pressing needs in the State of Maine, so I ask you to vote against the motion to recede and concur so that we may adhere, to kill this foolish bill, and I ask for a division.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I have got to say that this is my very favorite bill in this whole legislative session, and it is not foolish, it is not ridiculous. This bill has revolutionized high school education guidance counseling in Maine. It is the single-most important thing that has come along, I think, in the last 25 years in high schools. A person that goes into the guidance office in high school now and wants to explore possibilities of going on to college or to trade school or finding jobs, for the first time in the state's history can draw upon the vast resources of the information that can come spewing forth from this computer, and they can do it themselves without the help of a guidance counselor.

If you have a guidance counselor in Caribou High School or you have one in Old Town High School or in Brewer High School, they probably know certain things but not everything. This computer, you sit down and you dial in the information you want and it will send you out a sheet of paper—for example, if you were going to ask it, I want to go to be a phys-ed teacher and I am interested in different colleges, it will tell you all the different colleges that you might want to go to. You say, well, I'm kind of interested in this one in Springfield, Massachusetts, so you ask it more details about Springfield. It

will tell you the population of the town and how many Catholic churches there are, how many Protestant churches there are, the tuition it costs, the grants that are available, everything you would ever want to know without even having to go in and see the guidance counselor, so it frees them up to give the individual attention that a lot of people need on emotional problems and that sort of thing in school by giving this information on a computer.

I don't understand how anybody could be opposed to this bill.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LAPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I certainly don't think that this is a foolish bill and I am sorry to see that Miss Lewis, the gentlelady from Auburn, has not operated one of these computers, apparently, and has not requested information from that computer of what this can do for a high school student.

The reason I can speak about it is because if you go to Oak Hill and you look at the time that has been used on that computer, my daughter is a big user of that computer, because she learned it, she understands it and she has helped other students use that computer to choose their college, to choose why they want to go to a certain college and then the subject matter at the colleges for the courses in which they wish to take for their degree, the profession they wish to go into at later times if they wish to live in the state of Maine and they go to an outside University but would like to come back to the state of Maine in their profession.

They can also punch out the type of job or profession they wish to go into, what is the turnover per year at this particular time that you have, what the future is in that job, what the pay range is at that particular time, this year, what it may be, what the demands are in that job. It has an unbelievable amount of information that the advanced students can use from this computer so that the guidance counselor can guide the students who need more guidance, probably need that little extra help to go to college or to find a vocational trade. It is not to find whether you are going to be a stuntman or a stuntlady.

This is very important, and it frees up, I will say it again, it frees up the guidance counselors to deal with the students who need more help. Those who are more advanced, who are capable of understanding a computer immediately, can utilize this and it really helps.

Many of the students at Oak Hill, and we are a very small school, we were one of the first of the smaller schools to use this computer, it has helped our rural children immensely because we don't have the interaction that you find in the larger cities where you have chambers of commerce and a variety of things that are accessible in larger cities. Especially in the rural areas, these students can find out all kinds of information that will help them with their future and, believe me, it is not a foolish bill.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am familiar with this bill. I served on the Labor Committee when we heard the bill and I was one of the signers of the "ought not to pass" in regards to this piece of legislation.

One of the reasons I was concerned with it was, number one, the information, the information that is supplied presently and is indicated will be supplied in the future. This information can be obtained presently without assistance from the computer; it just takes a little more time. It might educate our younger children in English comp or the ability to write and ascertain information and seek information without the assistance of a computer, which I think has some merits and maybe it doesn't have merits, I won't debate the philosophy of that.

One thing that I was concerned about in regards, as Mr. LaPlante indicated, the ability of this computer to designate jobs, tell where the jobs would be available in two years or three years or five years. I am concerned that this might flood the market in certain areas where we might have too many people trained in one field and not enough in another field and thereby overemploying in certain areas.

Another concern I had was, as Miss Lewis indicated, was the appropriation. We are talking about approximately \$100,000 from the General Fund. That is just part of it. We are talking about another \$100,000-plus from local levels.

There's only approximately 100 units of these available in the State of Maine presently, 100 locations.

These are some of the concerns that I had when we heard the bill and when we signed the bill out, and as you probably all indicated, I did opposed the motion for the majority report when it came to this body.

I would hope today that we would adhere and give this a little more time to be looked at, if anybody wants to look at it, I don't believe we should be funding it at this time.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mrs. Foster.

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: I attended the hearing, also being a member of the Labor Committee, and listened to many, many people in favor, no one opposing the bill. We received over 160 letters in support.

There are 100 of these systems already being used in Maine and I am glad to see Mr. LaPlante and Mr. Pearson have their facts right.

I found the evidence presented good reason for my enthusiastic support, and although it does have a fiscal note, we do have to have priorities and I gave it my number one priority.

I would like to ask the Clerk if he could read the divided report.

Thereupon, the Report was read by the Clerk.

