

# MAINE STATE LEGISLATURE

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# **LEGISLATIVE RECORD**

OF THE

## ***One Hundred and Eleventh Legislature***

OF THE

**STATE OF MAINE**

### **Volume II**

**FIRST REGULAR SESSION**

**May 16, 1983 to June 24, 1983**

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## HOUSE

Tuesday, May 17, 1983

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

Prayer by the Reverend James Fletcher of the Presque Isle Congregational Church.

The journal of yesterday was read and approved.

### Papers from the Senate Reports of Committees

#### Ought to Pass in New Draft/New Title

Report of the Joint Select Committee on Alcoholism Services on Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (S. P. 216) (L. D. 653) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1984" (Emergency) (S. P. 555) (L. D. 1614)

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 and the New Draft read once. Under suspension of the rules, the New Draft was read the second time and passed to be engrossed in concurrence.

### Divided Report

#### Later Today Assigned

Majority Report of the Committee on Labor on Bill "An Act to Enable School Districts to Develop and Administer an Orderly Procedure for Filling Vacancies and Laying off Teachers" (S. P. 270) (L. D. 823) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning the Negotiation of Just Cause Provisions for Teachers" (S. P. 554) (L. D. 1608)

Report was signed by the following members:  
Senators:

DUTREMBLE of York  
HAYES of Penobscot

— of the Senate.

Representatives:

NORTON of Biddeford  
TUTTLE of Sanford  
BEAULIEU of Portland  
TAMMARO of Baileyville  
SWAZEY of Bucksport  
GAUVREAU of Lewiston

— of the House.

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

Report was signed by the following members:  
Senator:

SEWALL of Lincoln

— of the Senate.

Representatives:

WILLEY of Hampden  
LEWIS of Auburn  
BONNEY of Palmouth  
ZIRNKILTON of Mount Desert

— of the House.

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

In the House: Reports were read.

Mrs. Beaulieu of Portland moved that the Majority "Ought to Pass" Report be accepted in concurrence.

On motion of the same gentlewoman, tabled pending her motion to accept the Majority Report and later today assigned.

### Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Require Annual Automobile Inspections" (S. P. 23) (L. D. 24)

Report was signed by the following members:  
Senators:

DANTON of York  
DIAMOND of Cumberland  
EMERSON of Penobscot

— of the Senate.

Representatives:

CAHILL of Woolwich  
MACOMBER of South Portland  
McPHERSON of Eliot  
REEVES of Pittston  
NADEAU of Lewiston

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide for Annual Motor Vehicle Inspections" (S. P. 551) (L. D. 1601) on same Bill.

Report was signed by the following members:  
Representatives:

CARROLL of Limerick  
STROUT of Corinth  
CALLAHAN of Mechanic Falls  
MOHOLLAND of Princeton  
THERIAULT of Fort Kent

— of the House.

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

In the House: Reports were read.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I now move we accept the Minority Report.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, moves that the Minority "Ought to Pass" in New Draft Report be accepted in concurrence.

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

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I hope today you will not accept the minority report and I would like to explain to you what the majority report is and why it came about.

If you will recall, you who have been here a few years, the trend in the 110th and 111th has all been towards safety on the highways. We have gone the route of the OUI, we have had bills regarding seat belts, safety seats for children, helmets for motorcyclists, all pointing in one direction, for safety on the highways.

You might have noticed yesterday on the radio and in the papers, the highway traffic deaths in the United States is at its lowest point in the past 20 years. I think that is indicative of the direction we are trying to go in.

As far as the once a year inspection as opposed to the one we have in operation at the time for twice a year, I think it is a safety feature, I think that is the most impressive thing about it. If you go to the once a year inspection, you are going to have cars that perhaps go out and pass the inspection today but they are very marginal. Instead of being inspected again in six months, they are going to go an entire year without any safety inspection. In particular, take the case of tires. At the present time the law says you have to have 2/32 inch on the center tread. Well, if you look at a tire that has only 2/32 of an inch at the center tread, you are looking at a tire that is almost bald, a tire that 95 percent of the people wouldn't want to ride on.

Under the once a year inspection, you are going to be getting the same inspection now that you get for \$3 but you are going to be paying \$5 for it, so I don't think there is a saving in that respect.

I felt that if we were to go to the once a year inspection, the inspection should be a much more stringent inspection, but there has been very little in that area. There has been one minor change, I think, regarding the tread depth, and I think that is it.

You are going to hear today from the oppo-

nents a lot of horror stories about their experiences, their friends' experiences in inspection stations, and I think these stories are going to be something like fish stories, they are going to be exaggerated to some extent. You are going to hear about what other states are doing. Maine and New Hampshire are the only two states at the present time that have twice a year inspections. There are quite a few states that have no inspections at all. But I think when you consider those facts, you should also consider the fact that the weather conditions, the salt on the road, things that we have in the state of Maine are things they don't have to contend with in Florida.

I would point out another thing to you. At the present time under the twice a year inspections, you have a 30-day grace period. If your sticker expires, you still have 30 days before it costs you any money in the form of a fine. Under the new bill, there is no grace period whatsoever. If you are one day over on your inspection, you are in violation and you will be fined.

I think what we are talking about is—are we talking about a bill that addresses itself towards safety or are we talking just convenience for the people back home? There is no doubt, it is going to be nice to go home and say to your people, well, perhaps we did raise your taxes, but you only have to have your car inspected once a year. I don't think that is the way we should look at legislation. I think we should look at what is best for the state and the people in the state. After all the efforts we have made towards safety, I think this is a step in the wrong direction, not the right direction.

For example, you go to a dentist for a checkup. If you go to the dentist and you find a tooth that is decaying in the early stages, that is preventative. You go, you have it filled, it's cheaper, it doesn't cause you as much trouble. If you go to the inspection period and you let a car go 11 months with some minor defect, it is going to cost you more money in the long run to get that defect fixed.

I hope that you will consider this and accept the Majority Report and look at in the way the majority of the committee felt.

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

The SPEAKER: The gentleman from South Portland, Mr. Macomber, moves that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence.

The Chair recognizes the gentleman from Fort Kent, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, Men and Women of the House: I signed the minority report and I feel that I should tell you the reason that I did.

First of all, my constituents favored this bill by a large majority. The only constituents that are really opposed to this bill are two categories which I will explain to you. The first one was the law enforcement officers, especially those, in the words of Representative Dudley, that lurk behind rose bushes, and then the other category that opposed this bill was the inspection station owners for various reasons.

