

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 1, 1982 to May 13, 1983

HOUSE

Tuesday, March 8, 1983

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

Prayer by Rabbi Krinsky of the Beth Israel Congregation, Waterville.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Notify Unemployed Workers of the Availability of Other Forms of Assistance" (S. P. 320) (L. D. 963)

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

In the House, was referred to the Committee on Labor in concurrence.

Bill "An Act to Improve and Clarify the Rate-setting Procedures for Municipal and Quasi-municipal Water Companies" (S. P. 321) (L. D. 964)

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

In the House, was referred to the Committee on Public Utilities in concurrence.

Reports of Committees**Unanimous Ought Not to Pass**

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Remove the 10-mile Radius Limit Concerning the Licensing of Agency Liquor Stores" (S. P. 238) (L. D. 680)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Provide Sales Tax Credit on Stolen Vehicles" (S. P. 194) (L. D. 617)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act to Include Interpreters for the Hearing Impaired Within the Evidentiary Communications Privilege" (S. P. 60) (L. D. 171) reporting "Ought to Pass" in New Draft (S. P. 338) (L. D. 966)

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

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

Non-Concurrent Matter

Bill "An Act Regarding Collateral Source Payments in Medical Malpractice Cases" (H. P. 725) (L. D. 934) which was referred to the Committee on Business Legislation in the House on March 1, 1983.

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

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

Messages and Documents

The following Communication:

State of Maine
Department of Public Safety
36 Hospital Street
Augusta, Maine 04330

March 1, 1983

Mr. Edwin H. Pert, Clerk
Maine, House of Representatives
State House Station No. 2
Augusta, Maine 04333

Dear Mr. Pert:

Enclosed herewith please find 155 copies of a report entitled, "Child Safety Seat Public

Information and Education Program — Study of Effectiveness" as required by 29 MRSA 1368-B.

The Department of Public Safety is pleased to have been of service to the Maine Legislature in this regard.

Respectfully submitted,
S/ARTHUR A. STILPHEN
Commissioner

Was read and with accompanying Report ordered placed on file.

The following Communication: (S. P. 362)

The Senate of Maine

Augusta

March 7, 1983

Honorable Richard Trafton

Honorable Barry Hobbins

Chairmen

Joint Standing Committee on Judiciary

State House

Augusta, Maine 04333

Dear Chairmen Trafton and Hobbins:

Please be advised that on March 4, 1983, Governor Joseph E. Brennan nominated Bonnie Post of Owl's Head for appointment to the Maine Indian Tribal-State Commission.

Pursuant to Title 30 MRSA Section 6212, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,
S/GERARD P. CONLEY
President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate read and referred to the Committee on Judiciary.

Was read and referred to the Committee on Judiciary in concurrence.

The following Communication: (S. P. 363)

The Senate of Maine

Augusta

March 7, 1983

Honorable Richard Trafton

Honorable Barry Hobbins

Chairmen

Joint Standing Committee on Judiciary

State House

Augusta, Maine 04333

Dear Chairmen Trafton and Hobbins:

Please be advised that on March 4, 1983, Governor Joseph E. Brennan nominated John W. Benoit, Jr. of Farmington for reappointment to the Maine District Court as a Judge for District XII.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,
S/GERARD P. CONLEY
President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate read and referred to the Committee on Judiciary.

Was read and referred to the Committee on Judiciary in concurrence.

Petitions, Bills and Resolves**Requiring Reference**

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act to Amend the Laws Relating to Transportation or Cutting of Christmas Trees" (H. P. 851) (Presented by Representative Hall of Sangerville) (Cosponsors: Representative Perkins of Brooksville and Senator Perkins of Hancock) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Revise the Charitable Solicitations Law" (H. P. 852) (Presented by Representative Stevens of Bangor) (Cosponsor: Representative Martin of Brunswick) (Submitted by the Department of Business Regulation pursuant to Joint Rule 24)

Bill "An Act to Prevent Abuses in Certain Land Installment Contracts" (H. P. 853) (Presented by Representative Thompson of South Portland) (Cosponsors: Representatives Telow of Lewiston, MacBride of Presque Isle and Senator Bustin of Kennebec) (Submitted by the Department of Business Regulation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Amend the Laws Pertaining to Dissolution and Withdrawal from School Administrative Districts and Community School Districts" (H. P. 854) (Presented by Representative Randall of East Machias) (Cosponsor: Representative Locke of Sebec) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

Bill "An Act to Clarify the Education Laws" (Emergency) (H. P. 855) (Presented by Representative Crouse of Washburn) (Cosponsor: Representative Locke of Sebec) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

Bill "An Act to Amend Special Education Statutes Pertaining to the Filing of Allowable Expenditures by Special Purpose Schools, Agencies or Institutions" (Emergency) (H. P. 856) (Presented by Representative Crouse of Washburn) (Cosponsors: Representatives Manning of Portland, Richard of Madison and Senator Hayes of Penobscot) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Establish a Commission on Maine's Energy Future" (H. P. 857) (Presented by Representative Curtis of Waldoboro) (Cosponsors: Representative Reeves of Pittston and Senator Carpenter of Aroostook)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Strengthen the Penalties for Misuse of Narcotics by Health Professionals" (H. P. 858) (Presented by Representative Carroll of Gray) (Cosponsors: Representatives Melendy of Rockland, Maybury of Brewer and Kilcoyne of Gardiner)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Amend Certain Provisions of the Laws Defining Sex Offenses" (H. P. 864) (Presented by Representative Connolly of Portland) (Cosponsors: Representatives Matthews of Caribou, Andrews of Portland and Ketover of Portland) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act to Authorize the Maine Criminal Justice Academy to Revoke Officer Certification" (H. P. 865) (Presented by Representative Kelleher of Bangor) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

Committee on Judiciary was suggested.