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

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: I will be extremely brief and just say that all of us look back in our days when we were trying to decide where we were going to school and what our futures were going to be. Not that the guidance counselors didn't want to do a good job, but they just didn't have the information at hand to give us. I think it is an exciting prospect that our children can now go in, pump through the computer and get various choices and selections readily available.

The SPEAKER: Under House Rule 1, the Chair would simply make note of the fact, due to the debate, there is some confusion that appears to have come into this situation where some people believe that this bill could be killed. This bill, at this time, is not in a posture to be killed. The pending motion is to recede and concur with the other body. Both bodies have taken positive action. Senate Amendment "A", which was placed on it in the other body, merely adds on the appropriation to that bill. That is the only thing which is in question. If this body is in favor of the appropriations act included on the bill, they will be voting yes; if they are opposed, they will be voting no. The matter of whether they are for the bill is not before the body at this time.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I speak today as an enthusiastic supporter of the system. Our school system, SAD 71, has the system and it has proven to be invaluable.

I think maybe one thing we should talk about here today is, how accurate is the system, and knowing that this was coming up today, I stopped by the school on the way home last night and warmed up the machine and put

some questions to the machine. One of the items was, I have just finished reading Passages and I am aware that we make career changes as we go through life, I put to the machine my own personal views, that I like old things, that I like to travel, that I like sunny climates, that I like to dig in the dirt, that I want to be independent and that I want to be a free spirit. The machine waited awhile, did its work, and out on paper came that I should be an archeologist-legislator.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mrs. Beaulieu, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 99 having voted in the affirmative and 2 having voted in the negative, the motion did prevail.

By unanimous consent, all matters were ordered sent forthwith to the Senate or to Engrossing.

(Off Record Remarks)

On motion of Mr. Kilcoyne of Gardiner, Recessed until two-fifteen in the afternoon.

After Recess

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:

Special Sentiment Calendar

The following items:

Recognizing: Anthony Pellegrini, chosen 1982 Valedictorian of Morse High School; (H. P. 2337) by Representative Stover of West Bath. (Cosponsor: Representative Small of Bath)

Cynthia Deschenes and John Schneider, Co-Valedictorians and Mark Wilson, Salutatorian, for the 1982 graduating class of Stearns High School; (H. P. 2338) by Representative Clark of Millinocket. (Cosponsors: Senator Pray of Penobscot and Representative Michaud of East Millinocket)

Bill Michaud, of Troop 58 of Millinocket, who has attained the high rank and distinction of Eagle Scout; (H. P. 2339) by Representative Clark of Millinocket. (Cosponsors: Senator Pray of Penobscot and Representative Michaud of East Millinocket)

No objections having been noted, the above items were considered passed and sent up for concurrence.

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

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

ORDERED, that Representative Clifford O'Rourke of Camden be excused for the duration of his illness.

Special Sentiment Calendar

The following items:

Recognizing: Linda R. Harvey, chosen 1982 Valedictorian of Central High School in Corinth; (H. P. 2340) by Representative Strout of Corinth.

Scott K. Brown, chosen 1982 Salutatorian of Central High School in Corinth; (H. P. 2341) by Representative Strout of Corinth.

Mount Desert Island Girls' Swim Team, winners of the State Class B Girls' Swimming Championship; (H. P. 2342) by Representative Bordeaux of Mt. Desert. (Cosponsors: Senator Perkins of Hancock and Representative Salisbury of Bar Harbor)

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

The Chair laid before the House the following item:

Bill "An Act to Create the Maine Condominium Act" (S. P. 870) (L. D. 2019) (H. "A" H-743 and S. "A" S-451 to C. "A" S-447) which was tabled and later today assigned pending second reading.

On motion of Mr. Soule of Westport, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "B" to Committee Amendment "A" (H-756) was read by the Clerk.

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

Mrs. MacBRIDE: Mr. Speaker, may I pose a question through the Chair. We have not had any discussion on this bill or the amendments. I wonder if someone could please explain what they are doing and just what the bill does.

The SPEAKER: The gentleman from Presque Isle, Mrs. MacBride, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 2019 is a revision of the Maine Condominium Laws. In 1965, the current law governing the establishment or creation of condominiums was established. Since that time, obviously there has been a great deal of increase in the interest in condominiums and their growth and the problems arising from this very unique form of property ownership.

For those of you who are not familiar with condominiums, they basically deal with the ownership in common of any number of units in a complex. What used to be apartments are now owned by owners, and in a condominium, what you end up owning in fee or in actual ownership is the actual area inside that unit. The balance of the complex, the hallways, all of the grounds, the roofs, the exterior walls, end up being owned by a unit owners' association. Obviously, when somebody enters into a condominium ownership, it involves many obligations on the part of that buyer since they are entering into a co-ownership, so to speak. It involves decisions that have to be made by the unit owners as far as assessments and common charges. The questions of insurance arise and a great deal of other problems may arise from this type of ownership.

