

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, April 14, 1983

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

Prayer by the Reverend John Eklund of the First Parish Congregational Church of Pownal.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Permit the Location of Manufactured Housing on Individual House Lots" (S. P. 475) (L. D. 1441)

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.

At this point, a message came from the Senate, borne by the Majority Floor Leader, Senator Pray of Penobscot, proposing a Convention of both branches of the Legislature to be held at 11:00 a.m. in the Hall of the House for the purpose of extending to the Honorable Joseph E. Brennan, Governor of the State of Maine, an invitation to attend the Convention and to make such communication as he may be pleased to make.

Whereupon, the House voted to concur in the proposal for a Joint Convention to be held at 11:00 a.m., and the Speaker appointed Mrs. Mitchell of Vassalboro to convey that message to the Senate.

Subsequently, Mrs. Mitchell reported that she had delivered the message with which she was charged.

Reports of Committees**Unanimous Leave to Withdraw**

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Notify Unemployed Workers of the Availability of Other Forms of Assistance" (S. P. 320) (L. D. 963)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act Relating to the Changes in Method That Unemployment Benefits are Charged to Experience Rating Records" (S. P. 228) (L. D. 672)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Decrease Exemptions in Child Support and Alimony Cases" (S. P. 317) (L. D. 953)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Provide Representatives for Owners of Certified Barber Hair Styling Schools on the State Board of Barbers" (S. P. 138) (L. D. 430)

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 Public Utilities on Bill "An Act to Improve and Clarify the Rate-setting Procedures for Municipal and Quasi-Municipal Water Companies" (S. P. 321) (L. D. 964) reporting "Ought to Pass" in New Draft (S. P. 480) (L. D. 1446)

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 given its first reading and assigned for second reading, Friday, April 15.

Non-Concurrent Matter**Tabled and Assigned**

Bill "An Act to Prohibit Shooting within 100 Yards of any Dwelling During Hunting Season" (H. P. 167) (L. D. 198) (C. "A" H-90) which was Passed to be Enacted in the House on April 11, 1983.

Came from the Senate passed to be en-

grossed as amended by Committee Amendment "A" (H-90) and Senate Amendment "A" (S-59) in non-concurrence.

In the House: On motion of Miss Lewis of Auburn, tabled pending further consideration and tomorrow assigned.

**Petitions, Bills and Resolves
Requiring Reference**

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

Agriculture

Bill "An Act to Permit Producers of Perishable Products to Ship on Seasonally Closed Ways" (H. P. 1112) (Presented by Representative Smith of Island Falls) (Cosponsors: Senator Carpenter of Aroostook and Representative Carroll of Limerick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 17)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Provide Continued Funding for the Determination of Ground Water Quality in the State's Sand and Gravel Aquifers" (H. P. 1113) (Presented by Representative Ridley of Shapleigh) (Cosponsors: Senator Kany of Kennebec and Representative Brown of Livermore Falls) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24) (Later Reconsidered)

Bill "An Act to Authorize the Department of Environmental Protection to Continue to Provide Technical Assistance to Municipalities and other Quasi-municipal Entities Regarding Solid Waste Management" (H. P. 1114) (Presented by Representative Michaud of East Millinocket) (Cosponsor: Senator Kany of Kennebec) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24) (Later Reconsidered)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Repealing the Law on the Effect of Bail Following Conviction and Commitment" (H. P. 1115) (Presented by Representative Connolly of Portland)

Bill "An Act to Clarify what Constitutes Discrimination Against Handicapped Persons" (H. P. 1116) (Presented by Representative Andrews of Portland) (Cosponsors: Representative LaPlante of Sabattus and Senator Violette of Aroostook)

Bill "An Act to Prohibit Parents from Interfering with Parental Rights of the Other Parent" (H. P. 1117) (Presented by Representative Scarpino of St. George)

Bill "An Act to Provide for Compensation for Law Enforcement Officers Making Administrative Appearances in the Same Manner as Court Appearances" (H. P. 1118) (Presented by Representative Paradis of Augusta) (Approved for introduction by majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Increase the Per Diem for County Commissioners Who Hire a Full-time County Administrator" (H. P. 1119) (Presented by Representative Murphy of Kennebec) (Cosponsors: Representatives Daggett of Manchester, Wentworth of Wells and Senator Wood of York)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Require any Applicant for Guaranteed Loans from the Maine Guarantee Authority to Issue Insured Industrial Devel-

opment Bonds Prior to Acceptance of any Loan Moneys that have been Guaranteed by the Maine Guarantee Authority" (H. P. 1120) (Presented by Representative Carter of Winslow) (Cosponsors: Speaker Martin of Eagle Lake, Senators Najarian of Cumberland and Conley of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Establish the Cost of the Maine Forestry District in the Fiscal Year 1983-84" (Emergency) (H. P. 1121) (Presented by Representative Michaud of East Millinocket) (Cosponsors: Representatives Dexter of Kingfield, Brown of Bethel and Senator Pray of Penobscot) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

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

Representative Strout from the Committee on Transportation on Bill "An Act to Require that Loads of Gravel, Sand, Crushed Stone or Rubbish be Secure to Prevent Spillage" (H. P. 22) (L. D. 18) reporting "Ought Not to Pass"

Representative Strout from the Committee on Transportation on Bill "An Act Concerning the Weight Limits of Commercial Vehicles" (H. P. 71) (L. D. 77) reporting "Ought Not to Pass"

Representative Nadeau from the Committee on Transportation on Bill "An Act Requiring Return of Fees to Certain Persons Who Paid for Highway Use Permits" (H. P. 190) (L. D. 232) reporting "Ought Not to Pass"

Representative Strout from the Committee on Transportation on Bill "An Act to Change the Requirements for Motor Vehicle Inspections" (H. P. 211) (L. D. 255) reporting "Ought Not to Pass"

Representative Macomber from the Committee on Transportation on Bill "An Act to Permit Wreckers to Use Flashing Red Lights on Limited Access Highways" (H. P. 232) (L. D. 280) reporting "Ought Not to Pass"

Representative Strout from the Committee on Transportation on Bill "An Act to Require the Load on Gravel Trucks to be Covered When Operating on a Public Way" (H. P. 280) (L. D. 340) reporting "Ought Not to Pass"

Representative Cahill from the Committee on Transportation on Bill "An Act Relating to Vehicle Sizes and Weights" (H. P. 362) (L. D. 420) "Ought Not to Pass"

Representative Moholland from the Committee on Transportation on Bill "An Act Concerning Synchronized Traffic Lights" (H. P. 363) (L. D. 421) reporting "Ought Not to Pass"

Representative Callahan from the Committee on Transportation on Bill "An Act Relating to Use of Red and Blue Lights on Certain Motor Vehicles" (H. P. 365) (L. D. 423) reporting "Ought Not to Pass"

Representative McPherson from the Committee on Transportation on Bill "An Act to Retain Weight Tolerance for Certain Vehicles" (H. P. 366) (L. D. 424) reporting "Ought Not to Pass"

Representative Cahill from the Committee on Transportation on Bill "An Act to Exempt Farm Vehicles from the Requirement of Obtaining a Fuel Use Identification Decal" (H. P. 431) (L. D. 513) reporting "Ought Not to Pass"

Representative Moholland from the Committee on Transportation on Bill "An Act to Change the Annual Renewal of Motor Vehicle Registration from a Fixed Date to the Birth Month of the Vehicle Owner" (H. P. 643) (L. D. 794) reporting "Ought Not to Pass"

Representative Moholland from the Committee on Transportation on Bill "An Act to Regulate the Use of Child Restraint in Motor Vehicles" (H. P. 764) (L. D. 995) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative Nadeau from the Committee on Transportation on Bill "An Act to Require Notification of the Suspension or Revocation of Motor Vehicle Registration or License by Registered or Certified Mail" (H. P. 436) (L. D. 518) reporting "Leave to Withdraw"

Representative Theriault from the Committee on Transportation on Bill "An Act Amending the Motor Vehicle Registration Law" (H. P. 565) (L. D. 715) reporting "Leave to Withdraw"

Representative Strout from the Committee on Transportation on Bill "An Act to Provide for a Sign on Interstate 95 South Indicating the Location of Togus" (H. P. 783) (L. D. 1012) reporting "Leave to Withdraw"

Representative Soucy from the Committee on Education on Bill "An Act to Allow State Championship Athletic Teams and Athletes the Right to Participate in New England Championship Events in Competition" (Emergency) (H. P. 770) (L. D. 1000) reporting "Leave to Withdraw"

Representative Nadeau from the Committee on Election Laws on Bill "An Act Relating to Penalties for Late Filing of Campaign Finance Reports" (H. P. 308) (L. D. 367) reporting "Leave to Withdraw"

Representative Cahill from the Committee on Election Laws on Bill "An Act to Amend the Law Governing Campaign Reports in Municipal Elections" (H. P. 307) (L. D. 366) reporting "Leave to Withdraw"

Representative Stevenson from the Committee on Election Laws on Bill "An Act Authorizing the Registrar of Voters to Appoint Temporary Deputy Registrars" (H. P. 310) (L. D. 369) reporting "Leave to Withdraw"

Representative Michaud from the Committee on Election Laws on Bill "An Act to Place Spending Ceilings on Political Candidates" (H. P. 542) (L. D. 694) reporting "Leave to Withdraw"

Representative Kilcoyne from the Committee on Taxation on Bill "An Act to Shift Part of the Property Tax Burden to the Sales Tax" (H. P. 707) (L. D. 896) reporting "Leave to Withdraw"

Representative Sproul from the Committee on State Government on Bill "An Act to Clarify Determination of Membership on the Board of Trustees of the Maine State Retirement System" (H. P. 848) (L. D. 1098) reporting "Leave to Withdraw"

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

Referred to Committee on Judiciary

Representative Moholland from the Committee on Transportation on Bill "An Act to Improve Motor Vehicle Laws Regarding Pedestrian Safety" (H. P. 784) (L. D. 1013) reporting that it be referred to the Committee on Judiciary.