On motion of Mr. Gwadosky of Fairfield, tabled pending reference and later today

assigned.

Judiciary cont'd.

Bill "An Act to Clarify the Rights of Putative Fathers in Adoption Proceedings" (H. P. 866) (Presented by Representative Hayden of Durham) (Cosponsors: Representatives Benoit of South Portland and Livesay of Brunswick) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act to Amend the Probate Code" (H. P. 867) (Presented by Representative Handy of Lewiston) (Cosponsors: Representatives Soule of Westport, Diamond of Bangor and Murray of Bangor) (Submitted by the Department of Human Services pursuant to Joint Rule 24) (Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Amend the Motor Vehicle Racing Law" (H. P. 859) (Presented by Representative Macomber of South Portland) (Cosponsors: Representatives Theriault of Fort Kent and Nadeau of Lewiston) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Conform the Requirements for Construction of Generating Facilities or Transmission Lines" (H. P. 860) (Presented by Representative Mitchell of Freeport) (Cosponsors: Representatives Baker of Portland and Ridley of Shapleigh) (Submitted by the Office of Public Advocate pursuant to Joint Rule 24)

Bill "An Act to Ensure the Safe Operation and Installation of Boilers used by Electric Utilities" (H. P. 861) (Presented by Representative Brannigan of Portland) (Cosponsor: Representative Vose of Eastport) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Amend the Competitive Bidding Procedure to Allow Negotiation for Petroleum Product Procurement" (Emergency) (H. P. 862) (Presented by Representative Nadeau of Lewiston) (Cosponsor: Representative Moholland of Princeton) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

Bill "An Act Relating to Property Disposal by the Department of Transportation" (H. P. 863) (Presented by Representative Nadeau of Lewiston) (Cosponsors: Representatives Callahan of Mechanic Falls and Reeves of Pittston) (Submitted by the Department of Transportation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Orders

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

ORDERED, that Representative Warren F. Studley of Berwick be excused for the duration of his illness.

AND BE IT FURTHER ORDERED, that Representative Phyllis J. Roberts of Buxton be excused for the duration of her illness.

AND BE IT FURTHER ORDERED, that Representative John N. Diamond of Bangor be excused March 8th and March 9th due to illness.

Special Sentiment Calendar

On the request of Mr. Davis of Monmouth, the following item was removed from the Special Sentiment Calendar:

Recognizing:

C. Norman Manwell of Winthrop, for 37 years of dedicated, caring and inspirational

service with the Bureau of Parks and Recreation on behalf of the people of Maine; (HLS 165) by Representative Davis of Monmouth (Cosponsor: Senator Dow of Kennebec)

Thereupon, the Order was read.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I think it is only fitting that we pay a little special tribute to this real professional who has left the service of our state.

Norm came to work for the Parks Commission when there were only three males and one female at that location. He was the only engineer and he started the development of the Maine State Park Commission and the Maine State Parks system that we have today.

He spent his weekends cutting alders and making his own surveying stakes, and many other weekends he was out in the area checking the parks to see how well they were serving the people of Maine and our tourists.

I really think it is befitting that we show him this special recognition and wish him well in his retirement years.

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

House Reports of Committees Unanimous Ought Not to Pass

Representative Higgins from the Committee on Taxation on Bill "An Act to Impose a Luxury Tax on Jewelry" (H. P. 510) (L. D. 608) reporting "Ought Not to Pass"

Representative Lewis from the Committee on Labor on Bill "An Act to Provide Equitable Treatment in the Determination of Maximum Unemployment Compensation Benefits" (H. P. 555) (L. D. 706) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Unanimous Leave to Withdraw

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act Creating 15 Public Assistance Service Foresters Within the Forest Management Division, Maine Forest Service" (H. P. 105) (L. D. 112) reporting "Leave to Withdraw"

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funding for the Police Academy" (H. P. 602) (L. D. 750) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

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

Bill "An Act Adjusting Certain Motor Vehicle Registration Fees, Increasing Motor Fuel Taxes and Establishing a Special Fuel Tax Suppliers Law" (Emergency) (H. P. 868) (Presented by Representative Higgins of Portland) (Cosponsors: Senators Emerson of Penobscot, Wood of York, and Representative Carroll of Limerick) (Submitted by the Department of Transportation pursuant to Joint Rule 24)

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

By unanimous consent, ordered sent forthwith to the Senate.

Divided Report Tabled and Assigned

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Permit Hunting for Small Game after 12 noon on Sunday" (H. P. 42) (L. D. 47)

Report was signed by the following members:

Senators:

DOW of Kennebec

USHER of Cumberland

— of the Senate.

Representatives:

MacEACHERN of Lincoln
JACQUES of Waterville
GREENLAW of Standish
SMITH of Island Falls
CLARK of Millinocket
ERWIN of Rumford
PAUL of Sanford

— of the House

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Representatives:

KELLY of Camden
CONNERS of Franklin

— of the House.

Reports were read.

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

Mr. MacEACHERN: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will oppose the motion of "ought not to pass." My reason for asking is that I have an amendment that I would like to present to you today and speak to my motion before you vote.

The amendment reads as follows: "Hunting on Sunday. It is unlawful to hunt wild birds or wild animals on Sunday, except that a person may hunt wild birds or wild animals, other than deer, bear and moose, within the Unorganized Townships on Sunday during any open season for wild birds and animals other than the deer season between the hours of 12 noon and the hours specified for those wild birds and animals under Subsections 5 and 6."

What this does is, you can hunt from noon Sunday on through the legal hours...

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher, and would ask for what purpose the gentleman rises.

Mr. KELLEHER: Mr. Speaker, I rise for the purpose of parliamentary inquiry.

The SPEAKER: The gentleman may state his inquiry.

Mr. KELLEHER: Mr. Speaker, when we changed the rules in the House earlier this session, did we change the rules in this House so that we can talk on a matter that is not before us, such as an amendment, or are we still operating under the rules that we have to talk about the bill that is in front of us?