Representative Macomber mentioned one thing in passing about the grace period. If I recollect accurately, I think this is still in the bill and it would still be in effect.

During the hearing, the testimony established a few facts that you should be aware of. First, there is only one other state presently that has the semi-annual inspection, and that state is New Hampshire. Twenty-three states have no inspections at all or have random checks by police officers, and 25 states presently have annual inspections. An analysis of 12 states with the lowest fatality rates which was conducted divulged the following information—of the 12 states, 3 states had annual inspections; 3 other states had semi-annual inspections; 3 had random inspections; 3 had no

inspections at all.

So in summary of these facts, there appears to be no conclusive evidence that semi-annual inspections are anymore effective than annual inspections, so I hope you will vote against the motion to indefinitely postpone this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I feel I have some qualifications to say a few words about this bill this morning having run an inspection station for over 20 years.

When you got your car inspected for 50 cents for a good many years, you got your car inspected, because each garage had to do something to earn their money. In other words, the 50 cents was for the sticker and they sold you some tires or they aligned your brakes or did something on your car and they got plenty per hour so they made some money. Today, they get a lot more money, \$3 or so, to lap the sticker so it made a lot of good inspection stations nothing but sticker lappers, so the two inspections we have now are not accomplishing anything. I would go for the one, but that is not necessary either.

The record shows that as far as safety goes, the states that had no inspections had the same safety record we have.

It hasn't been pointed out here this morning that in that length of time we have doubled the police force on the highways, just doubled it from what it was when the sticker was 50 cents, and anytime they see a car on the road that doesn't qualify to be on the road, might have just a crack in the windshield that you can't cover with your finger, the law says your finger, he can put the car off the road if he so desires and write up a ticket.

Another misstatement was made this morning about 30 days grace—that is not so. You have 30 days grace if your car is okay, but if there is something wrong with your car, you get a ticket immediately. So the reason people are not inspected, it is because they have got something wrong with their car as a rule; once in a while you will find someone who forgot but the majority of the people, their cars aren't inspected and the reason they aren't inspected is because there is something wrong with them, and in this case, the officer gives them a ticket, he has no 30 days grace. The 30 days grace only applies to a car that is perfect.

I could go on and talk on this for a long time, but this House ruined the inspection when they raised the price for the stickers, and I call them sticker lappers because they don't have to do anything now to make money, line them up and run them through and get \$3 or so a head, they don't have to sell them any tires or anything. I think we are going in the wrong direction. I think eventually we shouldn't have any inspections. With as many police as we have got on the highways—and while I am on the subject of police, I must remind you again that this state has more police per capita and per acre than any state in the union, and this should help us when it comes to seeing cars on the road that are unfit to easily put them off. They have just got to write them up a ticket. They might not have the time, but taking into consideration that we have more police than any state in union, it makes it easy to write up cars that don't pass. And we have got a lot of ticketing things in that inspection—seat belts, the tread of your tires, it was 3/32 but someone may have cut it down to two, and this is measurable in the thinnest place in the tire. So because the chain is no stronger than its weakest link, if the officer stops you he has got to roll the car ahead a little to make sure there are no smooth spots in the tire. This takes time while some criminal is robbing a bank and he gets away because our officers are busy measuring treads on tires.

I think we are going in the wrong direction. I support one inspection a year, but I would also

go with no inspection at all, and the proof is in the statistics where the states that don't have any inspections have the same safety record we do. I am not going to bore you anymore, and usually I don't talk this long, but I get carried away once in awhile like the rest of you do.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I am the one that signed the minority report. There wasn't anything said about the old people that have cars and have to drive four or five times a week to try to get an inspection sticker. It is very easy to tell an old lady or old man that they need a couple of stop light bulbs and usually they get them for \$20 or \$25 everytime they go have an inspection.

Another thing, I had a few trucks and I had to drive 40 miles to get one of those trucks inspected because most places don't have—you can't get them into a garage to get them inspected, they don't have the equipment to do it with.

I think we ought to go for the minority report.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out to you that the average age of a car on the highways in Maine today is about six years old. I know in the case of the car that I am driving myself, it is a five year old car and it has pretty near 140,000 miles on it, averaging a little better than 30,000 miles a year. Should that car go 60,000 miles before anybody looks at it?

The previous speaker, I remember mentioning it to him in the committee room, asked what the average mileage is on a lot of these trucks we see on Maine's highways, and it is over 100,000 miles a year. The trucks are going to go over 100,000 miles before they are inspected. I just wish you would stop and think of that this morning.

The system we have is working good; let's leave it alone. Mr. Speaker, I would ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker and Members of the House: I appreciate the gentleman on the other side of the House, but these trucks that go 100,000 miles a year are inspected once a day when they leave the garage by the ICC rules and regulations. There are no trucks that leave a terminal without being inspected by a mechanic, so we can rule out the 100,000 or 150,000 miles a year. Some of my trucks have got over a million miles on them and I will put them up against any new truck that is running up and down the highways today.

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

Mr. MACOMBER: Mr. Speaker and Members of the House: So there is no misunderstanding, under the present system, there is the 30 days grace period. Mr. Dudley was correct when he said "if a car is in violation, of course it is ticketed then and there." Under the present system there is a 30 day grace period, and just to set the records straight, under this new bill there is no grace period.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I have to disagree with the good gentleman from South Portland. In our deliberations on this new draft, we had discussed taking the grace period out. It was a decision of the minority on this committee that we would leave the grace period in.

I would also tell you that my feeling on this is that going to once a year is going to give us as good an inspection as we have at the present time and it won't inconvenience the people

across the state.

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 Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: The State of Connecticut automobiles travel statewide in this state in the summer months, and I asked for information as to what accidents the State of Connecticut's vehicles had been in when we talk about highway safety. I discovered that the people of Connecticut are not having anymore accidents than the people in Maine that are on twice a year inspections. The State of Connecticut doesn't have twice a year inspections. As a matter of fact, they did away with them.

I just want to remind you that I am very conscious about highway safety. I realize we have a great responsibility, but we deliberated in our committee for a long period of time and that is the reason why you have two reports.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from South Portland, Mr. Macomber, that L.D. 24 be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Baker, Beaulieu, Bell, Benoit, Brannigan, Brodeur, Brown, A.K.; Cahill, Carroll, D.P.; Connolly, Davis, Diamond, Drinkwater, Foster, Handy, Higgins, L.M.; Ingraham, LaPlante, Lehoux, MacBride, Macomber, Manning, Masterman, Matthews, K.L.; McPherson, Mitchell, E.H.; Murphy, T.W.; Nadeau, Perkins, Perry, Pines, Racine, Reeves, P.; Roderick, Salsbury, Scarpino, Smith, C.W.; Swazey, Thompson, Weymouth.