Report was read and accepted, the Bill referred to the Committee on Judiciary and sent up for concurrence.

Ought to Pass in New Draft

Representative Joyce from the Committee on Judiciary on Bill "An Act to Amend the Statute of Limitations for the Probate of Estates under the Maine Probate Code" (H. P. 440) (L. D. 533) reporting "Ought to Pass" in New Draft (H. P. 1122) (L. D. 1466)

Report was read and accepted, the New Draft given its first reading and assigned for second reading, Friday, April 15.

Ought to Pass in New Draft/New Title

Representative Nelson from the Committee on Health and Institutional Services on Bill,

"An Act to Amend the Law Prohibiting Smoking at Public Meetings" (H. P. 244) (L. D. 291) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Prohibit Smoking in Jury Rooms" (H. P. 1110) (L. D. 1455)

Report was read and accepted, the New Draft given its first reading and assigned for second reading, Friday, April 14.

Consent Calendar First Day

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

(H. P. 521) (L. D. 646) Bill "An Act to Promote Safe Solid Fuel Burning Practices" — Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-133)

(H. P. 781) (L. D. 1010) Bill "An Act to Deregulate Motor Carriers of Passengers for Hire" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-134)

(S. P. 345) (L. D. 1019) Bill "An Act to Permit the Public Utilities Commission to Authorize a Management Audit of a Public Utility" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-56)

(H. P. 929) (L. D. 1208) Bill "An Act to Reinstate and Amend the Charter of the North Berwick Water District" (Emergency) — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-135)

(H. P. 1014) (L. D. 1339) Bill "An Act to Amend the Law Relating to Games of Chance" — Committee on Legal Affairs reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of April 15 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. 716) (L. D. 907) Bill "An Act to Eliminate Reports by District Attorneys to the Attorney General"

(H. P. 905) (L. D. 1184) Bill "An Act to Establish Vehicular Manslaughter as a Class B Offense under the Criminal Code"

(S. P. 355) (L. D. 1076) Bill "An Act to Increase Licensing Fees of Agencies Within the Department of Business Regulation"

(S. P. 148) (L. D. 439) Bill "An Act to Provide Necessary Statutory Changes as a Result of Certain Laws Relating to Juries" (C. "A" S-52)

(S. P. 307) (L. D. 921) Bill "An Act to Improve the Identification of Persons Prescribing Medicines on Hospital Prescription Blanks" (C. "A" S-54)

(H. P. 775) (L. D. 1005) Bill "An Act to Amend the Laws Relating to Fees for Private Investigator and Security Guard Licenses" (C. "A" H-128)

(H. P. 927) (L. D. 1206) Bill "An Act Concerning Inspection of Hotel Records by Police Officers" (C. "A" H-129)

(H. P. 851) (L. D. 1101) Bill "An Act to Amend the Laws Relating to Transportation or Cutting of Christmas Trees" (C. "A" H-130)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed or passed to be engrossed as amended in concurrence and the House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

Later Today Assigned

(H. P. 871) (L. D. 1125) Bill "An Act to Require Annual Disclosure of Interest in Agricultural Land in Maine" (C. "A" H-131)

On the request of Mr. Higgins of Scarborough, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-131) was read by the Clerk.

On motion of Mr. Higgins of Scarborough, tabled pending adoption of Committee Amendment "A" and later today assigned.

Second Reader Tabled Unassigned

Bill "An Act to Reassign Responsibilities Within the Department of Environmental Protection" (S. P. 470) (L. D. 1434)

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

On motion of Mr. Diamond of Bangor, tabled unassigned pending passage to be engrossed in concurrence.

Finally Passed Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Equality of Rights under the Law (S. P. 23) (L. D. 59) (C. "A" S-49)

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

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: Sixteen states have added equal rights provisions to their state constitutions. A reform of state laws then followed to assure conformity with the ERA. In many of those states, adoption of a state ERA, coupled with this major recodification of the state statutes, has most often resulted in a major impact. The impact in Maine to our current statutes will not be as great, because many of those revisions and reforms have preceded the introduction of this proposed state amendment.

In the mid 1970's, the Governor's Advisory Council on the Status of Women reported in detail the role and contributions made by Maine women. Law school professor, Judy Potter, then did an extensive review of Maine's laws to determine those not in compliance with the 14th Amendment to the U.S. Constitution, Title 7 of the Civil Rights Act of 1964, and the Maine Human Rights Act, so that Maine's laws would conform with the Federal ERA if it was ratified by the necessary states. Legislation was prepared and supported by the late Governor James Longley; his successor, Governor Brennan, has kept to that agenda during the last four years.

A decade of constructive and bipartisan legislative progress, coupled with aggressive affirmative action programs and economic initiatives, has eliminated and alleviated some of the sexual inequality that existed prior to 1974. But each of those changes in the statutes and each of those rules and regulations, ending a specific example of discrimination, is like a brick loosely fit in a foundation. A judicial decision or an administrative decision could invalidate those reforms.

I would urge the members of this House to give its overwhelming support to this proposed State ERA and let it go out to the men and women of this State in a referendum.

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

Mr. CARRIER: Mr. Speaker and Members of the House: This particular bill is probably one of the worst bills that you have had in this session and which probably will be sent to the people in referendum.

I got caught short this morning, as I did at the beginning of the week, because I was put into a situation where at the time I wanted to discuss the bill I was not allowed to do so, and I truly feel that if people have to take that kind of advantage of a situation in order to pass such a lousy bill, then nothing good can come out of it.

We don't need this ERA stuff. I think that the women in this House and the women in Maine are well protected. We don't need the women's lobby around here, we don't need any laws to protect the woman as such, and I was hoping a couple of days ago that I would have a chance to speak on this because one of the tricks that they have used in order to push this through is the fact that they have put an amendment on it in order to have the vote in 1984. What are they scared of? Why didn't they have it in 1983? I was hoping they would have it in 1983 because I would have been here at the beginning of next year to put all kinds of bills in to do away with some of these women's issues and women's laws that we have that are just protecting the woman.

The good women out here in the state do not need this ERA. You go home and see your people and talk with your wife and talk with your relatives—they don't want this ERA. You take a good look. The ones that feel so strongly about this are the frustrated women....

The SPEAKER: Would the gentleman please hold the voice down a little bit because we have turned down the mike as low as we can. Because of the problem with the sound system, the voice of the gentleman is stronger in the Senate than the members of the Senate that are speaking. So in order for the other body to continue to have their debate, could the gentleman please walk away from the mike a little bit, and the gentleman may continue.

Mr. CARRIER: You know the enthusiasm this created, and I just can't restrain myself too much, but I will. On the other hand, there is probably some value; maybe some of them in the Senate would benefit from what we do here in the House, or what we talk about.

Actually what has happened is, and no excuse on my part, I haven't got my notes today, notes that I have accumulated, cut out, studied, really got mad at and everything else, and I didn't think this was coming up until probably next week.

I just wish to say that I think in general most of the women in this state have been treated very well. I think if they want to look around, if they have the qualities and the abilities, they have been given a fair shake. I think that most people will also understand that this bill, along with all that they holler about that they are not getting or should have gotten, is all proposed by and backed by this famous and wonderful outfit, that NOW outfit, the NOW people who were first here about 10 years ago when I came in here, they were the first people and first group to promote lesbianism in this House, and these are the same people that are backing this bill—one of the few groups that are backing this bill....

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

Mrs. MITCHELL: Mr. Speaker, a point of personal privilege. I feel that the people who are supporting this bill are being cast in a category which is totally unfair and it is irrelevant to the bill.

The SPEAKER: The Chair would instruct the gentleman from Westbrook, Mr. Carrier, to discuss the issue before us and not cast aspersions on individuals that are members or not members of this body.

Mr. CARRIER: Well, I can only make one comment. I don't appreciate that comment, I really don't, and this is exactly what you see happening in this House.