This is a bill that was introduced before the Judiciary Committee last year and is an offshoot of the uniform condominium act prepared by the Commission on Uniform State Laws.

Basically, the act consists of four articles. The first article deals with the applicability of the act; the second deals with the creation, the alteration and the termination of a condominium. The third article deals with the management or the internal organization of the unit owners association. The fourth article is the most complicated and has raised the most questions both before our committee and I suspect from those of you who have had a chance to read it. It deals with the protection of the purchases of condominiums units. One of the chief things that the article attempts to do is provide for disclosure to those people purchasing condominiums so that they are aware of not only their obligations but their duties, their rights and what actually the condominium consists of physically. It also deals with the question of whether or not the condominium, as it is laid out initially, can be changed by the developer at any time thereby affecting the owners' rights.

The Uniform Act, as it was amended by Committee Amendment "A", places a great burden on the developers of condominiums to disclose.

This involves not only preparing surveys but preparing all of the documents initially to establish the condominium. It was felt by a number of members of the committee that this placed on undue burden on the smaller developer, since those restrictions and those obligations were the same regardless of the size of the condominium.

The SPEAKER: Would the Sergeant-at-Arms please escort the gentleman from Fairfield, Mr. Gwadosky to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Representative Gwadosky assumed the Chair as Speaker pro tem and Speaker Martin retired from the hall.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: As I started to say, House Amendment "B" was drafted and was presented here today to answer the questions of those people who were concerned with the smaller developers and their compliance with the law. The amendment exempts condominiums of 12 or fewer units from the more formal requirements of the disclosure aspects of the act as it relates to the formal condominium documents. It does still require that the declaration of condominium, which is the basic document, and the plans be presented to a purchaser prior to his purchasing and provides that the purchaser has to waive notice of those documents.

That is basically what the act does and certainly if there are any specific questions, I would be glad to answer those.

Thereupon, House Amendment "B" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendments "A" and "B" and Senate Amendment "A" thereto was adopted.

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

The Chair laid before the House the following matter:

An Act Implementing Certain Recommendations of the Citizens' Commission to Evaluate the Department of Environmental Protection (S. P. 968) (L. D. 2130) (H. "B" H-750)

On motion of Mr. Hall of Sangerville, the House reconsidered its action whereby the Bill was passed to be engrossed.

The SPEAKER Pro Tem: The Chair recognizes the same gentleman.

Mr. HALL: Mr. Speaker, I move that this be tabled for one day. There has to be an amendment prepared for this and I would like to offer it tomorrow.

Whereupon, on motion of Mrs. Huber of Falmouth, tabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the following matter:

An Act to Amend the Maine Implementing Act with Respect to the Houlton Band of Maliseet Indians (S. P. 931) (L. D. 2076) (C. "A" S-463) which was tabled and later today assigned pending passage to be enacted.

On motion of Mr. Hobbins of Saco, retabled pending passage to be enacted and later today assigned.

The Chair laid before the House the following matter:

Bill "An Act to Establish Standard Procedures Enabling the Formation of Municipal Power Districts" (H. P. 1959) (L. D. 1932) which was tabled and later today assigned pending further consideration. In House—passed to be engrossed as amended by Committee Amendment "A" (H-715); In Senate—Bill and accompanying papers indefinitely postponed in non-concurrence.

On motion of Mr. Davies of Orono, the House voted to recede.

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

House Amendment "A" to Committee Amendment "A" (H-760) was read by the Clerk.

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

Mr. DAVIES: Mr. Speaker and Members of the House: While this bill received strong support in this body, it ran into some problems down the hallway. The amendment that I am offering today is an attempt to resolve the concern that was expressed at that time dealing with the subject of eminent domain powers. This makes it clear that the municipal power districts will have no more powers than the existing public utilities would have. There was some concern that they might end up with more powers and you would have an imbalanced situation. This amendment should make it clear that it will be exactly the same powers as exercised by public utilities currently in the field of eminent domain, so I urge its passage.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

At this point, Speaker Martin returned to the rostrum and Representative Gwadosky returned to his seat on the floor.

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

Passed to Be Engrossed Amended Bill

Bill "An Act to Adjust Levels of Compensation for Constitutional Officers, Members of the Legislature and the Senate Secretary and House Clerk" (H. P. 2233) (L. D. 2091) (C. "A" H-746)

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

Mr. Nadeau of Lewiston offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-557) was read by the Clerk.

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

Mr. NADEAU: Mr. Speaker and Members of the House: In discussions of the pay bill in the last couple of days, some concern has been expressed to the portion of the bill that deals with the 12 1/2 differential payment to committee co-chairs. I do, indeed, feel it is appropriate and justified that we do compensate legislative committee chairs in this manner. However, there was a problem expressed, and I concur with that problem, that some committees, indeed, have a larger workload than others and this situation should be addressed. That is what this amendment is all about. I think it is a fair approach to the issue.