NAY—Ainsworth, Allen, Anderson, Andrews, Armstrong, Bonney, Bost, Bott, Brown, D.N.; Brown, K.L.; Callahan, Carrier, Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Connors, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Day, Dexter, Dillenback, Dudley, Erwin, Greenlaw, Gwadodsky, Hall, Hayden, Hickey, Hobbins, Holloway, Jackson, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, Lebowitz, Lewis, Lisnik, Livesay, Locke, MacEachern, Martin, A.C.; Martin, H.C.; Masterton, Matthews, Z.E.; Maybury, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, J.; Moholland, Murphy, E.M.; Murray, Nelson, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Pouliot, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Rolde, Sherburne, Smith, C.B.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout, Tammaro, Telow, Theriault, Tuttle, Vose, Walker, Webster, Wentworth, Willey, Zirkilton.

ABSENT—Curtis, Gauvreau, Higgins, H.C.; Jalbert, Mahany, Norton, Rotondi, Seavey, Small, The Speaker.

Yes, 40; No, 100; Absent, 10; Vacant, 1.

The SPEAKER: Forty having voted in the affirmative and one hundred having voted in the negative, with ten being absent and one vacant, the motion does not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted in concurrence, the New Draft read once and assigned for second reading later in the day.

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-117) on Bill "An Act to Include the Term 'Sexual of Affective Orientation' in the Maine Human Rights Act" (S. P. 237) (L. D. 679)

Report was signed by the following members:  
Senators:

TRAFTON of Androscoggin  
VIOLETTE of Aroostook  
COLLINS of Knox

— of the Senate.

Representatives:

SOULE of Westport  
HAYDEN of Durham  
HOBBINS of Saco  
DRINKWATER of Belfast  
BENOIT of South Portland

— of the House.

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

Report was signed by the following members:  
Representatives:

JOYCE of Portland  
LIVESAY of Brunswick  
FOSTER of Ellsworth  
REEVES of Newport  
CARRIER of Westbrook

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-117) as amended by Senate Amendment "A" (S-123) thereto.

In the House: The Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBINS: Mr. Speaker, Ladies and Gentlemen of the House: I move the acceptance of the Majority "Ought to Pass" Report.

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

Mr. CARRIER: Mr. Speaker, I move that L. D. 679 and all its papers be indefinitely postponed and I would ask for a roll call.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves that this bill and all its accompanying papers be indefinitely postponed in non-concurrence.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: I stand as a cosponsor of this particular L. D. and would ask you to support the strong majority report of the Committee on Judiciary and vote against the motion for indefinite postponement.

This legislation, despite many misleading attempts to color it otherwise, is a fundamental human rights—civil rights issue with its roots at our principles of equality and justice.

In considering your vote today, it is extremely important to understand precisely what this bill will and will not accomplish. The bill will extend the protection of the state's human rights amendment that was enacted in 1969 to gay citizens in the state the same protections that are now guaranteed to other minorities in the state. The bill will prohibit discrimination in the areas of employment, housing, credit and public accommodations when the issue is solely an individual's sexual preference.

The bill does not, however, require landlords to rent to gay tenants, it will not require employers to hire gay employees. It will not, as some have consistently suggested throughout debates on this subject, promote or encourage homosexuality nor will it extend the concept of affirmative action to homosexuals. The Bill is very simply and very straight forwardly an anti-discrimination measure.

National authoritative studies have determined that 10 percent of the population of this country is made up of homosexuals, and that translates into just about 100,000 people in the State of Maine. That figure represents a very significant minority of our population.

The need for the protection that is offered by this legislation has always been quite clear. Public testimony at the Judiciary Committee hearing four weeks ago demonstrated that people have been fired from their jobs, have

not been able to get employment for jobs for which they were qualified and have been refused housing solely because they were homosexuals.

The fact that prejudice against gays exists is undeniable. Sometimes that prejudice is very subtle but very often it is open, it is very cruel, and it is very vicious. It is that type of discrimination that this particular bill seeks to prevent.

Among the arguments that you have heard in the letters and the telephone calls that you have already received and I suspect that you will hear today from the opponents on this bill, that if the bill is passed, there will be a strong contingent of teachers hired by the public schools and that those teachers, once in the classroom, will advocate a gay lifestyle and that that will have a very serious negative effect upon impressionable young school children.

One of the organizations that is in support of this legislation is the Maine Teachers Association, and they in testimony to the Judiciary Committee have made it very clear that if any teacher advocates in a classroom any particular lifestyle or any particular religious belief, that teacher can be fired under just cause provisions. Whether we have this bill or not that situation is not going to change, so that particular fear and that particular argument that is used by the opponents is unfounded.

Opponents argue that the passage of this bill will legitimize homosexuality and somehow make it an acceptable way of life. Such an argument, I think, is irrational and without merit.

If the bill is enacted, we will continue to have statutes on the books in this state pertaining to inappropriate and illegal conduct there will continue to be sanctions against child molesters and we will continue to have laws prohibiting sexual misconduct. None of that will change because of the passage of this legislation.

One of the more insidious arguments that is used to try to defeat this bill is the not so subtle suggestion that if the bill were to pass, it will result in an increase in incidences of perversion and incidences of child molestation.

Last week, members of the House had distributed to them this particular flyer. It is a copy of the Maine Sunday Telegram article describing the very tragic case of a 23 year old young Rockland man who now faces execution in the gas chamber in the state of California. The handout has underlined several paragraphs and several sentences that deal with the charges for which the young man was convicted, rape and murder, and also lined passages dealing with incidences of molestation when this boy was very young. On the back of the handout is printed in "Would L. D. 679 have helped or hindered this young man?"

For the record, over 90 percent of the incidences of sexual assaults on children, not only in Maine but across the country, are perpetrated by adult males on young girls, not by homosexuals. To suggest that this bill is going to lead to increased incidences of this type is simply not true and is a very vicious type statement.

A week and a half ago, members of this House received a copy of Pastor Herman Frankland's epistle to his members describing the implications of this bill. In that statement, he describes homosexuals as "degenerates, perverts and the dregs of society" and suggests that the passage of this bill may eventually lead to similar protections being extended to murderers and to rapists and to other people of that sort.

