

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

Wednesday, March 30, 1983

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

Prayer by the Reverend Linwood Welch of the First Baptist Church of Westbrook.

The journal of yesterday was read and approved.

Papers from the Senate

The following Joint Resolution: (S. P. 455)
JOINT RESOLUTION MEMORIALIZING THE
97th CONGRESS OF THE UNITED STATES
TO TAKE ACTION TO ADDRESS THE
PROBLEMS POSED BY ACID PRECIPITATION.

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Eleventh Legislature, now assembled, most respectfully present and petition the members of the 97th Congress of the United States of America, as follows:

WHEREAS, hundreds of lakes in the northeastern United States and eastern Canada are devoid of animal and plant life due to the effects of acidic precipitation, so-called acid rain; and

WHEREAS, the same acid rain continues to pose a similar threat to the lakes and rivers and animal and plant life of this region; and

WHEREAS, in Maine the acidity in some of our lakes has increased eightfold in the last 40 years; and

WHEREAS, acid rain poses an enormous economic burden on those regions it affects producing an estimated cost of \$250 million in damages annually to lakes and rivers east of the Mississippi River; and

WHEREAS, the effects of acid rain are not limited to aquatic resources, but also seriously affect local flora; and

WHEREAS, 90% of Maine is forested and 30% of all of its manufacturing jobs are in forest related industries which produce more than \$2.5 billion worth of products, or 43% of the value of all products produced in this State; and

WHEREAS, the potential loss to Maine's economy posed by the effects of acid rain is enormous; and

WHEREAS, in a more general and yet more important regard the United States and Canada share a common stewardship of the resources, flora and fauna of one of the richest land masses in the world for the benefit of future generations which is being continually endangered by the effects of acid rain to the detriment of these future generations and in derogation of our stewardship responsibilities; and

WHEREAS, the American response to this problem has succeeded only in causing a serious strain on our relationship with our Canadian neighbors; and

WHEREAS, more responsible and responsive actions on the part of the American Government are required now to eliminate this problem before the damage done is totally irreversible; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the 97th United States Congress take prompt action to make significant reductions in sulfur dioxide emissions in the 31-state region east of or bordering on the Mississippi River; and be it further

RESOLVED: That a duly authenticated copy of this memorial be immediately submitted by the Secretary of State to the President of the Senate and the Speaker of the House of the Congress of the United States and to each member of Congress from this State.

Came from the Senate read and adopted.

In the House, the Resolution was read.

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

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: This petition to the 97th

Congress is to urge their support and timely action on a serious problem affecting the northeast and Canada. An effective solution to the problem of acid rain is imperative not only for the present but future generations of Maine citizens.

I would urge your support for this Resolution.

Thereupon, the Resolution was adopted in concurrence.

Bill "An Act to Promote the Wise Use and Management of Maine's Outstanding River Resources" (S. P. 427) (L. D. 1296)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Amend the Laws Relating to Fees for Nonresident Concealed Weapons Permit" (S. P. 428) (L. D. 1297)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Judiciary)

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

RESOLVE, Authorizing the Department of Marine Resources to Sell the Research Vessel Challenge and to Convert the Fishing Vessel Jubilee (S. P. 429) (L. D. 1298)

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

In the House, was referred to the Committee on Marine Resources in concurrence.
(Later reconsidered)

Bill "An Act to Provide a Property Tax Exemption for Widows of Disabled Veterans" (Emergency) (S. P. 430) (L. D. 1299)

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

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

Reports of Committees

Unanimous Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Extend Consumer Freedom of Choice Regarding Insured Mental Health Services" (S. P. 278) (L. D. 843)

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 Labor on Bill "An Act to Revise the University of Maine Arbitration Procedures" (S. P. 187) (L. D. 610) reporting "Ought to Pass" in New Draft (S. P. 440) (L. D. 1319)

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, Thursday, March 31.

Divided Report

Later Today Assigned

Eight Members of the Committee on Business Legislation on Bill "An Act Relating to Business, Travel or Recreation on Sunday" (S. P. 29) (L. D. 84) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (S-38)

Report was signed by the following members:
Senators:

CLARK of Cumberland
CHARETTE of Androscoggin
SEWALL of Lincoln

— of the Senate.

Representatives:

PERKINS of Brooksville
POULIOT of Lewiston
CONARY of Oakland
TELOW of Lewiston
BRANNIGAN of Portland

— of the House.

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

Report was signed by the following members:

Representatives:

MURRAY of Bangor
MacBRIDE of Presque Isle
MARTIN of Van Buren
STEVENS of Bangor

— of the House.

One Member of the same Committee on the same Bill reports in Report "C" that the same "Ought to Pass" in New Draft (S. P. 442) (L. D. 1321)

Report was signed by the following member:
Representative:

RACINE of Biddeford

— of the House.

Came from the Senate with Report "A" "Ought to Pass" as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-38)

In the House: Reports were read.

Mr. Brannigan of Portland moved that Report A, "Ought to Pass" as amended by Committee Amendment "A" be accepted in concurrence.

On motion of the same gentleman, tabled pending his motion to accept Report A in concurrence and later today assigned.

Non-Concurrent Matter

Bill "An Act to Provide for Voluntary Inspection of Trailers and Semitrailers under the Motor Vehicle Laws" (Emergency) (H. P. 911) (L. D. 1161) which was passed to be engrossed in the House on March 25, 1983.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-40) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Establish the Cost of the 1983 Spruce Budworm Suppression Project" (S. P. 386) (L. D. 1169) which was passed to be enacted in the House on March 17, 1983.

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

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

Messages and Documents

The following Communication: (S. P. 453)
111th Maine Legislature

March 28, 1983

Honorable Paul Violette
Honorable Dan Gwadosky
Chairs
Joint Standing Committee on
State Government
State House
Augusta, Maine 04333

Dear Chairs Violette and Gwadosky:

Please be advised that on March 25, 1983, Governor Joseph E. Brennan nominated Joseph D. Mokerzel of Old Orchard Beach for appointment to the Maine Guarantee Authority.

Pursuant to Title 10 MRSA Section 751, this nomination will require review by the Joint Standing Committee on State Government 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 State Government.

In the House, was read and referred to the Committee on State Government 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:

Energy and Natural Resources

Bill "An Act to Authorize Municipalities to Guarantee Delivery of their Solid Wastes to Specific Waste Facilities" (H. P. 1048) (Presented by Representative Mitchell of Vassalboro) (Cosponsors: Representatives Michael of Auburn, Bost of Orono, and Senator Twitchell of Oxford) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Require the Payment of Prejudgment Interest at Prevailing Market Rates on all Judgments, Dating from the Time of the Incident Giving Rise to the Claim" (H. P. 1049) (Presented by Representative Mitchell of Vassalboro) (Cosponsors: Representatives Benoit of South Portland, Paradis of Augusta, and Senator Wood of York)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Clarify Sanctions for Repeated Violation of the Labor Laws of Maine" (H. P. 1050) (Presented by Representative Swazey of Bucksport) (Cosponsors: Representative Norton of Biddeford, Clark of Millinocket, and Senator Dutremble of York) (Submitted by the Department of Labor pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Amend the Law Governing Traveling Shows" (H. P. 1051) (Presented by Representative Cote of Auburn) (Cosponsors: Representatives Perry of Mexico and Stover of West Bath) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Change the Positions of County Treasurer and Register of Deeds from Elected to Appointed" (H. P. 1052) (Presented by Representative McHenry of Madawaska) (Cosponsor: Representative Bost of Orono)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Make Corrections in the Maine State Housing Authorities Law" (H. P. 1053) (Presented by Representative Paradis of Augusta) (Cosponsors: Representatives LaPlante of Sabattus and Lebowitz of Bangor)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Providing for Administrative Changes in Maine Tax Laws" (H. P. 1054) (Presented by Representative Higgins of Portland) (Cosponsors: Senator Twitchell of Oxford and Representative Kilcoyne of Gardiner) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Representative McSweeney of Old Orchard Beach the following Order:

ORDRED, that Representative Charles M. Webster of Farmington be excused March 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mary H. MacBride of Presque Isle be excused March 31 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harriet B. Lewis of Auburn be excused April 5 through April 8 for personal reasons.

**House Reports of Committees
Unanimous Leave to Withdraw**

Representative Clark from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Season for Raccoon Hunting" (H. P. 698) (L. D. 887) reporting "Leave to Withdraw"

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Deer Hunting Season" (H. P. 953) (L. D. 1234) reporting "Leave to Withdraw"

Representative Nadeau from the Committee on Election Laws on Bill "An Act to Allow Voter Registration and Party Enrollment on the Same Form" (H. P. 198) (L. D. 242) reporting "Leave to Withdraw"

Representative Hall from the Committee on Energy and Natural Resources on Bill "An Act to Establish a Commission on Maine's Energy Future" (H. P. 857) (L. D. 1107) reporting "Leave to Withdraw"

Representative Higgins from the Committee on Taxation on Bill "An Act Relating to Renewable Energy Systems' Tax Credits" (H. P. 52) (L. D. 57) reporting "Leave to Withdraw"

Representative Higgins from the Committee on Taxation on Bill "An Act to Permit the Interstate Commerce Exemption on Sales Tax to Apply to Persons who Lease Vehicles Which Are Placed in Interstate Commerce" (H. P. 188) (L. D. 230) reporting "Leave to Withdraw"

Representative Day from the Committee on Taxation on Bill "An Act to Increase the Veteran's Property Tax Exemption by \$1,000" (H. P. 640) (L. D. 791) reporting "Leave to Withdraw"

Representative Day from the Committee on Taxation on Bill "An Act Relating to Municipal Tax Liens for Nonpayment of Taxes" (H. P. 708) (L. D. 897) reporting "Leave to Withdraw"

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

Ought to Pass**Pursuant to Joint Order H. P. 159**

Representative Walker from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1983 (Emergency) (H. P. 1044) (L. D. 1374) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 159)

Representative Curtis from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1983 (Emergency) (H. P. 1045) (L. D. 1375) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 159)

Reports were read and accepted and the Resolves read once. Under suspension of the rules, the Resolves were read the second time, passed to be engrossed and sent up for concurrence.

Representative Daggett from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1983 (Emergency) (H. P. 1046) (L. D. 1376) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 159)

Report was read and accepted, the Resolve read once and assigned for second reading

later in the day.

Representative McHenry from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1983 (Emergency) (H. P. 1047) (L. D. 1377) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 159)

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

By unanimous consent, the preceding matters requiring Senate concurrence was ordered sent forthwith.

Divided Report**Later Today Assigned**

Majority Report of the Committee on Marine Resources on Bill "An Act to Promote Conservation of Lobster Resources" (H. P. 736) (L. D. 945) reporting "Ought Not to Pass"

Report was signed by the following members:

Senators:

MINKOWSKY of Androscoggin
DUTREMBLE of York
SHUTE of Waldo

— of the Senate.

Representatives:

VOSE of Eastport
CROWLEY of Stockton Springs
MITCHELL of Freeport
SALSBURY of Bar Harbor
MELENDY of Rockland
AINSWORTH of Yarmouth
MANNING of Portland

— of the House.

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

Report was signed by the following members:

Representatives:

HOLLOWAY of Edgecomb
SCARPINO of St. George
CONNERS of Franklin

— of the House.

Reports were read.

On motion of Mr. Crowley of Stockton Springs, tabled pending acceptance of either Report and later today assigned.

Consent Calendar**First Day**

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

(H. P. 266) (L. D. 326) Bill "An Act Relating to Hunting and Fishing by Disabled Persons" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-96)

(S. P. 81) (L. D. 192) Bill "An Act Relating to Training Penobscot Law Enforcement Officers" — Committee on Judiciary reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 31, under the listing of Second Day.

Passed to Be Engrossed

Bill "An Act Concerning the Guidelines for State Contract Process and Appeal of Decisions" (S. P. 437) (L. D. 1316)

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

Passed to Be Enacted

An Act to Apportion the Maine Senate, House of Representatives and Congressional Districts (H. P. 1020) (L. D. 1320)

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

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I urge adoption of the reapportionment plan today.

History is supposed to teach us a lesson and is supposed to prevent us from repeating our past mistakes. I have taken an active part in the history of Maine reapportionment in the last 20 years; I would like to briefly review that history with you in terms of changing national and state standards and the evolution of the Maine concept of an apportionment commission.

Let me give you some sense of how far we have come. In 1961, for House redistricting purposes, students at UMO and personnel at Dow Air Force Base were legitimately under the Constitution deducted from federal census figures, more than 10,000 persons. For all practical purposes, they were not represented in our Legislature. Portland was legitimately limited to 7 House seats, even though by population it was entitled to 11 seats. Kennebec, Aroostook, Lincoln and Cumberland counties were all discriminated against in terms of equal population representation.

Similar discrepancies in other states led to the landmark federal supreme court case—*Baker v. Carr* in 1962. This historic decision plunged the court into the traditionally avoided political thicket of reapportionment. It resulted in the ruling which would submit contested state legislative reapportionment plans to the supreme court of the land. There relief would be granted in case of discrimination.

In 1963, *Gray v. Saunders* first defined political equality as "one man, one vote."

The most important case of the decade was *Reynolds v. Sims*, 1964. Chief Justice Earl Warren spoke for the majority: "Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests."

"The Equal Protection Clause requires that a state make an honest and good-faith effort to construct districts in both houses of its Legislature as nearly of equal population as is practical."

Abiding by the federal mandates, the Maine Legislature attempted to reapportion itself three times during the 1960s. In each case, joint select legislative committees, created by joint order, drew up the plans. All three plans failed and went to the Supreme Judicial Court of Maine. Included was a 1971 Senate plan which was held up by the Governor because of constitutional questions. Governor Curtis appointed a special commission, including legislators, and for the first time public members, to review the legislative plan. The commission on which I served as a public member produced a plan of its own which failed and went to court.

Because of the pattern of failure of the Maine Legislature to reapportion itself, recognition dawned that we needed a fool-safe special process for redistricting, a process less prone to pure politics.

The Constitutional Apportionment Commission idea had been under discussion for 15 years when in 1975 the present language was tacked on by committee amendment to a constitutional amendment to break up the old city multi-member districts into single-member districts. The committee amendment passed and so did the entire constitutional amendment when it went to the voters.

A 1973 House Apportionment Commission was the trial balloon for the 1975 created commission. Created by Joint Legislative Order on July 3, 1973, the commission was composed of 13 members—6 from the House equally divided among the two parties; 2 from the Senate equally divided among the two parties; and 3 public members, one from each political party; the third chosen by the latter two

members—the neutral member. I was chosen as that neutral member, and was elected by the commission as chairman. We began work on August 15, 1973, and completed a House plan by the deadline, December 1, 1973, the three month period incorporated into the Constitution as the Commission's operating period. The plan failed passage in the Legislature because of political considerations. But, excepting one district, it was endorsed by the Maine Supreme Judicial Court.