The SPEAKER: The Chair would advise the gentleman that we have not changed the rules. The Chair would advise the gentleman from Franklin, Mr. Connors, that he may not talk on a pending amendment until such time as the amendment is before the body. He may, however, discuss the issue as to why the body ought to accept the Minority "Ought to Pass" Report rather than the Majority "Ought Not to Pass" Report.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen: Why I did this was, I thought perhaps we could save a little bit of money rather than have the amendment made up before.

On motion of Mr. Kelleher of Bangor, tabled pending the motion of Mr. MacEachern of Lincoln that the Majority "Ought Not to Pass" Report be accepted and tomorrow assigned.

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Prevent Combining more than one Bond Issue Item in a Single Bond Issue Bill and to Correct Statutory Provisions Relating to Showing Bond Interest on Ballots" (H. P. 278) (L. D. 338)

Report was signed by the following mem-

bers:

Senators:

VIOLETTE of Aroostook

BALDACCIO of Penobscot

— of the Senate.

Representatives:

PARADIS of Augusta

GWADOSKY of Fairfield

COOPER of Windham

LaPLANTE of Sabattus

KETOVER of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-46) on same Bill.

Report was signed by the following members:

Senator HICHENS of York

— of the Senate.

Representatives:

LEBOWITZ of Bangor

SPROUL of Augusta

HOLLOWAY of Edgecomb

DILLENBACK of Cumberland

SALSBURY of Bar Harbor

— of the House.

Reports were read.

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

Mr. GWADOSKY: Mr. Speaker, I move acceptance of the Majority "Ought Not to Pass" Report and wish to speak to my motion.

The SPEAKER: The gentleman from Fairfield, Mr. Gwadosky, moves that the Majority "Ought Not to Pass" Report be accepted.

The gentleman may proceed.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This is L. D. 338. If you have got a minute, you may want to pull it out. It is a very simple bill, it is only a page or page and a half. It is An Act to Prevent Combining more than one Bond Issue in a single Bond Package.

If you will check the Statement of Fact on this Bill, it says that the purpose of this Bill is to prohibit combining more than one bond issue item in a single bond issue, except under certain limited instances. Those limited instances are when the items are so closely related to each other that they could be combined.

There is also an amendment to this bill which would correct or allow for the showing of interest on these ballots when these are being voted on.

This sounds pretty reasonable, and I am willing to bet that if every single person here sent a questionnaire out with this question on it, it would come back overwhelmingly from the people in your district to say yes, let's separate these issues. I think this is probably particularly so since the Bath Iron Works bond issue.

I don't think anybody can dispute the objective in this bill. I do think that it may be appropriate to question the solution that is being proposed.

One of the important questions we were asked when we had this bill in a public hearing and subsequent workshops was whether or not the proliferation of single projects being listed on our ballots would have a negative impact upon voter turnout, the idea being that because of a large number of questions and the varied types of projects and the complexity of bond financing and understanding bond financing, people might be discouraged from voting. The response was, well, maybe if some of these projects were defeated, the state wouldn't put so many of these projects out at all.

If the purpose, I guess, of this bill is to change the pattern of public financing in the State of Maine, I believe it is important for us as legislators to examine carefully the effect that this bill could have on our state's economy. I think there are a number of issues to consider. The first would be the question pertaining to the public reception and knowledge of projects

that are proposed on the ballot to be financed by bonds. I think it is fair to say that if the public is capable and has the information available to distinguish between the substantial and less important projects with respect to the impact on the State of Maine, then a bill such as this might accomplish its purpose. However, on the other hand, if the public is more concerned about the effect of a particular bond project in a certain geographical area, or if they are more concerned about a particular bond project as it affects one group of people, then this bill wouldn't accomplish its purpose.

Another issue to consider is the amount of capital investment that we presently have in the State of Maine. We received information from the State Development Office indicating that Maine falls significantly below the United States average with respect to capital resources, that in 1980 Maine ranked 49th of all the states with respect to assets per capita, that since 1970 assets per capita in Maine have declined from 51.7 percent of the national average to 37.6 percent of the national average. In addition, bank deposits and loan growth have fallen significantly below the national average.

The question we have to ask when we are talking about capital resources in the State of Maine actually pertains to the effect that this bill would produce with respect to the availability of capital for investment in economic growth development. Since the banks and other financial assets have proven to be inadequate to invest in the project necessary for economic growth, bonds that pledge the credit and faith of the State of Maine have been an essential source of investment capital here in our state whether we like it or not.

Mechanically this bill also has some deficiencies. First of all, it is not clear whether authorities created by the state and empowered to issue bonds would come under the provisions of this bill. So it is unclear whether the Maine Guarantee Authority comes under the provisions of this bill.

More importantly is in the area of determining closely related projects. This bill does not specify who is to determine whether the two or more projects are closely related to be combined into a single question. Is it the Governor, the Appropriations Committee, is it the Attorney General, is it the courts? If it is the courts, presumably the issue would be raised at the time the ballots are printed and the court would then have to determine whether the projects are closely related, something that could happen after the public referendum had taken place, and how we can determine what is closely related or similar?

According to some information we received from the Deputy State Treasurer, they felt that closely related projects would be all projects that are involved in one department, so that bridges and highways would be related projects, as would be an essential feed storage facility and an essential potato packing warehouse.

On the other hand, an addition to the State Museum and a vocational school classroom building would also be related projects because the Department of Education encompasses both these areas. In addition, our State Veterans Home for the elderly and the construction of an aircraft hanger for the Air National Guard would also be closely related projects, so the mechanical problems in this bill that have yet to be addressed by those who sponsored this legislation deal with the lack of definitions for closely related or similar projects and there is simply no procedure involved in this bill to make the necessary determination.