The SPEAKER: The pending question is enactment of this bill. The gentleman may debate the question of equality and that is all.

Mr. CARRIER: Mr. Speaker, I don't accept that.

The SPEAKER: The Chair would advise the gentleman that the Chair is not going to enter into a debate with the gentleman. The Chair has made the ruling; the gentleman will either proceed under that ruling or will remain quiet.

The gentleman may continue to debate the

issue.

Mr. CARRIER: All I want to say is, use your good judgment, and I want to say that I never forgive and never forget. Use your good judgment and vote against accepting this.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: It is really incredible that we in this state and in the other states of this nation have to pass legislation to stop discrimination against women. I wholeheartedly support the good gentleman's comments from down in York County, Mr. Murphy. I am delighted to support this bill. It is really a tragic thing that we in this country have to pass bills repeatedly, year after year, to end petty discrimination.

American women, unfortunately, in this country, in a great many cases have been discriminated against going into the private sector or any other endeavors out in the work field, and I urge this House to support the motion to pass this bill.

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

Mr. SPROUL: Mr. Speaker, I wish to pose a question through the Chair. Is it the intent of the sponsors of L.D. 59 that the Maine State ERA include a right to abortion or abortion funding?

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

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

Mr. MURPHY: Mr. Speaker, in response to the question that was posed by my seatmate, if I could read into the record the testimony of Mr. Michael Seavey, who testified at the committee on the State ERA on behalf of the Roman Catholic Diocese of Portland: "We support L.D. 59, a Resolution Proposing an Amendment to the Constitution of Maine to Provide Equality of Rights under the Law. This legislation merits the approval of the Legislature and the people of this State. The language is clear and concise in its objective. A guarantee for equality of rights under law regardless of sex is both just and necessary."

He goes on to say: "We are assured and convinced that this language in no way pertains to the debate on abortion that is currently being discussed at various legislative and judicial levels. It is, rather, a simple call to equality and justice for all citizens of the State of Maine, an opportunity for Maine citizens to declare that they desire a society that is free from discrimination and prejudice."

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I do intend to vote for this. I am not afraid to send a question out to my people, but I do have a question, if the people do ratify this Equal Rights Amendment under the law, I believe that we are going to have a field day for all our attorneys in the state. We are going to have case after case in the courts before the judges. That is my big fear. The judges are going to be making the laws, not us. That is my only reservation.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadodsky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This is not a new issue before us today, it is an issue that this body has considered in the past.

To respond to the gentleman's questions, the State Government Committee was fortunate to have received from the Attorney General's Office a 27-page analysis of the impact of the State ERA on Maine's laws.

To point out some of the individual concerns that may be in the legislators' minds here this morning, this was a report that was asked of the Attorney General's Office before the public

hearing on this bill and we were provided with this at the public hearing.

In the area of marriage, the current statutory restrictions with regard to the actual act of marriage, at this time it would appear to be gender neutral.

In the area of property, generally marital property rights of men and women in Maine have been equalized through this legislation, and we do not believe that an Equal Rights Amendment would have significant effect on estates of marital property rights within the state.

In the area of parents and children, statutory provisions concerning custody of children before, during and after divorces are all gender neutral.

In the area of divorce, the nine grounds for divorce set out in Title 19, Subsection 691, are gender neutral, with the possible exception of the ground of impotence, which is basically neutral.

In the area of alimony, the statutory provisions regarding alimony are also gender neutral. It has been well established that alimony may be payable to either by husband or wife.

Related provisions regarding attorneys' fees in divorce considerations are also gender neutral and have been declared by the law court to be based on the relevant ability of parties to bear the cost of litigation, and ERA would therefore have no effect on alimony awards in Maine.

In the area of child support, provisions regarding child support are generally gender neutral. Statutes setting out criminal penalties for failing to provide support for dependents are generally gender neutral.

In the area of abortion, Maine statutes currently do not require a father's consent to an abortion. Generally, the courts have found that a woman's constitutional right to privacy overrides any right asserted by the father. A father's argument concerning his right to veto the abortion of his child may be strengthened by the enactment of a State ERA, based upon a case law developed in other states, however, it appears that the woman's rights to privacy will continue to override the father's interest, at least until technology has advanced to the point where the mother's body is no longer necessary to host the developing fetus.

In the area of homosexual marriages, although not expressly prohibited by Maine law, homosexual marriages are not recognized in Maine; they likewise are not recognized in the other 16 states that have a State ERA.

It is the conclusion of this report, as I have indicated, that the area of domestic law in Maine underwent a period of enlightenment in the mid 1970's which has resulted in the equalization of many of these rights and duties of men and women in the areas of domestic law, and because Maine has taken significant steps in the last several years to eliminate gender-based discrimination in its laws, it was the conclusion of this report that the ERA would probably have a limited impact upon Maine's current statutes.

To anticipate the question that Representative McHenry may ask or others may ask, why exactly do we need an ERA, I think that those reasons have been expressed this morning by Representative Murphy and others. The answer simply is to ensure that our laws developing recognition of equal rights will be permanent; to ensure that the equality of rights will not be abridged or denied by either popular opinion or political circumstance. No other ordinary statute can provide the bedrock protection that is assured by constitutional amendment.

The basic principle of an equal rights amendment is not that men and women are the same but that the law cannot treat them differently solely because of their gender, and the most profound effect this bill will have is that it will place in our Constitution a lasting

assurance for all Maine people, and it is a permanent commitment that there shall be no exceptions, no qualifications placed on the rights of citizenship in the State of Maine.

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

Mr. KELLEHER: Mr. Speaker, I request the yeas and nays.

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

Mr. McHENRY: Mr. Speaker, I would like to ask a question through the C chair. Could anybody point out to me where the State of Maine is discriminating against either sex in the laws, by the laws?

The SPEAKER: The Gentleman from Madawaska, Mr. McHenry, has posed a question through the Chair to anyone who may care to respond.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I will attempt to respond to the question and then speak very briefly to the issue before us.

Frankly, I am very proud to say that there are very few places that women are discriminated against in the State of Maine. That is a tribute to the men and women sitting in this body. But the important thing to remember and the reason that we are proposing an amendment to the Maine Constitution is for a sense of permanence. Legislatures come and go, political tides come and go, but we believe that the simple fact of equality is so important that it should have a permanent place in the Constitution.

If I may digress for just a moment, I would like to give you a brief history of how things changed, that women were excluded originally was not by accident, it was by design. Even Thomas Jefferson, and I will read this statement—"Thomas Jefferson, one of the master craftsmen of the Constitution, said that women, to prevent deprivation of morals and ambiguity of issues, should not mix promiscuously in gatherings of men," so I am sure he would be quite stunned to see this gathering here in the State of Maine today.

As you know, during the Civil War women became very active in trying to free the slaves. After that was accomplished, they funneled their efforts in trying to get the right to vote, and I don't need to remind you that they could not even vote for their elected representatives until 1920—1920, ladies and gentlemen, a very long time to wait.

Three years after the ratification of this 19th Amendment, they finally succeeded in placing a national Equal Rights Amendment to the Constitution on the ballot. It has been there ever since, every Congress. The State of Maine was a leader. It passed the amendment, it ratified the amendment, but we feel here in the State of Maine that we simply can't wait for the rest of the country to catch up with our enlightened attitude toward women and their ability to contribute to the governing and to the activities of our state.

So, Maine has been a leader, it will continue to be a leader, and we ask that this be put into our Constitution to show that we are committed permanently to giving men and women equal justice.

I would like to close by reading to you simply what the language is, and let's not read into it all the horror stories that seem to come up. It simply says, "Equality of rights under the law shall not be denied or abridged in this state because of the sex of the individual." Simple justice!

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

Mr. DUDLEY: Mr. Speaker and Members of the House: My memory doesn't seem to be that good this morning. I was of the opinion that a few years ago we passed this Equal Rights

Amendment. This morning I was wondering, too, as I read the bill, if this didn't mean that if a man and woman got married, this would mean that she could keep her maiden name; they would each keep their own name, or would they have to adopt one or the other of the names? Would it be Mr. and Mrs. so and so, or would it be Mrs. so and so? It is that way pretty much now without marriage, I have noticed and there is a lot of it, so I wondered how this would affect the marriage. Would they adopt her maiden name or both of them or none at all. This certainly would enter into the picture. I wish someone would tell me if my mind is that bad, because I was really of the opinion that we passed this just a few years ago.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, has posed a series of questions through the Chair to anyone who may care to answer.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I will try to answer the two questions. One, the State of Maine did ratify an amendment to the United States Constitution; however, there were not enough other states that did so it has not been added to the United States Constitution. Therefore, we wish to add this to our own State Constitution.

As far as the name that anyone chooses to have whether married or not married, this changes nothing. A woman right now can retain her maiden name if she wishes when she is married, some choose hyphenated names, some choose their husbands' names. Maybe some husbands choose the wife's name.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Joseph.