Basically, what it would involve is setting the 12 1/2 level as a ceiling, allowing no more than that to be compensated to any given committee chair. However, it would give the Legislative Council authority to, within that 12 1/2 percent level, set compensation on the basis of workload. Therefore, the Election Laws Committee chairman, such as myself, who, quite frankly, didn't have much of a workload, would receive basically nothing, and those committee chairs who did have a substantial workload, such as Appropriations, Taxation, or any of the committees that did have quite a lot of work to do would receive their just reward, so to speak.

Therefore, ladies and gentlemen, I think this is a very sensible approach to solving that problem and I would certainly encourage its passage.

The SPEAKER: The Chair recognizes the

gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I move the indefinite postponement of House Amendment "C".

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves the indefinite postponement of House Amendment "C".

Mr. Nadeau of Lewiston requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that House Amendment "C" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 23 in the negative, the motion did prevail.

Mr. Davies of Orono offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-758) was read by the Clerk.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: I have taken a great deal of interest in this piece of legislation, not because I will ever have the opportunity to benefit from it, but in part because I am not going to be around to benefit from it, I felt certain obligation to my colleagues that I will be leaving behind to see to it that they will be adequately compensated. But in the process of trying to get an adequate compensation bill through, it has become somewhat of a Christmas tree, and unfortunately the constitutional officers, which I don't think are necessarily appropriate to be included in this bill, have been so. This amendment would remove pay increases for the constitutional officers and I hope that there will be broad support so we can trim this bill down to just those specific areas that were included in the original legislation and which are appropriate for us to be taking action on.

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

Mr. JACKSON: Mr. Speaker, a parliamentary inquiry? This is an amendment which deals I believe with the committee amendment that is already on the bill and I think we have to amend Amendment "A" in order to do this?

The SPEAKER: The Chair would answer in the negative.

Mr. JACKSON: Mr. Speaker, I was told by Legislative Research this had to be that route.

The SPEAKER: The Chair would advise the gentleman that Committee Amendment "A" is a technical amendment which was offered by the committee which deals with salaries to be adjusted by the Legislative Council.

Mr. JACKSON: My confusion comes in talking with Legislative Research and they say because it deals with Section 14, anything dealing with Section 14 has to go through that amendment?

The SPEAKER: The Chair would advise the gentleman that is in fact true. At engrossing time, if there are conflicting amendments at engrossing, they will have to be dealt with.

The question before us, however, deals with an issue rather than with technical language.

Mr. JACKSON: Mr. Speaker, one question I am not quite clear on Mr. Davies' amendment. Does this also deal with the Secretary of State and the Clerk's Office or does this just deal with the constitutional officers?

The SPEAKER: The Chair would advise the gentleman that the amendment deals with the constitutional officers.

Mr. JACKSON: Just?

The SPEAKER: The Chair would answer in the affirmative.

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

Mr. PAUL: Mr. Speaker, Members of the House: I didn't intend to get into the debate on this but I would ask that you vote against this amendment as you did on the prior amendment and also vote against all the other amendments, because I believe the Compensation

Commission did their work well. It was a citizen's commission. They worked hard and they came up with a report and I don't believe that we as a legislature should be meddling with those recommendations in this study report. I would hope that we would not accept this amendment or any other amendment.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Traditionally in the past, at least from my brief experience here as a member, salary adjustments for constitutional officers, for the most part, have come in on individual bills. I would urge that you support the recommendation of the gentleman from Orono on this amendment and I would request a division on it.

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

Miss ALOUPIS: Mr. Speaker, Members of the House: Just for your information, changing them into Range 99, presently they are receiving \$25,000. If they were changed to Range 99, that would go from \$34,444 to \$50,627.

Thereupon, House Amendment "D" was adopted.

Miss Lewis of Auburn offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-748) was read by the Clerk.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment does is remove the payment of higher salaries to committee chairmen. I have several reasons for wanting to do this.

First of all, chairmen of committees right now are not paid more than the rest of the members, but if this bill happened to have been in effect this year, right now, every member in the other body, all of the Democrats, would have been paid less than all the Republicans, which I don't think is particularly fair, even though I happen to be a member of the minority party.

I would also like to point out to you that it is a great honor to be a committee chairman. I would certainly volunteer to be the Committee Chairman of Labor without any extra compensation, but I don't believe that would go over real well in this body.

I would like to answer the gentleman's questions previously about the citizens commission that studied the pay raise and point out that the citizens commission was not unanimous on the point of committee chairmen being paid more than the rest of the members; therefore, I ask your support of this amendment.

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

Mr. DAVIES: Mr. Speaker, I move the indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from Orono, Mr. Davies, moves that House Amendment "A" be indefinitely postponed.

The gentleman may proceed.

Mr. DAVIES: Mr. Speaker and Members of the House: When I first saw this amendment, it seemed to me a concession on the part of the minority party in this body, that they never anticipated being able to take control of this body and be in the majority, because certainly this amendment will benefit whichever party happens to be in control of each House of the legislature.

