

# 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**

Thursday, March 31, 1983

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

Prayer by the Reverend Roland Arno of the Second Baptist Church of Sidney.

The Journal of yesterday was read and approved.

**Papers from the Senate**

The following Communication:  
The Senate of Maine  
Augusta

March 30, 1983

The Honorable John L. Martin  
Speaker of the House  
111th Maine Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on State Government, the reappointment of Colonel Allen H. Weeks, Jr., of Wiscasset, as Chief of the Maine State Police.

Sincerely,

JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:  
The Senate of Maine  
Augusta

March 30, 1983

Honorable Edwin H. Pert  
Clerk of the House  
111th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate voted today to Adhere to its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Legal Affairs on RESOLVE, Authorizing Larry R. Coffren of Strong to bring Civil Action Against the State of Maine (H. P. 735) (L. D. 944).

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Promote the Development of Human Resources in Rural Areas of Maine" (S. P. 441) (L. D. 1348)

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

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

Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund, for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (S. P. 433) (L. D. 1345)

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

In the House, was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Include Legislative Services Under the Maine Sunset Act" (S. P. 434) (L. D. 1346)

Came from the Senate referred to the Committee on Audit and Program Review and ordered printed.

In the House, was referred to the Committee on Audit and Program Review in concurrence.

Bill "An Act to Establish County Budget Committees" (S. P. 435) (L. D. 1347)

Came from the Senate referred to the Committee on Local and County Government and ordered printed.

In the House, was referred to the Committee on Local and County Government in concurrence.

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

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Create a Party Permit for Deer Hunting" (S. P. 303) (L. D. 917)

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

**Unanimous Leave to Withdraw**

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Provide for a Property Tax Exemption for Fraternities" (S. P. 344) (L. D. 1018)

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Permit Maine People to Purchase Live Bait from New Hampshire Waters for Use in Maine Waters" (S. P. 305) (L. D. 919)

Were 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 State Government on Bill "An Act to Require Campaign Contributions to be Reported in the Lobbyist Disclosure Law" (S. P. 247) (L. D. 768) reporting "Ought to Pass" in New Draft (S. P. 456) (L. D. 1352)

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 the next legislative day.

**Divided Report**

Majority Report of the Committee on State Government on Bill "An Act Granting State Employees Full Political Rights" (S. P. 67) (L. D. 173) reporting "Ought to Pass" in New Draft under New Title. Bill "An Act Pertaining to the Political Rights of State Employees" (S. P. 439) (L. D. 1318)

Report was signed by the following members:

Signed:

Senators:

VIOLETTE of Aroostook

BALDACCI of Penobscot

— of the Senate.

Signed:

Representatives:

LEBOWITZ of Bangor

SPROUL of Augusta

COOPER of Windham

DILLENBACK of Cumberland

SALSBURY of Bar Harbor

LaPLANTE of Sabattus

HOLLOWAY of Edgecomb

KETOVER of Portland

PARADIS of Augusta

GWADOSKY of Fairfield

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act Pertaining to Political Rights of State Employees" (S. P. 438) (L. D. 1317)

Report was signed by the following member:

Signed:

Senator:

HICHENS of York

— of the Senate.

Came from the Senate with the Majority "Ought to Pass" in New Draft under New Title Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-42)

In the House: Reports were read.

On motion of Mr. Gwadosky of Fairfield, the Majority "Ought to Pass" Report was accepted in concurrence and the New Draft read once.

Senate Amendment "A" (S-42) was read by the Clerk and adopted in concurrence and the New Draft assigned for second reading the next legislative day.

**Petitions, Bills and Resolves****Requiring Reference**

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

**Education**

Bill "An Act to Address School Failure in Kindergarten and Early Elementary Grades" (H. P. 1066) (Presented by Representative Thompson of South Portland) (Cosponsors: Representatives Rolde of York, Mitchell of Vassalboro and Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

**Local and County Government**

RESOLVE, to Authorize the Commissioners of Cumberland County to Reimburse the Town of Harrison \$2,368.86 for Unexpended Retirement Funds (H. P. 1065) (Presented by Representative Jackson of Harrison) (Cosponsor: Senator Twitchell of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

**State Government**

Bill "An Act to Clarify Conflict of Interest for State Boards and Commissions" (H. P. 1064) (Presented by Representative Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

**Orders**

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

ORDERED, that Representative Karen L. Brown of Bethel be excused April 5 through April 11 for personal reasons.

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

Representative Cox from the Committee on Legal Affairs on Bill "An Act to Designate an Elvis Presley Day" (H. P. 670) (L. D. 853) reporting "Leave to Withdraw"

Representative Norton from the Committee on Labor on Bill "An Act to Encourage Speedy Rehabilitation under the Workers' Compensation Act" (H. P. 800) (L. D. 1040) 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 in New Draft**

Representative Randall from the Committee on Education on Bill "An Act Concerning School Transportation Contracts" (H. P. 605) (L. D. 753) reporting "Ought to Pass" in New Draft (H. P. 1062) (L. D. 1385)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, April 5.

**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 Kennebec County for the Year 1983 (Emergency) (H. P. 1067) (L. D. 1399) 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.

### Later Today Assigned

Representative Wentworth from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1983 (Emergency) (H. P. 1068) (L. D. 1400) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 159)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, I would like this tabled until later today because I am preparing an amendment.

Whereupon, on motion of Mr. Racine of Biddeford, tabled pending acceptance of the Committee 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. 747) (L. D. 959) Bill "An Act to Remove the Requirement that Certain Municipal Water Utilities Secure Approval of the Public Utilities Commission to Issue Short-term Debt" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-98)

(H. P. 247) (L. D. 294) Bill "An Act to Increase the Level of Compensation for Part-time Deputy Sheriffs" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-103)

(H. P. 348) (L. D. 407) Bill "An Act Creating the Passamaquoddy Water District" (Emergency) — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-107)

(H. P. 367) (L. D. 598) Bill "An Act Relating to the Nonliability of Physicians or Others who Voluntarily Report Physical or Mental Impairments of Licensees to the Secretary of the State" — Committee on Judiciary reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 5, under the listing of Second Day.

### Consent Calendar

#### Second Day

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

(H. P. 266) (L. D. 326) Bill "An Act Relating to Hunting and Fishing by Disabled Persons" (C. "A" H-96)

(S. P. 81) (L. D. 192) Bill "An Act Relating to Training Penobscot Law Enforcement Officers"

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

### Passed to be Engrossed

Bill "An Act to Revise the University of Maine Arbitration Procedures" (S. P. 440) (L. D. 1319)

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

### Amended Bill

Bill "An Act Relating to Business, Travel or Recreation on Sunday" (S. P. 29) (L. D. 84) (C. "A" S-38)

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

Mr. Diamond of Bangor offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-108) was read by the Clerk.

The SPEAKER: The Chair recognizes the

gentleman from Bangor, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, as you remember, we gave this piece of legislation, the bill itself, a pretty substantial vote of support. During the debate on this yesterday, there were a number of areas that were brought up that were of concern to many members of this body, areas of concern to both those who supported the measure and those who opposed it.

House Amendment "C" attempts to address some of those concerns and I think in doing so, if this body chooses to adopt House Amendment "C", then we will all be passing a better piece of legislation.

Some of the concerns that were raised yesterday dealt with both the fairness to those employees who would be involved in this piece of legislation, should it be passed, those people who for the most part work in retail outlets that pay minimum wage or slightly above minimum wage. It was the concern of many people that these people deserve some special compensation for their willingness to take part in this unique endeavor on the part of business. In talking with members of this body and the other body, I think we came to the conclusion that proposing that these people be paid time and a half for those hours that they work on these four Sundays out of the year would be appropriate, a total of 20 hours maximum that would be involved.