The prime sponsor of this bill, I think, appropriately responded to that particular epistle in an editorial that appeared in the Bangor Daily News last Friday and suggested that Frankland's own views, in and of themselves, were sufficient reason for the need to pass this

type of legislation. In Pastor Frankland's message, he suggested that the bill has an increased chance of passing in this legislature because, to quote him: "The Democrats have the whole pie now in terms of control." In all the years that this type of legislation has been before the legislature, this is the first time that someone has seriously suggested that this bill is a partisan issue. That simply is not true. Democrats and Republicans have always been and will continue to be on both sides of this issue. To the degree that the Democratic Party has always stood up and fought for the rights of the minorities is reflected in Democratic support for this bill, but Republicans have a proud history also of fighting for the rights of minorities and they, too, stand in support of this legislation. This, I think the members of this body can understand very quickly, is in no way a partisan issue.

This is a very difficult bill for members of the legislature to vote on. In some ways it is too bad that the vote couldn't be conducted by a secret ballot, because if it were, I suspect that it probably would pass overwhelmingly. The need for the bill is evident and I think that is reflected in the vote of the Judiciary Committee. There were very many people who had the courage to speak publicly at the public hearing but there were very many others who were afraid to show up, people are being forced to live lives of double identities, who live in constant fear and paranoia, who practice deception because of their sexual preference. It is those types of people that this legislation hopefully will help.

I would urge the members of this House to vote against the motion for indefinite postponement so that we may take a very historic and courageous step and finally enact this bill.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I will be very brief because I have already taken too much of your time this morning, and because I believe that this House will never vote for this measure, I am not going to waste a lot of your time. I have a two-page speech written here that if it goes further I might have to ask your indulgence with it but you have just heard one man's opinion. Now I am not going to pass an opinion at this time because you might think I was prejudiced, but I am going to tell you that I am here by a large majority vote from the district that I come from and I am not here representing minorities, I am here to represent the majority of the people that sent me here and perhaps that has something to do with my tenure here. I believe in government by the people, by the majority of the people, and I think that is probably the chief reason why I shall vote against this bill this morning.

I have tried to get a contention of the thoughts of my people back home and a lot of the people that I represent are quite religious and they believe that there was a great Creator back many years ago that created the universe and the people that are on it and having this been so, and which I don't quibble with, there would only have been a need to have one sex created, there wouldn't need to be two. That is one of the things they seem to believe, so with this in mind, I will not bore you with the two-page speech that might be interesting and might even make you have a little chuckle, but this morning I have confidence in this House that you are not going to vote for this bill but will vote to indefinitely postpone it, so why should I take a lot of your time?

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Almost four years to the day the National Board of Psychiatrists in the United States have ruled and have come to the conclusion that these gay people, it is a sickness, it is not something that you are born with, it is a sickness. I really believe that and I want

to be part of the solution and I thought of how we could take care of it—these people need help. We should treat it just like alcoholism, give them their rights but give them the right to be treated, give them a toll-free number so they can get help. I have seen plenty of these people, they are good people, but they do have a problem. They drink excessively, not all of them, but quite a few of them that I know are ashamed and they drink a lot and I really believe they need help. I would be willing to vote to help them but I am not going to vote for this because this is—we are not going to be encouraging them but we are condoning it and I don't believe that it should be condoned, no more than the alcoholics. We don't condone alcoholics, do we? It is a sickness and we know it and we are trying to help them. Let's try to help these people too, but let's not vote for this. Let's vote for indefinite postponement.

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

Mr. BAKER: Mr. Speaker, Members of the House: I would like to correct the member, Mr. McHenry. In the early 1970's, the American Psychiatric Association removed homosexuality from its list of disorders and diseases.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I stand before you today as one of the eight signers of the Majority "Ought to Pass" Report from the Committee on Judiciary to speak in favor of this piece of legislation. This legislation seems to generate more fear than any other piece of legislation we will deal with this legislative session. This fear is not restricted to the opponents of the bill; it is felt on both sides of the issue.

The opponents of this bill are fearful of gay teachers in schools advocating a gay lifestyle, gay people being entitled to having special job protection and the decline of the family unit.

Passing this legislation would have no significant effect on any of these situations. Currently there are gay teachers in our schools and they will continue to be there whether or not this bill passes. The fear of the gay teachers will somehow recruit our young people to be homosexual is based on two assumptions; first, that homosexuality is a learned behavior. If that were a learned trait, it seems that there would be many fewer gay persons. They do not choose heterosexuality despite the constant presence and example of heterosexual parents and role models in their early years of socialization. As a noted columnist said, Russell Baker: "If he had been influenced by teachers, he would have grown up to be a nun." The final decision is not yet in as to why people are heterosexual or homosexual; however, I seriously doubt that thousands of Maine citizens, and I repeat that, thousands of Maine citizens, would actively choose a lifestyle that would place them in constant fear of losing their jobs, their homes or their credit.

The second assumption used against this bill is that all homosexuals, especially teachers, are evangelical in their approach. Luckily, we are protected from such behavior by our school boards' code of ethics, and, as the good gentleman from Portland said, by state statute, and in more extreme cases, ladies and gentlemen, by the criminal laws of the State of Maine.

This is not an affirmative action bill, it does not set quotas for hiring gays, it is only, ladies and gentlemen, an anti-discrimination bill. It simply states that homosexuality is no longer a valid reason to deny a person employment, housing or credit.

As for the concern over the breakdown of the family unit, this is a social problem that affects all of us and should concern all of us as well. To say that passage of this bill will somehow further exacerbate this problem is a fallacy. Negative social pressures towards gays encourage many homosexuals to enter hete-

rosexual relationships and unions, many of which later on cause divorce.

Now I would like to address, if I may, those of you who are sympathetic with the goals of this legislation yet you are fearful of voting for its passage and you are fearful of whether or not you would be reelected if you voted for this legislation. In fact, some of you who have voted for this measure in the past session, in fact the previous two sessions, had to defend your vote in campaigns. I can stand before you and tell you that that was the case with me in 1980. Fortunately, by a substantial margin I was reelected. In fact, it had such an impact in 1982 that I ran unopposed. This one issue will not win or lose an election for all of us; as you know, people are above that.

Others of you feel that there is no need for this legislation, that it is covered under other areas of the law. If that were so, why were over 50 potential discrimination cases which were presented to the Human Rights Commission turned away because of lack of jurisdiction?