Let me tell you as a committee chairman who will not be back next year, the work of a committee chairman is unsung, it is time consuming, it is hard, it requires a high tolerance level for frustration, and I would suggest to my colleagues on the other side of the aisle in the Republican party, who may very well be in control of this House next time around, that in fact that work is very difficult work to do and if you do happen to be in control, I wish you the best of luck and I certainly would want you to be

compensated adequately for the extra work that you would be taking on.

For instance, my own committee had 140 bills during the course of the last two years, extremely important bills. We have enacted a number of them here in the last week or so. It required a major amount of work on the part of all the committee members and I commend them for their diligence, but it does require even more work on the part of the committee chairman to make sure that things are taken care of, that people are contacted, to make sure you have people to testify at public hearings, work that needs to be done in conjunction with the representatives from the lobby to get matters drafted in proper form.

It oftentimes requires seven days a week, far more hours than is required of normal membership on the committee. My usual work day involved getting here at eight o'clock in the morning and leaving about seven thirty at night. Primarily it was because of committee work that I was here for those long hours.

I think any person who holds those jobs in the future ought to have some compensation. I have an amendment that would deal with that section, if you reject the proposal by Miss Lewis to cut out any compensation whatsoever, to make an adjustment somewhere along the lines that we make for the committee clerks, they use a three-tier system based on the workload of the committee to make payments to the committee clerks, and I think we ought to parallel that system with the committee chairman as well.

I urge you to indefinitely postpone this amendment and give me an opportunity to offer my amendment which deals with it more effectively, I believe.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge the House to support the gentleman's amendment. When we had this bill down in the Appropriations Committee trying to find a just and fair compensation consideration dealing with the various chairmen, we just couldn't do it.

I would think this House would be wrong this afternoon in supporting the remarks of the good gentleman from Orono. I had the pleasure one time of chairing a committee for four years and can appreciate the work and responsibility that one does have as a chairman. I don't know how you can find the fair and just compensation for individuals chairing, but the bill that is before us now with that 12½ percent singling out individuals who chair committees, in my opinion, is not fair at the moment, so I would urge you to reject the good gentleman's motion and support the gentleman from Auburn. I ask for a division.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I agree with Representative Davies. I would ask you to reject Representative Lewis' amendment.

Representative Kelleher says we do not have a way to deal with this. Representative Davies has just informed you that he does have a way to deal with it, he does have an amendment that he would like to present. I can speak for this because I was a chair, I am no longer a chair. I believe that the chairs do deserve compensation. They do have an additional responsibility that we as members of a committee do not have, and I think they do deserve compensation.

Mr. SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Orono, Mr. Davies, 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.

31 having voted in the affirmative and 77 in the negative, the motion did not prevail.

Thereupon, House Amendment "A" was adopted.

Mr. Smith of Mars Hill offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-754) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment does, it guts the entire bill and allows for a raise in expenses from \$35 to \$45.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I have to rise in opposition to this and I feel very comfortable in doing that because I don't live within 50 miles of the state capital. I think this particular measure would discriminate against those people who do, because those of us who live beyond 50 miles are now able to take a tax credit and they are unable to do so.

I would move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, moves the indefinite postponement of House Amendment "B".

Mr. Smith of Mars Hill requests a division.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I think this is the most ridiculous amendment that I ever saw in my life. The gentleman might just as well have stood up and indefinitely postponed the whole Bill because that, in effect, is what he is doing with this amendment.

There are those of us who come down here at a great sacrifice, and I happen to be one of them and I enjoy serving in the House, but I do sacrifice a lot and my family sacrifices a lot for me to be here.

I think this Bill that we are discussing at the present time is the best thing that every happened to the Maine Legislature. It isn't a big increase, enough to make this a professional legislature, it is just trying to compensate the people that come down here, or up here, and serve in the legislature at a sacrifice to help the people of the State of Maine. I think we should kill this without any further adieu, this amendment, because it is ridiculous and I can't imagine anybody who gets elected to this body even thinking of proposing something like this.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Old Town, Mr. Pearson, that House Amendment "B" be indefinitely postponed. 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 30 in the negative, the motion did prevail.

On motion of Mr. Jackson of Yarmouth, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-761) was read by the Clerk.

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

Mr. JACKSON: Mr. Speaker and Members of the House: If we put this amendment on, what it will do, it will not only take out constitutional officers but also the Clerk and the Secretary of the Senate. These people can be considered through the regular process through the State Government Committee, and so I don't think they need to be included in a bill such as this, because they can be handled in the regular channels as they have been in the past. It would go one step further, beyond Representative Davies' amendment, and it would make this into a purely legislative pay bill, which I can

support, so I hope you will accept this amendment.