Another concern, one that was of greater concern to people I believe, was the fact that some people for religious or personal reasons would not be comfortable in working on Sunday and would hate to risk their employment by being asked to work on a Sunday that would be objectionable to them. This amendment proposes that those people voluntarily agree to work on Sundays and giving them an option to refuse to work on that day without jeopardizing their job. This is similar to the legislation that was passed in Massachusetts and some other states.

I think this is a reasonable proposal, both in that it does protect those concerns of people who do have personal philosophical objections to working on Sunday, and also it does recognize the fact that those people who would be working on Sunday do deserve adequate compensation in recognition of their willingness to work for their employer.

I hope you will support this amendment and that we can pass this legislation.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Fairfield, Mr. Gwadosky, to the rostrum to act as Speaker Pro Tem.

Thereupon, 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 Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Bangor, Mr. Diamond.

Do we in any other place in the statutes of the state of Maine indicate which businesses have to pay time and a half on any other particular day of the week? If the answer to that question is no, then what makes these people any more special, if you will, than those people who happen to run a gas station on Sunday, run a Mom and Pop store on Sunday, or the race track was mentioned, what is the difference here?

The SPEAKER Pro Tem: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to the gentleman from Bangor, Mr. Diamond, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. DIAMOND: Mr. Speaker, Members of the House: The gentleman raised a good question and it is one that I gave considerable thought

to before I proposed the amendment.

Twenty years ago, when we revised the Blue Laws of this state, we did establish different distinctions, different areas or different businesses that would be covered under the revisions in the Blue Laws and others that would not be covered. Other places in the statutes we deal with certain discrepancies and the rates of pay for various employees of certain businesses. The most prominent one, of course, is those people who work in restaurants.

This proposal narrows slightly that difference between those businesses that are presently and currently operating on Sundays or are at least protected by the law and are able to do so and those that currently cannot. There is that distinction.

I think there has been some confusion, especially in the press, as far as what this bill does. They said that it would end discrimination between businesses; it doesn't do that, it just narrows the discrimination that exists between them.

We are talking about a unique situation, businesses that are going to be able to be open four Sundays out of the year for five hours each of those Sundays, a maximum of 20 hours that would be involved out of 365 days times 24. Because of that, I think it is a unique situation and therefore merits unique consideration of a special provision in the law that deals with those people who would be expected or at least willing to work on that day. For that reason, I think this is an appropriate measure. I don't think it is unprecedented and I think it merits our support.

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

Mr. VOSE: Mr. Speaker, I would like to pose a question through the Chair.

Is the gentleman suggesting that if a person should work, let's say, 30 hours during the week, maybe he has Monday or Tuesday off and then he is asked to work on Sunday, that he shall then be paid, regardless of time that he worked during the week, time and a half?

The second question is, if a gentleman is going to hire somebody to work in his store and he realizes that he will be working on Sunday, are you also suggesting in this amendment that he can't say to the person he is hiring—look, I may need you on Sunday, would you be willing to work? Would you consider that a condition and therefore should not eliminate this person from the job?

The SPEAKER Pro Tem: The gentleman from Eastport, Mr. Vose, has posed a series of questions through the Chair to anyone who may respond if they so desire.

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

Mr. DIAMOND: Mr. Speaker, Members of the House: I will start with the second question first and move on to the first question afterwards.

This would not allow, it is not my intention to allow people to pick and choose the Sundays they want to work on those four Sundays. It is my intention that if they have a philosophical, religious, personal reason against working on Sundays, that they be able to tell their employer and they will not be expected to work on any Sunday, not choose their Sunday selectively.

The second question of whether or not people who work less than 40 hours a week would receive this time and a half benefit if this amendment is attached, the answer is yes. I do that for a specific reason—initially the reason was addressed in my last response to the gentleman from Scarborough, but for the most part the people who will be expected to work these four Sundays would be seasonal employees or people who are full-time employees who have their work hours adjusted accordingly. Those people, for the most part, the seasonal employees, work less than 40 hours a week. In many cases they desire to

work more hours per week but because of the limitations on the operation of these businesses and desires of the employers, they are unable to do so. So this would allow those benefits to those people who work Sunday, regardless of whether or not they are part-time or full-time, regardless of whether or not they have already worked 40 hours a week.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: If we are going to legislate pay and working hours in terms of philosophical or religious reasons, why not include Saturdays, because there are a couple of groups that Saturday happens to be the Seventh Day—the Advents, the Jewish people and others. How far down the line do we go with this?

The SPEAKER Pro Tem: The Chair recognizes the gentleman from South Portland, Mr. Macomber.

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: As one of the proponents of this bill, I have discussed the situation of the amendment with the people at the Maine Mall. They say it is not their intent to force anybody to work against their will. They feel that they can live with the amendment and I would urge you to support it.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Newport, Mr. Reeves.

Mr. REEVES: Mr. Speaker, I move the indefinite postponement of House Amendment "C" and would request a division.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lewiston, Mr. Handy.

Mr. HANDY: Mr. Speaker, Men and Women of the House: During the campaign last June, my primary campaign, an individual asked me how I felt about Sunday sales and I said I really had no opinion. He said, if that bill ever comes before you, consider the worker's position. During the course of the campaign that summer and the fall, I gave that serious consideration, and then last December, when I was asked to attend a lobbying effort put on the Merchants' Association at the Auburn Mall, I attended that with an open mind. I asked the individuals sponsoring that lobbying session, what about the worker? Is the worker going to be coerced into working, and they answered in the negative.

I think most of you would agree with me that in a chain, if you have a Zayre's store or a Bradlee's or a K-Mart, that that store takes on the characteristics of the respected manager, and although a store may have a policy for all its chains, it may not be the case in a store in Bangor or another store in Lewiston or Auburn.

The amendment addresses my concerns, it does afford protection for the worker. It affords that person some compensation and I think it is just recompense for having to put in that kind of time on what has traditionally been a day off. I wouldn't argue either way on the religious question because I don't think that is before us.

I think what we have here is, we have to consider whether or not an employee is liable to be exploited. I would submit to you that if a store says, we will hire part-time employees to work on that Sunday, those five hours, I would say that those employees to work on that Sunday, those five hours, I would say that those employees are probably most likely to be exploited because they are going to say, we want you on that Sunday, you must work or don't work here. It is as simple as that. I think if we can provide them with some just recompense, I think we are the better for it.

I would urge you to oppose the motion for indefinite postponement so we may put through this fine amendment.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: Yesterday, I had pre-

pared an amendment because of my concerns about an individual being forced to work on a Sunday. It is my experience, and I am sure it is yours, that many of the people who are working in retail stores are mothers, often single parents, who need that time with their family, so frankly, I think from a point of view of our concern for keeping families intact, that it is absolutely essential that we make working on Sunday a matter of voluntary desires.

My portion of the amendment has now been incorporated in this amendment. If you indefinitely postpone this amendment simply over the time and a half issue, then I can no longer present my amendment to you and I think we will have turned our backs on a significant proportion of the working men and women in this state. It is very well to say that they will be with their children during the week, but as you know, if the children are in school, many of you have children at home, Sundays are extremely important for family time.