We must all stop judging people's abilities to be good teachers, good employees, good neighbors and good credit risks by any other measures except their actions. As long as people do not impose their sexual preferences on others in any way prohibited by our criminal law, we have no place denying them the basic civil rights afforded to all citizens. The bottom line, ladies and gentlemen of this House, is that this is a basic civil rights issue. Historically, all prejudice and discrimination have been based on fear, and many of the arguments used today are similar to those arguments that were used in the past against the Irish, the Catholics, the blacks and women in their struggles for justice.

In my home town of Saco, my family was discriminated against because I am part Franco and because I am part Irish and because I am proud to be a Catholic. It was only 50 years ago that that happened in my home town. Fortunately, these struggles have subsided. It was less than 40 years ago that fear ruled this world and, in fact, I thought it only appropriate to share with you something that has stayed with me for many years, and that was the comments of a Protestant Minister who was imprisoned by the Third Reich, and he said very appropriately, "In Germany, they first came for the Communists, I did not speak because I was not a Communist; they then came for the Jews, I did not speak because I was not a Jew; they then came to fetch the workers, the members of the trade unions, I did not speak because I was not a trade unionist; afterwards they came for the Catholics, I did not say anything because I was a Protestant; eventually they came for me and there was no one left to speak."

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I have to agree partially with the comments that were made by the good Representative from Saco, Representative Hobbins, that no one should be denied any opportunity for jobs, housing and/or promotion, and I have to agree with that based on their sexual preference. However, I have to disagree with the intent of the bill, because if we do pass this bill, what we will be doing, we will be inviting all kinds of suits, complaints to the Human Rights Commission when someone is not selected for promotion or someone is not given the opportunity or refused a certain type of housing. What will happen is that they will holler discrimination and then this will place the individual on notice that he has to defend the action that he has taken. I have seen this happen before, not with gays or lesbians, but I have seen it with other minority groups. They always feel that if they are not promoted or someone else is selected, that whoever made the selection or was involved in the selection process was prejudiced and that is not the case. This will invite a lot of complaints to the

Human Rights Commission, and if we do pass this bill, I think we should increase the work force over there so they will be able to take care of all these complaints.

Over the weekend, for some reason I got quite a few phone calls from people that have a different sexual preference than I have, and when they called I asked them, can you tell me what this bill will do, why we need this? Can you tell me how you were discriminated? There was not one individual that was able to tell me that they were discriminated in jobs, housing or anything. So the problem may not be as profound as the proponents tend to make us believe that it is.

I hope that you will support the motion to indefinitely postpone this bill, we don't need it and then we can get on to some other business.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Maybe I am trying to be too brief to get to the point, but the good gentleman from Portland has pointed out, Representative Baker, that in 1977 these people were taken off by the Board of National Psychiatrists, that is correct, and I said four years to the day, almost, they have proven that this can be cured. Psychiatrists have proven that it can be cured and that is why I am saying that it can be cured. For the people who want to be helped, there is help available, but they must take that first step just like alcoholics. If they do not want to be cured, they will never be cured. If we do not provide any help for them, there will be no help for them unless they go and seek it for themselves. Some people do, some people can be cured without help, but there are very few.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you not to indefinitely postpone this bill. I have sat in this seat for the past six years and I have voted consistently on the premise that we who sit in this body should never, ever take a position of denying anybody's civil rights and this is, indeed, a civil rights issue.

I also rise to speak to you as a mother and as a woman. The issue of sexual deviation of sexual preference is not unknown to the women in this state and throughout the country. I think the majority of women's groups support the argument that there should be no discrimination against anyone for any reason. I therefore ask you not to vote for indefinite postponement.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I have been sitting here listening to all the debate and it is extremely emotional. Some of the speaker have spoken so well that it is hard to even follow them but there are some issues that I would like to address. It is also difficult to address some of the issues because they become very personal.

Some of the comments that Representative Racine made, if we do pass this bill will the Maine Human Rights Commission be faced with a slew of suits or complaints that will come from gay people. You know something? That was the same thing that was said over ten years ago about the Blacks. It was the same thing that was said about women and some still say it and it just is not true. If there is discrimination, real discrimination, then there must be a body such as the Human Rights Commission that make a judgement on that. It is not assumed, there is evidence, testimony, etc., before a decision is made.

Before I go on I would like to draw all of your attention to a handout that was put on your desks today and I would urge you all to read it. It was written by Senator Gerard Conley, President of the Senate, and I would like to quote just the very last line: "Toleration is good for all



or it is good for none. After all, we are all God's children."

I wish all of you could have attended the hearing on the gay rights bill. Some of the people that testified, it must have been very frightening and very difficult for them, not only for those that were gay but for people such as ministers and priests and mothers.

There was a mother that appeared before our committee and I want to read to you part of the testimony and she lives right here in Augusta and she gave us her name, she was not anonymous. "I have a son who is gay. I learned this when he was 18; he is 25 now. He said he thought his father and I had always known. I guess he thought he didn't know anything that we didn't know but we didn't. He is intelligent, good looking, tall, smooth, girls are always falling in love with him." She ended up by saying: "I wish the Judiciary Committee would send L. D. 679 to the legislature so that my son and all sons and daughters who are gay will get equal treatment. I want them to be able to rent apartments, I want them to be able to get credit so they can buy houses and whatever else they need. I especially want them to have an equal chance to get work and keep it, to be promoted as they deserve." I think this last line is one that we should all pay attention to—"Let me remind you that one person in ten is gay; everyone in this room has a relative or a friend who is gay." Some of us may not want to admit that but think about it. I can't imagine that there is a person who is gay, at least met a person, perhaps even been acquainted or perhaps even been good friends with a gay person, that does not mean that you condone his or her sexual behavior, that you encourage it or that you even approve of it but you can be friends with that person.

One of you addressed ministers, people from religious walks of life. We did have several ministers and priests that appeared before us. One was a Reverend from Whitefield; he said, "I did not always think of people of homosexual orientation as I do now; in fact, I used to feel very negative against them until I met a man who was homosexually oriented. I have become friends with him and admire his courage to stand up for his beliefs and rights. This person, plus a deeper look into God's word, has changed my mind and my outlook on homosexuality."

From a priest who said he had consoled a woman whose son had committed suicide because of homosexuality in his fear of discrimination. He said, "We do not judge the activity, it is the sexual orientation of homosexuality that makes this a legal question, not a moral question." He separated the sexual activity from the sexual orientation and went on to say that a person should not be discriminated against because of his or her orientation.