As I said in the very beginning, I like this concept and I believe that the majority of people in this body would like this concept. I have come to the realization, as have the majority of

the members of the State Government Committee, that this bill is mechanically wrong and unworkable.

I think the issue we want to consider most importantly and the bottom line in this whole area is responsibility. I happen to be of the opinion that Maine people can handle individual projects on a ballot as well as any state in the nation. I am not sure, however, it is their responsibility to do so.

As a legislature we already have the authority to control bond issues put before the state. These packages are put together, the Appropriations Committee has a hearing on these bills and under our rules they have the authority to do anything they want with these packages, as we do as a member of this legislature. We can reject some proposals, appropriate money from other sources, or we can simply insist on delay until these proposals are changed.

Every person in this room is aware of the public attitude towards the last bond package that came before us. We have the authority and the responsibility to prevent this from happening again if we believe it is in the best interest of the state to prevent this from happening. No one in the State of Maine is in a better position to deal with these issues than the members of this body simply because of the amounts of information that are available to us as a member of this legislature.

Why now, then, do we want to pass this responsibility along? Why were we sent to Augusta in the first place?

I would urge you to support the Majority "Ought Not to Pass" Report.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: First, I want to thank the good Representative from Fairfield, Representative Gwadosky, for his comments in regards to the bill. I wish he had been debating on the minority side — he had an argument for us.

I would urge the members of this body not to accept the Majority "Ought Not to Pass" Report and accept the Minority Report, the reasons being, and I am sure many of you people in the last election while you were campaigning had received comments and input from your constituents concerning this issue. I had the opportunity of running on the ballot when we had the combination of more than one bond item in a single issue in the special election. I don't know of any issue that created more interest than that issue in that campaign. That issue still held over into this campaign. I found this same problem in my district while I was campaigning, as probably many of you people did.

Representative Gwadosky talked about the process, the legislative process. Yes, there is a process; that process works sometimes, sometimes it doesn't. Sometimes it works to the advantage of the taxpayers of the state; sometimes it doesn't. He talked about the concern of who is going to make the determination as to which issues are similar, which ones are in the same realm. He discussed one or two issues where the parameters were so far apart they weren't recognizable.

I have faith and trust in the committee which handles this presently, the Appropriations Committee, in making the determination of which ones will be put together and which ones will be separated. He also spoke of the process of what occurs when the determination is made. Again, it is understood through legislative process that the Appropriations Committee makes the determination now. I certainly would stand with that, as I am sure every other member would here.

Representative Gwadosky did discuss the bill, and I would just like to remind you that the bill prohibits the combining of more than one bond issue in a single bond issue and, at the same time, it changes the language of how the

interest will appear on the referendum ballot.

It is understood today that most institutions in the state, I should say all institutions in the state, when they lend a consumer money, they must tell the consumer exactly what is happening. That is exactly what this bill does. This bill shows a total bond issue, it shows the estimated cost of interest, and something new that hasn't appeared before, it shows the combination of the estimated cost of the bond principal and interest combined together so everybody knows exactly what the bottom line is going to be.

I felt strongly enough about this bill to introduce it this session because my voters in my district, the people that I represent, voiced their objection to the procedures that have been used in the past. I think that it is important that we give the voters on these issues a clear vote, a vote which is going to affect them personally and financially in the remaining years of that issue and possibly their life. It is also important to ratify bonds that are of immediate importance to them and to the state of Maine. This bill, I hope, if it is enacted, is an attempt to restore the faith and trust in the referendum process. I think in order to get voter participation, as was indicated in the discussions this morning, that we aren't going to create any confidence when we take and use the pork-barrel approach. I just feel that it is an important issue, it is a responsible issue, and again I urge you, the members of the House, to vote against the pending motion.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I just had to rise and respond very briefly to one of the concerns which Representative Gwadosky mentioned. His concern was whether or not authorities, such as the Maine Housing Authority and the Maine Guarantee Authority, etc., came under this or not. Certainly there is no Attorney General's opinion or anything of that nature; however, in discussion with the Legislative Assistant in our committee who did quite a bit of research on it, it is his opinion, and quite strongly, that these authorities do not come under this bill.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Fairfield, the Chairman of the Committee, Mr. Gwadosky, probably gave the best argument for passing this bill that I have heard this morning. That argument was very simply that if you send out a questionnaire and ask this question of your constituents, the answer would be a resounding yes, it ought to pass. Well, ladies and gentlemen, when are we going to start listening to the folks that send us down here? I recall a speech a few weeks ago by the gentleman who sits in the back row, Mr. Dudley, who made that same plea—we had better start listening to the folks that send us down here.

I think this is a good bill, I think it has an awful lot of merit. The merits have been discussed. If a particular single issue is worthy and has merit of passage, the voters of Maine are going to pass it, it is going to stand on its own two feet whether it is in southern Maine, northern Maine, eastern Maine or central Maine. The voters of Maine have a lot of good common sense when it comes to going to the polls. After all, they elected each and every one of us, didn't they?

I think the bill does have an awful lot of merit and I would certainly agree with those who have spoken before me. I hope that you will oppose the pending motion so that the "Ought to Pass" motion can be made.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: My colleague from Fair-

field, I suppose, is being much maligned this morning and I rise not so much in his defense as to further state a few arguments that ought to be made against this bill.

What it says to me and the reason I signed the "Ought Not to Pass" Report, it basically says that the overwhelming majority of the legislators in this House and the other body have no faith in the Appropriations Committee. Having never served on the Appropriations Committee and having always wanted to be on the committee, I have a great deal of respect for it, but I think that this House and every legislator in it is not so easily swayed or feels powerless when it votes on bond issues to think that the Appropriations Committee has not done its job. I think it is a very able committee, I think the members are hard working and deserve a lot of credit.