The 1975 Constitutional Amendment added two more Senators to the commission, making a commission of 15 members. Another amendment passed in 1980, bringing Senate redistricting into conformance with the House redistricting year, 1983, and every 10 years thereafter.

In 1981, a bill was enacted requiring the House-Senate Apportionment Commission to also deal with the Congressional Districts in 1983 and every 10 years thereafter.

The first Constitutional Apportionment Commission redistricted the cities in 1976 successfully and without court action.

The Maine Legislature and the people of Maine have created a unique and effective process for reapportionment. It is designed to ensure fair and balanced districts, no matter which party holds the majority of the Maine Legislature. By endorsing a politically balanced process, the people of Maine have indicated that apportionment is intended to rectify only those inequities created by population changes and not to be used for partisan advantage.

The structure of the commission has purposely been designed to force both political parties to compromise; to force the neutral chairman to avoid casting the one deciding vote; and to force all parties to arrive at a mutually acceptable apportionment plan.

The commission which handled the single-member districting of the cities in 1976 produced the only plan in the preceding 15 which did not go to the court.

Today, we are looking at yet another plan. The commission process has produced a plan for the House, one for the Senate and one for our two Congressional Districts—all with the least amount of disruption possible to Maine voters.

I urge that the House take a stand today, backing the commission process. In so doing, we will determine the shape of this House, the Senate and Congressional Districts for the next 10 years. That is too important a decision to yield to the Judiciary, which prefers to rule upon rather than be ensnared by the abhorred political thicket.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. McGowan.

Mr. MCGOWAN: Mr. Speaker and Members of the House: In accomplishing this apportionment, the Commission was guided first of all by the principles enunciated by the United States Supreme Court and restated by the Maine Supreme Judicial Court in every apportionment case. Those principles are population equality, compactness of districts, contiguity of districts and combination of communities of interest. In any apportionment these principles must control, because it is these principles which affect the fundamental right of every citizen to a vote worth no more and no less than anyone else's in a district composed in light of all the circumstances in the public interest.

When we were in doubt, and believe me, ladies and gentlemen, there were times, we looked to the cases decided by our two Supreme Courts for guidance. For example, the Maine Constitution contains language indicating that we should, in doing an apportionment, violate political subdivision lines as infrequently as possible. The ideal circumstance, obviously, would be to violate political subdivision lines not at all. We soon found, however, that in order to accomplish an apportionment

in which districts were approximately equal in population, that violation of both county and municipal boundaries was necessary from time to time. I can assure you that if we had not had to worry about county and municipal boundaries, we would not have spent the thousands of hours on reapportionment this year that we did spend. We worked very hard to avoid violating those lines, and in virtually every instance where such lines were violated, it was our opinion that a fair apportionment was not possible without the crossing of that line.

I am sure that each of us is aware that an apportionment is subject to the domino effect, and to bring it into a little bit more modern times, I would liken it to Rubik's cube, when you move one and it affected the whole state, moved one little ED, enumerated district in a town, and that affected the whole state.

When you move one part of a community, you necessarily affect many districts, not just that one. Accordingly, it is not always possible to prepare ideal districts. In fact, it is seldom possible.

Many of you tried to help us in accomplishing this apportionment and each of you was helpful. Typically, however, the first district each of you designed was your own. And when we looked at the map and saw only one district on that map, we usually found that district to be perfect in terms of population, compactness, contiguity and communities of interest. In many cases, we then asked you to also create the districts in your county or in surrounding counties. Then, I think, each of you found that this was not so easy. Let us assure you that in doing 151 legislative districts throughout the State, the task at times becomes impossible.

Population equality is a relative term. The standard used or sought by the Commission was an overall deviation of plus and minus 5 percent and a mean deviation of 2 percent. These standards appear to be the standards utilized by the United States Supreme Court in reviewing State legislative apportionment plans. With the congressional districts the deviation is less than one percent, which appears to fall within the United States Supreme Court's standard for the apportionment of congressional districts.

I would like to thank each and every one of you who aided the Reapportionment Commission during our proceedings, and I would urge you to adopt this plan today.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to discuss a little bit some of the practical difficulties that we faced during this period.

In doing this apportionment, we encountered many practical problems. The first was that we were required by our own Constitution and the Federal Constitution to use the 1980 federal census or a similar state census. Since we have no state census, we were left with using the federal 1980 census three years after it was taken. In some instances, therefore, we were forced to use population data which we knew to have changed in the intervening years.

In addition, we had other problems with the census. For example, we sought to have no greater than a 10 percent deviation between the largest and smallest House district in our plan. That meant that a 5 percent deviation equalled approximately 367 people. But since we were forced to use the census, the census districts have an average deviation of 550 people. Thus, in many instances, it became extremely difficult to achieve the minimal population deviation we sought. Further, in some instances, the census data was incorrect and the maps on which we relied to show us the boundaries of the enumeration districts were inaccurate or undecipherable. We believe we resolved all those problems, but each of

them made our task more difficult.

Obviously, we sought to do this apportionment in a way that would produce the smallest change from the present districts in which we all now serve. Clearly, the continuity of district formation is in the public interest, since it produces the least confusion on the part of voters.

With all respect to the Supreme Judicial Court, which was forced to accomplish the last general apportionment, some of the districts we tried to recreate were not particularly easy to recreate. In one instance, one portion of a House district was not contiguous with another district. And, more importantly, Maine grew considerably in the 1970s, and while growing overall, the population shifted heavily from the north to the south and urban to suburban areas. This meant that it was extremely difficult to retain the present shape of districts in urban and suburban areas and in rural areas in the north and in the deep south. In general, however, we did our best.

A further problem was the fact that for the first time in recent history, we were attempting to apportion both bodies of the Legislature and the Congressional districts at the same time. Some people suggested that we try to make House district lines coincident with Senate district lines and Congressional district lines coincident with Senate district lines. We quickly realized that that kind of nicety was impossible under the circumstances presented by population shifts and the population deviation standards that we were required to meet. We also quickly realized that if we were to have any plans at all, significant compromise on both sides would be required and that the public interest would be best served if the Commission fulfilled its constitutional obligation and reported plans to this Legislature which this Legislature could pass.

You know, it would have been very simple for the Commission to adopt plans that ignored the interests of the present members of both parties, knowing that those plans would not be enacted but that the Supreme Court would be likely to enact an apportionment plan when the legislature failed to do so. But that was too cynical a view of the constitutional process for us. Instead, both parties worked hundreds and perhaps thousands of extra hours discussing individual districts with every legislator who wished to discuss their district. The result of that exchange of information was an understanding of local concerns in apportionment. For example, we were able to listen to the concerns of the people of Waterboro as to which areas they would like to be placed in. Similarly, the people of Sanford, Washington County, Hancock County and many more areas which had strong feelings as to where they should be placed were incorporated into this plan.

Another example is that we took the Greenville area away from Representative Masterman, who represented them well but had to travel far to do so, and gave them to Representative Hall who will have to travel less distance and who will also represent them well. This change was strongly desired by the people of the Greenville area.

In short, our purpose was to create a series of reapportionment plans which serve the public well and which each of us could vote for with a clear conscience. I know there are those here today who cannot vote for these plans because they cannot do so with a clear conscience. Frankly, it would have taken a miracle for all of us to be able to do so. As someone once said: "You must break eggs to have an omelet". Although this person didn't say so, reapportionment clearly is an omelet.

I would also add that we conducted at least two public hearings enabling the public to have input on issues of concern to them on plans adopted by the Commission. Further, each of our meetings was open to the public and I believe most of those meetings were attended by and reported by the Maine press. Accordingly,

to a greater extent than ever before, the Commission's plans were an open apportionment, openly arrived at.

I would just echo the sentiments of my colleague from Pittsfield, Mr. McGowan, in thanking everybody for their cooperation in a very long and trying endeavor; thank you for your patience.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The conclusion is that we are here today to enact a reapportionment plan for the House and the Senate and for the United States Congress. It is an historic opportunity for the first time in recent Maine political history to enact a reapportionment plan such as this, and we can do it without the assistance of the Maine Supreme Judicial Court.

If we do this, we can turn to the people of Maine, say, yes, we have faced the issue, we can face the toughest of all issues for any of us, and that is the apportionment which affects our future.

In some states it is popular to rely on the courts to make tough decisions. In Boston, for example, the courts run the school systems and the transportation system and many other aspects of everyday life. For some reason, legislators in those areas do not feel an obligation to do what they are elected to do—make the hard decision that keeps democracy vibrant and alive.

In each case where our courts have been called upon to make apportionment of the Maine Legislature, they have acted as fairly as they could under the circumstances. In most instances, they have adopted plans which come close to the commission's plans submitted for their consideration. This may be because the court cannot be expected to have the intense familiarity that we have in our own districts and those areas close by us. Despite that, for the court's actions have been fair, I know that the court has been reluctant to enter what one Supreme Court Justice called the "political thicket" of reapportionment.

In addition to being a difficult and sensitive subject matter, it takes the valuable time away from the court's efforts to decrease its significant and important workload.

In addition, if apportionment is to be done by the Maine Supreme Judicial Court, we, of course, take the chance that the work of the commission and all of the input that you had will be lost. In many courts across this country, the courts have avoided political considerations by judging plans solely on their mathematical exactness. Thus, plans were chosen which had the smallest deviation between and among districts without regard to the impact of those districts on other governmental functions and on disruption of the expectancies of voters.

What this boils down to is that if we do not resolve this apportionment ourselves, we will take the very significant risk that a plan could be adopted by the courts which greatly disrupts the representation of the people of Maine and with which we would be stuck for the next 10 years.

All in all, the Commission's plans are a fair and reasonable apportionment of the State of Maine. The work of the commission members has been an enormous contribution to the public good and we owe all of them, as well as Commission Chairman Roger Mallar and his staff, a very strong vote of support.

There has been a great many questions, a great many legitimate questions raised by each of us in regards to this reapportionment plan. Not everyone is satisfied, including yours truly standing here today. Nevertheless, if you take into consideration the overall scheme of the plan, the intentions of the commission and the results of that commission, this House, this Senate and the people of Maine should be well satisfied with it. There is a great deal of work

and consideration in this particular issue.

Some members of this House legitimately had questions and they sent those questions to the proper place for them to be asked, and that is the Attorney General's Office. I would like to read parts thereof of three communications that were sent to the Attorney General from respectable members of this House. This letter is dated March 25, 1983, it is addressed to the Honorable Darryl Brown, House of Representatives, State House, Station 2, Augusta, Maine, and I shall quote parts of these various communications to those people and they certainly are available for all of you to see.

"Dear Representative Brown: This will respond to your letter of March 10, 1983, in which you seek this department's opinion as to whether the Apportionment Commission of the 111th Legislature acted beyond its constitutional authority in making corrections to its reapportionment plans for the House of Representatives subsequent to March 1, 1983. For the reasons which follow, this department believes the commission did not act unconstitutionally or otherwise illegal." I am not going to read the entire letter, I am only reading portions of it, but it is available to you.

"Within a week after March 1, 1983, however, the commission, realizing that due to technical difficulties in working with census data, its plan for reapportionment of the House of Representatives did not accurately reflect the commission's intent. Consequently, the commission met and prepared a revised plan and map for reapportionment of Maine's 151 representative districts. This material was then submitted to the Clerk of the House.

"Based upon the foregoing facts, you have asked whether the commission exceeded its authority by revising its plan after March 1, 1983, i.e., beyond the 90th calendar day after the convening of the legislature, you have also asked whether the commission acted improperly by not conducting a public hearing at or giving public notice of the meeting at which it revised its original apportionment plan" — a continuing paragraph.

"Similarly, the commission did not act improperly when it met to consider the actions to take with regards to its error. The requirement as to public hearings as set forth in Article IV, Pt. 3, S 1-A of the Constitution, the commission discharged this responsibility by holding public hearings on the 22nd of February and on the 1st of March, 1983. There is no requirement that every commission meeting be a public hearing, although it is our understanding that all meetings of the commission, including the one in which it revised its plan, were open to the public. S/ Cabanne Howard, Assistant Attorney General of the Attorney General's Office."

A second letter which was sent to the very honorable member of this House, Harriet B. Lewis, House of Representatives, State House Station 2, Augusta, Maine, dated March 28, 1983. I will quote parts of that letter.

"Dear Representative Lewis: This will respond to your letter of March 14, 1983, in which you seek this department's opinion as to whether the reapportionment of the city of Auburn by the Legislature's Apportionment Commission complies with the requirements of Article IV, Pt. 1, S. 2 of the Maine Constitution. As more fully explained below, it is the opinion of this department that the commission's treatment of Auburn satisfies the criteria of the Constitution of this State." There are additional comments in regard to this and I will read the next to final paragraph.

"As described earlier, the Apportionment Commission placed the population remainder of the City of Auburn in two districts with other municipalities which are contiguous to them. Accordingly, the commission complied with the mandate of Article IV, Pt. 1, S. 2 of the Constitution. S/Cabanne Howard, Assistant Attorney General, Chief, Opinions Division of

the Attorney General's Office."

Another letter, sent to the Honorable Albert N. Wentworth, House of Representatives of the State of Maine from the Attorney General's Office dated March 28, and I will read portions thereof of this letter.

"Dear Representative Wentworth: This will respond to your letter of March 15, 1983, in which you seek this department's opinion as to whether the Apportionment Commission of the 111th Legislature complied with applicable constitutional requirements in its treatment of the towns of Wells and Hollis. For the reasons which follow, it is the opinion of this department that the commission's treatment of these towns meets the requirements of the Maine Constitution." There are additional paragraphs dealing with the legal language in this letter, and in summation it says, "In view of the foregoing, it is this Department's opinion that the Apportionment Commission's treatment of Wells and Hollis was constitutionally permissible."

These are honest letters sent by individual legislators to the Attorney General's Office to get their opinions on issues that they had differences with with the Commission, and in each and every instance the Commission's position was upheld.

This document that we have before us today, as Representative Masterton said, is historic document for this legislature to consider. We are here, finally, with a proposal that deals not only with the House itself and the Senate, but the United States Congressional districts.

I would urge the House to support the Commission's recommendation. Not everybody is happy, but for the overall good of the people of the State of Maine, with all political considerations being taken therein, I would urge this House to adopt this plan.