Before closing I would like to address that of teachers. As many of you may know, I resigned from teaching in November after having taught for nine years, so I think that gives me the right, because of my experience, to address this issue. While I taught in Portland during those nine years, I was certainly aware of those that I thought or suspected were homosexuals. I have to put it that way because I never really knew. I heard rumors and I had my own feelings about it, so for those of you who say that teachers 'may' affect your children, may impress them, may even recruit them, you don't even know whether teachers are homosexuals. I didn't know, I suspected some were but they may not have been, so where do we draw the line? Those that you suspect are homosexuals who are going to influence your children or those that some of you may know are and what do you think these teachers are going to do? They teach, they must abide by the same laws that you and I do.

In closing, I would urge you to please look into your hearts, I know that there are a lot of you who are very fearful of voting for this legis-

lation for whatever your reasons are, I don't know what they are but please look into your hearts and if you really believe that we should not discriminate against men and women who may have a different sexual preference than some of us do, please try to come forth and stand up and vote with the rest of us who will vote against indefinite postponement.

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

Mr. BAKER: Mr. Speaker, Men and Women of the House: Very rarely do I stand before you and identify myself as a sponsor or a cosponsor of a piece of legislation but I am proud to say that I am a co-sponsor of this bill. I have sponsored and cosponsored this bill for the past three sessions that I have been here.

I would like to respond briefly to the member from Biddeford, Mr. Racine, who would suggest that people would bring frivolous charges before the Human Rights Commission on grounds of discrimination on sexual preference. I would like to assure the member from Biddeford and the other members of this body that nobody takes this issue frivolously or would use this issue to bring about a frivolous suit. There has been much pain and suffering that has gone on with the discrimination and the abuse that have been heaped upon gay people.

When I was in high school, I had the opportunity to caddy at a country club, it was the Scarsdale Country Club. It discriminated against almost everybody, but in my case it discriminated against me because I am Jewish. I sat on the bench for weeks never being called out to work. I was the butt of several unkind comments. You are probably saying that that doesn't have any relationship to homosexuality, after all, it is a different thing. However, I found that upon going to college and being a theater major, as most of you know I am, one often was accused on the subject of a witch hunt as to whether or not one was gay or straight.

How often have many teachers been accused or dismissed from their jobs simply on the grounds that someone 'thought' they might be gay? What recourse would they have to defend themselves? I think that reason alone would be reason enough to pass this legislation, and I urge you today to defeat this motion and take the courageous step of passing 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. All those in favor of a roll call will vote yes; those opposed will vote no.

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

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: Here is one Republican who is supporting this bill and I would like to tell you why this morning.

Our discussion strikes at the very heart of American political philosophy—equal rights. The history of this country has been one long search for equality of rights, a counterpoint of philosophical statement on the one hand and practical application on the other. The key element has been time.

As we have dealt with the concept of equality over the past 200 years, the idea has expanded to include more and more initially excluded groups—blacks, women, American Indians, hispanics and now homosexuals. There are several milestones in our collective growth. The seed of equal rights was sown in the Declaration of Independence. It stated that every man is born equal, implied that every woman was born unequal, true at that time, the Fathers did not say that man is born

equal in strength or intelligence or inability to make a living, rather the Declaration implied that man is equal under the law. Inclusion of women would come much later.

The Federal Constitution, which was ratified in 1788, was amended in 1790 by the Bill of Rights, the first 10 amendments, but it wasn't until almost a century later that the 14th Amendment, specifically prohibited states from depriving any person of life, liberty or property without due process of law or denying to any person within its jurisdiction the equal protection of the laws.

The 14th Amendment was sufficiently vague, however, as to provide insufficient protection to black slaves. A few years later, the 15th Amendment guaranteed that the right to vote not be denied or abridged by state or nation on account of race, color, or previous condition of servitude.

In the years following the Civil War, the Blacks, in theory at least, had attained status and the rights guaranteed to all other Americans. The symbol was the ballot box. The women had taken over 50 years, well over 50 years; our day came in 1919 when the 19th Amendment to the Constitution granted women the right to vote. Theory was there; practical application was not there until later.

In the sixties, Blacks demanded their rightful place at the ballot box and at lunch counters, buses, jobs and schools. The Voting Rights Act of 1964 bore down on long-standing practices which prohibited Blacks from voting, finally activating the 15th Amendment.

The Equal Opportunity Act guaranteed equality to all minorities in the job market. The Equal Rights Amendments, the culmination of a hundred years of work, granted equal rights to women under the law as it passed Congress in the early seventies and went out to the states for ratification. Maine was one of the first states to ratify, and this year we applied those concepts to our own State Constitution.

Today, we are discussing discrimination against homosexuals and a bill to include them in the guarantee of rights of life, liberty, the pursuit of happiness and equality under the law. Given the historical concern over and the gradual movement towards equal rights for all, I cannot in all honesty deny this sizeable minority its fair share of equality. To the extent that they are denied, my own freedom and equality is diminished. So I urge you today to remember the past and how hard we have struggled to secure equality philosophically and practically.

We have a chance to write some history ourselves today. I hope, as the minister suggested in this morning's prayer, that you will temper your vote with justice and mercy and I urge you to vote against indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have been hearing the argument that women now have equal rights and blacks have equal rights but, you know, it is easy to identify a woman and it is easy to identify a black, and my contention is that it is going to be almost impossible to identify yourself as a homosexual, so I would like to pose a question to the lawyers who are supporting this bill—how do you prove in court or to a jury that a man is truly homosexual?

The SPEAKER: The gentleman from Stockton Springs, Mr. Crowley, has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: My response—is how do you prove he is not?

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I wouldn't dare attempt to

answer the last question. I rise here today as a signer that was opposed to this bill. I stand proudly here before you today to tell you I oppose that bill.

This bill will, for the first time, put into the statutes a behavioral position. Discrimination on the grounds of sex, that is prohibited now under the Human Rights Bill, and justly so.

We are asked to place on the statutes of the great State of Maine a standard which deals with a behavior. This bill does not deal with race, color, creed, or sex or natural origin, it deals with a behavior.

Yes, I have problems with this bill, and as the gentlelady from the gold coast in South Portland explained to you, she taught school for nine years. My children attended that school and they were often sad, after talking to other children, that they couldn't get into Ms. Benoit's class. They considered they were not one of the fortunates; she was an excellent teacher.