I urge you not to vote for the indefinite postponement of this amendment. I think if you do many of us will be forced to vote against this entire issue because we will not condone forcing families apart.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I just want to go on record to let you know that the largest retail store in this state, Porteous, Mitchell & Braun down in Portland, which has outlets both in Auburn and the Bangor Mall and will have one, I guess, in South Portland by this August, is presently paying time and a half on Sundays at the Newington Mall—this was told to me by the President of the firm. They have no problem with this, and if the people don't choose to work, they have no problem with that.

I was against this bill yesterday, I still have some different views with this, but I know this bill is going through and, as the gentlelady from Vassalboro said, this is a little protection and I hope you go against the motion to indefinitely postpone it.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from St. George, Mr. Scarpino.

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: Just to reiterate what Mr. Day said, there are those of us here within this state who hold the same philosophical reasons for not working on Saturday as the majority do for working on Sunday. To pass this amendment that would exempt those individuals from working on Sunday for philosophical reasons I feel is clearly discriminatory to those of us who hold different philosophical beliefs and would strongly support the indefinite postponement motion.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I think I wasted my breath yesterday but I am going to try one more time.

Mr. Scarpino just made a point about including the people who work on Saturday. It wasn't the stores that are open Saturday that came in here and asked for special consideration. The law up until now prohibited these stores from being open. They are coming in here and asking us to allow them to be open. I heard some good arguments yesterday on how much money was going to be brought into the state, how much extra employment it was going to add, how much this and how much that—I really don't believe that any of these stores are going to have a serious objection to this because they are going to be making all that money. Like you said, this is only for four Saturdays before Christmas, only 20 hours a year, I really don't believe they are going to have any objections.

My good friend from Limerick, Mr. Carroll,

likes to get up every once in a while and tell you the facts of life, I am going to tell you one fact of life—when you are dealing with chain stores and I know how you are treated depends on the man who is running the store, we have some good ones and we have some bad ones, and I think if you look down the road, and I know the political realities of this whole situation, that there are a heck of a lot more people buying than there are working in these stores and when you are looking for votes, you are looking for the biggest amount of people you can keep happy. But I always have a tendency to look at the guy at the bottom of the scale, and I have gotten lickings more than once for that, but I am still going to keep looking out for that guy.

I didn't like this bill yesterday, but with this amendment I like it a lot less and I will probably end up voting for it, but without this amendment, I am not going to because that poor little guy on the bottom is still going to get a licking and he has been getting a heck of a licking this year in this legislature, I will tell you that.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I didn't like this amendment, I was ready for another one, but under the circumstances, since I like part of it, I would urge people to vote for this amendment.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Mt. Desert, Mr. Zirnkilton.

Mr. ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I happen to be one of those lucky people who works on Saturday and Sunday and I have a very good philosophical reason for doing it, it is called the need to pay my bills.

I don't believe that asking someone to work four Sundays of the year in order to ensure the proper operation of the store is going to tear apart the family unit. We are talking four out of 52 or 20 hours, something I don't consider to be very drastic and I hope that no one else would feel that it is.

I am not paid time and a half to work on Saturday or Sunday, and to me it would seem very unfair for someone else to receive time and a half on Sunday when I don't receive it and the majority of other people in the state don't receive it because they are currently working for stores or for businesses that are allowed to be open on Sunday. I think this would be very discriminatory and I would urge you to support the indefinite postponement motion.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lewiston, Mr. Handy.

Mr. HANDY: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Zirnkilton refers to his part-time job in radio broadcasting of which I have been involved for nine years and I took that job by choice knowing full well what my salary was going to be and knowing that I had to work those days. That has nothing to do with the bill, the specifications in the bill, which deals with certain stores with certain amounts of employees and a certain amount of area.

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

Mr. MATTHEWS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to go on record supporting my good colleague from Waterville standing up for those people that are going to be working on Sunday. I would remind the members of this House that one of the reasons we supported this bill the other day was that it was going to bring new employment and that many of the employees who did not wish to lose their Sunday, their only day being home with their family, wouldn't be forced to work on that day.

I would just remind the members to stand up for what they said the other day and give a little protection to those employees that would like to stay home on Sunday, the only day that

they do have with the rest of their families.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Hampden, Mr. Willey.

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think in general this is a good amendment but I certainly agree with not forcing people to work on a day when they don't wish to work for religious and family reasons. The only problem I have with it is, for instance with the Bangor Mall — I think there is some 80-odd businesses in the mall, only four of which are affected by this entire bill. Now, certainly there are family units that are already employed in those other places that are not getting time and a half and don't have these options. It seems very discriminatory to me to expect these stores that are going to be open 20 hours to be paying time and a half to their employees in four stores while there are 80 others with similar employment, similar businesses, that do not pay time and a half. I object to it simply because of that, that there is no reason at all from the standpoint of working, standpoint of the inability to be with your family and that sort of thing, between the stores that are presently open and those that will be open if this bill passes.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Bangor, Mrs. Lebowitz.

Mrs. LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I happen to be one of the people who works at the Bangor Mall in one of the stores that is presently open. It is the custom to offer only every other weekend for a staggered weekend so everyone does not have to work the full four Sundays.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: The Committee, in preparing these reports, did look into both aspects of this amendment but felt that where this was a small amount of time and affects only a few people for a few hours, that it would just increase the inequities that are already in the Sunday sales law, so to be this intrusive into this small amount of business time, we felt that these would not be good amendments or good pieces to the law and I would encourage you to indefinitely postpone this amendment.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for being on my feet so much on this amendment here but there is part of the amendment that I probably could live with but the whole amendment I could not. Therefore, I am going to change my mind and hope you people here in this legislature will vote to indefinitely postpone this amendment.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I think there is some confusion over who is affected by this amendment and who isn't. As I mentioned in response to the question by the gentleman from Scarborough, Mr. Higgins, 20 years ago we established a distinction between different types of employment and different types of employers, two different classes. Through the bill itself, we are talking about altering or adjusting that distinction. We are still going to maintain two different classes of businesses, those who can operate on Sunday, those that can't operate on Sunday. What we are saying is, four days of the year, four Sundays of the year, 20 hours out of the year, we want to make an adjustment that will allow some of those businesses to remain open, during a limited time period but remain open.

We are trying through this amendment to present some protections for those people who will be asked or expected to work through passage, if it happens, of this particular piece of

legislation. We want to ensure that if those people with religious problems, personal family problems with it, that their concerns are addressed. We also want to make sure that those people who do agree to work are adequately compensated.

The businesses have the option of staying open, we are not mandating that these businesses open on Sundays, we are not mandating that they do anything, it is the option of the owner of the business. What we are suggesting, if those businesses do, indeed, decide they want to operate on Sundays from twelve to five o'clock, that they adequately protect their employees without penalty to those employees.

I think there is some confusion. The argument about discriminatory action against those people who currently are working on Sunday is as valid as the argument that those businesses should be shut down entirely.

We have two distinct classes of businesses as a result of legislation passed in 1963, we are trying to adjust that, and I think this proposed amendment meets some of the concerns that were raised without jeopardizing or without drastically altering the legislation; it is purely protection.

I hope you will support it and vote against the motion to indefinitely postpone.

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 really surprised at the way some of these people are arguing against the workingman.

I would request the yeas and nays, Mr. Speaker.

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

#### ROLL CALL

YEA—Anderson, Armstrong, Bell, Bott, Brannigan, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Connors, Cote, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Kilcoyne, Lebowitz, Lewis, Livesay, Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Melendy, Moholland, Murphy, Nelson, Norton, Paradis, E.J.; Perkins, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Ridley, Roderick, Salsbury, Scarpino, Seavey, Small, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Vose, Webster, Wentworth, Weymouth, Willey, Zirnkilton.