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I was very much honored to be selected as a member of this Reapportionment Commission and I found it to be an excellent learning experience. I became acquainted with towns and plantations in Maine that I did not know even existed. I much enjoyed working with the other members of the commission, too, and experienced a bond we felt as we set a goal to bring in a plan of redistricting that would be acceptable to the whole legislature, a plan that would not have to go to court.

We were a diligent group, working long hours and working hard, trying to find compromises while keeping within the constrictions set by the Constitution, by our own party affiliations and by what could physically be done.

As we moved from county to county and district to district, we realized everyone couldn't and wouldn't be pleased with the results. And in the House plan especially, the guideline of 7451 constituents for each Representative became a problem. It was like a house of cards — if you moved one card, the rest tumbled.

We would reach an impasse and then somehow we would be able to go forward again. Sometimes we thought we would never have a commission plan, and then we would compromise and move throughout the state. That is, we compromised until we came to Aroostook County, and there there was no compromise.

From the beginning, we realized that Aroostook County was one of our greatest trouble spots. Aroostook had lost 2 Representatives, there was no way around it, for we had lost population. I felt that if we were to lose two seats with incumbents running against each other, they should be as near a toss-up seat as possible, giving everyone a fair chance. That was not to be. The Democratic plan was accepted.

I feel very badly to have spent so much time on a redistricting plan, to have worked so hard on it, to be so honored to be a member of the commission and now to be voting against the commission's plan. However, I could not in good conscience vote for a plan that is so unfair to Aroostook County Republicans.

We all have choices which we have to make, decisions that are difficult, but we all have to make them as we see best. Under the circumstances, I will be voting against the commission plan.

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

Mr. ANDREWS: Mr. Speaker, Men and Women of the House: Most of us in this body experienced quite a bit of anxiety as the reapportionment process began. We wondered, when the final district lines were drawn, would we personally win, lose or draw. With the plan we have before us today, I know of no one in this chamber who loses more than I do. Portland is another trouble spot where we have lost two seats because of a shift in population. My district has been reapportioned out of existence. It has been divided into three pieces, and those pieces have been given to my three neighboring legislators. I am left without a district from which to run for re-election.

Serving in the House of Representatives is one of the most rewarding, satisfying and challenging experiences of my life. I have not only had the good fortune of working with all of you in confronting major issues that affect our entire state, but to have come to know some truly extraordinary and wonderful people both in this body and in my home district.

When I looked at the reapportionment map, realizing immediately what it would mean to me personally, I was opposed. After all, this proposal will very likely mean that I will no longer represent the people at home who I have come to know and respect, and it could very well mean that this is my first and last time term as a member of this body. So, I went to the drafters of this proposal and asked if the lines could be changed, drawn differently so that I wouldn't be in the position that I find myself in today. I quickly discovered that any change that I proposed, a change that benefited me personally, would hurt not only my neighboring legislators, but in a ripple-like fashion hurt representatives throughout my city, my county and my state.

I have followed the progress of the Apportionment Commission on this extraordinary task and I am frankly amazed that they have been able to strike up a delicate balance, as delicate as it is, that is acceptable to the vast majority of the commission members.

Ladies and gentlemen of the House, I vote and I think we all vote for pieces of legislation that we know will have a direct negative impact on some people, and if you are like me, you hear from these people, particularly if they live in your district. But while some of these votes will have a negative impact on some of our constituents, while we can't make everybody happy all the time, we cast our votes on the basis of the overall benefit to the people of the State of Maine. We try to convince that constituent that while the bill may not have been in his or her self-interest, it was in the overall interest of the people of the State of Maine, and so we supported that measure. Men and women of the House, what holds true for that constituent, complaining about a vote that was against his or her self-interest, should hold for me too and for all of us who find ourselves personally on the short end of the reapportionment stick.

I believe that the Apportionment Commission has done an extraordinary job. I am convinced that the plan before us is in the best interest of the majority of the people of the State of Maine, and believe that whenever two parties can sit down together with such an extremely difficult and partisan task and hang in

there until an agreement is reached that is acceptable to the vast majority of those members and the interest of the majority of the citizens of the State of Maine, then we all become winners.

I have done a lot of soul-searching over this issue and over my vote today, and while I would have been much happier and more enthusiastic over the plan had my own district lines been drawn differently, I will vote today for what I believe is in the best interest of the people of the State of Maine, I will vote for the reapportionment plan that has been developed not by a court but by the Representatives of the people of this state, and whether you find yourselves in a win, lose or draw situation, I urge you to join me.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to commend the Apportionment Committee for a job well done. They faced an almost impossible assignment and worked long and hard hours in resolving this problem. It was a thankless job and they should be admired for the manner in which they faced each phase of their work.

In my own case, I was not entirely happy with the district they developed for my people. Upon protesting, they asked me if I could find any better solution. I couldn't, and I appreciate the fact that the committee did an excellent job under trying circumstances.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: To quote a famous news commentator, "You've heard the news, now I would like to tell you the rest of the story."

I, too, would like to commend the Reapportionment Commission for the many hours and days of deliberation and hard work that those members put in, and I don't take that task lightly. I am not standing here to criticize any individual member of that commission or any individual staff member. I rise today to oppose the reapportionment plan as it is currently before us. My remarks are not going to be about specific boundary lines; my remarks are more concerned with the process and the way in which the final plan which is before us today was developed.

In accordance with the Maine Constitution, March 1st was the deadline which the commission had to make its report to the legislature. That was accomplished. The report to the legislature was made on time and there was a somewhat collective sigh of relief among the legislative body. Not everyone was happy, but at least everyone had been made aware of the commission's work, had been made aware of the commission's meetings, was told about public hearings that were held, and everyone had an opportunity, at least at that point, to have his or her input into the process, both legislators and members of the public.

However, a strange thing happened on March 8, more than a week later. Apparently, the Reapportionment Commission met again in what must be described, I guess, as an emergency session, to solve some minor errors that had been made in the original report. Those minor — and I emphasize minor — changes affected nearly 50 districts, and some of those changes were not so minor. That happened on March 8. March 9, the next morning, the citizens of Belgrade awoke and read in the papers that they had been gerrymandered into a district that included three counties, several school districts, two congressional districts, into a district that included a horseshoe-shaped arrangement that stretches from Kennebec County to my own Town of Livermore Falls. This is only one example of the errors that were made in that original plan. This is my problem with the report that is before us today, because those changes were made without notification. Those changes were made

without individual members or individual members of the public having had an opportunity to respond to those changes. Those changes were made without public hearing and without the prior notification that I talked about, and this is the plan that is before us today.

Now, it appears to me that politics does seem to be the main consideration, in due respect to some of the previous speakers, because as I made my objections known to the commission and to other members, the popular response that I received was, Darryl, you shouldn't be upset because there are more Republicans in the new district than there are in your present district, and this is my real problem. If we can't go to the voters and present ourselves as candidates and stand firm on the issues, then perhaps we shouldn't be a candidate. I think in that case, while politics may have benefitted me personally, or politically in my own district, it certainly did not benefit the people who are going to be represented in this new gerrymandered district that I described to you earlier.

Folks, we are not addressing the real needs, the real needs are not the individual members of the House and the Senate; the real needs are those of the people, and I think that we have tended to overlook those needs in this new plan which is before us now.

The gentleman from Bangor, Mr. Kelleher, read excerpts of three letters from the Attorney General's Office to individual members of the Maine House. It took me a bit by surprise, but Mr. Kelleher often takes me a bit by surprise. I understand that any correspondence to and from the Attorney General's Office is apparently public knowledge, and I appreciate that and he was certainly within his rights to read those letters. But, Mr. Kelleher, I would not do the same to you.

Basically, at least the letter I received, says in a nutshell that the legislature can do what it wants to. It can take actions which may seem inappropriate, or which seemed inappropriate to me as far as the commission's final amendments were concerned, and can make them legal by a legislative act. I understand that and I appreciate it. It may be legal but, folks, it is shoddy politics.

What happens if we defeat this plan? It goes to the Maine Supreme Court. I don't think we are shunning our responsibility at all. If the people of Maine are not going to be benefitted by this plan, and I think they are being hurt, then perhaps it should go to the Maine Supreme Court. Keep in mind that happened 10 years ago, when redistricting most recently occurred.

The thing that I would like to point out to you, if the plan does go to the Supreme Court, the Maine Supreme Court will allow a 30-day period during which it will accept briefs from the public, including legislators. This is something that was not afforded the public and legislators during the most recent amendment process.

I think that we have to put politics aside, because certainly politics is not my objection to this plan, as I have described to you. I think we should put politics aside, I think we should think about the people of Maine and the fact that House districts should be made up of neighborhoods in the case of cities, or should be made up of individual towns which have some common bonds, people that have something in common. House districts are made up of that kind of situation, and I think we should not ignore that.

I think we should do something for the people of Maine; I think we should defeat this bill before us.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I think that I should answer one point in particular that Mr. Brown raised here

this morning in regards to the activity of the commission, the full activity of the commission in regards to correcting some inconsistencies in the plan that was submitted. Representative Brown, your remarks were that the additional meeting that we had was not with public notice. I would like to put on record, on behalf of Mr. Roger Mallar, our chairman, and the other members of the commission, that there was one particular newsmen by the name of Francis Quinn, who was like the 16th member of the Commission, that repeatedly attended our meetings and, more importantly, when we found out that we had to have an additional meeting, Mr. Mallar, the cautious, conscientious gentleman that he is, particularly made a point to have Mr. Quinn there so in fact everything was done out in the open. There was never any intentions by the commission to do otherwise.

I am certainly surprised that you were unaware of what was happening because of the fact that both political parties represented on the commission, with its very able staff, were certainly working to correct some errors that were made, unfortunately, in the original proposal that came down. But the total intent of what we did was to preserve the integrity and preserve the total work of the commission. And because there were some minor adjustments, and they were minor, as Representative McGowan so stated, when you start to change one, it has a domino effect on all the others.

Ladies and gentlemen, this commission, all the members here that were on the commission, are well aware that the press was there when we took our additional actions in regard to that plan, and I wouldn't want anyone to think otherwise.

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

Miss LEWIS: Mr. Speaker, I would like to pose a question to the Chair. Inasmuch as the plan for the Maine Senate increases the Senate by two members, which will have additional expenses in salary, travel, lodging, food, health and life insurance, retirement, franking privilege, telephone, new desks, etc., I am wondering if this bill is properly before us because of Joint Rule 21 requiring a fiscal note?

The SPEAKER: The Chair would advise the gentleman, as he has advised the gentleman before in the past, that this is a legislative account, which is not subject to that rule.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to get into the political arguments that are here. I don't think it makes a great deal of difference whether I am here next year, or Mr. Brown is here next year, there have been people here before us and there will be people here after us. My concern is for my community, my town of Cumberland, which has 4,500 more or less residents. My last group was the Town of Cumberland and the Town of Harpswell. I was very diligent in trying to keep track of what was going to happen. I studied the Republican maps, I studied the Democrats' maps, and I talked to all the people that were involved that I could speak to on this.

Usually with the commission, you received a rather vague answer each time. But in plotting and going to the maps, apparently my community is going to have a portion of another town on either side of it. But I was caught in the midnight battle, I guess, that went on at ten o'clock one night when they discovered that they had overlooked the Town of Harpswell. Consequently, you talk about a quick change, they took a portion of the Town of Cumberland — this is a unit — and that took that portion away from me and then gave me an equal portion in the Town of Yarmouth and another portion of the Town of Windham, and I have to go through Falmouth to get to the Windham portion and they have broken the town up.

Originally, I was supposed to have the Town of North Yarmouth, which is the same school district and the same post office and would have been an ideal situation. I understand ideal situations cannot always be worked out, but what recourse do the people of my community have to being chopped up like this? The only recourse we have is to the courts, because in this last minute change that was made, I had no opportunity to present any thoughts on this. My councillors had no opportunity for recourse. If you vote this through today, that is the end of it. In the past, it has always gone to the courts; why not let it go and give us a voice, give us 30 days in which to present our facts. I think it is too bad when you take any community and take votes away from it, particularly in a small community, and then drag in other communities to make up the difference.

You have ruined a part of a community in their social life, their religious life and their political life, and I don't think it is fair. It may be all right in a city to chop it up by streets, but in the small towns it isn't fair, and the town has no recourse, and I have no recourse. I am going to vote against reapportionment.

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

Mr. BROWN: Mr. Speaker and Members of the House: I would just like to very briefly respond to the gentleman from Bangor, Mr. Kelleher, who indicated that these were public and open meetings and everybody knew about it because there was one member of the media there. I don't think that is necessarily what we had in mind, and I would ask every individual member of this House, every one of you that is listening, just ask yourself, did you know that the commission was meeting on March 8 to reconsider the plan?

Mr. Kelleher also spoke about minor adjustments. Mr. Kelleher, I know you can read and I know you can read a map, and after this discussion is over, I will show you some of those minor adjustments, because they are not so minor.

Mr. Speaker, I would ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. McGowan.

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Legislative Reapportionment Commission, I take issue with some statements that have been made here today, and I would like to bring about some things that were going on during the reapportionment hearings. I have heard things like shady dealings, political considerations, gerrymandering—well, there were many nights while Representative Brown was safely nestled in his bed that the Reapportionment Commission was working at four o'clock in the morning, and there were seven democrats and seven republicans and one member of the general public that were doing this reapportionment plan. I want you to know that we were doing it with fair consideration to the people of this state and the people of this House.

Any consideration to send this plan to the court, I think would be doing us all an injustice. I want you to think about nine members of the Supreme Judicial Court doing your legislative district for your people.

I urge you to adopt this plan.

The SPEAKER: A roll call has been requested. All those in favor of 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 Winslow, Mr. Matthews.

Mr. MATTHEWS: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to rise to speak today, but briefly I would like to

mention that one of those late nights the reason they got together was on my district, but I want to mention to everyone in this House that the members of the commission, in my estimation, did a great job — as Tom Andrews said, a job that, believe me, I wouldn't want. It is tough enough being a legislator; I sure wouldn't want to be a member of the commission.

What I would like to say to you today is to vote your conscience and to look at the issues and look at the entire districts in the state that we all represent and vote according to what you believe would be best. I am not going to try to persuade anyone in this House to vote any way. I think this issue is very important and above that, but I just wanted to mention to you that I think the commission worked very, very hard. Unfortunately, a district called 51-1 will not exist, but that is one of the things that I think has to be done, unfortunately; it was mandated by the Constitution, and for a very good reason.

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

Mrs. KETOVER: Mr. Speaker, Men and Women of the House: I, too, am one of those people who has reason to be dissatisfied with the outcome of the redistricting in the City of Portland.