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

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

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

The gentleman may proceed.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The Secretary of the Senate, over in that unmentionable body, and the Clerk of the House are employees of our respective bodies, and unlike the constitutional officers who have outside advocates on their behalf, meaning you and I as legislators, I think that this House and the other unmentionable body certainly has, through its elective leadership, the men and women who serve us here as well on the other side, can make the collective sound judgment representing us in dealing with the salaries of both the gentleman that is serving us here, as well as the lady over in the other body, and I would respectfully ask that we kill the good gentleman's suggested amendment.

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

A vote of the House was taken.

65 having voted in the affirmative and 48 in the negative, the motion did prevail.

Thereupon, Committee Amendment "A" was adopted.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: For those of you who have worked on this measure, can we now just have a brief explanation of what we have in this measure and who gets what form of raise and in what forms and fashions, we could just have a nice explanation of where it stands right now before we go and engross it?

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

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

Mr. DAVIES: Mr. Speaker and Members of the House: As I understand it, we have removed the constitutional officers, we have removed any pay differential for committee chairmen. You now will have a bill that will authorize a pay level of \$10,000 for two years for legislators; \$6500 in the first year, \$3500 in the second year; an increase in expenses from \$35 to \$45 a day; an increase in constituent allowance from \$200 a year to \$300 a year; an increase from \$25 a day to \$35 a day for per diem expenses for times when we have committee meetings or other events when the legislature is not in session. It also includes the Clerk of the House and Assistant Clerk, the Secretary of the Senate and the Assistant Secretary of the Senate. I would yield to any other member who might have additional things to add to it, but I believe that is the way the bill is in its current form.

Mr. Brown of Livermore Falls requested a roll call on passage to be engrossed.

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

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

The SPEAKER: The pending question before the House is on passage to be engrossed as

amended, by Committee Amendment "A" and House Amendment "A" and "D". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Armstrong, Baker, Beaulieu, Benoit, Brannigan, Brennerman, Brodeur, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Curtis, Davies, Dexter, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Foster, Fowlie, Gwadnosky, Hall, Hayden, Hickey, Hobbins, Huber, Jacques, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, MacBride, MacEachern, Mahany, Manning, Martin, H.C.; McCollister, McHenry, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Peterson, Pines, Post, Racine, Richard, Ridley, Roberts, Soule, Swazey, Theriault, Thompson, Vose, Walker, Wentworth, Willey, The Speaker.

NAY—Aloupis, Austin, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Connors, Damren, Davis, Day, Dillenback, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Joyce, Kiesman, Lancaster, Lewis, Livesay, Locke, Lund, Macomber, Masterman, Masterton, Matthews, McGowan, McPherson, McSweeney, Michaud, Murphy, Nelson, A.; Paradis, E.; Perkins, Randall, Reeves, J.; Salsbury, Sherburne, Smith, C.B.; Smith, C.W.; Soulas, Stevenson, Strout, Studley, Tarbell, Treadwell, Twitchell, Webster, Weymouth.

ABSENT—Berube, Boisvert, Boyce, Brown, A.; Carter, Cunningham, Drinkwater, Dudley, Higgins, H.C.; Hunter, Jalbert, Jordan, Laverriere, Martin, A.; O'Rourke, Pouliot, Reeves, P.; Rolde, Small, Stover, Telow, Tuttle.

Yes, 70; No, 59; Absent, 22.

The SPEAKER: Seventy having voted in the affirmative and fifty-nine in the negative, with twenty-two being absent, the motion does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

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

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Adjust Fees for Licenses Issued by the Real Estate Commission" (H. P. 1809) (L. D. 1794) have had the same under consideration, and ask leave to report: that they are unable to agree.

(Signed)

Representatives:

KELLEHER of Bangor

LANCASTER of Kittery

—of the House.

Senators:

SUTTON of Oxford

SEWALL of Lincoln

CLARK of Cumberland

—of the Senate.

The Report was read.

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

Mr. PETERSON: Mr. Speaker, I move that we reject this Conference Report.

The SPEAKER: The gentleman from Caribou, Mr. Peterson, moves that the Committee of Conference Report be rejected.

The gentleman may proceed.

Mr. PETERSON: I also request that we appoint another committee.

Mr. Jackson of Harrison requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Peterson, that the Committee of Conference Report be rejected. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Kelleher of Bangor request-

ed a roll call vote.

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

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: On behalf of the two members of this House, as well as Mr. Jalbert who isn't here, I would like to have this House know that we presented it in good faith. We had two reports before we got to this one and we could not come to agreement because the other body kept insisting on this or on that.

I am somewhat surprised at the gentleman from Caribou, Mr. Peterson's rejection of this report because he had such a great interest in it and was not always satisfied with some of the suggestions that we had.

You can support the good gentleman's motion, that is fine with me, but I want you to know that this gentleman from Bangor, anytime he has served on a conference committee on behalf of this House, I have always represented the objections or the positions of this body, be they Republican or Democrat, it makes no difference to me. When I walk out of this House as a conference committee member, I am there to represent you.