NAY—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bost, Brodeur, Carrier, Carroll, D.P.; Carter, Cashman, Chonko, Clark, Conary, Connolly, Cooper, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Masterton, Matthews, K.L.; Maybury, McGowan, McPherson, McSweeney, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Paradis, P.E.; Parent, Paul, Perry, Reeves, P.; Richard, Roberts, Rolde, Rotondi, Smith, C.B.; Soucy, Stevens, Theriault, Tuttle, Walker.

ABSENT—Benoit, Bonney, Gwadosky, MacBride, Mahany, Mayo, Sherburne, Soule, Thompson, The Speaker.

Yes, 68; No, 72; Absent, 10; Vacant, 1.

The SPEAKER Pro Tem: Sixty-eight having voted in the affirmative and seventy-two in the negative, with ten being absent and one vacant, the motion does not prevail.

Thereupon, House Amendment "C" was adopted.

Mr. Jalbert of Lewiston offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-101) was read by the Clerk.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am just going to read the Statement of Fact. The purpose of this amendment is to require any future change in the law allowing businesses to remain open on Sunday must be submitted to the voters of the state at a referendum.

A great deal has been talked about as far as a referendum is concerned. I have talked with a great many people, and I can assure you of this, that if this did go to referendum it would be very badly received. The people do not like to be deceived, and if the people want this bill — I am going to vote for this from 12 to 5 for those four weeks because the people want this bill here — and they vote for it, then they are going to be faced with 52 weeks, they are not going to take it very lightly. There was a vote taken recently that left a bad taste in their mouths and I think this one will also.

Mr. Speaker, I urge you to support this amendment, and when the vote is taken I ask for the yeas and nays.

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. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the adoption of House Amendment "B" (H-101). All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Anderson, Andrews, Armstrong, Beaulieu, Bell, Bost, Bott, Brodeur, Brown, A.K.; Carroll, D.P.; Carter, Cashman, Chonko, Connolly, Crouse, Drinkwater, Dudley, Gauvreau, Hall, Handy, Hickey, Hobbins, Ingraham, Jackson, Jalbert, Joseph, Kane, Kelleher, Ketover, LaPlante, Livesay, Locke, Martin, A.C.; Martin, H.C.; Masterman, Matthews, Z.E.; McCollister, McHenry, Michael, Murray, Paradis, E.J.; Parent, Racine, Scarpino, Smith, C.B.; Sproul, Stevens, Stevenson, Strout, Theriault, Walker, Weymouth.

NAY—Allen Baker, Brannigan, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, G.A.; Clark, Conary, Connors, Cooper, Cote, Cox, Crowley, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Erwin, Foster, Greenlaw, Hayden, Higgins, H.C.; Higgins, L.M.; Holloway, Joyce, Kelly, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lewis, Lisnik, MacEachern, Macomber, Manning, Masterton, Matthews, K.L.; Maybury, McGowan, McPherson, McSweeney, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perkins, Perry, Pines, Pouliot, Randall, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Roderick, Rotondi, Salsbury, Seavey, Small, Smith, C.W.; Stover, Swazey, Tammaro, Telow, Tuttle, Vose, Webster, Wentworth, Willey, Zirnkilton.

ABSENT—Ainsworth, Benoit, Bonney, Gwadosky, Jacques, MacBride, Mahany, Mayo, Rolde, Sherburne, Soucy, Soule, Thompson, The Speaker.

Yes, 52; No, 84; Absent, 14; Vacant, 1.

The SPEAKER pro tem: Fifty-two having voted in the affirmative and eighty-four in the

negative, with fourteen being absent and one vacant, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "C" in non-concurrence and sent up for concurrence.

#### Enactor

##### Later Today Assigned

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General 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 (S. P. 423) (L. D. 1285)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and later today assigned.

##### Passed to Be Enacted

An Act to Remove Reference to Clerical Assistants under the Court Laws (S. P. 419) (L. D. 1268)

An Act to Limit Access to Confidential Data (H. P. 573) (L. D. 721) (C. "A" H-80)

An Act to Amend Special Education Statutes Related to Complaint Procedures (H. P. 520) (L. D. 645)

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

#### Orders of the Day

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

HOUSE DIVIDED REPORT—Majority (10) "Ought Not to Pass"—Minority (3) "Ought to Pass"—Committee on Marine Resources on Bill "An Act to Promote Conservation of Lobster Resources" (H. P. 736) (L. D. 945)

Tabled—March 30, 1983 (Till Later Today) by Representative Crowley of Stockton Springs Pending—Acceptance of Either Report.

On motion of Representative Crowley of Stockton Springs, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

The Chair laid before the House the second item of Unfinished Business:

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)

—In Senate, Referred to the Committee on Marine Resources

Tabled—March 30, 1983 (Till Later Today) by Representative Carter of Winslow.

Pending—Reference in concurrence.

Thereupon, the Resolve was referred to the Committee on Marine Resources in concurrence.

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

SENATE REPORT—"Ought to Pass" as amended by Committee Amendment "A" (S. 34) — Committee on Business Legislation on Bill "An Act to Amend the Maine Consumer Credit Code" (S. P. 219) (L. D. 656)

Tabled—March 29, 1983 by Representative Brannigan of Portland.

Pending—Acceptance of Committee Report.

On motion of Mr. Brannigan of Portland, 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 to Conform Maine Garnishment Laws to the United States Code, Title 15, Section 1673, the Federal Consumer Credit Pro-

tection Act (S. P. 110) (L. D. 262) (S. "A" S-32 and C. "A" S-26)

Tabled—March 29, 1983 by Representative Connolly of Portland.

Pending—Passage to be Enacted.

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

The Chair laid before the House the third 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 30, 1983 by Representative Hobbins of Saco.

Pending—Passage to be Enacted.

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

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair thanks the gentleman from Fairfield, Mr. Gwadosky, for acting as Speaker pro tem.

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

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

Mrs. MITCHELL: Mr. Speaker, is the House in possession of L. D. 1386?

The SPEAKER: The Chair would answer in the affirmative, Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1983, House Paper 1063, L. D. 1386, is in the possession of the House, having been held at the request of the same gentleman.

On motion of Mrs. Mitchell of Vassalboro, the House reconsidered its action whereby the Resolve was indefinitely postponed.

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.

109 having voted in the affirmative and one having voted in the negative, the Resolve is finally passed.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

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

Bill "An Act to Limit Future Increases in the Cost of Hospital Care in Maine" (S. P. 446) (L. D. 1353)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, the Bill was referred to the Committee on Health and Institutional Services in concurrence.

The following Joint Order: (S. P. 461)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 5, 1983 at 9:00 in the morning.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

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

#### Emergency Measure Later Today Assigned

An Act to Amend the Statute Relative to the Appointment of the Commissioner of Educational and Cultural Services (S. P. 416) (L. D.

1263) (H. "A" H-91)

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

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I served on the Education Committee the first term I was here in the House and I worked very closely with some of the people on the State Board of Education. It really is my feeling that they work very diligently in a non-partisan manner to make our schools and our educational process in the State of Maine a very wholesome experience.

This bill would remove from their authority the greater part of the screening process in coming up with a new Commissioner of Education. I think it is a mistake. As I said, I have worked with these people and they really take their job seriously, they work without compensation, and I think their involvement in choosing a commissioner should be retained. The involvement under this new bill is just a tacit approval; they really don't have that much to say about it. I think it should be retained for the good of all of us and to keep a good check and balance system in place.