Mrs. JOSEPH: Mr. Speaker and Members of the House: This is an issue of social justice, human dignity and equality for all citizens. I don't know what there is to fear. Who in our state can be against equality and justice for all?

A State Equal Rights Amendment is an insurance policy. It will guarantee us the coverage of equality when and if we need it, not at the whim of future politicians. It is only 22 words.

A vote against this is a vote against equality for the majority of Maine people.

This is not an issue of attitude or behavior, it is a vote for equality of all people in our state, it is a guarantee.

I look forward to 1984 when as a referendum question we can include this important issue in our campaigns—equality for all people.

Let Maine join with the other 16 states in voting for equality of rights for all people, a fundamental principle.

I urge men and women of the 111th House to approve this measure.

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

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

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: The good lady from Waterville says, what is there to fear. There is something to fear. I have no fear of sending it out to the people, but I fear that if the people do ratify it, I fear what the judges' interpretation of this will mean to the people of the State of Maine. That is my only fear.

Presently, we do not have anyplace, from what I have seen, from what I have heard, there is no place in the State of Maine that we do discriminate, so why should we do this?

The SPEAKER: A roll call was ordered. The pending question is on final passage. This being

a Constitutional Amendment, it requires a two-thirds vote of all the members present and voting. All those in favor of this Resolution being finally passed will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Armstrong, Baker, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Carter, Cashman, Chonko, Clark, Conary, Conners, Connolly, Cooper, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Havend, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Masterman, Masterton, Matthews, Z.E.; Maybury, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Murray, Nadeau, Norton, Parent, Paul, Perkins, Perry, Racine, Randall, Reeves, P.; Richard, Roberts, Roderick, Rottendi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tamaro, Telow, Theriault, Tuttle, Vose, Walker, Webster, Weymouth, Willey, Zirkilton, The Speaker.

NAY—Carrier, Lewis, Reeves, J.W.; Smith, C.W.; Wentworth.

ABSENT—Beaulieu, Carroll, G.A.; Cote, Hobbins, Ketover, LaPlante, Mahany, Martin, H.C.; Matthews, K.L.; McCollister, Michael, Nelson, Paradis, E.J.; Paradis, P.E.; Pines, Pouliot, Ridley, Rolde, Thompson.

Yes, 125; No, 5; Absent, 19; Vacant, 2.

The SPEAKER: One hundred twenty-five having voted in the affirmative and five in the negative, with nineteen being absent and two vacant, the motion does prevail.

Signed by the Speaker and sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act Creating the Passamaquoddy Water District (H. P. 348) (L. D. 407) (H. "A" H-117)

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. 110 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.

Emergency Measure

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws (S. P. 459) (L. D. 1390)

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. 115 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.

Emergency Measure

An Act to Exempt Carriers of Wood Products from Cargo Insurance Requirements (H. P. 63) (L. D. 69) (C. "A" H-113)

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

Emergency Measure

An Act to Provide as an Emergency that the Requirement that Persons over 75 Years of Age Take Periodic Driving Tests be Eliminated (H. P. 1086) (L. D. 1418)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

Passed to Be Enacted

An Act to Amend the Maine Consumer Credit Code (S. P. 219) (L. D. 656) (C. "A" S-34 and H. "A" H-114)

An Act to Improve the Administration of Agricultural Fairs (S. P. 298) (L. D. 912) (C. "A" S-47)

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.

An Act to Require Hospitals to Provide Itemized Bills upon Request (S. P. 460) (L. D. 1391) (H. "A" H-120)

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

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

Mr. MANNING: Mr. Speaker, I move that this be tabled two legislative days.

Mrs. Nelson of Portland requested a Division.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Manning, that this item be tabled two legislative days. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 60 in the negative, the motion did not prevail.

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

Mr. MANNING: Mr. Speaker, I move that this be tabled one legislative day.

Mrs. Nelson of Portland requested a Division.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Manning, that this item be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

57 having voted in the affirmative and 59 in the negative, the motion did not prevail.

The SPEAKER: The pending question before the House is on passage to be enacted.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: As many of you are aware, this legislative session we are going to be talking about hospital cost containment, it is going to be a major issue, and I feel that this legislation as it is before us now with the "nursing amendment" will, indeed, raise the cost of hospitals.

I would request a roll call.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I have to echo the statements of the gentleman from Farmington. Any of you who have been associated with hospital operations will be aware of the cost that is going to be involved and the difficulties of providing a meaningful itemization of the nurses' time that is spent with an individual patient. If you can't do that, then you have accomplished absolutely nothing. This is going to increase the cost as it relates to the amendment on this bill. It is obvious that the intent of the sponsor of the amendment was to just run the thing through, didn't want it debated, didn't want it

to be looked at.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I am very surprised at the message that was given by our last speaker because it is amazing how much you can get out of a computer. I happen to know something about that because right now with the little business we have, we are going into the computer business, and you would be surprised and amazed at how easy it is to press those buttons and get out the information you want. I am very surprised that anyone would let that red herring run across us.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I don't think when you receive your hospital bill that there is any problem, that buried in there somewhere is the cost of your nursing. They have no problem putting it in and I don't think they will have any problem itemizing it. Usually a great deal of work done today in the hospitals is done by practical nurses, LPN's. I think you will find that the professional nurses will just prorate that over the floor and there will be no problem putting it on the bill because they have no problem when you get your final bill.

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

Mr. RACINE: Mr. Speaker, I would like to pose a question through the Chair. When the bill was heard in committee, was this item discussed by the committee and was there a vote taken on this? Also, were there any hospital administrators that testified either for or against itemizing nurses' bills?

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

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

Mr. BRODEUR: Mr. Speaker, Members of the House: The issue was brought up before the committee at the hearing by the Maine State Nurses Association. They suggested that we amend the bill in that form. The bill was discussed in committee, but because it was not unanimous support, the committee felt that we ought to put out a bill that shows we do favor itemization and show very clearly. It was discussed and told to everyone that the bill would be offered on the floor or maybe offered as an amendment.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to two of the previous gentlemen who spoke and tell you, yes, indeed, you can get anything out of a computer, but let me tell you, having worked with computers for a few years myself, when you put garbage in, you get garbage out.

If you are not prepared to take the time to put in the information to get meaningful information out, then you are just wasting time and wasting money. If you are just going to prorate the nurses' time, fine and dandy, that is okay, but you are not doing anything for the patient. You are not telling them anything, you are just telling them there were X-number of nurses on duty on a given day and there were X-number of patients and we divided the numbers, and that proves nothing and tells nothing—so garbage in, garbage out.

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

Mrs. NELSON: Mr. Speaker, Members of the House: I hope you will vote for enactment of this legislation. I just want to remind you, and I quote from Bill Caldwell's article: "Why don't you itemize bills the way hotels do, I asked the experts. Even patients like to know what they are paying for."

The SPEAKER: The Chair recognizes the

gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: My grandmother just came out of the hospital not too long ago and when we got our bill, I was a little bit surprised. I was speaking with my mother about it one afternoon and she told me that the hospital had kept track of every Q-tip swab that was used by her, every tissue and I think probably every roll of toilet paper. Now, if a hospital can do that, I think they can provide that same information to you when they give you your bill. It is only right.

I hope you will enact this bill.

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

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

The SPEAKER: The pending question before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Baker, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carter, Cashman, Chonko, Clark, Conary, Connolly, Cooper, Cox, Crouse, Crowley, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Ingraham, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Kilcoyne, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Martin, A.C.; Masterton, Matthews, Z.E.; Maybury, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Murray, Nadeau, Nelson, Norton, Parent, Paul, Perkins, Reeves, P.; Roberts, Rolde, Rotondi, Salsbury, Seavey, Small, Smith, C.B.; Soucy, Soule, Stevens, Stevenson, Stover, Strout, Tammara, Telow, Theriault, Tuttle, Vose, Wentworth, Willey, Zirkilton, The Speaker.

NAY—Armstrong, Bell, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Conners, Curtis, Daggett, Davis, Day, Dudley, Greenlaw, Gwadnosky, Holloway, Jackson, Kiesman, Lebowitz, Lewis, Manning, Masterman, Melendy, Perry, Racine, Randall, Reeves, J.W.; Richard, Roderick, Scarpino, Sherburne, Smith, C.W.; Sproul, Swazey, Walker, Webster, Weymouth.

ABSENT—Beaulieu, Carroll, G.A.; Cote, Hobbins, Ketover, LaPlante, Mahany, Martin, H.C.; Matthews, K.L.; McCollister, Paradis, E.J.; Paradis, P.E.; Pines, Pouliot, Ridley, Thompson. Yes, 96; No, 37; Absent, 16; Vacant, 2.

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

Signed by the Speaker and sent to the Senate.

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

Mr. JACQUES: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you all vote against me.