We can either accept or reject their recommendations. I believe in the past this body has acted in accord with its own beliefs on bond issues, whether or not they should submit them for referendum, whether they should change them; this bill does nothing to really change that. It is a statute and we can enact a clause that says "notwithstanding any other provision of the law, this bond issue shall be passed and sent to the voters forthwith."

All this bill does, it says it has no faith in the Appropriations Committee, that we are going to regulate completely, we are going to dictate to a committee. I sit on State Government, I wouldn't want this body to dictate completely what type of legislation we can report out. I think this body has faith in the members of the State Government Committee, has faith in every committee. The integrity of the whole committee process is at stake here as I see it. Are we going to do our work and report to the full House a recommendation and not have to have our hands tied every time that we look at a bill? That is why I supported the "Ought Not to Pass" Majority Report; I hope that you will support the motion before this body.

Mr. Brown of Livermore Falls requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in a favor of a roll call 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 Harrison, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think it is important that we realize that the only issue we are discussing here this morning is the bond issues, we are not discussing the committee process. If we are concerned about the committee process, maybe we can do it a little later, but we are just discussing one issue, one element of the process and I think that is extremely important. I don't think we should try to tie it in with the other committees.

One thing I might add to it—you know, we talked about capital, we are a capital poor state. I don't think anybody would deny that. I think by the same token you have got to recognize that as long as a state continue to move in the direction that we are moving in, in relieving the responsibility from the private sector in establishing and producing that capital that is needed for the economic growth in this state, we will continue to be a capital poor state. You know when you look at it in discussions in that manner, I think we are nothing but assisting in making it easier for these people who would make these investments, take the gamble, take the risks in putting the money up for projects that should be in the private sector. That would just give them an area where they could turn around the guarantee their investment by buying these bonds.

I think you know that it creates a problem. We have talked about, you know, the early seventies. One of the speakers remarked about the decline that has occurred in the last 13 years in this state in capital investment. I am going to support and propose this thing that possibly the problem we have with the decline of investment capital in this state is our state's tax structure. That is something that we probably could address later in this session or later in some other sessions. We have already attempted to do this. In some areas we have made some remarkable moves, progress; other areas we haven't.

I think we need to look at everything in general. I just think that that is the reason you should vote against the motion today and vote to accept the Minority "Ought to Pass" Report. I just feel that to continue to provide a guarantee in some areas, that we aren't going to introduce or induce any interest in investment capital in this state.

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

Mr. MATTHEWS: Mr. Speaker, I won't take long, but I would like to address a question through the Chair. My question is this, and I would imagine that each legislator here today, whether you are a freshman or ran for reelection last time, you probably had to deal with this question just like I did. My question is this — accountability. I am very very concerned about the process that we have, and I would like to see the people in this state feel that they have some input in that process. What input would the people in this state have if we do not pass this bill in having accountability on bond issue questions?

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

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

Mr. BRODEUR: Mr. Speaker, to answer the gentleman's question, I think the people of the state can have accountability. If the people of the state don't want bond issues combined, then this legislature can vote them down and members of the legislature can vote against that.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Fairfield, Mr. Gwadosky, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Anderson, Baker, Beaulieu, Benoit, Brannigan, Brodeur, Carrier, Carroll, G.A.; Carter, Clark, Connolly, Cooper, Cote, Cox, Crouse, Erwin, Gwadosky, Hall, Hickey, Higgins, H.C.; Ingraham, Joseph, Joyce, Kane, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, MacBride, MacEachern, Manning, Martin, H.C.; Matthews, K.L.; McCollister, McGowan, Michael, Michaud, Mitchell, E.H.; Moholland, Nadeau, Nelson, Paradis, P.E.; Richard, Rolde, Rotondi, Smith, C.B.; Smith, C.W.; Stevens, Tammara, Theriault, Tuttle, Vose, The Speaker.

NAY—Ainsworth, Allen, Andrews, Armstrong, Bell, Bonney, Bost, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Cashman, Chonko, Connors, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Gauvreau, Greenlaw, Handy, Higgins, L.M.; Holloway, Jackson, Jacques, Kelleher, Kelly, Kiesman, Lebowitz, Lewis, Livesay, Locke, Macomber, Martin, A.C.; Masterman, Masterton, Matthews, Z.E.; Maybury, Mayo, McHenry, McPherson, Melendy, Mitchell, J.; Murphy, Murray, Norton, Paradis, E.J.; Parent, Paul, Perkins, Perry, Pines, Racine, Randall, Reeves, J.W.; Reeves, P.; Ridley, Salisbury, Scarpino, Seavey, Small, Soucy, Soule, Sproul, Stevenson, Stover, Swazey, Telow, Walker, Webster, Wentworth, Weymouth, Wil-

ley, Zirkilton.

ABSENT—Conary, Diamond, Foster, Hayden, Hobbins, Jalbert, Mahany, McSweeney, Pouliot, Roberts, Roderick, Sherburne, Strout, Studley, Thompson.

Yes, 54; No, 82; Absent, 15.

The SPEAKER: Fifty-four having voted in the affirmative and eighty-two in the negative, with fifteen being absent, the motion does not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-46) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

First Day

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

(S. P. 161) (L. D. 449) Bill "An Act Relating to Fines for Committing a Fraudulent Act under the Liquor Laws"—Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-13)

(H. P. 325) (L. D. 384) Bill "An Act to Expand the Authority of Probate Judges to Appoint Temporary Guardians"—Committee on Judiciary reporting "Ought to Pass"

(H. P. 402) (L. D. 485) Bill "An Act Concerning Court Procedures Dealing with Notice in Liability Cases"—Committee on Judiciary reporting "Ought to Pass"

(H. P. 560) (L. D. 710) Bill "An Act to Authorize a July 1st to June 30th Fiscal Year for Counties"—Committee on Local and County Government reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 9, under the listing of the Second Day.