I would urge you not to enact this bill this morning.

The SPEAKER: The Chair recognizes the gentleman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: I also served on the Education Committee when Representative Davis did, and I was a member of the Committee on State Government when I was a freshman when the law was passed that gave the State Board of Education the authority to select three candidates for the Commissioner of Education and present them to the Governor for consideration. Since that time, the process has only been used once, and if those of you who were here remember, the Governor rejected the three people that were submitted to him by the Board and eventually the person that the Governor wanted to nominate was the person that was nominated.

When we had a hearing on this bill, two members of the State Board testified and they did not agree. Since that time, we have had several phone calls from several members of the Board of Education and they do not agree amongst themselves, so we felt that this bill gives as much strength to the Board of Education as it has right now, and I am going to read from it so that it will be clear for you, or perhaps you would like to refer to the bill, which is L. D. 1263.

"The Commissioner shall be appointed by the Governor, subject to the review by the Joint Standing Committee of the Legislature having jurisdiction over education and through confirmation by the Legislature.

"The Governor shall include the Chairman of the State Board of Education in the selection process, and shall ensure that the State Board has an opportunity to meet and interview the candidate or candidates. Within 10 days of meeting with the candidate or candidates, the State Board shall deliver to the Governor its written appraisal of the strength and weaknesses of the candidate or candidates. The Governor shall consider the appraisal of the State Board prior to posting the nomination of the candidate."

We felt—we in the Committee on Education—that this process would ensure public knowledge of how the Board felt. They would not be submitting names, but they would be giving public appraisal of the candidates, and would then alert the Legislature as to how they felt and would help the Committee on Education when we were enacting our role in the process; then, too, the Senate, when they were doing their part.

We feel that this is just as strong a role for the State Board of Education as they had before, so I would hope that you would support L.



D. 1263.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have heard Mrs. Locke speak before somewhat eloquently, but she could never do a better job than she just did.

I am going to lay it on the line in my own diplomatic way. Actually, what the State Board of Education wants is to be the Department of Education—that is what this bill is all about, that is why I am supporting this bill.

I got a call recently, and I got two or three other calls from an outfit called MACVE, and it didn't take me long to find out what he was calling me about. I said, let me ask you a question. You are talking to me about the vocational schools—what you want to do is this, you want the same thing that the University of Maine has. You want to run your own budget. Isn't that a fact? His answer was "yes." My answer then was "goodbye."

If this bill does not pass, the Department of Education will control the Commissioner of Education, and I want no part of that. The way we have got the system now, the Governor nominates, the Committee on Education has a hearing, it then goes to the Senate, they have three shots at the thing and it works out pretty well. Frankly, I don't think it worked out too well the last time and I voiced my opinion the very first day the gentleman landed here. As a matter of fact, I volunteered to buy him a one-way ticket to Alaska.

I think this is a fine piece of legislation and we should go along and support the good lady, Chairman of the Committee, because it is sound, it is solid. I make this prediction here, and believe me, I have gone all over this state, I have visited at least five times, sometimes ten times, every vocational school in the state. If you would read the qualifications for anyone to be a director of a vocational school, you will find that only one present director meets those qualifications, and that one certainly doesn't happen to be in the area where my vocational school is that is named after me and I haven't stepped foot on that campus for five years, and believe me, that has hurt me a little bit because I am the father of vocational schools, I am the father of area vocational schools. Half of my life has been spent on vocational schools, I believe in them, I believe in education, actually.

But I make this prediction—unless we do something somewhere along the line, we are headed for a full-fledged investigation of the Department of Education.

Mrs. Mitchell of Vassalboro 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 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—Allen, Andrews, Baker, Beaulieu, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dudley, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Melendy, Mi-

chael, Michaud, Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perkins, Perry, Pouliot, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rotondi, Small, Smith, C.B.; Soule, Stevens, Swazey, Tammaro, Theriault, Thompson, Tuttle, Vose, Willey, The Speaker.

NAY—Anderson, Armstrong, Bell, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Conners, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, Masterman, Maybury, McPherson, Mitchell, E.H.; Mitchell, J.; Murphy, Paradis, E.J.; Parent, Pines, Reeves, J.W.; Roderick, Salsbury, Scarpino, Seavey, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Telow, Walker, Webster, Wentworth, Weymouth, Zirkilton.

ABSENT—Ainsworth, Benoit, Bonney, MacBride, Mahany, Mayo, Rolde, Sherburne, Soucy. Yes, 90; No, 51; Absent, 9; Vacant, 1.

The SPEAKER: Ninety having voted in the affirmative and fifty one in the negative, with nine being absent and one vacant, the Bill fails of passage to be enacted.

Mrs. Mitchell of Vassalboro moved that the House reconsider its action whereby this Bill failed of passage to be enacted.

On motion of the same gentleman, tabled pending her motion to reconsider and later today assigned.

#### Emergency Measure Indefinitely Postponed

An Act Relating to Motor Fuel Taxes (H. P. 130) (L. D. 138) (H. "A" H-92)

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

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

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I was the sponsor of L. D. 138, which is a bill that would have capped any gas increase to the cities and towns that we represent. It was presented as a property tax bill, and I am very happy to say that the bill was passed yesterday in the Highway allocation which took care of that and a little bit more too.

I would move that this bill be indefinitely postponed.

Thereupon, on motion of Mr. Macomber of South Portland, the Bill was indefinitely postponed and sent up for concurrence.

#### Passed to Be Enacted Emergency Measure

An Act to Make Allocations from the Alcoholism Prevention, Education, Treatment and Research Fund for the Fiscal Year Ending June 30, 1983 (H. P. 513) (L. D. 638)

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

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

#### Passed to Be Enacted Emergency Measure

An Act to Remove the Superintendent of the Governor Baxter School for the Deaf from Classified Service and Clarify the Law Relating to State Educational Personnel (H. P. 769) (L. D. 999) (H. "A" H-85 to C. "A" H-78)

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. 108 voted in favor of same and none against, and accordingly the Bill was passed to be enacted,

signed by the Speaker and sent to the Senate.

An Act to Permit Young Children to Accompany a Voter into the Voting Booth (H. P. 543) (L. D. 695) (C. "A" H-84)

An Act to Amend the Statutes Relating to Coordination Services for Preschool Handicapped Children (S. P. 221) (L. D. 658)

An Act to Provide for Establishment of Employee Cooperative Corporations (H. P. 215) (L. D. 258) (C. "A" H-82)

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

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

#### (Off Record Remarks)

On motion of Mrs. Martin of Van Buren, Recessed until twelve o'clock noon.

#### After Recess

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

An Act to Amend the Statute Relative to the Appointment of the Commissioner of Educational and Cultural Services (S. P. 416) (L. D. 1263) (H. "A" H-91) which was tabled and later today assigned pending the motion of Mrs. Mitchell of Vassalboro that the House reconsider its action whereby the Bill failed of passage to be enacted.

Thereupon, the House reconsidered its action whereby the Bill failed of passage to be enacted.

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

Mr. MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: The present law now provides for the State Board of Education to furnish three names to the Governor when a vacancy occurs. Our committee had a bill which came before us which, when the Bill was presented, L.D. 657, many of us felt weakened very dramatically the power and the position of the State Board of Education. The Education Committee, to its credit and to the credit of the leadership of that committee, drafted a new bill, and that was L. D. 1263. That retained the State Board of Education chairman or allowed the State Board of Education chairman to be involved in the selection process and it also allowed that nominee or nominees of the Governor to appear before the State Board and a written appraisal of the strengths and weaknesses of the candidate or candidates and a list of board members, approving and disapproving of the appointment of the candidate or candidates. That came out unanimous "Ought to Pass" and I signed that unanimous report.