The SPEAKER: The gentleman from Waterville, Mr. Jacques, having voted on the prevailing side, now moves that the House reconsider its action whereby the Bill was passed to be enacted. Those in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

An Act Relating to the Capitalization and Board of Directors of the Maine Fidelity Life Insurance Company (H. P. 260) (L. D. 320) (C. "A" H-118)

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

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

An Act to Allow Voter Registration and Party Enrollment on the Same Form (H. P. 309) (L. D. 368) (C. "A" H-109)

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

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I now ask for the yeas and nays on L.D. 368, An Act to Allow Voter Registration and Party Enrollment on the Same Form.

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 Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to a member of the committee or anyone that was involved in the sponsoring of this bill.

I read the enacted version that was on our desks and I don't have it in front of me right now, but part of the new change indicates that the registrar shall cause the person who is registering to enroll in a party, and I want to make it clear, I guess, for the record or pose the question, does this mean that someone has to enroll and if they do not, is there going to be a box or something to check that says they want to remain unenrolled?

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

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: No. Essentially, nothing changes other than the fact that instead of having two cards, you have one card, and contrary to proposals in the past of simply putting two boxes, check Republican or Democrat or whatever the case may be — in this particular proposal we are going to ask that on the same form where you register to vote, there will be two spaces provided, one to enroll in the Democratic Party and one to enroll in the Republican Party. You check the box and you sign your name again. Sign the card once for registration, sign the card again if you choose to enroll. If you do not choose to enroll, then obviously you simply do not do anything other than sign the registration line on the card, so as far as the procedure is concerned, nothing changes. All it does is consolidate it on the same form to make it easier for those people who are attempting to register to voters, that they are consistent with our principle that we are attempting to get as many people involved in the political process as possible. That is simply what it does and I urge you all to vote for the bill.

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

Mrs. MASTERTON: Mr. Speaker, I would like to pose a question through the Chair. I will start out with a statement. In our town, we have recently acquired a computer and the registration information as well as the enrollment information is put on that computer, so it is easily available for both the Board of Registration and for the Clerk.

The question I wish to raise is, in towns which do not have computer capability, and I would judge that there are quite a few of them in the state, don't the boards of Registration

need a separate file of those enrolled in both parties, separate from the registration file?

The SPEAKER: The gentlewoman from Cape Elizabeth, Mrs. Masterton, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: Obviously I am not familiar with what kind of filing system every town uses, some are computerized, some aren't. It is entirely up to the Clerk. This doesn't require them to do anything one way or the other in terms of filing purposes. If they choose to maintain separate files, then they obviously have the opportunity to put together a second card for filing purposes, but those for people out there registering voters, there is no need to require that same item. In terms of the filing procedures, each Clerk can determine what system they want to use. I am sure there are methods other than the two card filing system which probably takes up a great deal of space.

In discussing it, we didn't seem to think that was a problem and some Clerks that I discussed it with didn't seem to think it was a problem for them, whether they are on computer or not. So I don't consider that a problem and I don't know who does.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me, however, that the single card system is going to double the work of the Clerks or the Boards of Registration. They will have to make another whole file, one or the other.

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

Mr. DIAMOND: Mr. Speaker, Members of the House: In response to the gentlelady's concerns over the filing problem that may be created as a result of this, having discussed this bill in previous sessions and with the committee, it is pretty clear that this will reduce the paperwork involved as far as Clerks are involved. While there will be some administrative changes that will have to be made to bring about conformity, it is going to reduce the amount of paperwork they have to keep on hand.

In response to the gentleman's question from Scarborough, Mr. Higgins, as far as his concern about Section 5 of the bill, whether or not people will be required to enroll in a party rather than have the option to do so, the sentence that precedes the sentence that he read off pretty much spells it out and I would like to read it to you. It says: "When a person registers, the Registrar shall ask him whether he wishes to enroll." If his answer is in the affirmative, then we get to the part that Representative Higgins read, "The Registrar shall cause the person to complete the enrollment portion of the application." So what it does say is, "if they want to," then they will fill out the form as required by the law.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Bonney.

Mr. BONNEY: Mr. Speaker, Ladies and Gentlemen of the House: I have discussed with the registrar in our town and she feels that her work would be cut right in half and that one filing system is all they need.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that 300 years ago when I was town clerk, a person could not enroll on the same day they registered. There was a 24 hour period, they had to come back the next day and enroll if they wished to enroll. Does this law change that or did we change that 20 years ago?

The SPEAKER: The gentleman from Wilton, Mr. Armstrong, has posed a question through

the Chair to anyone who may respond if they so desire.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: That hasn't been the case for quite some time, you can do both upon registering.

I just want to say one more thing in reference to the issue of Clerks and the filing system and all that. As it has been outlined, it is not going to be a problem for the Clerks. There is obviously a very easy way to develop a filing system. As the gentleman from Bangor, Mr. Diamond, pointed out, it might make things simpler and cut down on the paperwork.

Even if it were the case, as far as I am concerned, our job here is not to represent the administrators and make their jobs easier anyway. Our job here is to make the process easier for the Maine citizens and for the potential voter who wants to get involved in the process.

Again, pointing out that it is not going to be a problem for the Clerks, but if it were I don't think that is a concern we ought to have. Our concern ought to be making the process easier for those people who want to go out there and get the citizenry fired up about politics and fired up about the electoral process and I think that is what we ought to consider here today and I hope you will vote for the bill.

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

Mrs. WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote against this bill because I do not like it, but in answer to many of you, it will make considerable more work for the Clerks but it is optional. On your card, you will have to sign in a second place in order to enroll in a party.

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

Mr. MATTHEWS: Mr. Speaker, Ladies and Gentlemen of the House: Before leaving an unsaid, I would like to know if each of us has consulted the people out there in this state that would like to get involved, as Mr. Nadeau said, in the election process. Just don't consult the Clerks but consult some of the people that would like to get involved.

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

Mr. JACKSON: Mr. Speaker, I would like to pose a question through the Chair. The question I have is, today in order to register, the person who is registering the candidate has to be a Notary Public or Justice of the Peace but to enroll a candidate in a party, he needs to be neither. Is this still the fact in the new procedure that is going to be placed in place?

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

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: Again, nothing else in the law changes, everything in terms of procedure that exists now will continue to exist. What you are talking about is enrolling after you have registered, so obviously when you enroll after you have registered, there is no need to fill out the registration portion of the card. So what it will be designed to do is simply enroll on the card and sign it and that will apply. So in answer to your question, no, I don't think you will have to be a Notary Public or Justice of the Peace in that instance.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Armstrong, Baker, Benoit, Bonney, Bost, Brannigan, Brodeur, Brown, A.K.; Callahan, Carrier, Carroll, D.P.; Carter, Cashman, Chonko, Clark,

Connolly, Cooper, Cox, Crouse, Crowley, Curtis, Daggett, Diamond, Drinkwater, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Kilcoyne, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Matthews, Z.E.; McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Parent, Paul, Perry, Racine, Reeves, P.; Richard, Roberts, Rolde, Rondini, Seavey, Sherburne, Smith, C.B.; Soucy, Soule, Stevens, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Walker, The Speaker.

NAY—Anderson, Bell, Bott, Brown, D.N.; Brown, K.L.; Cahill, Conary, Conners, Davis, Day, Dexter, Dillenback, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Masterton, Maybury, McPherson, Murphy, Perkins, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Small, Smith, C.W.; Sproul, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Beaulieu, Carroll, G.A.; Cote, Hayden, Hobbins, Ketover, LaPlante, Mahany, Martin, H.C.; Matthews, K.L.; McCollister, Paradis, E.J.; Paradis, P.E.; Pines, Pouliot, Ridley. Yes, 90; No, 43; Absent, 16.

The SPEAKER: Ninety have voted in the affirmative and forty three in the negative, with sixteen being absent and two vacant, the motion does prevail.

Signed by the Speaker and sent to the Senate.

An Act Relating to the Posting of Performance Bonds for Rezoning (H. P. 311) (L. D. 370)

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

An Act Relating to Mobile Home Parks (H. P. 571) (L. D. 719) (C. "A" H-115)

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

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This particular piece of legislation was brought to my attention several days ago by a couple of small mobile home park owners in my district who were concerned about what was going to happen to their rights if this legislation passed. So after listening to their concerns, I went to the existing statute to find out just how it was being amended through this bill, and I find in the existing statute that there are a number of areas that deal with a park owner's right to evict tenants. Those areas deal with things like non-payment of rent, utility charges, failure of the tenant to comply with local ordinances of state or federal laws or regulations, failure to comply with park rules and regulations, damage by the tenant to the property, repeated misconduct and those kinds of things through which a park owner was able to evict a person or a tenant.

I guess the reason this bill was introduced was the last item in the existing statute, which is an item entitled "eviction without cause." That eviction without cause item does permit a park owner to evict a tenant from a mobile home park upon giving that tenant 120 days, three months' written notice of that tenant's termination. If you look at the existing statute, nearly everything, with the exception of that final statement, favors the tenant rather than the owner of the park and perhaps that is the way it should be, I don't really dispute that.

However, many of our small park operators are having a real problem, having a difficult time dealing with problem tenants who are creating those kinds of situations which are

just not conducive to a well run mobile home park.