I have learned a great lesson about reapportionment which most of us never experienced before. As Representative Andrews is also eliminated, I am in a primary with a fellow Representative. No one wants to be in that position. I felt frustrated, hurt and let down, and after those emotions had left me, I started thinking in a more reasonable way. I, too, had some long times to think about this — I lost sleep and the people back home called me and gave me their support and understanding.

Many of you heard that I was going to vote against this, and maybe if you were in my shoes, you would do just that.

I realize someone had to be eliminated or put into a primary. I feel that the commission did their job. I feel something had to be changed. I think there were some problems and I think they should be changed, and I will be voting for this. I cannot vote against this because of how I feel it affects me personally.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have sat in this seat in the House and saw the House reapportion four times and I never saw everybody satisfied, and I think they were no better satisfied when the court did it. As a matter of fact, in my opinion it is worse.

With some reluctance, I support this bill this morning. I think they did a pretty good job on the House, but in the many times that I have been here and we reapportioned the Senate, we never had to find two extra seats for the Senate. My people are opposed to anymore people being in the House or in the Senate, so I want to be on record as being opposed to increasing the amount of people in the Senate, and I will reluctantly vote for the measure this morning because I think it is a reasonably good job in reapportioning the House.

I have served twice on reapportioning committees, and it seems as though we didn't do as good a job as this commission did. We had problems too, and there always will be when you try to reapportion the House, but we always were able to do it and keep the Senate at the same number. I think this is a major mistake for the people of the State of Maine, and I want to be recorded as not being in favor of that, but I will reluctantly vote for the bill this morning.

The SPEAKER: Pursuant to Title 21, MRSA, Section 1571-A, Subsection 2, Paragraph 2, pursuant Article IV, Part 2, Section 2, Paragraph 2, of the Maine Constitution, and pursuant to Article IV, Part 1, Section 3, of the Maine Constitution, this requires the affirmative vote

of two-thirds of the entire elected members of the House for final enactment. All those in favor of this Bill being passed to be enacted, will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Cahill, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Clark, Conary, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Day, Diamond, Drinkwater, Dudley, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Pines, Pouliot, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rondoni, Seavey, Small, Smith, C.B.; Soucy, Soule, Stevens, Stover, Swazey, Tammara, Telow, Theriault, Thompson, Tuttle, Vose, Zirnkilton, The Speaker.

NAY—Anderson, Armstrong, Bell, Brown, D.N.; Brown, K.L.; Callahan, Chonko, Connors, Davis, Dexter, Dillenback, Erwin, Foster, Greenlaw, Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, Locke, MacBride, Matthews, Z.E.; Maybury, Michaud, Murphy, Parent, Perkins, Perry, Racine, Randall, Reeves, J.W.; Roderick, Salisbury, Scarpino, Smith, C.W.; Sproul, Stevenson, Strout, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Bonney, Mahany, Mayo, Sherburne

VACANT—Studley.

Yes, 101; No, 45; Absent, 4; Vacant, 1.

The SPEAKER: One hundred and one having voted in the affirmative and forty-five in the negative, with four being absent and one vacant, the motion does prevail.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

On motion of Mr. Carter of Winslow, the House reconsidered its action of earlier in the day whereby Resolve, Authorizing the Department of Marine Resources to Sell the Search Vessel Challenge and to Convert the Fishing Vessel Jubilee, Senate Paper 429, L. D. 1298, was referred to the Committee on Marine Resources.

On motion of the same gentleman, tabled pending reference and later today assigned.

Orders of the Day

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

HOUSE REPORT—"Ought to Pass"—Committee on Local and County Government on Bill "An Act Concerning the Financial Responsibility of the County for Medical Expenses of Prisoners" (H. P. 671) (L. D. 854)

Tabled—March 28, 1983 by Representative McHenry of Madawaska.

Pending—Acceptance of Committee Report.

On motion of Mr. McHenry of Madawaska, retabled pending acceptance of the Committee Report and specially assigned for Tuesday, April 5.

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

An Act Concerning Court Procedures Dealing with Notice in Liability Cases (H. P. 402) (L. D. 485) (S. "A" S-35)

Tabled—March 29, 1983 by Representative Hobbins of Saco.

Pending—Passage to be Enacted.

On motion of Mr. Hobbins of Saco, retabled pending passage to be enacted and tomorrow

assigned.

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT—Report A (8) "Ought to Pass" as amended by Committee Amendment "A" (S-38) — Report B (4) "Ought Not to Pass" — Report C (1) "Ought to Pass" in new draft (S. P. 442) (L. D. 1321) — Committee on Business Legislation on Bill "An Act Relating to Business, Travel or Recreation on Sunday" (S. P. 29) (L. D. 84) which was tabled and later today assigned pending the motion of Mr. Brannigan of Portland to accept Report A in concurrence. (In Senate: Report A "Ought to Pass" was accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-38).

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

Whereupon, Mr. 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 Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: Such an important bill lined up with highways and boats and temporary Speakers, although he is a renowned former member of our committee.

Before I begin, I would like to formally request that when the vote is eventually taken, that it be taken by the yeas and nays.

We have three reports from the committee. The report that has the majority of members of the committee says that on the four Sundays between Thanksgiving and Christmas, that those stores that are now required to be closed may be open.

I have been very ambivalent on this subject for a long time. In many parts of my life, I wished that things would not change; there are some things in my life that I wish would change; but I think a lot of us would like to keep things the way they are. In the area of Sunday sales, I, personally, would like to keep things the way they are and the way they have been since 1963, which is when this law, the major part of this law, was put into effect. That has been my stand in other times when this has been before our committee, and it has been my stand for the last several months as I have been thinking, listening and talking about it.

But the fact is that things don't stay the same, not in my life, not in your life, and they certainly have not stayed the same in the last 20 years in the area of Sunday sales. Things have changed since the time in 1963 when we had Mom and Pop stores open, one big sporting goods store open, and a lot of shops in the area, in the tourist areas during the summertime open—lots of change.

Two major chains in our state have now built up to the maximum that they are allowed and are now mini-department stores open on Sunday.

As you know, as long as you are under 5,000 square feet, a number kind of chosen in 1963, or have no more than five regular employees, then you may be open on Sunday, no hour restrictions.

Things have changed and there are these larger stores, both Maine run, and then we have Seven-Elevens, Cumberland Farms and many other stores, all building within the 5,000 square foot limit and there is a lot more going on on Sunday. But those haven't been the major impetus for this change that has come to the floor this morning. The major problem has been the malls, the malls in Portland and Auburn and Bangor, mainly. The major inequity has been in those sites, and that inequity has been boiling and it is about to boil over, and that is why I am on a report that allows very limited Sunday sales. The request was 24 hours

on those four Sundays; we have narrowed it to 5 hours on those Sundays. And the reason that I feel we should vote this out is that if we don't, the pot is going to continue to boil and we are going to have 52 Sunday openings, 24-hour 52 Sunday openings very shortly. In all candor, I believe we will have that anyway sometime in the future, although this body can always say no.

I do believe that if we do not give relief now, relief in this inequity, and the inequity, of course, is that you have a large mall, the small stores open and people milling around and the big anchor stores closed, with their big investments, their big inventories, all these people in the mall and they can't open the door. This inequity is the strongest, of course, during the Christmas season when people are in the throes of their biggest buying spree. Therefore, if we can relieve the pressure there, I believe things may die down for a while at least and we can keep things fairly close to the way they are. If not, if the legislature refuses this time to give any relief to this inequity, and this is the point that I have pivoted my vote on, I truly believe that the stores feel aggrieved enough to mount a citizens' petition drive, and they are in the best position to put out petitions, have them signed, and we will have on our ballot within a couple of years a petition, and they certainly are not going to go for four Sundays, they are going to go for 52—I believe that we will have a petition drive that will put it on a statewide referendum, and I do believe that it would pass.

I believe overall that the people of Maine, over 50 percent, would vote for total opening on Sundays; therefore, that is why I have chosen to give this minor relief during these four Sundays for these few hours, and I would encourage you to vote with the Majority "Ought to Pass" Report.

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not support the "Ought to Pass" Report so that you can accept the "Ought Not to Pass" Report.

We had a long hearing on this bill with very good arguments presented on both sides of the question, and we have had much correspondence from people throughout the state. The majority of people who have contacted me do not want Sunday sales at Christmas time or at any time.

One father wrote, "If I have to work on Sunday, when can I take my son and daughter and wife skiing or out for a pizza or to a Christmas gathering? I'll probably have Tuesday off, but my children won't be home, they will be in school."

A young single parent wrote: "I am trying to be both father and mother now. Sunday is my only free day. If you take that, what will I do?"

Still another said: "Do you want to operate the legislature on Sunday?"

The stores in my area are very much opposed. For the most part, they are small owner-operated establishments. The owners work six days a week now and they don't want to work seven days. They feel Sunday sales will increase their labor costs, their fuel costs. If the law is passed, they will be forced to stay open in order to compete with larger stores.

Furthermore, there is a large mall only three hours away. People will undoubtedly make it a Sunday outing to go there shopping. We need the dollars in Aroostook County. Often the difference between profit and loss is determined from those four weeks before Christmas, but it is not just Aroostook County. Small stores throughout the state will be faced with this same problem. Downtown areas of towns and cities will be hurt.

Ladies and gentlemen, Sunday is our family day, if we wish to make it so; let's protect that day. Let's help our small store owners to stay in

business. We need them and the jobs they provide. Let's protect the people who work in stores and don't want to work on Sunday. I don't want to work on Sunday, do you?

I hope you will vote against this motion.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Portland, Mrs. Ketover.

Mrs. KETOVER: Mr. Speaker, Men and Women of the House: I rise because I support this bill.

The original Sunday Blue Laws were written back in 1821, a law from Massachusetts. The reason it was called the Blue Law is because it was written on a blue piece of paper. We have come a long way since 1821. We have a larger population of people and many more stores and many more needs.

We are considering this year many ways in which we can raise revenue—one is the cigarette tax, a watercraft boat tax and a gas tax, and more; yet, we allow our sales tax revenue, during the busiest season of the year, to go to New Hampshire. And now, as of March 25, in Massachusetts you can shop on Sunday.

We talk about unemployment and the rate being 10 percent. This would help bring the economy some jobs. Even though it is only 20 hours a year, this bill makes it equitable for all.

In 1953, with the boom of commercialization, the law was amended for exemption of restaurants and pharmacies, but eight years later, towns were allowed to create their own exemptions. These businesses are exempt now: newspapers, laundromats, theaters, tourist shops and sporting goods.

The decision should be equal for large stores and small stores alike. This bill enables the stores to be open from 12 to 5, five hours a week, four weeks a year. Therefore, if there is a religious problem or a question or a concern, their choice is Saturday or Saturday night or Sunday morning, so you can still spend time with your family and possibly go to services then.

Recently, on WCSH, they supported this bill with an editorial, and they did a survey which showed 68 percent of the people were in favor. Our questionnaires we sent out showed that 70 percent want it, the people want this, the working people want it, merchants want it. Let's show them that this state wants to preserve Maine's way of life by using common sense and good judgment by giving jobs and keeping our tax dollars in our state where it belongs. I hope you give the Maine people the opportunity to shop in Maine and the Maine business an opportunity to do business in Maine from Thanksgiving until Christmas.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Macomber.

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I represent the district where the South Portland, Maine Mall is located. I hope you realize that the sales taxes that are received from the South Portland Mall are in the millions of dollars, not thousands but in the millions. The state is very glad to receive this money, they don't send any of it back to us, they are very happy with it. But I want to point out to you, the South Portland Mall, the Maine Mall, is there for one reason and one reason only, because we had what is known as the anchor stores—we have Jordan Marsh, Sears and Roebuck, Woolworth, these are the stores that put in the original investment and made the mall possible.

Under the present conditions, there are 60-some stores in the Maine Mall that are allowed to be open on Sunday; there are three exceptions that are not allowed to be open. They are Jordan Marsh, Sears and Woolworth, the very stores that made the Maine Mall possible and produced the revenue for the state.

The gentlewoman from Presque Isle referred to the interruption of family life, things of this

nature; we are talking about 20 hours a year, from 12 to 5 in the afternoon they will be open. I am sure that from 12 to 5 the family life is interrupted just as much by professional football, basketball or whatever may be going on. I think if you are talking about a disruption in family life, we are over-exaggerating the situation. Twenty hours a year is all we are talking about. None of these stores are forced to be open; they are open only because they choose to be. If they have a problem with their help, with labor, if they have any religious preferences, they are not forced to be open.

I hope you will take into consideration the amount of taxes that are generated by these malls and I hope you will vote to support the Sunday opening.

The SPEAKER pro tem: The Chair recognizes the gentleman from Yarmouth, Mr. Ainsworth.

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I wondered about this, so I went to the people in Yarmouth, I went to the store keepers in Yarmouth. I would have bet before I left the house that just about 90 percent of them would have said don't let them open. I was really surprised. It was three to one; they said, of course let them open.

They said, it is free enterprise and we are all for free enterprise.

I think at this time you ought to take a look at some of the people that may open on Sundays under current law: Common contracting, private carrier, hotels, motels, boarding homes, tourist and trailer camps, restaurants, garages and motor vehicle service stations, retail monument dealers, automatic laundries, vending machines, satellite banking facilities, pharmacies and pharmacies, incidentally, are those super pharmacies that can sell motor oil and most everything—greenhouses, seasonal produce, Christmas tree stands, public utilities, pulp and paper, textile industries, marine processing plants, mobile home dealers, ship chandleries and marinas, boat and boat equipment stores, sporting good stores, souvenir and novelty stores, motion picture theaters, dance halls, sports and athletic events, bowling alleys, firework displays, musical concerts, religious, educational, scientific or philosophical lectures, scenic, historic, recreational amusement facilities, and real estate agencies. This is just a few that may open.

I see no trouble in saying go ahead and open up for twenty hours a year. I think it's time has come, I am at an age now where I have seen a lot of things happen and I am not surprised at anything, and this is one of them, and I say, let them open.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: Today I only want to point out the present discrimination which exists for the four Sundays, which is 20 hours, preceding Christmas. At the Auburn Mall, 45 stores are open, of which 35 are outlets for national chains; yet Porteous, our local store, cannot open.

At the Bangor Mall, 40 national owned stores are open and yet we exclude the local stores of Benoit's, Porteous, and Ward Brothers.

At the Maine Mall, 33 national owned stores are open and yet we exclude the local stores of Benoit's, Porteous and Ward Brothers.

I think it is about time we gave everybody the chance to compete. While I would be the first to say that I don't believe in polls because you can't really take random samples, they do sometimes show trends. About a month ago, the World and News Report Magazine listed Maine as in the 40th position as to its business climate. I would like to change that thinking around and I think a good way to start is by passage of this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Telow.