As the bill began to move back and forth between the chambers, concern was raised by the Governor's Office and an amendment, House Amendment "A" (H-91) was attached. As one member of that committee, I felt that we were taking a backward step, back toward the original bill which was presented to the committee. My concern was that by deleting from the unanimous report the requirement that a list of board members approving and disapproving the appointment of the candidate or candidates and also changing the language from "the Governor shall consider the approval" to "the Governor shall consider the appraisal," I had the fear that that would no longer be done in the public eye without a vote.

At noontime we met and reviewed legal advice, the advice came to us that two things, and I would like to put that on the record: One, that when the State Board would meet with a can-



didate or candidates, that that would be an open process, open to the public and only with material that might prove damaging to that persons' reputation would the State Board go into executive session.

The other information that was relayed to us was that when the State Board would furnish its written appraisal of the strengths and weaknesses of the candidate or candidates, that that would be a document open to the public, open to the press, and also available to the legislators and members of the Education Committee who would have to review that nomination.

It was also explained to us that the supporting material which would lead up to that written appraisal would be open material and with those concerns, in terms of the public right to know, in terms of the next step in the nomination process, which would include the Joint Education Committee having that information made available to them, my concerns on this bill have been relieved and will now vote for that bill.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to prolong the debate on this bill at all but I think the key point that was just made here by our good friend Representative Murphy is that this bill allows the State Board to be involved. The way it is now, it demands that they be involved and we get them involved initially to screen these candidates for this job.

This board is appointed by the Governor; therefore, they should reflect his feelings and philosophy of education. So, again, I think that they are in a position to help the Governor and I just feel that what we have in place now will do a good job for all of us.

I hope you will stay with me in this vote and I would request a Division.

The SPEAKER: The Chair recognizes the gentlewoman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: Unless the State Board of Education has all of the power, it has none of the power under the present law. This bill would at least help us in the legislature who really have most of the power if we will just take it. This bill would help us by providing us with objectives, clear appraisal of the strengths and weaknesses of all the candidates that will be interviewed or reviewed by the Governor before the nomination. It will be put in writing ten days before the nomination. We have the power, if we will just exercise it, to confirm the nomination of the Governor.

I would urge you to go along with the bill as it is now.

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

A vote of the House was taken.

101 having voted in the affirmative and 30 in the negative, the Bill was passed to be enacted. Signed by the Speaker and sent to the Senate.

#### (Off Record Remarks)

On motion of Mrs. Foster of Ellsworth,  
Recessed until four o'clock in the afternoon.

#### After Recess 4:00 p.m.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund, and Changing Cer-

tain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985 (S. P. 423) (L. D. 1285) (Emergency) which was tabled and later today assigned pending passage to be enacted.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this issue today, I felt compelled to at least address the House on the record as to the position that the Republican Party took relative to this very important issue. The other day I was rather reluctant to get up and rebut the remarks of the good gentleman from Winslow, Mr. Carter, because I felt that somewhere down the road we might reach the position that I feel we are in today.

We, as members of the minority party in this House, had several concerns relative to the budget process, relative to the way revenue estimates had been brought in, the way we seemed not to have what I thought were accurate or adequate figures on the Part II budget presented by the Governor, as well as a lot of other funding issues that were before this legislature. In that respect, I think we felt that we had been left out of the legislative process, that the Governor and the majority party certainly controlled this legislature and controlled the commissioners in the Bureau of the Budget, and a lot of the information that we felt necessary to make an intelligent, responsible decision on where we went from here was not available to us. That wasn't any fault, necessarily, of the committee, or the committee structure, but rather perhaps a lack of effort by some members of the administration, perhaps inadvertently. Nevertheless, we felt like we were elected to be here, to be responsible, to represent our constituents and our party and our philosophy as well. Therefore, we took the position that we felt that there was no particular rush in enacting the Part I budget at this time and that we ought to give it a little more time to get some additional data, get some additional information that could give us that intelligent decision that we wanted to make, not simply as to what Part I was but how are the finances of this state going to look at the end of this session, not on the 46th day but on the 100th day or the 95th day, or whatever day it is that we adjourn.

I did not take very kindly to the term "obstructionists," because I do not feel that we are. I feel that we were elected individually here in this House to represent our constituents and that we as a Republican Party had a duty not only to our constituents but to ourselves to act in a responsible manner and to enact a budget that represented the will of the people of the State of Maine. We are not playing politics, despite what a lot of people might think. Certainly, we have a different philosophy, perhaps, than the other 92 of you here, but at the same time we are not going to give away our right to question or give away our right to vote in an opposite manner if we don't happen to agree with the majority party.

Consequently, the Appropriations Committee has met today with the administration officials and members of the entire committee were there, certainly a number of questions were asked and were, in fact, I believe satisfactorily answered, at least the reports that I get from my committee members. Now we at least appear to have the big picture—a lot of us have used that term from time to time—and I feel that we do have a big picture as to where we are and where we are headed. We may not agree with where we are headed; that is not the issue. The issue is, the pieces fit, at least a lot better than they have up until today.

In addition to those financial considerations and considerations as to the Current Services Budget and the Part II, in discussing the matter with members of the leadership, we have

been assured that when the Part II budget comes up, and when other issues that directly affect the finances of this state, we as a minority party are not going to be left out. We are going to be consulted, dealt with and our concerns listened to as members of this legislature. I feel good about that because, as I have said, we as a minority party don't want to give up our right to question or to vote in an opposite manner. We need assurances that we are going to be dealt with fairly and responsibly, and I feel comfortable that we have been given those assurances.

I hope today, despite all the anguish that we have been through over the last week and a half, that members of this House would feel comfortable in voting for the Part I budget.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: We have reached the point today where it is crucial, I believe, that we pass the Part I budget. The process that we operate under is one that I think is very vital in our legislative process. The integrity, I think, is one that is the basic block behind our legislative process, and if we reach the point where we forego the integrity of any legislative committee, I think we will be seriously undermining the legislative process.

I don't have to remind the members of this legislature how important this process is. The process, as you are well aware, is nothing more than one of compromise, especially in the appropriation process. You take, for example, in the State of Maine we have 498 communities. Many of those communities are either staffed with select people, and in some communities you have council people. All of those people, along with the county officials, we have 16 counties staffed by different commissioners, and then we come to the legislative branch where we have three equal branches. The most important branch, as far as I am concerned, I am standing in, because we have the power to tax. Throughout this entire process, it is one of give and take, and we will have before us during this session nigh onto 2,000 bills and we must rely on the committee process. There will be many situation when not all members of the committee will agree, especially with input coming from local communities, from county officials, from the Executive Branch, from the Judicial Branch—all of these people exert an influence on the legislative process, and we as committee people feel it. Manytimes it is difficult but we must honor this process.

The Appropriations Committee is not different, but I think it feels pressures more acutely than some of the other committees, because our process is vital in nature. And one of the urgencies that we are faced with during this particular session was brought about not by our own choosing but by the indexing issue. It has served to confuse many of us and it has clouded many, many issues, and I am sure we haven't seen the end of it yet.

One of the very important things that we must face, and one of the reasons why we must act on Part I is the fact that, as I stated before, the Governor was compelled by the statutes to utilize target budgeting and to restrict his department heads within certain confines, and that required taking nigh onto \$31 million worth of Part I items and putting those items into Part II.