When we look at these kinds of reasons for evicting a tenant, I think if you would place yourself in the role of a mobile home park owner, there is really no good reason why you would want to evict a good tenant. I think this is why those folks are concerned.

If you go to the amendment, which is really what we are voting on, and read Section 2, it says, and this is in reference to those conditions under which a mobile home park operator may evict a tenant—it is through violation by a tenant of Paragraph A, B, or E three or more times in a 12-month period. If you go back to the statute and read A, B and E, A is non-payment of rent; B is failure of the tenant to comply with local ordinances and E is failure of the tenant to comply with reasonable written rules and regulations. What this amendment does, it requires the mobile home park owner to put up with any one of these three violations or all three violations within a 12-month period of time. I think that that is pretty unreasonable. I think the emphasis has really shifted too far to the rights of the tenants who are living in the mobile home park and does not provide the mobile home park operator and owner with a reasonable method for dealing with problem situations.

A well run, orderly, mobile home park can be a real asset in a community, but one that has problems, one that has tenants which continually are disruptive, can be a real problem area to that community and can be a liability.

I think this ought to be defeated. Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and ask for a roll call.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: Certainly the good gentlemen from Livermore Falls, Mr. Brown, is trying very well to represent the small mobile home park owners in his district, and I wish I had had an opportunity to explain this more fully before this and before the indefinite postponement motion.

The facts of the matter are that the amendments that the committee worked out are amendments in favor of the mobile home park owner. The amended version of this bill provides a very good balance between the needs of the tenants of mobile homes and the very real needs, as pointed out by Mr. Brown, of the mobile home park owners.

There are, as he explained, all kinds of reasons why people can be evicted—A, B, C, D, E, F, G and H. However, there was one other that just evicted people for no reason and this was frightening for people, especially for the elderly, and many of them came in and testified, that even though they were good tenants, there were certain reasons where they were never sure whether they were going to be moved out, and so a good case was made for this clause to be taken away, that for just no reason someone could be evicted, because the mobile home is a large investment. It is a person's home just as much as a stick built home is, so we saw a need to take away that provision. However, we saw a need, as presented by the mobile home park owners and their executive director, to do something else because repeated violations that are corrected, and that is the issue that I think I would have liked to explain to Mr. Brown before and would now like to explain to him and to you all.

The problem they find is that if there is somebody with loud noise and disruption, they can evict them, but if they correct it, they can't evict them. So what they were afraid of is that if we took this classification out, that people would not pay their rent one month and then have loud noises or parties or break reasonable rules and then correct, and there was just no way that a perpetual nuisance could be

evicted. We said, you are right, we can't leave you with that kind of non-protection, so we put in the amendment which said that if someone breaks the rules within 12 months three times; in other words, twice, the third time you are out. It doesn't mean that they can just not pay their rent and not be evicted, that we didn't change at all.

Anyway I am delighted at the way it was worked out between those who had concerns for mobile home park owners and those who had concerns for mobile home park tenants.

I would ask you to defeat the indefinite postponement motion.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote against the pending motion. My reason being is that at the public hearing, the original bill basically was to repeal Section 8, which was the section that would authorize the owner of a mobile home park to evict without cause any individual, and the Attorney General's Office testified that this provision in the law was used in some instances where people had been good tenants, did not violate any of the mobile home park rules, were evicted for some unknown reason, possibly because the individual didn't comb his hair the right way, there was no reason for eviction. So when the bill was brought to our committee, and after the individuals testified, we felt that in order to protect the mobile home park owner from those individuals that continually failed to comply with the existing rules and regulations, such as speeding, which is one of the problems that you have in the mobile home parks and the reason that that is a problem, the local police departments don't have the authority to enforce any of the rules of the park because it is privately-owned land, and we felt that by permitting or allowing the individual to evict after three offenses within one year was reasonable, was fair and was just.

Under the current system, if the mobile park owner does not like the way you walk or the way you wear your overcoat, he can give you a notice and you have got to vacate within 120 days. It is not just a matter of vacating a mobile home park lot, it is the fact that a lot of your mobile homes now are very expensive, they will cost in the range of anywhere from twenty five to fifty thousand dollars, it is a big investment, and people will make improvements to their areas, and then when you are told to vacate, in a lot of cases there is no place for you to move your mobile home, so you are stuck, you have a financial problem caused by this, and this amendment is fair, is just and is needed to protect both the owner of the park as well as the tenant.

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

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

Mr. BROWN: Mr. Speaker and Members of the House: I do appreciate the explanations that have been given; however, they are not enough to convince me that this bill ought to pass.

I do admit that the amendment is better than the original bill; however, I would again point out to you that the mobile home park owner has to wait 12 months before he can deal with a problem tenant. I just think that is coming down too far on one side. I think that the laws already are perhaps a little lopsided, and I think this just makes them even more so.

Sometimes the legislature responds to fear, and I think that is what we are doing here today. The gentleman from Portland, Mr. Brannigan, indicated that a number of elderly showed up at the hearing and were afraid that they were going to be evicted, but I would ask the gentleman how many of those elderly actually were evicted?

If I were the owner of a mobile home park, I

cannot think of a single, solitary reason why I would want to evict a good tenant; it doesn't make any sense. But if that tenant is causing some problems and making my park an unruly place to live and creating a liability for the town, you are darn right, I would want to evict that person. But if that person is behaving himself, minding his own business and is a good tenant, there is no reason under God's good sky that I could ever think of for evicting an individual who was a good tenant.

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

Mr. AINSWORTH: Mr. Speaker and Members of the House: Unless I read this thing wrong, I see in here the chance for a violation is very easy, and that is through sickness. I think that all these violations, most of these violations, could be caused by sickness, and I would presume that that person could probably have more than one sickness in a year and I think this would protect them very nicely. So I am thinking about the sick person, I think that this applies to them.

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

Mr. MURRAY: Mr. Speaker and Members of the House: I think it should be pointed out that the executive director of the mobile home park owners worked on this bill directly with the Attorney General's Office in drafting the amendment and he was in favor of it.

I would also like to point out that Sections A, B and E, which I think are the ones that might be causing some confusion, those are the sections where notice has to be given by the mobile home park owner to a tenant if he or she is in violation. If that tenant fails to deal with the problem within a 30-day period, the owner can evict them after that 30 days. He does not have to wait for a 12-month period.

What happens, as the gentleman from Portland, Mr. Brannigan, pointed out is in the case where an owner gives notice and then the tenant corrects it, and then he gives another notice and the tenant corrects it, presently the problem can continue on and on and on for the owner. Now what we have done is said, after three times when the owner has given a notice under the different sections, if it is not taken care of the owner can then move to evict the tenant.

I think it is a very fair and reasonable bill and I hope you will vote against the motion to indefinitely postpone.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I hate to delay this, but I just wonder what has happened to free enterprise in this country. Here a person has some private land, he spends \$7,000 approximately for each spot that he puts a trailer on, he has to maintain sewer, water and roads in this area, and he has an undesirable person in that area and now you are saying he can't remove him unless he is undesirable three times a year. I think it is a little ridiculous. It costs a great deal of money to develop a park. They naturally want to keep people in the park, they have to pay off their investment, it costs them money, and you say no, we are going to protect people, they can't do this, they can't do that.

What about an alcoholic person in there—you talk about the sick people, do you want those people driving down the road at high speeds? I think there is good cause to get rid of some of these people. I think it is ridiculous to put these restrictions on them.

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

Mr. SWAZEY: Mr. Speaker, was this a unanimous report out of the committee?

The SPEAKER: The Chair would answer in the affirmative.

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 motion of the gentleman from Livermore Falls, Mr. Brown, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Anderson, Armstrong, Bell, Bonney, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Connors, Davis, Day, Dillenback, Dudley, Greenlaw, Holloway, Ingraham, Jackson, Lebowitz, Lewis, Maybury, Parent, Randall, Reeves, J.W.; Roderick, Salsbury, Seavey, Sherburne, Smith, C.W.; Sproul, Stevenson, Walker, Webster, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Allen, Andrews, Benoit, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Cashman, Clark, Connolly, Connelly, Cooper, Cox, Crouse, Crowley, Curtis, Daggett, Dexter, Diamond, Drinkwater, Erwin, Foster, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Kiesman, Killoyne, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Masterman, Masterton, Matthews, Z.E.; McGowan, McHenry, McPherson, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Murray, Nadeau, Norton, Paul, Perkins, Perry, Racine, Reeves, P.; Richard, Roberts, Rotondi, Scarpino, Small, Smith, C.B.; Soucy, Soule, Stevens, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Wentworth, The Speaker.

ABSENT—Baker, Beaulieu, Carroll, G.A.; Chonko, Cote, Higgins, L.M.; Hobbins, Jalbert, Ketover, LaPlante, Mahany, Martin, H.C.; Matthews, K.L.; McCollister, McSweeney, Nelson, Paradis, E.J.; Paradis, P.E.; Pines, Pouliot, Ridley, Rolde.