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

tlemen of the House: I think most of you are kind of surprised by my getting up here this morning because very seldom I rise to talk on a subject, but there is something I do want to bring to you because I feel, and I know there are probably a few others that have been through the experience of Sunday openings. I won't name the stores that I have been associated with because I remember two years ago you all got a laugh because those places where I used to work are no longer in operation today. Maybe this way here you will go along with me and favor the Sunday feeling that, again, maybe this is the way I go.

I have no prepared remarks, but let's start back in the 60's. I will name the store, the Mammouth Mart, I joined them and was associated with them in 1960. Prior to that, I was with the W.T. Grant Store, which was a downtown store at that time, for approximately 17 years, so I know the downtown. Then I was associated with the discount houses, but I will only speak in regard to the Mammouth Mart in the old days when it used to be called The Mart and they used to have a store around Portland called, I think, the The Tom Taylor's or something like that, a sporting goods store.

Back in the 60's, before the '63 law was passed in regards to the size and the number of employees you could have, there was an ordinance the towns could have that they could open on a Sunday. The first one that I am familiar with was the old Mart down in Scarborough. To those of you who lived around the Scarborough area at that time, we opened from 12 to 5 at that time. Twentyseven percent of the business for the week was done in that one five-hour period in Scarborough. Of course, a lot of it could be attributed back when we were open in the summer time to the Old Orchard Beach crowd, but I am trying to point out that the volume of business that was done.

Now I am going to try to talk to the points where the opponents say what it would affect—employees. I know that when I had to stay open until midnight, when I was with Mammouth Mart and on the road, we never had problems getting employees. I know you can say that was a discount store, the high school kids wanted to work, they could earn Christmas money. I can tell you, you had a list waiting to work those hours and there would have been no problem at all on Sunday, because when we held an inventory on Sunday and I needed 140 people to run it, I had more than 140 people that wanted to work because they got time and a half. Here you are talking about four Sundays - let's go back and talk about one thing—you must remember this, the employees depend on the public for their bread and butter and all of you that have shopped in stores sometimes wonder about the employees and the type of service they are giving you, the public, but you are paying their wages by the goods that you purchase.

The second thing I want to bring up is this — take a store, for example, a big store, when they open in the month of December, there is what they call a level of sales from there on in the profit, where the big profit that is made. December is the big profit month for the retail stores. You reach a point of operation, the cost of operation, and when your sales start to go above that, that is where the profit is made.

Now you come to increases in pay and the bonuses at Christmas time and all of you know that the employees in the stores like to have their hands out to get that Christmas bonus. The bonus can only be given out by the stores if they make the money, the profit.

Also in regard to increases in pay, I have never had problems of getting help to work until midnight. They are only too glad, as I said before, to pick up that extra money. I am only talking the Mammouth Mart operation, I am not talking specialty stores.

I wanted to get up here this morning and

speak on the fact that I, personally, and I have spent 36 years in retailing, I have put in long hours, 60 to 70 hours a week, and my bonus depended upon the profit that the store, or the stores when I was district supervisor, that I had at that time. We have to remember this, the public comes first, when they shop in your store, you are supposed to give the service. Manytimes you may have to remind the employees of this; but my employees were very faithful to me and I never had any problems. This is the thing that I went for and the reason I am speaking today, that I wanted the limit in hours from 12 to 5 o'clock.

If this doesn't go through, I know, as the chairman of our Business Legislation Committee said, you will see a petition go through for a referendum and then we will be getting into 52 weeks.

Those of you who read the paper this past week, the amount of business that they did in those malls—for example the Auburn Mall, the one that I am familiar with, and the things that they hold there on a Sunday, the entertainment they hold — the people will come over and listen to the entertainment.

I happen to live near a race track in Lewiston and on a good Sunday, the handle is sometimes \$130,000 to \$140,000 that is being wagered. Let's face the facts — you have race tracks open, you have everything else open and it isn't fair that certain stores can stay open and others can't.

One final remark and I have done my talking for the year—think back to the time when the discount stores first started—the Mom and Pop stores, I am familiar with the Mom and Pop stores, I happen to be a member of SCORE, I do a lot of counseling for them and let me tell you this, when the discount stores opened up, the downtown stores finally had to get up and get on their feet and go to work and promote and do things right. I know, I ran a Grants store in Lewiston and they just took in the money, they didn't promote, and now here it is 20 years later and you still see the Mom and Pop stores, those that are run right. Every one of the counseling jobs that I see that goes down the tube are the ones that don't know how to run their stores or don't know how to run their business and it falls back to management.

I hope you will go along with me, I will flash the light as quick as I can and I hope you will follow me.

The SPEAKER pro tem: The Chair recognizes the gentleman from Orono, Mr. Bost.

Mr. BOST: Mr. Speaker, Men and Women of the House: There are many perspectives being tossed about this morning; however, I believe that this can be boiled down to a few basic notions.

First, L. D. 84 is a foot in the door. As our neighbor, Massachusetts, discovered, passage of similar legislation roughly five years ago led to the inevitable, year-round Sunday sales. Claims have been made that these large stores here in Maine have traditionally been and will continue to be opposed to Sunday openings and that they merely would want four weekends set aside, this may be. But as Massachusetts has witnessed, time has a way of eroding such convictions and I would dare claim that Maine is no different.

Secondly, there are just so many ways consumers can stretch a dollar; therefore, it only makes common sense that the smaller businesses would be adversely affected by a change in the law which enables the large store to open seven days a week. If fairness truly be the criteria here, let's not change the existing law.

Thirdly, many of us during our individual campaigns prescribed to the notion that there is a slow, continual erosion of the family unit and that we would encourage legislation designed instead to promote the family unit. The boundary lines between what may or may not be detrimental to the family are, indeed, subtle, but, in this case I believe clear. Regardless of

ones religious background or beliefs, setting aside a day of rest has provided for those opportunities which may bring fragmented families just a bit closer and there is nothing puritanical about that.

Lastly, I will not allow my vote on this matter to be swayed by threats of petition drives and referendums. Allowing these tactics to determine our direction is not in the interest of good government.

I urge you to reject the "Ought to Pass" Report.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Van Buren, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have to request that you support the Committee "Ought Not to Pass" Report. Anyone from a rural area, quite removed from the shopping malls, should consider what would happen to the small retailers. It will make it easy for people who have the means to make a weekend trip, stay overnight and do their Christmas shopping at a large mall, and most of our small retailers look forward to their Christmas season as a major boost to their business.

I can attest to this because I was in the women's retail wear business for 18 years and Christmas was very, very important.

Another thing I have to take exception with is that I was six and a half years in the food business and I was open from Wednesday through Sunday, five days a week. Anyone that wanted a five day job had to agree to work on Wednesday through Sunday. You would be surprised how many people refused to work — some people that were on welfare, some people that were on AFDC, some unemployed would refuse to work because they had to work on Sunday or Saturday night.

Another thing, I received a lot of letters, I would say well over a hundred, and they were all urging that we not pass this law, except for one letter. Most of these letters came from either employees or small store owners themselves, so I urge you to support the "Ought Not to Pass" Report.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Edgecomb, Mrs. Holloway.

Mrs. HOLLOWAY: Mr. Speaker, Members of the House: I checked in at my local chamber and found that we only had one store that had over 5,000 square feet, but in talking with them, I did discover that there is a lot of support from the Chambers of Commerce in our state—the Maine State Chamber supports it, the Portland Chamber of Commerce is in support, the Portland Intown Associates, the Maine Merchants Association and the Bangor Chamber of Commerce, so with that in mind, I am very happy to support this bill because these are the business people in our state.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Town, Mr. Cashman.

Mr. CASHMAN: Mr. Speaker, Men and Women of the House: I rise on this issue to support the arguments presented by my good friend from Orono, Representative Bost. It seems to me that opening four Sundays a year is only a foot in the door, as he has stated. Massachusetts went the way of 52 week openings and I think we will go the same way.

I also rise because, like Mr. Telow, I have had experience in the retail chain business but from a different perspective. My perspective was that of having my father work for F.W. Woolworth Co., and I can tell you that during the Christmas and Thanksgiving season, the most important thing to us was having him home on Sundays, that was the one day of the week we got to spend with him and got to spend together as a family. For that reason and in sympathy with the people who will be working Sundays if this bill passes, I would urge you to oppose the "Ought to Pass" Report.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call, it

must have the expressed desire of one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Murray.

Mr. MURRAY: Mr. Speaker, Men and Women of the House: On the surface, I must admit, this bill may sound appealing. There is the element of freedom of choice for the merchants, the unfairness issue between small and large retailers and the added customer conveniences that this change in the law might provide. Yet, upon examining this issue a little more deeply, as I am sure all of you will before the vote is taken, there are a number of serious concerns which should be analyzed and I hope will provide you with enough reasons to oppose this bill.

My overriding reason for opposing this bill is the protection of the retail employee. There is no way that we can adequately ensure that those employees who do not wish to work on Sunday will not be forced to do so by their employer. It has been or will be said that the merchants can hire new employees to work during these expanded hours. I would contend, however, that if these Sundays are going to be as big a selling day as expected, employers are going to want their most experienced employees on hand for those days.

From the many letters that I have received, I can safely say that these retail employees do not want to work on Sunday. Unfortunately, there is no retail employees' association organized to get this message across or exert the influence that some of the Merchant Associations have been able to do.

My second reason for opposing this bill deals with actual sales and sales patterns. I am not convinced that by simply extending store hours our total sales will increase. A gentleman who testified at the hearing illustrated this point quite clearly for me. He said, and I agree with him, that the first thing I think of on Christmas morning is not, gee, I wish the stores were open longer so I could have bought more Christmas presents. Ladies and gentlemen, I believe that the shoppers of Maine are provided with more than enough opportunities to shop in the six days days and nights a week that are presently allowed.

What this bill will do, if enacted, will redistribute and not necessarily increase the total sales for the Christmas season. I believe that this redistribution will take place in basically two ways: First, and more obviously, the sales which presently occur over a six-day period will be spread over seven days instead. Secondly, sales patterns will shift toward increased sales for the larger malls at the expense of decreased sales for our rural and downtown merchants. If you accept my premise that shoppers are not going to buy more simply because they are given an extra day's opportunity to do so, then I think you also must accept the fact that certain merchants are going to suffer from the changing sales patterns that I mentioned earlier.

Finally, I believe that the needs to preserve a day of rest is as valid today as it ever was. As the pace of our life style continue to accelerate, the need for moments that we know we can count on for rest, relaxation, recuperation and rejuvenation become even more precious. Our tradition, culture and even laws have recognized Sunday as that day on which we attempt to renew ourselves, our commitment to our families and, at least for some of us, our commitment to our God. I do not believe that this traditional outlook on our day of rest, especially during that special time of year prior to Christmas, should be threatened or sacrificed. Thus, I leave you with a question—is the convenience that this bill may provide worth the many negative ramifications which would

follow?

I hope you will agree with me and oppose the motion that is pending now.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to speak in opposition to this bill, and since I can't seem to be able to do what I would like to do, I would ask this body to vote against Sunday sales so that we can take up the Committee Amendment "C."

The reason why I am opposed to Sunday sales is principally because, like the gentleman from Orono mentioned, this would open the door, this is exactly what this will lead up to. If we authorize the stores to be open from Thanksgiving to Christmas, a couple of years from now you will have a bill in front of this body to have Sunday sales 52 weeks out of the year.

The reason I prepared Committee Amendment "C" is the fact that at the public hearing there was a lot of testimony given that it was discriminatory not to allow the large stores to be open on Sunday and I have to agree with that. If we are going to let the malls open on Sunday, the little stores, under 5,000 square feet, I think we should let the others.

Can I discuss my Committee Amendment or am I — I cannot?

The SPEAKER pro tem: The Chair would inform the gentleman from Biddeford that he may not discuss an amendment that has not yet been put before this body.

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

Mr. BRANNIGAN: A point of inquiry.

The SPEAKER pro tem: The Chair may state his point of inquiry?

Mr. BRANNIGAN: Mr. Speaker, a person could discuss the whole issue at this time of the pressure being put on the issue of Sunday openings and closing and the inequities involved in that, couldn't one?

The SPEAKER pro tem: The Chair would inform the gentleman from Portland, Mr. Brannigan, that it is a broad area of discussion. However, for the gentleman from Biddeford, Mr. Racine, to specifically discuss an amendment which is not before this body would not be allowed.

The gentleman from Biddeford, Mr. Racine, may continue.

Mr. RACINE: Mr. Speaker, Members of the House: The only thing I can say is that I urge this body to vote against the pending motion to accept the Majority "Ought to Pass" Report. I guess you know why by now; if you don't, I will never make it.

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

Mr. KELLEHER: Mr. Speaker, I move that this bill and all its reports be indefinitely postponed.

Ladies and gentlemen of the House, the arguments that were presented this morning, particularly on the other side of the aisle, of not in favor of it, it is just one simple bill, a simple issue, it is greed. If this House allows Sunday sales in this state for four Sundays before Christmas, it won't be long, as one of the merchants told me in Bangor not too long ago, that it will be three months and then four months, then six months and like some of the other states in this union, 52 weeks a year.

I took the time to go down on my main street in Bangor a few weeks ago and polled as many merchants personally that I could. Most of them I knew personally, and out of those that I talked to, two supported Sunday sales out of a great many people.

I talked to the general public on the street and it was quite an experience for me when I would go up and say, I am a legislator from Bangor — where are you from? Some were from Bangor, some knew me, a great many of them didn't, but the vast majority of them were not in favor of Sunday sales.

I talked to the employees in a variety of stores in my community and I didn't find any of them who were in favor of Sunday sales, but there were a couple of old merchants that I ran into in my community, very fine people who are now not operating, and one fellow I remember saying to me, Ed I used to employ 60 people in my store, and if I was going to be open on Sunday, you can bet those employees would be working if I wanted them to work or they would not be working, or I would do this — there are slow days in the Christmas season, like there are in any other part of the business year, I would take their afternoons, Monday afternoon, Tuesday afternoon, Thursday afternoon, and I would say we are working on Sunday.

This is just a step in the door. Believe me, these major retailers in the state, if they could have gotten more, they would have asked for more. They are nobody's fool, although they might think that some of us in this House are to buy this measure today. It simply is a foot in the door and they will be back for more.

There is one other little aspect that we should all consider and that is the family unit, the men and women that work in these stores. There are a great many single parents in this state that have to work to support their children and they work during the week, they are home on Sundays and it has an effect on the youngsters in the home as well as the men and women that have to do it.

I urge this House to support my motion to indefinitely postpone because, believe me, in the years that I have been here, you give them an inch and they will be back for a foot and then they will be back for that yardstick and then they have got the whole mile.