You can accept the good gentleman's motion, but I will tell you that we, Mr. Lancaster, Mr. Jalbert and I represented you in good faith.

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

Mr. PETERSON: Mr. Speaker and Members of the House: I assure the gentleman from Bangor that I wasn't pointing my finger at anybody. I was just trying to get this thing moving along so we can get some settlement.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps it is the lateness of the hour or the duration of the session, but somehow I am having trouble and I think perhaps members of the body who are aware of the position we are in ought to enlighten the rest of us. I don't recall in my tenure here being involved in rejecting a committee of conference report so that in turn we can set up another one. This doesn't happen very often, obviously.

I think someone needs to lay out to the members of this House what the scenario might be at this point in time. I am not trying to indict the good intentions of the gentleman from Bangor, Mr. Kelleher, at all and I don't think anybody here is, but I think at the same time there is concern by members of this body that some resolution to the apparent disagreement be reached, or attempt to be reached, in another manner.

I don't intend to cast any aspersions on their intent or that they didn't bargain in good faith or anything like that. What I am trying to get at is, if we vote for or against this motion, what kind of position does that put us in? If we are interested in trying to have another conference committee to work out a potential agreement, in what sort of a posture do we want to be voting on this particular issue?

The SPEAKER: The Chair would respond to the parliamentary inquiry and indicate that if this body wishes to adopt the conference report, it means that the bill is dead. If this body wishes to reject the committee of conference report and appoint another committee of conference, at that point the new committee may choose to report out another version, which, of course could be a new bill or it could also be that they are unable to agree. Again, if this body does adopt the committee of confer-

ence report, it means that the issue is dead for this session.

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

Mr. CARRIER: Mr. Speaker, if we reject the committee report, the bill is dead?

The SPEAKER: The Chair would answer in the negative. If the body accepts the conference report and the other body does the same, the bill is dead for this session. If this body and the other body rejects the committee of conference report, the Speaker and the President will appoint a new committee of conference, who then have an opportunity to make another proposal or, again, no proposal, to both bodies.

Mr. CARRIER: Mr. Speaker and Members of the House: I want to suggest that we do vote against the rejection of this committee report.

The SPEAKER: The motion before us is to reject. If you wish to continue discussion of this issue you will be voting yes; if you are opposed to discussing it further in this session, you will be voting no.

Mr. CARRIER: Then I would suggest that you vote no. I am not changing my mind; I know where I want to go. I am satisfied with what the committee of conference report has done now. I was not happy with the first report that they came out with and I am not going to go into the details of the situation of the first report that came out, I don't care about that. Right now, I suggest to you that we should kill this bill.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I might suggest to this House, because I honestly feel that both houses acted in good faith that we, for the most part, bargained hard on behalf of this body. If the other body wants to discuss it further, and perhaps grounds can be found for discussion, and perhaps the Speaker may want to name the same three to represent this body, and I am sure that each of us would be more than delighted to be on that again, I would urge you to accept our report and leave the lead over in that other body to see if they do, in truth, want to further insist and ask for another committee of conference. If they do that, then this report can come back to us, but I would urge the House to accept our recommendation as it came in and reject the gentleman's motion to reject.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Peterson, that the Committee of Conference Report be rejected. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Benoit, Bordeaux, Brannigan, Brodeur, Brown, D.; Carroll, Clark, Connors, Curtis, Damren, Davies, Davis, Diamond, G.W.; Gillis, Gowen, Higgins, L.M.; Holloway, Huber, Jackson, P.T.; Kiesman, Lisnik, Locke, Lund, Macomber, Manning, Martin, H.C.; Masterton, Matthews, McPherson, Michael, Murphy, Nadeau, Nelson, A.; Nelson, M.; Paradis, P.; Pearson, Peterson, Randall, Stevenson, Thompson, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Brennerman, Brown, K.L.; Cahill, Callahan, Carrier, Carter, Chonko, Conary, Connolly, Cox, Crowley, Day, Dexter, Diamond, J.N.; Dillenback, Erwin, Fitzgerald, Foster, Gavett, Gwadosky, Hall, Hanson, Hayden, Hickey, Hobbins, Hutchings, Ingraham, Jackson, P.C.; Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lancaster, LaPlante, Lewis, Livesay, MacBride, MacEachern, Mahany, Masterman, McCollister, McGowan, McHenry, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Norton, Paradis, E.; Paul, Perry, Pines, Post, Racine, Reeves, J.; Richard, Ridley, Roberts, Salsbury, Sherburne, Smith, C.B.; Smith, C.W.; Soulas, Soule, Strout, Studley, Swazey,

Tarbell, Theriault, Treadwell, Twitchell.

ABSENT—Berube, Boisvert, Boyce, Brown, A.; Cunningham, Drinkwater, Dudley, Fowlie, Higgins, H.C.; Hunter, Jalbert, Jordan, Laverriere, Martin, A.; O'Rourke, Perkins, Pouliot, Reeves, P.; Rolde, Small, Stover, Telow, Tuttle, Vose, The Speaker.