Consent Calendar

Second Day

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

(H. P. 524) (L. D. 649) Bill "An Act to Prohibit Skiing in Out-of-bounds Areas" (C. "A" H-45)

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

(H. P. 439) (L. D. 532) Bill "An Act Relating to the State Harness Racing Commission"

On the objection of Mr. Michael of Auburn, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

Passed to Be Engrossed Amended Bill

Bill "An Act to Adjust the Service Fee and Allocations of the Low-Level Waste Siting Fund, and to Adjust the Membership of the Low-Level Waste Siting Commission" (Emergency) (H. P. 568) (L. D. 663) (H. "A" H-48 to C. "A" H-41)

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

Orders of the Day

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

SENATE REPORT—"Refer to the Committee on Business Legislation" Committee on Legal Affairs on Bill "An Act to Provide for the Use of Major Credit Cards at Selected State Liquor Stores" (S. P. 160) (L. D. 448)

Tabled—March 7, 1983 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Committee Report. On motion of Mrs. Mitchell of Vassalboro,

retabled pending acceptance of the Committee Report and tomorrow assigned.

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

Bill "An Act Relating to the Minimum Wage for Waiters and Waitresses" (H. P. 406) (L. D. 489)

Tabled—March 8, 1983 by Representative Gauvreau of Lewiston.

Pending—Motion of same gentleman to Reconsider acceptance of Majority "Ought Not to Pass" Report

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

Mr. MICHAEL: Mr. Speaker, I hope that the House does reconsider this matter so that we may then vote to accept the Minority "Ought to Pass" Report. I was out of state on Friday and arrived yesterday afternoon, so I wasn't here for the opportunity to discuss this bill when it originally came up and I appreciate it being set aside.

In order to relate to this bill, it won't do any good to look to the actual L. D. 489. To understand the minority report, you need to refer to the amendment, House Amendment 38. What House Amendment 38 does...

The SPEAKER: The Chair would advise the gentleman that the only motion before this body is the motion to reconsider.

Mr. MICHAEL: Well, I hope that you do reconsider the bill.

Thereupon, the House reconsidered its action whereby the Majority "Ought Not to Pass" Report was accepted.

The SPEAKER: The pending question now is the motion to accept the Majority "Ought Not to Pass" Report.

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

Mr. MICHAEL: Mr. Speaker and Members of the House: I now hope you will accept the Minority "Ought to Pass" Report.

What the Minority "Ought to Pass" Report does is, it takes the minimum wage for waiters and waitresses, that is service employees, and brings that in line with the federal minimum wage.

Those of you who have been in this body for more than one term know that we habitually keep the Maine state minimum wage in line with the federal minimum wage. Many states do this and a few states actually have a higher state minimum wage than federal. Maine historically has kept the state's minimum wage in line with the federal minimum wage. This bill would do that and allow our minimum wage for service employees to be consistent with the state's minimum wage in the sense that it would be aligned with the federal minimum wage. After we pass this bill, it will not be possible for businesses to pay their employees, their service employees, less than the federal minimum wage.

I am sensitive to the economy that we are currently in, I am sensitive to what it is like to run a business, and we have structured this amended version so that we will phase in the new standards.

Currently, if you are a service employee in the State of Maine, if you are a waiter or waitress, you receive 50 percent of your wages from the employer. That comes to approximately \$1.67 an hour. The balance of your minimum wage, given that you are entitled to minimum wage, must be made up from tips, so the employer is allowed a tip credit in lieu of paying wages. That is, it is assumed that the employees will make half their wages in tips, so the employer is given a credit and does not have to pay half the minimum wage. He in fact pays one half and the other half is handled by the tip credit.

Outfits that gross over \$360,000 a year automatically come under the federal provisions, and the federal provisions are currently a 40 percent tip credit for the employer; there-

fore, outfits in Maine which come under federal guidelines pay the employees 60 percent of minimum wage, which would be \$2.01.

The other fact is that many other restaurants don't come under the federal guidelines who are actually allowed to pay as little as 50 percent in wages but a lot of them pay more. So this bill is designed to bring the ones that are lagging back and I think abusing the privilege, it is bringing them up to the federal level so that we can begin to guarantee our waiters and waitresses a decent wage.

It is interesting, Maine and New Hampshire are the only New England states that still lag behind in this area. This is the kind of bill that should have passed with ease, it should have been automatic, it should have been bipartisan, there should not have been any serious debate on this matter. It is certainly an idea whose time has come. Maine currently lags behind. There is no excuse for not passing this bill.

One mistake I made was to not have a dog and pony show before the committee. I think sometimes it is necessary to be a little foolish when you pass legislation and bring people before the committee just as a show and then afterwards, you and I have all had this experience sometimes in our committees, we look and say, well, five people spoke for the bill and six people spoke against the bill, I guess I'll vote "ought not to pass" or something like that.

We would rather do this, and one reason is, I think it would not be wise for any service employee to come before any committee and say that they think their employer should be required to pay them more money, so we didn't have a big lobbying effort, although one waitress did show up on her own to testify and I applaud her. Other than that, the only people speaking in opposition to the bill were restaurant owners and a couple of lobbyists.

Maine, as I said, is the only state in New England, other than New Hampshire, which lags behind. Massachusetts pays 60 percent of the minimum wage, which is the federal standard. Vermont pays 60 percent of the minimum wage, which is federal standard. Rhode Island, interestingly, pays 65 percent of the minimum wage, which is above the federal standard—Rhode Island is above the federal standard. This bill only seeks to ease in the federal standards for Maine's service employees. And, by the way, we do that by having the bill be effective January 1, 1984. So on January 1, 1984, all employers in Maine will have to pay 55 percent of minimum wage; they currently pay 50 percent. Then, January 1, 1985, all Maine employers, if they do not currently do it, must pay 60 percent of minimum wage, or the federal level, which is the same, and therefore we have given essentially two years to ease this in so there won't be any great economic shock as we bring this up to the standards of other states.