Yes, 37; No, 90; Absent, 22; Vacant, 2.

The SPEAKER: Thirty-seven having voted in the affirmative and ninety in the negative, with twenty-two being absent and two vacant, the motion does not prevail.

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

An Act to Improve the Operation of the Maine Real Estate Commission (H. P. 681) (L. D. 837)

An Act Concerning the Financial Responsibility of the County for Medical Expenses of Prisoners (H. P. 671) (L. D. 854) (H. "A" H-119)

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.

Enactor

Tabled and Assigned

An Act to Define Cider (H. P. 711) (L. D. 902) (C. "A" H-116)

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

On motion of Mr. Michael of Auburn, tabled pending passage to be enacted and specially assigned for Tuesday, April 19.

An Act to Increase the Compensation Benefits for Employees Formerly Working for a Bankrupt Employer (H. P. 762) (L. D. 993) (C. "A" H-104)

An Act Exempting Interstate Domestic Flights from the Bottle Bill (H. P. 817) (L. D. 1057)

An Act to Amend the Requirements and Adjust the Fees for the Licensing, Inspection and Permitting of Fireworks Displays and the Storage and Transportation of Explosives and

Flammable Liquids (H. P. 832) (L. D. 1086)

An Act Concerning School Transportation Contracts (H. P. 1062) (L. D. 1385)

An Act to Protect Underwater Electric Cables and to Increase the Penalties for Violations (H. P. 1073) (L. D. 1405)

An Act to Equitably Share the Cost of Police Training (H. P. 1075) (L. D. 1407)

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.

Finally Passed

RESOLVE, Authorizing Gerald Pelletier to Bring Civil Action Against the State of Maine (S. P. 51) (L. D. 144) (S. "A" S-43)

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

Tabled Unassigned

RESOLVE, to Authorize a Pole and Transmission Line Easement on Chokecherry Island and Mattanawcook Island and a Portion of the Penobscot River in the County of Penobscot (H. P. 562) (L. D. 712)

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

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending final passage.

Orders of the Day

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

Bill, "An Act to Expand the Tourism Promotion Program" (Emergency) (S. P. 451) (L. D. 1372) — In Senate, Referred to the Committee on Appropriations and Financial Affairs. — In House, Referred to the Committee on State Government in non-concurrence.

Tabled—April 13, 1983 by Representative Connolly of Portland.

Pending—Motion of the same gentleman to Reconsider Reference.

Mr. Connolly of Portland requested permission to withdraw his motion to reconsider, which was granted.

Sent to the Senate.

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

Bill, "An Act to Reestablish the Energy Testing Laboratory of Maine as a Part of Southern Maine Vocational-Technical Institute" (Emergency) (H. P. 1104)

Tabled—April 13, 1983 by Representative Jalbert of Lewiston.

Pending—Motion of same gentleman to refer of the Committee on Appropriations and Financial Affairs.

On motion of Mrs. Mitchell of Vassalboro, tabled pending the motion of Mr. Jalbert of Lewiston to refer to the Committee on Appropriations and Financial Affairs and tomorrow assigned.

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

Mr. SPROUL: Mr. Speaker, is the House in possession of An Act Pertaining to the Political Rights of State Employees, Senate Paper 439, L. D. 1318?

The SPEAKER: The Chair would answer in the affirmative, having been held at the gentleman's request.

The Chair recognizes the same gentleman.

Mr. SPROUL: Mr. Speaker, I move we reconsider our action whereby the House passed this L. D. to be enacted.

The SPEAKER: The gentleman from Augusta, Mr. Sproul, moves that we reconsider our action whereby this Bill was passed to be enacted.

The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and

Gentlemen of the House: I would like to thank Representative Sproul for moving to reconsider.

The State Government Committee has been corresponding with the Attorney General's Office the last five or six weeks on some particular points with this legislation and we are today, as a committee, still uncertain in regards to the latest interpretation as to how this bill might affect state employees who happen to be paid with federal monies, and it is exactly that question which I am now asking the Attorney General for an official opinion, and until that time, I would hope that somebody would table this bill unassigned, until we can get that ruling.

Whereupon, on motion of Mr. Diamond of Bangor, tabled unassigned pending the motion of Mr. Sproul of Augusta to reconsider whereby the Bill was passed to be enacted.

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

Mr. HIGGINS: Mr. Speaker, is the House in possession of Resolution, Proposing an Amendment to the Constitution of Maine to Undedicate the Highway Fund, House Paper 1087, L. D. 1430?

The SPEAKER: The Chair would answer in the affirmative, having been held at the gentleman's request.

The gentleman may proceed.

Mr. HIGGINS: Mr. Speaker, I move that we reconsider our action whereby we adhered to our previous action whereby the Bill was referred to the Committee on Transportation, and I further move that this be tabled for two legislative days.

Whereupon, on motion of Mr. Higgins of Portland, tabled pending his motion to reconsider and specially assigned for Tuesday, April 19.

On motion of Mr. Carter of Winslow, the House reconsidered its action of earlier in the day whereby Bill "An Act to Provide Continued Funding for the Determination of Ground Water Quality in the State's Sand and Gravel Aquifers," H. P. 1113, was referred to the Committee on Energy and Natural Resources.

On motion of the same gentleman, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

On motion of Mr. Carter of Winslow, the House reconsidered its action of earlier in the day whereby Bill "An Act to Authorize the Department of Environmental Protection to Continue to Provide Technical Assistance to Municipalities and other Quasi-municipal Entities Regarding Solid Waste Management," House Paper 1114, was referred to the Committee on Energy and Natural Resources.

On motion of the same gentleman, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Require Annual Disclosure of Interest in Agricultural Land in Maine" (H. P. 871) (L. D. 1125) (C. "A" H-131) which was tabled and later today assigned pending adoption of Committee Amendment "A".

Mr. Michael of Auburn offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-136) was read by the Clerk.

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

Mr. MICHAEL: Mr. Speaker and Members of the House: This amendment corrects a mistake in the drafting of the committee amendment.

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

Committee Amendment "A" as amended by

House Amendment "A" thereto was adopted.

The Bill was assigned for second reading tomorrow.

Mr. Carter of Winslow moved that House reconsider its action whereby Bill "An Act to Provide for Compensation for Law Enforcement Officers Making Administrative Appearances in the Same Manner as Court Appearances," House Paper 1118, was referred to the Committee on Judiciary.

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

House at Ease

Called to order by the Speaker.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, Gerard P. Conley, in the Chair.

On motion of Senator Pray of Penobscot, it was

ORDERED, that a Committee be appointed to wait upon His Excellency, Governor Joseph E. Brennan, inviting him to attend the Convention and make such communication as pleases him.

The Chairman appointed:

Senators:

NAJARIAN of Cumberland
PEARSON of Penobscot
McBREAIRTY of Aroostook

Representatives:

NELSON of Portland
BRODEUR of Auburn
MANNING of Portland
RICHARD of Madison
CARROLL of Gray
MELENDY of Rockland
PINES of Limestone
WEBSTER of Farmington
MAYBURY of Brewer
SEAVEY of Kennebunkport

Subsequently, Senator Najarian, for the Committee, reported that the Committee had delivered the message with which it was charged, and the Governor was pleased to say that he would forthwith attend the Convention.

At this point, the Honorable Joseph E. Brennan, Governor, entered the Hall amid the applause of the Convention, the audience rising, and addressed the Convention as follows:

Mr. President, Mr. Speaker, Honorable Members of the 111th Maine Legislature:

In recent years, the quality of medical care in Maine has improved dramatically.

Well-trained health professionals are delivering more and better care to Maine people than ever before, and all of us have a right to be proud of this accomplishment.

But at the same time, the cost of this care has grown so fast that it has become a grave financial crisis for our state and the nation.

In this state alone, the cost of hospital services has grown from \$149 million in 1974 to an expected \$550 million this year. In other words, it went up by more than 250 percent at a time when the Consumer Price Index increased at the considerably slower rate of 98 percent, and government pays half of that bill.

The increase this year alone is expected to be more than \$60 million.

For that same \$60 million increase, you could pay for the entire state's share of the cost of the University of Maine.

The fault for these staggering increases does not lie solely with Maine hospitals.

The problem is the payment system that was created in part by government — and that has continued to be tolerated by government.

It is a system without restraints, a system without incentives.

I can think of no comparable situation where expenses to the taxpayer are allowed to increase by millions and millions of dollars each and every year with no real oversight by government and no real public accountability.

We have only two choices. We can continue to give our medical institutions a blank check, or we can enact a system of restraint.

As each of you knows, I have already decided which course I believe State government must choose, but the final decision belongs not to me, but to you, the men and women of this Legislature.

L. D. 1353 will have its public hearing two weeks from today. And yet already it has been the subject of emotional rhetoric, heavy lobbying and contradictory claims.