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

Mrs. KETOVER: Mr. Speaker, Men and Women of the House: I hope that you will not vote against this bill, as my good seatmate, Mr. Kelleher, has just mentioned. Maybe you think it is greed for the big businesses to be out there looking for money, but I don't see it that way. I think we should look at this as the working class bill. There are a lot of people out there today working, working mothers, working fathers, working single parents, that do not have the time to go shopping on a Saturday or an evening. They have to get home, they have to take care of their families, feed them, and do the things they need to do. It is very difficult during those four days to be able to go shopping. They need to have that extra 20 hours to go and do the things they need to do.

This is a bill that is going to bring revenue to this state. I am tired of seeing our money going to New Hampshire and now to Massachusetts. I think we need to keep the money here. We need jobs, this is going to bring a few extra jobs, maybe a part-time job for someone who can't get a full-time job. Maybe, yes, the merchants want this, but I think the people want it even more.

I went and talked to the people in my district also and they say, yes, we want this. Unanimously they want this. They say the merchants want it. I am hearing Bangor who says they don't want it, I am hearing the northerners say they don't want it, but I am not hearing that from the central, more or less, and I am not hearing that from the southerners. They need this bill. They need this bill, the state of Maine needs the money. Why are we not allowing this to happen in the state of Maine? We need change — yes, we do need change. This is a change, we live in a world of changes, and it is time the state of Maine catches up with other states. We need to have tax money, we are looking for many alternatives at this point to raise money. The highway needs money, we need money, so let's keep tax dollars in this state.

I hope you will not vote to indefinitely postpone this bill and I hope you will vote with Representative Brannigan's motion to vote in

favor of this bill.

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

Mrs. WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: The stores in my area carefully build and staff for Sunday sales. There are many discount stores, but I live about 25 miles from New Hampshire where there are two large malls whose parking lots are completely filled on Sundays and a great percentage of those cars are from Maine. We competed with the liquor stores, why not give our other stores a chance?

The SPEAKER pro tem: The Chair recognizes the gentleman from Kittery, Mr. Soucy.

Mr. SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I am probably a minority here, that on a Sunday I can get in my car and drive for five miles and be at the two big shopping malls. If I want to see some people from Kittery and York, people from my home town of Saco, I go to the malls on Sunday because that is where they are. They are not at home and most of the time they have their families with them.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am only going to take a minute, I didn't plan to speak on this bill nor did half the people here, I guess, the way it is going. I have taken no position on it, but it is amazing the number of people that have approached me on this and said, why not, particularly the working people.

Mr. Kelleher is talking about the great problems you will have with opening for 20 hours. Even the good Catholics today are going to church on Saturday, so I don't think there is any problem. I think it would be a great opportunity for the working people of this state to go and shop on Sunday.

The SPEAKER pro tem: The Chair recognizes the gentleman from Mexico, Mr. Perry.

Mr. PERRY: Mr. Speaker, Ladies and Gentlemen of the House: I support this bill and one of the reasons I support it, I sent out a questionnaire to my constituents and I got a feedback from the people, not the merchants. The question was as follows: "Do you support a change in the law that would allow retail stores to open on the Sundays between Thanksgiving and Christmas?" The answers were: 77 percent said yes; 21 percent said no; 2 percent undecided. I live in an area where people flock to New Hampshire, they buy liquor up there, they buy everything; let's keep them in the state of Maine.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Macomber.

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I just want to say to you, you heard Mr. Kelleher at his best, old Mr. Gloom and Doom. He has painted the worst possible picture of what might happen with this particular bill. I want to remind you people that unless some action is taken by you, the people who represent this state right here in this House, the law states 20 hours per week. Nothing else can change that unless you want to change it. If it is 20 hours now and you want to keep it at 20 hours, that is exactly what it will be.

I hope you will support the bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I am going to present you with a little different side of this whole picture, it is what I call a birdseye view of what is going to happen.

When I was 16 years old, I went to work for W.T. Grant. I started out with 15 hours a week at 90 cents an hour. I worked for W. T. Grant for 6½ years. The four Saturdays before Christmas were unbelievable. I remember

\$50,000 and \$60,000 days—I remember one day we did \$66,000 on the Saturday before Christmas. I remember the store manager saying, isn't this great? Just think what we could do if we could be open tomorrow, which was a Sunday.

If any of you haven't worked for a big retail chain store, I want to tell you how it works. You don't get time and a half and you never get paid for overtime because whatever time you work over, they are going to take it away from you on another day. He told me at the time, if we ever have a chance to open on Sunday, you are going to be one of the guys that works on Sunday. Well, I worked six days a week as it was, I even worked on my day off at another job so I could pay my bills and I wouldn't have to go looking someplace else to take care of my bills.

After I left Grant's, I went and bought my own little store and one of the worst things about owning that little store, and many people in this house today can tell you about it, is that you can never be a family together, because if you care about your business, somebody in your family is at that store every single day you are open. You can ask Representative Jackson, you can ask Representative McGowan, they know, somebody from your family is there.

Mr. Kelleher talked about greed and you can argue all you want to, that is all it is. We have been letting the state of New Hampshire and Massachusetts run the way we do things in the state of Maine long enough. I think we are perfectly happy the way things are in the state of Maine now and the families at least have one day to be together.

I am not concerned about the big chains, I am not concerned about money going to New Hampshire or Massachusetts or anything else because every time we turn around, we lose some money down there anyway. What my concern is about is the poor folks that have to work in these stores and they don't work under the best conditions, believe me, I was there 6½ years.

What is going to happen is when they have to work on Sundays, and again and again have any family get-togethers, we never could have a family outing, we could never spend the holidays together, because there was always somebody in that store. If you let them open up on Sundays, and I agree with Mr. Kelleher and I know this for a fact because we have talked about it many times when I worked for Grant's, they are going to come back for more than the four weeks at Christmas. They used to say, let's just get the four weeks before Christmas and the next time we come back, we will get a couple of months before Christmas, because, believe me, we start selling Christmas stuff before Halloween. They are going to come back here. Don't worry about the stores, worry about the people in the stores, think about them for a little while and think how you would like it if you could never have a Sunday with your whole family together because one of them was working for an outfit that makes a million dollars a year and wants to make another \$50,000. Think about that before you vote to give this your approval.

I hope you send this bill, as my good friend from New Sweden used to say, down the tubes.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: It is amazing how I believe people on both sides of this issue are correct. I agree with the last speaker in some of the things he said. I agree with Mr. Kelleher at his best, sometimes even at his worst. I also agree with Mr. Racine, who has left and felt that he couldn't explain his position, he could and I will.

I would like to make my position clear again. They came in for 52 Sundays last legislature, we defeated it down in the committee, you never saw it up here. They will come in for 52

again and we will defeat it down there. The position I took reluctantly on this bill was that the 52 Sundays issue is going to be taken out of our hands, and unless we give this slight relief, I believe that those stores are capable of mounting a very quick and successful petition drive. I believe, therefore, that the people of the state of Maine will vote, and it is my belief that 50 percent plus will vote in favor and we will have 52 weeks a year instead of five hours for four Sundays. It is coming, I agree with that.

My solution before I took this position was a solution that you will hear about later or could hear about later. Close the malls, all stores, and I wanted to do that and I worked on that, and for awhile it was known as the Brannigan Amendment; it is now known as the Racine Amendment.

There are malls that are enclosed, but then you have got all these strip malls which aren't enclosed and you can't control those; therefore, the inequities will grow even worse. The store in the mall, under cover, will have to be closed; the store out on the strip will be open. They are only a thousand feet apart in places. So it increases the inequity, so I abandoned that and Mr. Racine picked it up. I feel that you have to go for a slight relief, and I believe that we will be able to forestall 52 weeks for many years to come. If we don't, we won't.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: Both Republicans and Democrats alike sent these questionnaires out and all those in the House that are Democrats received the results of the questionnaire that was sent out. I would like to read to you Question 8: Do you support a change in the law that would allow retail stores to open on Sundays between Thanksgiving and Christmas? Yes, 70 percent; no, 27 percent; undecided, 3 percent. I believe most of the people have spoken.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair would like to thank the gentleman from Fairfield, Mr. Gwadodsky, for acting as Speaker pro tem.

Thereupon, Mr. Gwadodsky returned to his seat on the floor and Speaker Martin resumed the Chair.

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

Mr. JACKSON: Mr. Speaker and Members of the House: I hadn't intended to speak on this bill, but after listening quite intently to the debate that has been generated on both sides of the issue, I can understand the concerns of several of the members of this body, the concerns of the family unit, the concerns of the possibility of having to work Sundays, but one thing I think we have got to take into consideration with this piece of legislation, I think we have to take into consideration that it is only for four days, the four Sundays preceding the Christmas holiday.

I will speak for the region that I represent and that region is very close to the New Hampshire border. It is not uncommon to take a trip across the border, about 30 minutes from where I reside, on a Sunday, and 60, 65 or 70 percent of the automobiles parked in those shopping malls are Maine cars. I look at this as a loss of revenue to the State of Maine. I look at it as a loss of jobs to the State of Maine.

I think it has been felt very strongly that where it only involves four days, and four days only, that it would be advantageous to this state for this body to pass this piece of legislation today. As the Representative from Waterville has indicated, I am an independent businessman, my business is open seven days a week, and why should I have that advantage over a supermarket?

People need things on weekends, not out of desire but need, necessity, they need them on

Sunday as well as they need them on Saturday or Wednesday, and if we give these units we are discussing today the opportunity to service the public those four Sundays preceding the holiday, I see no harm in that whatsoever.

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

Mr. SWAZEY: Mr. Speaker, I request a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I think there is one thing we have not considered, the fact that this was going to create jobs and make a stronger economy.

Let's look at the states where we have Sunday sales and let's look at their unemployment, and let's consider whether or not we should change how we are doing things in Maine. We have a number of bills that are going to change the business climate in Maine—is this good? Is this bill good, to change what is working now?

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 Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I just called my wife down in Princeton and what she told me was—don't bother coming home if you don't vote for this bill. So I hope that you will defeat Mr. Kelleher's motion on this.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: Before you vote, I hope you just let the words of Mr. Kelleher and Mr. Jacques ring in your ears. All the mall owners in this State have done a very good job hiring the well-clad boys out in the hall to represent them. I just want you to think before you vote that the people who are going to have to work these Sunday hours have nobody but you to depend on.

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

ROLL CALL

YEA—Anderson, Armstrong, Bell, Bost, Brodeur, Carrier, Carter, Cashman, Clark, Connolly, Crouse, Davis, Dudley, Greenlaw, Gwadosky, Hayden, Hobbins, Ingraham, Jacques, Joseph, Kane, Kelleher, Kelly, Kilcoyne, Lisnik, Livesay, Locke, MacBride, Manning, Martin, A.C.; Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; McCollister, McGowan, McHenry, Michael, Michaud, Murray, Nadeau, Parent, Pines, Racine, Reeves, P.; Ridley, Roderick, Scarpino, Smith, C.B.; Smith, C.W.; Stevens, Stover, Strout, Theriault, Walker, Webster, The Speaker.

NAY—Ainsworth, Andrews, Baker, Beaulieu, Benoit, Bott, Brannigan, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Chonko, Conary, Conners, Cooper, Cote, Cox, Crowley, Curtis, Daggett, Day, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Hall, Handy, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Jackson, Jalbert, Joyce, Ketover, Kiesman, LaPlante, Lebowitz, Lehoux, Lewis, MacEachern, Macomber, Masterton, Maybury, McPherson, McSweeney, Melendy, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Perry,

Pouliot, Randall, Reeves, J.W.; Richard, Roberts, Rolde, Rotondi, Salsbury, Seavey, Small, Soucy, Soule, Sproul, Stevenson, Swazey, Tammaro, Telow, Thompson, Tuttle, Vose, Wentworth, Weymouth, Willey, Zirnkilton, ABSENT—Allen, Bonney, Mahany, Mayo, Sherburne.

Yes, 57; No, 88; Absent, 5; Vacant, 1.

The SPEAKER: Fifty-seven having voted in the affirmative and eighty-eight in the negative, with five being absent and one vacant, the motion does not prevail.

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

Mr. LISNIK: Mr. Speaker, I don't seem to have Report A. Could somebody explain what that is?

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

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

Mr. BRANNIGAN: Mr. Speaker, Report A is "Ought to Pass"—four Sundays from 12 to 5.

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

Mr. LISNIK: Mr. Speaker and Members of the House: I hope you will vote against this report and I further hope that we could dig a hole and bury this and spread manure over the top of it and then plant burdocks over it.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Representative Brannigan of Portland that Report A "Ought to Pass" as amended by Committee Amendment "A" be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Andrews, Baker, Beaulieu, Bott, Brannigan, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Chonko, Conary, Conners, Cooper, Cote, Cox, Crowley, Curtis, Daggett, Day, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Jackson, Jalbert, Joyce, Ketover, Kiesman, LaPlante, Lebowitz, Lehoux, Lewis, MacEachern, Macomber, Masterman, Maybury, McCollister, McGowan, McPherson, McSweeney, Melendy, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Perry, Pouliot, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Rolde, Rotondi, Salsbury, Seavey, Small, Soucy, Soule, Sproul, Stevenson, Swazey, Tammaro, Telow, Thompson, Tuttle, Vose, Wentworth, Weymouth, Willey, Zirnkilton.

NAY—Anderson, Armstrong, Bell, Bost, Brodeur, Carrier, Carter, Cashman, Clark, Connolly, Crouse, Davis, Dudley, Hayden, Hobbins, Ingraham, Jacques, Joseph, Kane, Kelleher, Kelly, Kilcoyne, Lisnik, Livesay, Locke, MacBride, Manning, Martin, A.C.; Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; McHenry, Michael, Michaud, Murray, Nadeau, Parent, Pines, Racine, Reeves, P.; Roderick, Scarpino, Smith, C.B.; Smith, C.W.; Stevens, Stover, Strout, Theriault, Walker, Webster.

ABSENT—Allen, Benoit, Bonney, Mahany, Mayo, Sherburne, The Speaker.

VACANT—Studley.

Yes, 92; No, 51; Absent, 7; Vacant, 1.

The SPEAKER: Ninety-two having voted in the affirmative and fifty-one in the negative, with seven being absent and one vacant, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (S-38) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

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

Bill "An Act Making Unified Appropriations

and Allocations for the Expenditures of State Government (Highway Fund) and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984 and June 30, 1985. (Emergency) (H. P. 1055) (L. D. 1378) (Presented by Representative Carroll of Limerick) (Cosponsors: Senator Wood of York, Senator Danton of York and Representative Higgins of Portland) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Transportation was suggested.