As I said, Rhode Island currently pays 65 percent; that is 5 percent more than the federal level. Connecticut, by the current wage levels, pays 77 percent. I didn't research the rest of the states in the union, but Maine certainly lags way behind the other states by the evidence that I have brought up, and I see absolutely no reason why we don't move forward, support this piece of legislation and allow our waiters and waitresses and other service employees the dignity of having a good life for themselves by receiving a fair wage.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: In defense of the committee, I would just like to say that dog and pony shows, whether they are present or not, don't have that much of an impact. I think the committee looks at the issue and it is the issue that is before us today.

I think it is important to remember that what is being proposed, or the approach being

proposed truly only applies to the tip credit process that would be imposed now upon restaurants. We don't have to look too hard at the larger restaurants because they come under the federal minimum standards; however, if we adopt this approach at this point in time, we are serving to increase, if nothing else, the costs to the smaller restaurants, those who make below \$300,000 a year, or \$350,000 a year, or \$360,000 a year.

This issue wasn't looked upon very lightly by the committee. I think all of us as individuals went back to our communities, I know I did, several other members of the committee did the same, we talked to restaurant operators, we talked to waiters and waitresses, and truly the concern on the part of the employees is that if we were to adopt this approach, what potentially could happen is that they will get a reduction in hours for working and that in the small restaurants they will choose or opt to shift them to a straight salary with no tipping allowed.

From my point of view, and I believe a majority of the committee feels that the best approach to utilize is to raise the minimum wage so that they won't wind up getting paid \$2.01 or \$1.68, that if we raise the minimum wage, we raise their base and it still allows them the retention of tips and reportable aspect of those tips.

So, it is not an issue that we took very lightly. I think the committee, as individual members, did their homework. The sense we get from the people in the field out there, and there are problems, no doubt about it, there are waiters and waitresses who do a little bit more than waiting on tables. They are washing floors and cleaning grease traps and setting tables, and that is not exactly right, but if we choose to adopt the amended version as being proposed in the Minority "Ought to Pass" Report, our sense is that these people will be in more trouble than they are now and that the best way to go is to deal with the issue of raising the state's minimum wage, which will result in more money in their pockets for their efforts.

I would ask that you not accept the Minority Report. I did not challenge the reconsideration, so I am asking you now not to accept the Minority Report and I will 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 Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: In 1938, the Congress of the United States enacted comprehensive labor legislation that was known as the National Fair Labor Standards Act. Included amongst all those particular pieces and recommendations was legislation that established the minimum wage for the entire United States. Prior to that, there had been some states in the country that had their own individual minimum wages but this particular act established the federal minimum wage.

Included in that, however, were provisions for certain exemptions, that certain categories of workers could be exempt from having to be paid the minimum wage for their work. One of the categories of workers is what has been called service employees, what this legislation refers to as waiters and waitresses.

In 1977, Congress of the United States, in dealing with significant minimum wage legislation that was before it at that time, commissioned a study to be done on a variety of issues that concerned the minimum wage. One of the issues that they requested that a look be taken

at and recommendations be made about was the whole question of exemptions that exist as far as minimum wage is concerned. That commission, by the way, was not by any stretch of the imagination one that could be termed "pro labor"—it was a balance with representatives from industry, from labor, from management, from the bureaucracy.

In 1981, that Commission issued its first report, and amongst the multitude of recommendations that were made in that report is one that because service workers comprise across the United States the largest number of people in a category that are exempt from the minimum wage and because in the conclusion of the commission the cost to industry, if that exemption were to be removed, would be minimal, and because the purpose of establishing the minimum wage in National Fair Labor Standards Act was to provide a minimum base wage for workers, this commission has recommended that that particular exemption be done away with.

Someone who would be on the other side of this issue—I support the legislation—would say, your resolution to the problem lies with Congress, let Congress solve the problem. However, up until now at least, and these recommendations have only been published for the past year, nine months to twelve months, Congress has not yet chosen to address any of the issues that surround minimum wage that are brought forth in this report.

The bill that Representative Michael has sponsored originally attempted to raise the minimum wage for waiters and waitresses. Right now if you are covered by the federal minimum wage and you serve as a waitress or a waiter in the state of Maine, you have to be paid 60 percent of \$3.35 an hour. If the restaurant that you work for is not large enough so you are not covered by federal minimum wage and you are only protected by the state minimum wage, then you only have to be paid half of \$3.35 an hour. Representative Michael's original bill said that that should be increased to at least 75 percent of \$3.35 an hour. We have a federal commission that says they should be paid the full \$3.35.

Representative Michael, in an attempt to save his bill, worked at a compromise and now says he won't even shoot for the 60 percent or the 75 percent but he will just deal with the 50 percent that are covered by the state minimum wage and asks that that be raised in one year to 55 percent of the minimum wage, and in two years to 60 percent of the minimum wage so that there will be no distinction. Everybody who works as a waiter or a waitress, regardless of how much business a particular restaurant does, will be paid at least 60 percent of the minimum wage.

In the name of everything that is sacred as far as working people are concerned in this state, what could be more realistic than to say that people should at least be paid 60 percent of the minimum wage?

Representative Beaulieu says that the ultimate solution to the problem is to raise the minimum wage, and she is correct, that is the ultimate solution and there will be a bill before this legislature later on so that we can raise the minimum wage. But I would hope that today in this House, which is now beginning to develop a record for itself with the votes that we have taken in the past few weeks, this is not the most significant labor issue that will come before this legislature but it is an important labor issue, and I would hope that as we begin to develop our labor record, that we would vote with Mr. Michael, against the motion to kill the bill and let's keep this legislation alive.

The SPEAKER: The Chair recognizes the gentleman from Mt. Desert, Mr. Zirkilton.