When we received his budget, it is no longer his budget, it is our budget. We chose to rework the budget as a committee and we took \$31 million out of the Part II and put those items into Part I, where they rightfully belong. But had indexing not been taken care of the way it was, had the retroactivity not been repealed, we would not have had that pleasure. Nevertheless, we did include \$31 million worth of Part II items into the Part I.

The Governor's budget people do not have to live up to what we do. They submit their own

budget. The Part II contains the \$31 million items that we took out and put into Part I, and in order for us to now work on the Part II, it is vital that we enact the Part I budget. We need a chapter before we can amend the Part II. The process cannot function until Part I becomes law.

I would urge each and every one of you to vote to pass this budget as reported out by the committee.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I think that the Appropriations Committee needs to be congratulated for a very difficult and arduous job which I think this House feels is very well done. You have demanded information, you have gotten information, and you have put together a budget in very hard times.

We have seen the same process work with the Transportation Committee and the Taxation Committee. This very week has been a tribute to probably one of the hardest working legislatures that ever assembled here in Augusta.

I would like to, on the record, give assurances to my colleague in the opposite corner, there has never been any intention on the part of Democratic leadership or the Democratic members of this House to ignore the concerns of the minority party. It is our intention to work with you not only today but for the remainder of this session, and I think it is incumbent upon each of us, as men and women representing our districts in the State of Maine, to remember that we are all representing the State of Maine as a whole.

In that spirit, I would hope that we will move forward to adopting the Part I budget so that we can move on to the even more difficult job of Part II.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a brief statement on behalf of the Republican members of the Appropriations Committee. We as committee members had a lot of questions to do with the budget, and having had a meeting this afternoon with Mr. Scribner and the other Democrat members, we are satisfied that this is a good Part I budget and I hope that everyone votes for it.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote 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.

A vote of the House was taken.

126 having voted in the affirmative and 12 having voted in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

**RESOLVE**, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1983 (Emergency) (H. P. 1068) (L. D. 1400) which was tabled and later today assigned pending acceptance of the Ought to Pass Committee Report.

Thereupon, the Report was accepted and the Resolve read once. Under suspension of the rules, the Resolve was read the second time.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: We in York County have had a meeting of the minds today. We have worked out our problem and by working out our problem, I am offering House Amendment "B" which takes care of another situation.

Thereupon, Mr. Carroll of Limerick offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-112) was read by the Clerk and Adopted.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: It is the intent of the legislative delegation, at the expense of maintaining a dispatch center in York County, excluding personnel, equipment and maintenance therefor, shall be funded on the basis of 50 percent funding from the participating towns and 50 percent funding from York County. Personnel for the dispatch center shall be funded on the following basis: 5 full-time employees shall be furnished by the county and any additional employees that may be required to operate the center shall be funded on a 50-50 basis; that is, 50 percent funded by the participating towns and 50 percent by the county.

Thereupon, the Resolve was passed to be engrossed as amended by House Amendment "B" and sent up for concurrence.

By unanimous consent, all matters acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

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

Bill "An Act to Make the Maine Gasoline Tax Implementation Identical to the Federal Implementation" (Emergency) (H. P. 1072) (L. D. 1401) (Presented by Representative Higgins of Portland) (Cosponsor: Senator Wood of York) Committee on Taxation was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

#### Non-Concurrent Matter

Bill "An Act to Authorize Coverage of Medical Supplies Under the Low Cost Drugs for the Elderly Program" (H. P. 997) (L. D. 1330) which was referred to the Committee on Appropriations and Financial Affairs in the House on March 25, 1983.

Came from the Senate referred to the Committee on Health and Institutional Services in non-concurrence.

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

#### Consent Calendar First Day

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

(S. P. 323) (L. D. 968) Bill "An Act to Equalize Health Insurance Benefits for Retired State Employees"—Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-41)

No objections being noted, the above item was ordered to appear on the Consent Calendar of April 5, under the listing of the Second Day.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, is the House in possession of House Paper 1057, L. D. 1380, Resolve, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1983?

The SPEAKER: The Chair would answer in the affirmative, having been held at the request of the gentleman from Limerick, Mr. Carroll.

Thereupon, on motion of Mr. Carroll of Limerick, the House reconsidered its action

whereby L. D. 1380 failed of final passage.

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

Mr. COOPER: Mr. Speaker, Ladies and Gentlemen of the House: There are a few items I would like to address today. As you know, we have waged a campaign on our county budget and I heard a few people mention that it is a minority that are being obstructionists. Out of fairness to the people that are or were supporting my position, I would like to note that the amendment that I offered the other day had the backing of 17 members of the Cumberland County delegation. As the chairman of the delegation noted, 21 members of the delegation had signed the budget. Four of those supported my amendment, so to my way of thinking, it was somewhat of a tie—17, and if you subtract the 4 from the 21, it is 17 to 17, and that is why we pursued this. Had it just been a few of us, we would not have held up the time of this body debating our budget.

It was our feeling that it was more appropriate to do it in the delegation, but being new here I wasn't familiar that the Speaker, last Friday, was going to announce that this week we would deal with the county budgets. It has been my experience that the county budgets usually are passed around the last couple of weeks of the session. Because of that, I didn't have much time to get things organized but I did on Friday send a letter to the Chairman of the delegation requesting that he call a special session of the delegation so we could work out our problems within our own county delegation. He informed me Tuesday that there wasn't enough time to do that. I couldn't have picked a worse week to do it, I guess, we have been very busy, so, unfortunately, the only method left to us was to present an amendment to the county budget on the floor of the house. That was why we did what we did.

Perhaps in an unprecedented manner, the towns in Cumberland County got involved in the county budget this year. As a matter of fact, I believe a majority of the towns took a stand opposing the budget as it is before you today. Because I made a commitment to my town to oppose the budget, I will still be voting against it, as I am sure other members of the county will, but I wanted to make it clear that we did not feel we were being obstructionists and that it was only as a last resort that we brought it to the floor of the House. We attempted first to solve the problem within the delegation; unfortunately, there was not time.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly, I don't want to take up a lot of time explaining my position, but as far as a lot of this dispute is centered around an appropriation from the county to the Portland library, which, like the Bangor library, is a regional state library. To my part, I did not support that appropriation in the county delegation, meaning that my feeling is, that if you lose in the delegation, you lose, and it ought not to be fought on the floor. This particular one, like Mr. Cooper said, has gone back and forth and has been very tight but I still feel that it is inappropriate for a county delegation to have all these small local items that are really very peculiar and hard to understand for people from outside our county is being fought about out here on the floor.

For my part, I intend to do everything I can next year to make sure that this item isn't a year-by-year item, that is in there every year and is drawing on the property taxes from Bridgton, South Portland and every other town, but even though I do respect all the positions of people like Mr. Cooper and people from my town who have made a commitment to the city councilors, neighbors or whatever, to vote against this budget, I intend to vote against it, even though it holds this one provision that I disagree with and I urge everyone

else to give us 101 votes today and get this over with.

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

Ms. BROWN: Mr. Speaker, Men and Women of the House: I would like to urge you to vote against this budget tonight just as you did last night. Then we can send it back to the other body for an amendment that maybe we can all agree on.

Mr. Diamond of Bangor requested a roll call.

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

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

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

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: This Cumberland County budget I have not risen to speak on, but today I intend to. I have been accused by several people today in the halls of controlling votes in this House. I think it is an insult to every person in this House that anybody would even insinuate that somebody else controls their votes. Let me make it very clear, if anybody here is voting for me out of friendship or because they feel they owe me anything for any past favors I might have done for them, I hope they will not vote for that reason.