In those days, and that was long ago, nine years when she started, it might have been a little different. Teachers had their conferences every morning and every noon, but let me tell you what this bill will do and it seems to bother me right here (points to heart). Either I or any one of you could have a grandchild or a child in that third grade and by fate or by chance the teacher could be a homosexual. That teacher will not expound the virtue of his behavior, he will give them the three R's and the learning process will rarely be interrupted, but when this bill passes, if it passes, that teacher might someday make that remark, "I am a homosexual and I enjoy my lifestyle." I don't see that being wrong under the Human Rights Act. Where I have the problem is two weeks later when little Johnny is sitting around that table in his home and Uncle Bill has come up from Florida and he said right in the middle of dinner, Johnny, you have grown up and awful lot since I saw you last, three years ago. I remember how you told me you wanted to be a cowboy. Now, Johnny, tell me what you want to be. Johnny is all eager and Johnny says, well, Bill, I want to be a homosexual, my teacher is one and says it's great. I don't know what the response would be in that room; I think it would be tragic.

I have no problem with the Human Rights Bill the way it is now. I don't want to single out behaviors, I don't think it is necessary.

I was in the minority on that Judiciary Committee. I sat through every minute of the hearing. I talked to my constituents, both pro and con, and I will have no problem today to vote on this bill, and I will vote for the indefinite postponement.

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

Ms. BENOIT: Mr. Speaker and Members of the House: May I say to Mr. Joyce, surely you jest. You couldn't possibly know what it is like to be in a classroom today. I was even very careful not to tell my students that I was a Democrat, let alone that I was a heterosexual. Now, would they go home and say they want to be a heterosexual? How many of you truly believe that a teacher is going to stand in front of a class, whether its a third grade or a junior high and say, yes children, I am a homosexual, it is a wonderful way of life? How many of you believe that? Today, a teacher is so careful of everything he or she says because believe me, the parents or the kid or the principal or someone will be at your door before you even know it. That is part of what has taken the joy of teaching out of teaching, because I did have to be so careful.

But assuming that a teacher did say that, how many of you believe that a child hearing one statement is going to become a homosexual? Homosexuality is not learned from a moment of knowledge. It is perhaps a lifetime of learning, and I might add that I did ask a physician who appeared at the hearing, what causes homosexuality? I was informed by her

and others that the experts do not know. I surely will not profess that I know.

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

Mr. ANDREWS: Mr. Speaker, Men and Women of the House: I will be extremely brief. I would just like to respond to two questions that were raised during the debate. First of all, to Representative Joyce, freedom of religion is a protection under the Human Rights Act. That is a behavioral category that is protected. Secondly, to Representative Crowley's question, there is no need under this bill to protect someone or to prove that someone is a homosexual or a heterosexual. The bottom line is whether one has been discriminated against on the basis of sexual orientation, whether or not that orientation is actual or suspected; therefore, a person who is not a homosexual who is suspected of being a homosexual and therefore discriminated against would also be protected by this bill.

Finally, I am proud, ladies and gentlemen, as I read American history, that Americans have stood up despite their own personal views and have defended the fundamental principle of freedom and individual rights in this country, and as those Americans learned, freedom is more than just a catch phrase, it is a responsibility. I ask today that we accept the responsibility of freedom and reject the motion to indefinitely postpone this legislation.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I have held back because I think you have listened to great speakers, people with great vocabularies and enunciation and everything else, but I think we have to face the blunt fact of what this is all about. The blunt fact is, ladies and gentlemen, this is not a discrimination bill, I don't believe it is. I think it is a serious bill and one which will require your conscience to actually make a decision today, a serious decision.

You have heard many reasons why you should or should not vote for this bill. Actually, I can give you many reasons why this bill should not even be here. I think when we get involved, contrary to what some people say here, I think this is a moral bill. We are not talking about discrimination in housing or sex or any other thing. You are talking about, as Mr. Joyce said so ably, a bill for behavior and I don't believe we should pass it for people or groups who do not behave according to the accepted standards of society.

I think this is a bad bill. I think without boring you with statistics, you should know at the offset and you should ask yourself, and you probably have, you should ask yourself what the cause of homosexuality is. This is plain and easy but it is too dirty to say on the floor of the House.

I felt sorry, I really did, at the hearing, and this was not my first hearing, I have been there for quite a few of these hearings, but I felt sorry for the woman who came and made an appeal to us to do something for her son who was a homosexual. She was not the first lady there as far as the bill was concerned, but she was the first this year but not other years, and this is about the only sad part of it that I see in this part of the homosexuals, that people, mothers come and beg us to do something about it.

Well, what do you want to do about it? I think it is a solution of self-discipline. If you want to be a drunk, if you want to be a liar, if you want to be a thief, if you want to be a crook, if you want to be a legislator, it is up to you to put yourself in that position, and I say to you that self discipline, I have been taught that for years and that is what I think this country and all of us need, some of us. But I will tell you something else, that people over here say discrimination, discrimination, they get all bent because of discrimination. In my lifetime, like many of you people, I have worn patches, have

had plenty to eat with hard work and determination, hard work and the family unity, and that is how we were brought up—no money. You say, well, today people have changed, they have changed because you have determined yourself, you have disciplined yourself to what your priorities should be, that you should go to school, that you should go to college. I worked eight hours a day and I went through college. This is not an unusual accomplishment, anybody in this House, anybody outside has a chance to do it. Give yourself time, be consistent, live a good moral life and the reward is there at the end.

I just want to make a few comments on the statistics. One of the statistics is, ladies and gentleman, in Portland about two years ago they had an election. There were, whatever you call them, gays, I don't see them as gay because they never smile, they have got that withdrawn look, you look at them face to face and there is no eye contact, maybe they don't want to, I feel sorry for those people because I think they can take care of their own problems. They don't have to come to us and tell us that we have to take care of them. Whatever we do won't help them.

But I want to say to you that a couple of years ago we had an election in Portland and a gay ran. How many votes did he get? Out of 3,000—in Portland three to six thousand people vote—he got just about 200 votes, that is all he got. That gives you a message, that gives you an indication as to where these people are accepted and not accepted, and Portland is the center of—is the dumping ground, actually. All the people that come from the other states, where do they end up first? They end up in Portland and it is the ideal place to be, because if you haven't got any money, if you haven't got anyplace to sleep, if you don't care what you are doing, this is the place for you because you are not going to sleep on the street. There is always someplace, somewhere, good people, the 24-hour club, they will take you. The ideal place to go is Portland. If I want a free meal today, I would go to Portland.

They say, well, this will bring a lot of discrimination cases. We don't need discrimination cases. I never believed in discrimination cases. Discrimination is the best thing that ever happened to me, and I will put my integrity and I will put my character against anybody in this House, and this is not the cause of discrimination but the cause of hard work and family unity and the belief that somewhere along the line the good life is there and that is where they should be.