Mr. ZIRKILTON: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Labor Committee, I had an opportunity to

hear both of these gentleman debate these very things in front of the committee, and as I understand it, and I believe as the rest of the members of the committee understand it, currently someone who is working in the so-called restaurant area must get at least minimum wage; meaning they currently receive, if they fall under that less than the \$360,000 category, they receive 50 percent of the prevailing minimum wage, and if their tips do not get them up to at least minimum wage, the employer is required to make up the difference.

This is a different situation because these gentlemen are saying that they do not make enough money. Well, waiters and waitresses fall under a strange category. They have a good opportunity in the sense that they are one of the only people currently getting minimum wage or close to minimum wage or at least minimum wage and they have an opportunity to make a lot more money, meaning that there is no restriction as to how much money they can possibly make, depending on how good a waiter or waitress they may be. So in times of a hard economy, I don't think it is the right thing to do to increase the burden on the employer for someone who has an opportunity to make more than minimum wage.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I have no quarrel, I can buy the logic and the explanation that both Representative Michael and Representative Connolly have put forth to you. There are going to be far more important labor bills before you; however, in this particular instance, I, as an individual, chose to make it a point to talk with people in the field to see how they felt about it, both sides. I am going to listen to the employees in this particular instance. Their fear is that if we use this approach to try to help them, that they will wind up with reduced hours and/or put on straight salaries, losing tipping privileges.

I contend there is a better approach for us to utilize to give broader help to all of them. That is why I signed out "Ought Not to Pass" and I would challenge anybody to tell me that I am not a liberal person, but in this particular instance, I cannot buy this approach to solve a problem for those employees in Maine.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I do appreciate the good gentlelady's concerns. I know that in her heart she is always with the working people of the state. Of course, I feel that her approach to this particular issue is not accurate and consistent with what she really wants, so in summary, I do not see at all that if this bill is passed and the minimum wage for service employees is eased up over two years gently to the federal level of 60 percent that there will any reduction in hours for people with that modest increase.

Also, a couple of the opponents of this change have said that they felt it would be a burden to the small restaurant owners and that they should be allowed to pay less than the federal minimum standards. I would submit to you that there are some people in the House, but not a majority certainly, that would say that small businesses should be allowed to pay less than the federal minimum wage, than the regular federal minimum wage, for non-service employees. In other words, this House had voted to have minimum wage for Maine employees be the same as federal. No one that voted that way feels that we should allow the small businesses to pay less than minimum wage. The only exception is with service employees and for some reason our philosophies are inconsistent with service employees, that we can allow them to be treated less than the rest of the state, which is at the federal level.

Very simply, I am not asking you to raise the minimum wage for service employees to \$2.17, as it is in Rhode Island which has a 65 percent credit, I am not asking you to raise it to \$2.59, as it is in Connecticut which is 77 percent. By the way, I talked to the people in Connecticut, they said there were no problems there, there have been no outfits that went out of business, they have no difficulty and have had that level for years. So the question I have for this body is: can you make this contribution to your federal workers in the state of Maine without having some compelling crisis at stake?

I do request that you go with your hearts and support the people of the state of Maine, support the service employees, the people who bring your food and put it in front of you in a restaurant, that work hard for a living, go on and support the Minority "Ought to Pass" Report.

Mrs. Beaulieu of Portland was granted permission to speak a third time.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: For the record, ladies and gentlemen, small restaurants are not paying less than the federal minimum wage, so don't think they are by-passing the law here. They are doing what they are allowed to do by statute now, or by law, they are in compliance, they are not mandated to pay the federal minimum wage. The comments made made it sound like they were getting away with something; they are not.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentlewoman from Portland, Mrs. Beaulieu, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Anderson, Armstrong, Beaulieu, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conners, Cooper, Cote, Cox, Crowley, Davis, Day, Dexter, Dillenback, Erwin, Gauvreau, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Jacques, Joseph, Kelly, Kiesman, LaPlante, Lebowitz, Lehoux, Lewis, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McGowan, McPherson, Melendy, Michaud, Moholland, Murphy, Nelson, Norton, Paradis, E.J.; Parent, Perkins, Perry, Pines, Racine, Randall, Reeves, J.W.; Richard, Rolde, Salsbury, Scarpino, Seavey, Small, Smith, C.B.; Sproul, Stover, Swazey, Tammaro, Telow, Theriault, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Allen, Andrews, Baker, Benoit, Bost, Brannigan, Brodeur, Carrier, Connolly, Crouse, Curtis, Daggett, Drinkwater, Dudley, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jackson, Joyce, Kane, Kelleher, Ketover, Kilcoyne, Lisenik, Martin, A.C.; Matthews, Z.E.; Mayo, McCollister, McHenry, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Paradis, P.E.; Paul, Reeves, P.; Ridley, Rotondi, Smith, C.W.; Soucy, Soule, Stevens, Stevenson, Tuttle, The Speaker.

ABSENT—Conary, Diamond, Foster, Hobbs, Jalbert, Mahany, McSweeney, Pouliot, Roberts, Roderick, Sherburne, Strout, Studley, Thompson.

Yes, 89; No, 48; Absent, 14.

The SPEAKER: Eighty-nine having voted in the affirmative and forty-eight in the negative, with fourteen being absent, the motion does prevail.

Sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Authorize the Maine Criminal Justice Academy to Revoke Officer Certification" (H. P. 865) which was tabled and later today assigned pending reference. (Committee on Judiciary was suggested)

On motion of Mr. Gwadosky of Fairfield, retabled pending reference and tomorrow assigned.

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

Mr. VOSE: Mr. Speaker, I move we reconsider our action of earlier in the day whereby Bill "An Act to Ensure the Safe Operation and Installation of Boilers used by Electric Utilities," House Paper 861, was referred to the Committee on Public Utilities.

On motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Andrews of Portland, Adjourned until nine o'clock tomorrow morning.