I just want to point out to you, the people who are pushing this budget who want the country to contribute to the Portland Municipal Library are the same people who have a bill in this legislature that will impose a 7 percent entertainment tax on the County Civic Center. In other words, we are coming from both ends.

Last night, I thought about this very seriously, I didn't sleep very well. I remembered back to when I was small, some of you young people will not even remember. There used to be an ad in the comic magazines and things of this nature, Charles Atlas, if you subscribed to Charles Atlas, you grew muscles overnight practically. The ad went, there was a skinny guy laying on the beach with his girlfriend, this big rugged guy came along and kicked sand in his face and took his girlfriend. Well, he immediately rushed out and signed up for Charles Atlas. Two days later he was back with muscles on top of muscles, he went back and kicked heck out of the guy and took his girlfriend back. I think the only message I am trying to say to the City of Portland—the rest of Cumberland County is very sick of having sand kicked in their face.

I will not hold up this budget today as I have been accused of doing. I don't want to impose upon the county the financial liability and the loss that will take place.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: I think I have been lobbied more on this Cumberland County bill than anything else this year outside of indexing and I don't really know why. I think it is time I rose and told you where I stand on budgets in county government. I thought it was a pretty well established fact.

I worked hard to get the charter bill through hoping it would help county government. I have never voted for a county tax that the majority didn't support when they marched down to the Local and County Government Committee and turned their papers over. I have even had to go against my own party many times on that because this is my belief.

My belief is that I shouldn't stick my nose into Cumberland County, Aroostook County, or any other county. I don't know what you need, I don't know what you want. You have

got to answer to the voters in your county and you should be left free to answer to your voters. I think that the majority in the county should run the county.

I have done everything I could do and I am still working at it, and I hope for this next year in my own county we will have sort of a volunteer ad hoc type budget committee. We are working on that now. I would like very much to see a budget committee established through the legislature, or any other procedure that would be legal, to sit in with the commissioners.

I have had some things said to me today, that I wasn't very cooperative, and I think I am a cooperative type person; you don't very often see me up here wasting any of your time. I try to do my work and get it done another way.

I just want to be on record that I don't believe in sticking my nose into some other county's business, I refuse to do it, and that is the reason I have been voting with the majority on the Cumberland County budget. I am not taking sides, I am voting with the majority. I feel strongly about this and I hope someday that the budgets will all be settled at the local level, in my case down in Waldo County in the City of Belfast.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have not coerced anybody, I haven't talked to anybody, I sit here and mind my business. I have been sick all week and I am here tonight because I wanted my vote to count.

I am sick and tired of being delegated to the Portland delegation. Every time they want something, they come in at the last minute and they add it on to the budget and they get what they want. They rule the roost and we people on the outside have not been able to do anything about it. This time we have been able to do something and they don't like it.

I don't like to pay \$20,000 for their library when Brunswick doesn't even hold a card that belongs to the Portland library. I have had a report on it, and Brunswick hasn't got one card in the Portland Library. Let the people that use that library pay. Besides, they are going to get \$40,000 from the state, but I was told by a lady that they wanted it all, so that means they want \$60,000, not \$40,000 from the Governor, they want it all.

Brunswick is now paying for a building that we voted 2 to 1 against and the council voted against, and we are paying right through the nose as we don't want it but we are forced into it. And I am not going to have that \$20,000 forced on my people.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if we could give you a more dramatic example of why these things ought to be settled within a county delegation.

Let me make it very clear for those who aren't sure, I am not from Portland, I am from the City of South Portland, a separate town, the same one Harry is from. There is room for disagreement. It is not this monolithic Portland delegation. For example, one fellow that is voting against the budget right now, my friend the committee member from Westbrook, Mr. Day, not only voted for the library during the county delegation, he gave a pretty convincing speech on how his kids are always take the car into Portland, blah-blah, it was very moving thing, he succeeded, now he has changed his mind and God knows why.

All I am trying to say is, these are the kinds of things why people ought not to debate on the floor of the House, a delegation budget. I just implore you to allow the people from Cumberland County, who have made commitments to their people at home that are going to vote against it and some of whom would probably

change their minds if they could, but giving your word is your word, and just pass this thing with 101 votes.

The other option is a set of pretty dire consequences; namely that the county has to get along on 80 percent of whatever their budget was last year if we don't pass this today.

I really urge your support—people like Representative Ingraham, I just don't understand it.

The SPEAKER: A roll call has been ordered. The pending question is on final passage of L.D. 1380. 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.

#### ROLL CALL

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

NAY—Anderson, Armstrong, Bell, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Cooper, Curtis, Davis, Day, Dexter, Dillenback, Greenlaw, Holloway, Jackson, Kiesman, Lebowitz, Lewis, Livesay, Martin, A.C.; Matthews, K.L.; Maybury, McPherson, Murphy, Parent, Roderick, Scarpino, Seavey, Small, Sproul, Stover, Strout, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Benoit, Bonney, Connors, Higgins, L.M.; MacBride, Mahany, Mayo, Rolde, Sherburne.

Yes, 101; No, 40; Absent, 9; Vacant, 1.

The SPEAKER: One hundred and one having voted in the affirmative and forty in the negative, with nine being absent and one vacant, this Resolve is finally passed.

Signed by the Speaker and sent to the Senate.

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

#### Non-Concurrent Matter

An Act Relating to Motor Fuel Taxes (Emergency) (H. P. 130) (L. D. 138) (H. "A" H-92) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on March 31, 1983.

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

In the House:

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

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

The SPEAKER: The gentleman from Portland, Mr. Higgins, moves that the House recede and concur.

The Chair recognizes the gentlewoman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker, may I ask for an explanation from the chairman?

The SPEAKER: The gentlewoman from Houlton, Mrs. Ingraham, has posed a question through the Chair to the gentleman from Portland, Mr. Higgins, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. HIGGINS: Mr. Speaker, in response to the question, this is a bill that the Taxation Committee dealt with that froze the amount of monies the municipalities must pay for their fuel, that is the gas tax at its present level. Because the omnibus bill that was passed yesterday does not take effect for the municipalities regarding their gas tax and repealing that until July 1 of this year, this interim measure whereby the municipalities would only be paying the current 9-cent level for the interim period.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Higgins, that the House recede and concur. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

110 having voted in the affirmative and 2 in the negative, the motion does prevail.

Signed by the Speaker and sent to the Senate.

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

Mrs. MITCHELL: Mr. Speaker, is the House in possession of L.D. 1381?

The SPEAKER: The Chair would answer in the affirmative. Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1983 (H. P. 1058) (L. D. 1381) is in the possession of the House, having been held at the gentlewoman's request.

On motion of Mrs. Mitchell of Vassalboro, the House reconsidered its action of yesterday whereby the Resolve was indefinitely postponed.

The SPEAKER: The pending question is on final passage. 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.

119 having voted in the affirmative and none in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

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

An Act to Make the Maine Gasoline Tax Implementation Identical to the Federal Implementation (H. P. 1072) (L. D. 1401)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1983 (H. P. 1068) (L. D. 1400) (H. "B" H-112)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of same and 2 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec

County for the Year 1983 (H. P. 1067) (L. D. 1399)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and 5 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

(Off Record Remarks)

On motion of Mr. Hall of Sangerville,  
Adjourned until Tuesday, April 5, at nine o'clock in the morning.