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

Miss Brown of Bethel offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-99) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I present House Amendment 99 today as an alternative tax program on L. D. 1378. This amendment offers a \$10 million cut from the Highway Allocation Act for the next two years. Nine million dollars worth of cuts are out of the collector road program, which is a new program just started by the Department of Transportation, and a one million dollar cut out of the traffic services over the next two years.

Many of you realize that gas prices are down right now in the state, as they are around the nation. April 1st there is going to be a 5 cent gas tax increase, and along with the proposal that the State of Maine is making, we have to realize how this is going to affect our constituents in the business that we represent.

The economy of the state is so tied with factors like this, that I hope today you can support a 4 cent gas tax instead of a 5 cent gas tax.

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

Mr. HIGGINS: Mr. Speaker, I move the indefinite postponement of this amendment.

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

The gentleman may proceed.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: This amendment may appear politically attractive on the surface because it is being proposed that we raise the gas tax 4 cents instead of the 5 cents proposed in the bill. I guess this does appeal and perhaps the public perception could be positive to this, but I think there are three problems with this proposed amendment.

First of all, the million dollar cut in traffic safety is something that is going to directly affect the drivers of the State of Maine. These traffic services provided are for road signs, the pavement markings down the middle of our roads and for traffic lights at the intersections. While it may appear to be an increase in our current budget it is not, this is not in fact such. Federal monies are currently being used in this biennium for pavement markings that will not be available in the next biennium. This is the reason these additional monies are needed, to maintain current services in this account.

Secondly, we are talking about collector roads. This, in tandem with our state block grant program, by sending 2,700 miles back to our municipalities through the block grant program last year, the state has a continuing responsibility for 4,200 miles. This past year, 2,500 miles of these roads were available for federal funding. This is not going to be the case in the next biennium. So, we have got to maintain our current responsibilities for these 4,200 miles of roads.

This amendment proposes to take \$3 million from this account in the first year and \$6 million in the second. That amounts to \$10 mil-

lion, and this bill costs \$11.5 million, so we also have a million and a half shortfall.

For these three reasons, I hope you will indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker and Members of the House: To just reply to the young gentleman from Portland, Mr. Higgins, in the million nine that has been used over the last two years for the traffic service program, this proposed cut of \$500,000 each year will allow the department an additional \$500,000 over what we have budgeted for the last two years. Their request was \$2.9 million; and all we are reducing in this amendment is bringing it back to \$2.4 million.

As far as the collector road program is concerned, he is absolutely right in saying that the state turned back 2,800 miles to the towns and they picked up 4,200 miles. But let me assure you that the state aid program that has a balance of \$6.3 will be used to take care of a lot of these so-called collector roads in the next biennium.

I would also mention that this is a new program that has been added. Originally, it was \$4 million in the first year and \$6 million in the second.

We are at this time speaking on the amendment, so I am not going to get into the details of the allocation; I will do that when it comes up for enactment.

I do feel that the gentlewoman from Bethel, Miss Brown, has presented you with an alternative. I'm not—and I repeat, I'm not in favor of 4 cents. I have been, since day one in January, in favor of 3 cents; however, I feel that the amendment that she has offered gives us a chance to maybe fund an adequate program at the 4 cent level.

I am not going to make any more comments at this time—I would urge passage of the amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss Brown: Mr. Speaker, I would request a roll call vote.

The SPEAKER: The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: Although I respect my colleague, Mr. Strout, and Miss Brown's opinion today, I am asking you to go in favor of the motion to indefinitely postpone this amendment. My reason is the collector road program, and I would like to draw your attention to this booklet that everyone received earlier this year. It tells you exactly where the collector road program is, and it is in each and every one of your districts.

If we cut \$9 million out of this collector road program, we are going to be eliminating funds for the rehabilitation and the reconstruction of roads in all these communities, and I would like to just tell you a few of the communities: Houlton, we are going to lose \$48,000, \$102,000, \$164,000; Presque Isle, \$82,000. In Ellsworth, we are losing \$54,000, \$59,000 and \$49,000; in the Town of Franklin, \$58,000; in the Town of Lincoln, we are losing \$240,000; in the Towns of Clinton and Benton, we are losing \$229,000; in the Town of Searsport, \$128,000; in the Town of Naples, \$147,000; in the Town of Bethel, \$81,000; in Farmington, \$39,000 and \$32,000. Ladies and gentlemen, if we talk about the economy of the state, these little rural communities cannot afford this amendment the way it is. We need this collector road program, and I hope that you will support it.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't necessarily support the amendment because it doesn't go far enough. I don't believe they will ever get a 5 cent gas tax through the House, and doubtly 4 cents if they listened to the people that they are represent-

ing in this House today.

My people have to drive some 50 or 60 miles to work everyday and they bear the brunt of something like this. Perhaps you people are not up on this blue book this woman just quoted from, but if I were in the department and wanted more money, I could print a similar book to see if I couldn't get 101 votes in this House. I could even rearrange it a day or two later if I only got 99.

Let me tell you, the last biennium they had to spend about \$98 million over there; they are asking for \$117 million this year. The economy of this state doesn't warrant that kind of an increase in any one fiscal year. The next year, the second, it was \$98 million before and now they are asking for \$119 million. I must submit to you that this is a substantial increase from two years ago, and the payroll of the people that I represent hasn't increased accordingly. As a matter of fact, it is down.

A little later you will be asked to pick their pockets a little further because you are going to try to up the estimate and force them into another tax increase.

If you are going to protect these people, please watch out for the bureaucrats that run these departments. They are big and they want to get bigger at the expense of the people you represent.

I would be willing to go along with the 3 cent increase in the gas tax, and no more, and that is more than they should have based on the economy of this nation. Look into the thing a little, go into detail, see what the cost of tar is today compared with two years ago or a year ago. As the petroleum products drop in the foreign market, this tar and the low price products on the lower end drop even more than gasoline—they don't bring that to your attention. When they had \$89 million to spend, they had to pay this expensive price for tar and commodities, and that even increased the price of salt because transportation was involved from the West for a good deal of the salt. They are not telling you those things. They had \$89 million when those things were high and they are getting cheaper. Now they are asking for \$117 million. They think they have got you on the run. They thought if they printed a blue book and passed it around they could get 101 votes. I think today will get ninety-some and they will probably call that book back and at the expense of the people you are representing here.

While these people that you are representing here this morning are having their payrolls cut, working less hours, we are letting these departments increase payroll accounts, increase in every direction—I'm not, but I'm afraid this House will because they don't understand economics. We should go back and teach a little more in school about economics.

One hundred and twenty million, if we cut considerably more than this and voted for a 3 cent gas tax, which would hurt me to do but I would, we could easily match the \$120 million that they are dangling in front of us to get us to increase the gas to a nickel.

I think it is tradition in here that down through the years they have always asked for twice as much as they expected to get because they knew we were going to cut it anyway, and the same thing exists today. It is a wonder they didn't ask for 6 cents, because they figured we would cut it in half anyway, so bear that in mind. This is tradition, it has gone on for years, and they always look for twice as much as they expect to get. I think it is the same way when the union goes in for a raise—they go in and ask for twice what they know they are going to get and it looks better on paper.

This little book looks good printed, but bear in mind that the people you represent, that sent you here to look after their interests, they bear the brunt of this. And if they are like my people and have to drive a long ways to work, most of my people drive from the little Town of

Enfield to Millinocket, which is 68 miles, night and morning, and they bear the brunt of something like this when you increase the gas tax. That is just like cutting their pay that has already been cut, and I hope you don't see fit to do it this morning, that you will listen to reason and that you will eventually vote for perhaps a 3 cent increase in the gas tax, which will give them more money than they had before and the price of tar has dropped, the price of transportation has dropped, and other commodities here, and with that, that is going to give them a big lift, a lot bigger lift than they had.

Bear in mind these figures, too. How did they do it in the last two years with \$89 million? Now they are asking for \$117 million with things on the drop because they think they lewoman from Bethel, Miss Brown. have got us on the run. Well, they haven't got me on the run.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, to the gentleman from Enfield, Mr. Dudley, I would be very happy to support a 3 cent gas tax, that is what I have been talking about for the last year, but as a compromise package today, I have presented the 4 cents and I hope that you can support it.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I will not support a 4 or 5 cent tax; I would support 3 cents but I would support 2 cents better.

You are putting us in a bind, the people that buy the oil, the people that are working. Gas went up 3 cents this week. Mr. Reagan is going to give us 5 cents next Friday, Good Friday, he calls it, and then we are going to give ourselves, 4, and that is 9—that is 13 cents next week, after the first of April, that people are going to have to pay extra for gas. I can't see it for the people who are working. Like Mr. Dudley just said, people have stopped working, people have taken cuts in wages so that they could survive, and I think that we are gypping the people.

The Highway has spent so much money foolishly, let them be a little more careful with what they spend. Let them repair their roads and forget about building big bridges, so forth and so on. I know that we need a bridge down home, but I don't care if I get it or not as long as the people don't get taxed that much for it.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Representative Higgins of Portland that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cox, Crouse, Crowley, Daggett, Day, Diamond, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Joyce, Kane, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lehoux, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Mayo, McCollister, McHenry,

McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Pouliot, Racine, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Seavey, Smith, C.B.; Soucy, Soule, Stevens, Studley, Swazey, Tammamro, Telow, Theriault, Tuttle, Vose, Willey, The Speaker.

NAY—Anderson, Armstrong, Bell, Benoit, Bost, Bott, Brown, K.L.; Conary, Connors, Curtis, Davis, Dillenback, Higgins, L.M.; Kelleher, Lebowitz, Maybury, Mitchell, J.; Murphy, Perkins, Randall, Roderick, Salsbury, Scarpino, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Thompson, Walker, Webster, Wentworth, Zirkilton.

ABSENT—Bonney, Cote, Dexter, Drinkwater, Hobbins, Mahany, Mayo, McGowan, Sherburne, Small, Weymouth.

Yes, 106; No, 33; Absent, 11; Vacant, 1.

The SPEAKER: One hundred and six having voted in the affirmative and thirty-three in the negative, with eleven being absent and one vacant, the motion does prevail.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

By unanimous consent, all matters requiring Senate concurrence were ordered sent forthwith.

(Off Record Remarks)

On motion of Mr. Webster of Farmington, Recessed until four o'clock in the afternoon.

After Recess 4:00 p.m.

The House was called to order by the Speaker.

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

Passed to Be Enacted Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government (Highway Fund) and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984 and June 30, 1985 (H. P. 1055) (L. D. 1378)

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

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: Since this has come up, a great number of people have asked me in terms of the exemption of municipalities from the 14 cent tax, does this include counties, quasi-municipal water districts, multi-municipal SAD's, municipalities which contract highway work for their school buses? The answer is yes; this is the intent of the Taxation Committee, that these four groups that I mentioned will be able to get it, the exemption, which will be worked out between the Highway Department and the Bureau of Taxation.

Whereupon, Mr. Higgins of Portland requested a roll call vote.

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

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

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted

will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bell, Bott, Brannigan, Brodeur, Brown, A.K.; Cahill, Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Conary, Connors, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Day, Dexter, Diamond, Drinkwater, Erwin, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Ingraham, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Locke, MacBride, MacEachern, Macomber, Manning, Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Perry, Pines, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Roderick, Rolde, Rotondi, Salsbury, Small, Smith, C.B.; Soucy, Soule, Stevens, Stover, Studley, Swazey, Tammamro, Telow, Theriault, Tuttle, Vose, Weymouth, Zirkilton, The Speaker.

NAY—Anderson, Armstrong, Bost, Brown, D.N.; Brown, K.L.; Clark, Connolly, Davis, Dillenback, Foster, Hayden, Higgins, L.M.; Hobbins, Holloway, Jacques, Lewis, Livesay, Maybury, McPherson, Michaud, Mitchell, J.; Murphy, Paul, Perkins, Randall, Reeves, J.W.; Scarpino, Seavey, Smith, C.W.; Sproul, Stevenson, Strout, Thompson, Walker, Wentworth, Willey.

ABSENT—Benoit, Bonney, Carrier, Dudley, Jackson, Mahany, Martin, A.C.; Mayo, Sherburne, Webster.

Yes, 104; No, 36; Absent, 10; Vacant, 1.

The SPEAKER: One hundred and four having voted in the affirmative and thirty-six in the negative, with ten being absent and one vacant, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

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

Non-Concurrent Matter

Bill "An Act to Provide a Uniform Excise Tax on Watercraft" (Emergency) (H. P. 1041) (L. D. 1343) which was passed to be engrossed as amended by House Amendment "B" (H-95) in the House on March 29, 1983.

Came from the Senate passed to be engrossed in non-concurrence.

In the House: on motion of Mr. Higgins of Portland, the House voted to recede and concur.

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

Passed to Be Enacted Emergency Measure

An Act to Provide a Uniform Excise Tax on Watercraft (H. P. 1041) (L. D. 1343)

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. 109 voted in favor of same and 29 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

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

Enactor Tabled Unassigned

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that the State may Enact Property Tax Exemptions Re-

lating to Watercraft not Subject to Fifty Percent Reimbursement (H. P. 1042) (L. D. 1349)

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

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending passage to be enacted.

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

Divided Report

Majority Report of the Committee on Taxation on, 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) (L. D. 1116) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-97)

Report was signed by the following members:

Senators:

TWITCHELL of Oxford
TEAGUE of Somerset
WOOD of York

— of the Senate.

Representatives:

ANDREWS of Portland
CASHMAN of Old Town
DAY of Westbrook
INGRAHAM of Houlton
KANE of South Portland
KILCOYNE of Gardiner
HIGGINS of Portland
MASTERMAN of Milo
MCCOLLISTER of Canton

— of the House.

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

Report was signed by the following member:

Representative:

BROWN of Bethel

— of the House.

In the House: Reports were read.

On motion of Mr. Higgins of Portland, the Bill and all its accompanying papers were indefinitely postponed and sent up for concurrence.

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

Finally Passed Emergency Measures

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1983 (H. P. 1044) (L. D. 1374)

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 2 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1983 (H. P. 1045) (L. D. 1375)

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 none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1983 (Emergency) (H. P. 1046) (L. D. 1376)

Was reported by the Committee on Bills in the Second Reading and read the second time. Mr. Drinkwater of Belfast offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-105) was read by the Clerk and adopted, the Resolve passed

to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

**Finally Passed
Emergency Measure**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1983 (H. P. 1047) (L. D. 1377)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

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

**Finally Passed
Emergency Measures**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1983 (H. P. 1025) (L. D. 1326)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures for Knox County for the Year 1983 (H. P. 1026) (L. D. 1327)

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. 129 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

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

**Passed to Be Enacted
Emergency Measure**

An Act Relating to Handicapped Parking Space Designation (H. P. 580) (L. D. 728) (C. "A" H-79)

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.