Yes, 45; No, 81; Absent, 25.

The SPEAKER: Forty-five having voted in the affirmative and eighty-one in the negative, with twenty-five being absent, the motion does not prevail.

Thereupon, the Report was accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Special Sentiment Calendar

The Following item:

Recognizing:

Marilyn Melrose, chosen 1982 Salutatorian of Morse High School; (H. P. 2343) by Representative Small of Bath. (Cosponsor: Representative Stover of West Bath)

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

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

Passed to Be Enacted

An Act to Revise the Education Laws (S. P. 897) (L. D. 2042) (S. "A" S-453)

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

By unanimous consent, ordered sent forthwith.

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

The Following Communication:

April 6, 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 to Prohibit Public Utilities From Including Uncompleted Construction Work Costs in Their Rates," (S. P. 773) (L. D. 1844).

Respectfully,

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The Following Communication:

April 6, 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 Indefinitely Postponed Joint Resolution Memorializing Congress to Call a Constitutional Convention to Limit the Annual Federal Budget, (H. P. 2322).

Respectfully,

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following paper appearing on Supplement No. 16 was taken up out of order by unan-

imous consent:

Non-Concurrent Matter

Committee of Conference Report on the disagreeing action of the two branches of the Legislature on Bill "An Act to Adjust Fees for Licenses Issued by the Real Estate Commission" (H. P. 1809) (L. D. 1794) on which the Committee of Conference Report was read and accepted in the House on April 6, 1982.

Came from the Senate with the Committee of Conference Report read and rejected and that Body having further Insisted and asked for a Second Committee of Conference in non-concurrence.

Conferees appointed on the part of the Senate are:

Senators:

SUTTON of Oxford

SEWALL of Lincoln

CLARK of Cumberland

In the House:

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

Mr. KELLEHER: Mr. Speaker, I move that the House recede and concur and I ask for the yeas and nays.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Baker, Beaulieu, Bell, Benoit, Bordeaux, Brannigan, Brennerman, Brodeur, Brown, D.; Callahan, Carroll, Carter, Chonko, Clark, Conary, Connolly, Cox, Crowley, Curtis, Damren, Davies, Davis, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Foster, Gavett, Gillis, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, L.M.; Hobbins, Holloway, Huber, Ingraham, Jackson, P.C.; Jacques, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterton, Matthews, McCollister, McGowan, McPherson, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, A.; Nelson, M.; Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Pines, Racine, Randall, Richard, Roberts, Salsbury, Sherburne, Smith, C.W.; Soule, Stevenson, Strout, Studley, Swazey, Theriault, Thompson, Treadwell, Twitchell, Vose, Webster, Wentworth, The Speaker.

NAY—Armstrong, Brown, K.L.; Dexter, Joyce, Masterman, McHenry, Reeves, J.; Ridley, Smith, C.B.; Tarbell.

ABSENT—Berube, Boisvert, Boyce, Brown, A.; Cahill, Carrier, Connors, Cunningham, Day, Dillenback, Drinkwater, Dudley, Fowlie, Gowen, Higgins, H.C.; Hunter, Hutchings, Jackson, P.T.; Jalbert, Jordan, Laverriere, Martin, A.; McSweeney, Murphy, O'Rourke, Post, Pouliot, Reeves, P.; Rolde, Small, Soulas, Stover, Telow, Tuttle, Walker, Weymouth.

Yes, 104; No, 10; Absent, 37.

The SPEAKER: One hundred four having voted in the affirmative and ten in the negative, with thirty-seven being absent, the motion does prevail.

The Chair would appoint the following conferees on the part of the House:

KELLEHER of Bangor

CARTER of Winslow

LANCASTER of Kittery

(Off Record Remarks)

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

On motion of Representative MacEachern of Lincoln, the following order:

ORDERED, that the Clerk of the House is authorized to issue to each member of the House 100 postage stamps.

The Order was read and passed.

Non-Concurrent Matter

Bill "An Act to Adjust Levels of Compensation for Constitutional Officers, Members of the Legislature and the Senate Secretary and House Clerk" (H. P. 2233) (L. D. 2091) which was passed to be engrossed as amended by Committee Amendment "A" (H-746) and House Amendment "A" (H-748) and House Amendment "D" (H-758) in the House on April 6, 1982.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-746) as amended by Senate Amendment "B" (S-469) thereto and House Amendment "A" (H-748) in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

The Chair laid before the House the following matter:

Bill "An Act to Create the Maine Condominium Act" (S. P. 870) (L. D. 2019) which was tabled and later today assigned pending second reading.

Thereupon, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" (S-447) as amended by House Amendments "A" (H-743) and "B" (H-756) and Senate Amendment "A" (S-451) thereto in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mrs. Holloway of Edgecomb, Adjourned until ten o'clock tomorrow morning.