An important public service industry sees itself under attack. Dedicated healers are being told — inaccurately — that their ability to apply their skills for the benefit of their fellow man will be compromised. And concerned public spirited citizens serving on hospital boards are being warned — inaccurately — that State government wants to take away their ability to make decisions affecting their communities.

It is unfortunate that Maine hospitals feel that they have been singled out for attack, for that simply is not the case.

Our hospitals have earned, and well deserve, the high degree of trust and confidence which they now enjoy.

They have dramatically improved the quality of medical care available to Maine people.

They are staffed and administered by dedicated, caring professionals.

Many of us have members of our families and close relatives who have dedicated their working lives to taking care of the sick.

Most of us know people whose lives have been saved, or whose health has been restored, because of the outstanding care that is available in Maine hospitals. And none of us wants to dilute—in any way—the ability of our hospitals to deliver quality care to our people.

As Governor of Maine, I want to see our hospital standards continue to improve.

As legislators, each of you, I am sure, wants to do the same.

Together, we are committed to supporting the best possible hospitals for our state. But that does not mean we can continue to say our hospitals: "Your work is important, you are doing a good job. Spend as much as you want, and the taxpayers will foot half the bill, no matter how high it goes."

That policy must end.

The day of the blank check, where we just let the hospitals fill in the numbers, must come to a close.

For the first time ever, we propose to give hospitals some cost controls.

We now have a system that rewards unnecessary spending.

We propose instead a system that would reward efficiency.

This is how we propose to do it.

A health care finance commission will be charged with three major responsibilities. First, to contain the growth of costs. Second, to set hospital revenues at responsible levels, levels that will meet the reasonable financial requirements of all Maine hospitals. And third, to promote equity among all those who pay hospital bills.

In the weeks ahead, you will hear the arguments that are being raised against this plan.

Today, I would like to address each of these objections.

You will hear that government has no business telling hospitals what their revenues should be.

Imagine for a moment how you would react if the schools, fire departments, and police departments simply announced one day: "Our services are essential, and you have no business telling us how much we can spend."

I say, we're paying half the cost. That makes it our business and it's about time we started doing something about it.

Let me say this to those who want to get government out of the hospital business: Government pays for Medicare and Medicaid. Government pays for renal dialysis and other specialized and expensive treatments. Government permits hospital construction projects to be financed by tax-free bonds, and government exempts hospitals from the property tax and the sales tax. Government funding supports most of the cost of health research and technological improvements. Government even pays much of the cost of a doctor's medical education.

Yes, with the taxpayers reaching into their pockets to pay half the hospital bills, you and I, the representatives of the taxpayers, not only have the right to contain these costs, we have the responsibility to do so.

You will hear it said that this bill creates a big new bureaucracy and would put the hospitals under the thumb of something like the Public Utilities Commission.

This is offered as an argument against the bill—as if the Public Utilities Commission were the embodiment of evil. This is absolute nonsense.

What do they think would happen if there were no Public Utilities Commission? Do they think their electric bills would go down?

Do they think their phone bills would go down?

Do they think their gas bills would go down?

I think to just pose these questions is to answer them.

To protect consumers, we must have some method of supervising institutions that are, in effect, monopolies — no matter how valuable the public service performed might be.

Someone has to say to the hospitals: you must live within a budget like the power company, like the phone company, like the gas company, like the schools and the fire departments and police departments, indeed like the rest of us.

Hospital costs are not a sacred cow. They should not be treated that way. We simply can no longer permit hospitals to say to this Legislature: "Just pay the bill, our work is too important for you to place any limits on us."

You will hear it said that hospitals are perfectly capable of self-regulation. But last year, hospital costs under so-called self-regulation increased at about triple the inflation rate. I say, that's some self-regulation.

You will hear it said that my bill aims for a takeover of hospitals by State government. That's just not the facts. I believe firmly that government has no business doing something that the private sector is perfectly capable of doing. That's why, for example, I think the state ought to be out of the service forestry business and the retail liquor business and indeed some other businesses.

I certainly do not believe that an agency in Augusta can do a better job than local hospital trustees and administrators of deciding the internal affairs and management priorities of 42 separate hospitals in communities of widely varying sizes and needs.

And for that very reason, there's not a single word in this bill that in any way tries to dictate to hospital officials how they should spend their money; how they should address changing community needs; what staff they need, what staff they don't need.

No matter what you may hear, under my bill hospitals remain under the same control of trustees and management which they have today, for the state cannot do a better job of running hospitals and the state has no interest whatsoever in trying.

You will hear it said that this bill simply will not work. But that is hardly the experience of the states that have already implemented bills to contain the growth of hospital costs.

According to the Congressional Budget Office, those states have experienced a growth of hospital costs that is 24 percent less than the growth rate of hospital costs in states, like Maine, that have no system of controls—24 percent less growth.

Massachusetts, Rhode Island and Connecticut are among the states that do have cost containment systems.

A recent study ranked all 50 states according to the growth of costs for each hospital admission over a five-year period.

Massachusetts ranked 44th.

Rhode Island came in 47th.

And Connecticut was 49th.

And where was Maine?

We were 13th.

That means that three-quarters of the states in the nation did a better job than Maine did in containing the growth of hospital costs.

Legislation like this is a proven success in those states where it has been tried.

You will hear it said that this bill will compromise the quality of care available to Maine people, and once again, it just is not so.

We are not in any way proposing to cut hospital spending, nor are we even suggesting that costs be held to previous levels.

We have met with health providers and public health officials from the regulated states, and we have learned that the standards of care are as high as ever.

The only difference we have heard about in those states is that hospital costs are growing at a slower pace, which seems to be very desirable.

Based on the actual experience of those states which are regulated, we are confident that this bill can be implemented without a reduction in the quality of services to the patient.

Here's what two hospital administrators from New Jersey, a state with a somewhat different system, but the same basic aim, told the Washington Post about adjusting to their new law.

Said one: "First, it has forced us to calculate exactly how much each kind of patient really costs us. We had never done that before. So now we can actually see our real costs and try to control them. We are no longer free to charge whatever price we want."

"So the system forces us to look hard at how long we keep patients, and whether we can't take care of them with fewer tests."

The other administrator said: "In the past, putting it oversimply, we got paid on a cost-plus basis for all the care and tests we gave."

"The more we did to you, the more money we got. The longer we kept you, the more we might make, because your last days cost us least."

While our bill abolishes this concept of cost-plus pricing, it sets us on the road toward realistic budgets for our hospitals, and it is something that should be done.

Finally, you will hear that this bill is a threat to the continued existence of many of our smaller, rural hospitals. But once again, I believe just the opposite is true.

Today, many small hospitals face ongoing financial problems. A number have closed or merged with other institutions in recent years.

Typically, these smaller hospitals serve large populations of elderly or low income people, those whose bills are paid by Medicare and Medicaid.

The current system enables hospitals to make up for restrictions on payments of their bills by loading up the bills of those who are covered by private insurance — that is unfair. However unfairly, that works fine in the larger communities, but it does not work in some of our smaller hospitals.

Our bill holds out more promise of assuring the future financial stability of all hospitals, of all sizes, than does the present law.

I said at the outset it would be up to this Legislature to make the final decision on this bill. As responsible and caring citizens, none of you

wants to make a decision that might affect the quality of care that will be available to your families, your friends and your neighbors.

Let me assure you, a vote for this bill best serves the interests of your constituents.

It will not reduce the level of care back home.

It will not close up your local hospital.

It will not usurp local control of a single hospital.

Instead, it will hold down the growth of medical costs, costs which we all pay through state or federal taxes.

It will ensure fairness by not shifting to some patients the costs of others.

Not only has it worked in other states, we already have a precedent here in Maine. As many of you well know, we implemented a prospective payment system for nursing homes, a system very much like we are proposing for hospitals. And it is one of the major reasons that nursing home costs, which were completely out of control in this state as recently as 1979, are going to be held to a growth of just 6.5 percent this year.

As I stand here, I see among you advocates for the handicapped, for the retarded, for low income people, for better education, for more parks. Indeed, in this chamber today can be found champions of virtually every existing state program.

We all agree that the best possible medical care is a high priority for Maine people, but we also agree it is not the only priority.

We want to care for our elderly in a dignified, humane manner.

We want to protect the victims of child abuse.

We want to provide services and care for the blind and the deaf.

We want to help our mentally retarded gain the skills to live life to the fullest.

And we know we will never be able to do it all.

But if we continue our present policy of a blank check for the hospital industry, all the other human needs will surely suffer.

That is, if we are content with the present system, then the hospitals will be well taken care of—but at the expense of every other compelling human need.

Abused children, the handicapped, the elderly, the retarded—they too are entitled to their fair share of our scarce resources.

Indeed, what this bill is all about, I think I can sum it up in three words—simple social justice. (Prolonged applause)

The Governor withdrew amid applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved.

The Senate then retired to its Chambers, amid applause of the House, the members rising.

In the House

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Mr. Tammara of Baileyville, Adjourned until twelve o'clock noon tomorrow.