Passed to Be Enacted

An Act to Clarify and Establish the Boundary Line Between the Town of Bowdoinham and the Town of Bowdoin (H. P. 633) (L. D. 784)

An Act Concerning the Compensation of County Personnel Board Members (H. P. 672) (L. D. 855)

An Act to Coordinate Regulatory Review (H. P. 808) (L. D. 1048)

An Act to Clarify the Definition of Approved Training in the Unemployment Compensation Program (H. P. 983) (L. D. 1284)

Finally Passed

RESOLVE, Directing the Department of Marine Resources to Erect a Fishway on the Orange River in Whiting, Washington County (H. P. 420) (L. D. 503)

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

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

Ought to Pass

Pursuant to Joint Order H. P. 159

Representative Ingraham from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1983 (Emergency) (H. P. 1056) (L. D. 1379) reporting "Ought to Pass"—pursuant to Joint Order (H. P. 159)

Representative Rotondi from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1983 (Emergency) (H. P. 1057) (L. D. 1380) reporting "Ought to Pass"—pursuant to Joint Order (H. P. 159)

Representative Daggett from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1983 (Emergency) (H. P. 1058) (L. D. 1381) reporting "Ought to Pass"—pursuant to Joint Order (H. P. 159)

Reports were read and accepted and the Resolves read once. Under suspension of the rules, the Resolves were read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Ought to Pass

Pursuant to Joint Order H.P. 159

Representative Wentworth from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1983 (Emergency) (H. P. 1059) (L. D. 1382) reporting "Ought to Pass"—pursuant to Joint Order (H. P. 159)

Representative Rotondi from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1983 (Emergency) (H. P. 1060) (L. D. 1383) reporting "Ought to Pass"—pursuant to Joint Order (H. P. 159)

Representative McHenry from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1983 (Emergency) (H. P. 1061) (L. D. 1384) reporting "Ought to Pass"—pursuant to Joint Order (H. P. 159)

Reports were read and accepted and the Resolves read once. Under suspension of the rules, the Resolves were read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Divided Report

Majority Report of the Committee on Transportation on Bill "An Act Making Unified Ap-

propriations and Allocations for the Expenditures of State Government (Highway Fund) and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985; Revising Certain Truck Size and Weight Laws; Clarifying Certain Motor Vehicle Laws and Providing for Improved Administration" (Emergency) (S. P. 365) (L. D. 1120) report "Ought to Pass" in New Draft (Emergency) (S. P. 454) (L. D. 1351)

Report was signed by the following members:

Signed:

Senators:

DIAMOND of Cumberland

DANTON of York

EMERSON of Penobscot

— of the Senate.

Signed:

Representatives:

CAHILL of Woolwich

MOHOLLAND of Princeton

MACOMBER of South Portland

REEVES of Pittston

NADEAU of Lewiston

CARROLL of Limerick

CALLAHAN of Mechanic Falls

THERIAULT of Fort Kent

— of the House.

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

Report was signed by the following members:

Representatives:

STROUT of Corinth

McPHERSON of Eliot

— of the House.

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed.

In the House: Reports were read.

On motion of Mr. Carroll of Limerick, the Bill and all its accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Ought to Pass

Pursuant to Joint Order H. P. 159

Representative Rotondi from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1983 (Emergency) (H. P. 1063) (L. D. 1386) reporting "Ought to Pass"—pursuant to Joint Order (H. P. 159)

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

By unanimous consent, ordered sent forthwith to the Senate.

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

House at Ease

Called to order by the Speaker.

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

**Passed to Be Enacted
Emergency Measures**

An Act Making Additional Appropriations, Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Year Ending June 30, 1983 (S. P. 432) (L. D. 1295)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-

thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of same and 5 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

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

**Finally Passed
Emergency Measure**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1983 (H. P. 1046) (L. D. 1376) (H. "A" H-105)

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

By unanimous consent, ordered sent forthwith.

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

**Finally Passed
Emergency Measures**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1983 (H. P. 1059) (L. D. 1382)

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

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am not for final passage of a bill that makes me look like Santa Claus, so I don't care what the rest of the members do, but I want to be on record as opposing such a drastic measure to the taxpayers of that county.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House: All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

112 having voted in the affirmative and 17 having voted in the negative, the Resolve was finally passed.

Signed by the Speaker and sent to the Senate.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1983 (H. P. 1060) (L. D. 1383)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1983 (H. P. 1061) (L. D. 1384)

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

By unanimous consent, ordered sent forthwith.

The following papers appearing on Supplement No. 18 were taken up out of order by un-

animous consent:

**Finally Passed
Emergency Measure**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1983 (H. P. 1059) (L. D. 1379)

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. 111 voted in favor of same and 17 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**Emergency Measure
Failed of Final Passage**

RESOLVE for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1983 (H. P. 1057) (L. D. 1380)

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

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

Mr. COOPER: Mr. Speaker, I move that we reconsider our action where by this Bill was passed to be engrossed.

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

Mr. BAKER: Mr. Speaker, I would ask for a division.

The SPEAKER: All those in favor of the motion of the gentleman from Windham, Mr. Cooper, that the House reconsider its action where by this Resolve was passed to be engrossed will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 43 having voted in the negative, the motion did prevail.

Mr. Cooper of Windham offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-106) was read by the Clerk.

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

Mr. McHENRY: Mr. Speaker, I move indefinite postponement of House Amendment "A" and would like to speak briefly to that motion.

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

The gentleman may proceed.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: We in the Committee on Local and County Government accepted the budget as presented by the delegation and the majority of that delegation sought that this budget be presented to us and we accepted it. Now, if the gentleman didn't win in his county, I am afraid that we can't go over everybody here in the House, it is almost impossible for us to do so. I would ask that everybody support the indefinite postponement for that reason.

I was not satisfied with my budget. As you saw, I voted against mine, my county budget, but I believe the process is that you present your budget and in my committee we accept the majority, and the majority said that they wanted it that way and we have the signatures to prove it. Therefore, I would ask the House to vote to indefinitely postpone this amendment.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you all to go along with the motion to indefinitely postpone House Amendment "A" to the Cumberland County budget.

Our county delegation had three meetings in which these issues were brought before us. At the third meeting we had, the delegation took a vote; we had 24 members present and voting. The vote on the amendments were as follows: On the Portland Public Library, when we

amended it to include \$20,000 worth of funding, the vote was 18 to 6 in favor; on the Foster Grandparents, it was 16 to 9 in favor. When it came time for the final vote on an increase in the sheriff's salary, there were only 2 votes against the \$5,000 increase. Clearly, a majority of the delegation present and voting favored the amendments we made to the county budget.

I brought the county document to the Local and County Government Committee, signed by a majority of the members of the Cumberland County delegation, I would respectfully ask this House to go along and support the majority position. I would like very much to have you support this and let the county budget go on its way as it has been amended. We have been letting the other county budgets go on their way. I am quite sure there have been disputes in other counties and they have been settled by members of the delegation. Those people who won the issue have won the issue, and those people on the losing side have lost, but the budget now must go on.

Please vote for indefinite postponement of this amendment.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry we have a little problem here with the Cumberland County budget. We have a policy and we have a way of handling the budget in our county. The county commissioners visit every community and they go over the budget as presented, and with this they did. They then come up to the Legislature here and they review the budget with those of us that are on the Cumberland County budget committee. We went over the budget and at that time I made a motion that perhaps we should pass the budget, and our chairman said, oh no, this wasn't advertised as the time when we should vote. I said, we can vote anytime on the budget as long as we have completed it, and apparently we had. So we called another meeting a week later and in comes the city group — I will have you know it is the Portland group — and they gave a \$5,000 raise to the sheriff, they gave \$20,000 to the library and they gave \$3,000 to another program. Well, as soon as the communities found out about this, all the surrounding communities decided to write letters.

The county commissioners had a vote and they voted not to support this in their meeting. The town of Cumberland sent me a letter. They said: "Dear Mr. Dillenback: Please be advised that at the regular meeting of the Cumberland Town Council held on Monday, February 28, 1983, the Council voted unanimously to go on record as opposing \$20,000 proposed by the state to the county for the Portland Public Library."

"Please be further advised that it is also the judgment of the Council that the legislature not increase the county budget."

This Portland library is a regional library. They have a large budget of \$1,220,412. The City of Portland puts in \$962,473. The Maine State Library, according to this, is \$95,364,000, and All Other Revenues, \$162,575. Now, the Portland library is built with your tax money, it was a federal grant for most of that money. They built a beautiful big library and it does a great job, it is a regional library, but that regional library receives from the Part I budget \$45,500 of your money; in the Part II budget they receive \$23,250, and so forth, and you get down to \$102,864.

I also understand that the Governor has put in his Part II budget a substantial sum of approximately forty-some-thousand dollars in addition.

The town of Cumberland and the town of Harpswell, which are the two towns I represent, the town of Cumberland has a lovely little library and probably would like to have some money in this budget too, and the town of

Harpwell just has a summer library—I am sure they could use five or six thousand dollars.

The problem is, it is setting a precedent. I am sure if we discussed this and if we brought it before the county commissioner, we could probably arrive at some fair and equitable basis, and I think in future years we probably can. But I suggest that you people support us on this and perhaps next time everybody will have an opportunity to discuss the budget.

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

Ms. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I have a similar letter from the town of Gorham. The town of Gorham picked a time to host a workshop for the county commissioners to discuss the proposed budget. At that time, the proposal for money for the Portland Library was discussed and was not favored by the council or the commissioners. I understand that in other workshops on the budget held in other parts of the county, this request was also not favored.

I would ask you not to vote against the amendment that is on the floor.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind my colleague, Representative Brown, that for two years we served on a charter commission in Cumberland County, which some of you who were there at the time heard quite a bit about. We developed a charter, it went to referendum, and one of the reasons that it suffered a, not a crushing defeat, it was a close defeat, was that one of the county commissioners, one who is making the most noise about this library, worked against the charter. He wanted to keep things as they are in the county budget process, and the voters agreed, so we had an opportunity to put the making of the budget back into the laps of the county commissioners, where I would like to see it. But we still have the same old method of approving the budget.

I served for four years as vice chairman of the Cumberland County delegation, and I can point out to countless instances in which the commissioners themselves came running up to Augusta at the last minute with amendments to the county budget, so there is nothing unusual in that.

My council did not bug me on this issue. Instead, I went to my town manager and asked him how they felt. It wasn't the library and the small amount of tax dollars that would go to support this fine educational resource in Cumberland County, it was the way in which it was done, they said.

As our new chairman, Representative Baker, has said, due notice was given to all the members of the delegation. Not all of them were there are the vote-taking time and there were those who were opposed to including the money for the library and the sheriff and the foster grandparents, but that is the political process and that is what we are stuck with. I urge that you vote for indefinite postponement of this amendment.

The SPEAKER: A roll call has been requested. In order 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 in 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 pending question before the House is on the motion of the gentleman from Madawaska, Mr. McHenry, that House Amendment "A" be indefinitely postponed. Those in favor of indefinite postponement of House Amendment "A" will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Baker, Beaulieu, Bost, Bott, Brannigan, Brodeur, Carroll, D.P.; Carter, Cashman, Chonko, Clark, Conary, Connolly, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Drinkwater, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Manning, Masterton, Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perry, Pines, Pouliot, Reeves, J.W.; Ridley, Rolde, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Theriault, Thompson, Tuttle, Vose, Walker, The Speaker.

NAY—Armstrong, Bell, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Conners, Cooper, Curtis, Davis, Day, Dillenback, Dudley, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lehoux, Lewis, Livesay, MacBride, Macomber, Martin, H.C.; Masterman, Matthews, K.L.; Maybury, McPherson, Mitchell, J.; Moholland, Murphy, Parent, Perkins, Racine, Randall, Richard, Roberts, Roderick, Salsbury, Scarpino, Seavey, Small, Smith, C.W.; Sproul, Stevenson, Strout, Swazey, Tammaro, Telow, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Benoit, Bonney, Carrier, Dexter, Jackson, Jalbert, Kane, Mahany, Martin, A.C.; Mayo, Reeves, P.; Sherburne, Stover, Webster.

Yes, 78; No, 58; Absent, 14; Vacant, 1.
The SPEAKER: Seventy-eight having voted in the affirmative and fifty-eight in the negative, with fourteen being absent and one vacant, the motion does prevail.

Mr. McHenry of Madawaska requested a roll call on final passage.

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 in 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 Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like for you to vote for this to pass because I don't, and I don't think it is Aroostook's business what Cumberland County wants to do, so I really believe that you should let Cumberland County run Cumberland County. They had a majority vote saying that they wanted it, let's give it to them.

The SPEAKER: The pending question before the House is on final passage. This being an emergency measure, two-thirds vote of all the members elected to the House is necessary. All those in favor of the Resolve being finally passed will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bost, Bott, Brannigan, Brodeur, Carroll, D. P., Carter, Cashman, Chonko, Clark, Conary, Connolly, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Drinkwater, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Manning, Martin, H.C.; Masterton, Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Perry, Pines, Pouliot, Racine, Randall, Richard, Ridley, Roberts, Rolde, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill Callahan,

Carroll, G.A.; Conners, Cooper, Curtis, Davis, Day, Dillenback, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Macomber, Masterman, Matthews, K.L.; Maybury, McPherson, Mitchell, J.; Murphy, Parent, Perkins, Reeves, J.W.; Roderick, Salsbury, Scarpino, Seavey, Small, Smith, C.W.; Sproul, Stevenson, Strout, Swazey, Walker, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Benoit, Bonney, Carrier, Dexter, Jackson, Jalbert, Kane, Mahany, Martin, A.C.; Mayo, Reeves, P.; Sherburne, Stover, Webster.

Yes, 85; No, 51; Absent, 14; Vacant, 1.
The SPEAKER: Eighty-five having voted in the affirmative and fifty-one in the negative with fourteen being absent and one vacant, the Resolve fails of final passage.

Sent the Senate.

Emergency Measure Indefinitely Postponed

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1983 (H. P. 1058)(L. D. 1381)

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

Thereupon, the Resolve was indefinitely postponed and sent up for concurrence.

The following Enactor appearing on Supplement No. 19 was taken up out of order by unanimous consent:

Emergency Measure Indefinitely Postponed

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1983 (H. P. 1063)(L. D. 1386)

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

Thereupon, the Resolve was indefinitely postponed and sent up for concurrence.

On motion of Mrs. Mitchell of Vassalboro, Adjourned until nine o'clock tomorrow morning.