I can't see upstairs and I don't care who is up there, but I can only say to them that I am 57 years old, I am not 40, I am not 20, I can't say, gee, I don't know what is going on, I do know what is going on. I know what has been going on, and I know that the great services of the United States get the best, when they object, they don't accept homosexuals, then that is the time you want to consider our way of life. There is a good life out there and all they have got to do is actually reach and search for it by changing their animalistic behavior—this is a bad word but this is what it is.

I just say, you can generalize, and I don't believe, no matter how you vote or who you like or who you don't like, somebody would see that type of behavior right here today and they would approve of it, laugh and do nothing about it. I don't believe that. I think we are all human beings with a good, decent background and I think that we cannot accept that and I don't think your constituents are really to accept that either.

I know you will use your good common sense and that you will vote for the indefinite postponement.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, 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.

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

Mr. MCGOWAN: Mr. Speaker, I request permission to pair my vote with the gentleman from Durham, Mr. Hayden. If he were here, he would be voting no; if I were voting, I would be voting yes.

The SPEAKER: The Chair recognizes the gentlewoman from Rockland, Mrs. Melendy.

Mrs. MELENDY: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Athens, Ms. Rotondi. If she were here, she would be voting yes; if I were voting, I would be voting no.

#### ROLL CALL

YEA—Ainsworth, Allen, Anderson, Armstrong, Bell, Bonney, Bost, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, G.A.; Carter, Cashman, Clark, Conary, Connors, Cote, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Gwadodsky, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Joyce, Kane, Kelly, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, McCollister, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Andrews, Baker, Beaulieu, Benoit, Brannigan, Brodeur, Brown, K.L.; Carroll, D.P.; Chonko, Connolly, Cooper, Cox, Diamond, Hall, Handy, Higgins, H.C.; Hobbins, Joseph, Kelleher, Ketover, LaPlante, Locke, MacEachern, Martin, A.C.; Masterton, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Pouliot, Reeves, P.; Rolde, Soule, Stevens, Thompson.

ABSENT—Bott, Carrier, Gauvreau, Jalbert, Mahany, Norton, Seavey, The Speaker.

PAIRED—Hayden—McGowan, Melendy—Rotondi.

Yes, 101; No, 37; Absent, 8; Paired, 4; Vacant, 1.

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

By unanimous consent, ordered sent forth with to the Senate.

#### (Off Record Remarks)

On motion of Mrs. Martin of Brunswick,  
Recessed until four o'clock in the afternoon.

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

The House was called to order by the Speaker.

#### Study Report Committee on Aging, Retirement and Veterans

Representative Hickey from the Committee on Aging, Retirement and Veterans to which was referred by the Legislative Council the study relative to Recodification of the State Military Laws have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Recodify the State Military Laws" (H. P. 1199) (L. D. 1593) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, the Bill referred to the Committee on Aging, Retirement and Veterans, ordered printed and sent up for

concurrence.

By unanimous consent, ordered sent forth with to the Senate.

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

Representative Kiesman from the Committee on Energy and Natural Resources on Bill "An Act to Encourage Public Access to Shoreland" (H. P. 842) (L. D. 1092) reporting Leave to Withdraw

Representative Joyce from the Committee on Judiciary on Bill "An Act Relating to Termination of Tenancy at Will" (H. P. 401) (L. D. 484) reporting "Leave to Withdraw"

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

#### Ought to Pass in New Draft

Representative Brannigan from the Committee on Business Legislation on Bill "An Act to Authorize Out-of-state Credit Unions to Conduct Business in this State" (H. P. 948) (L. D. 1229) reporting "Ought to Pass" in New Draft (H. P. 1226) (L. D. 1620)

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

#### Ought to Pass in New Draft/New Title

Representative Murphy from the Committee on Education on Bill "An Act to Provide for Self-insurance for State Elementary and Secondary School Buildings" (H. P. 625) (L. D. 777) reporting "Ought to Pass" in New Draft under New Title RESOLVE, Authorizing the Department of Educational and Cultural Services to Conduct a Study of Self-insurance of Public School Properties (H. P. 1223) (L. D. 1619)

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

#### Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act to Include the Poverty Tax Abatements in Net General Assistance Costs" (H. P. 242) (L. D. 289)

Report was signed by the following members:

Senators:

BUSTIN of Kennebec  
GILL of Cumberland

— of the Senate.

Representatives:

WEBSTER of Farmington  
SEAVEY of Kennebunkport  
RICHARD of Madison  
PINES of Limestone  
MAYBURY of Brewer

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-242) on same Bill.

Report was signed by the following members:

Senator:

CARPENTER of Aroostook

— of the Senate.

Representatives:

BRODEUR of Auburn  
CARROLL of Gray  
MELENDY of Rockland  
NELSON of Portland  
MANNING of Portland

— of the House.

Reports were read.

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

Mrs. NELSON: Mr. Speaker, Men and Women

of the House: I move that we accept Minority "Ought to Pass" Report and would speak to my motion.

The SPEAKER: The gentlewoman from Portland, Mrs. Nelson, moves that the Minority "Ought to Pass" Report be accepted. The gentlewoman may proceed.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Under present law, municipalities who qualify because they reach their threshold in expenditures for welfare, which is .003 of the 1981 valuation, receive reimbursement from the state for 90 percent of their costs above the threshold; about a hundred communities qualify for those reimbursements. They are the larger communities plus many smaller towns in Aroostook, Kennebec, Oxford, Somerset, Piscataquis and Penobscot counties, and while the state reimburses for the cost of food, fuel, rent and the like, it does not pay when the town abates someone's taxes because a person is too infirmed or indigent to pay. This bill simply allows towns who receive state reimbursement to also claim tax abatements as a cost of general assistance to the poor.

I would hope that you would go along with the Minority "Ought to Pass" Report.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you today to vote against the motion currently before this body by Representative Nelson of Portland. I would like to explain briefly that my position on this legislation and my opposition to it.

I believe that this legislation will be detrimental to small towns. As a matter of fact, Mr. Paul LeVecque from the Department of Human Services came to our committee and after being questioned, he, too, agreed that this could be detrimental to the small towns.

Currently, as Representative Nelson has said, approximately 100 towns of some 490 towns in this state receive reimbursement under the general assistance reimbursement system. Some towns allow tax abatements under general assistance and some towns do not. My concern is, why should the constituents of mine, who do not allow tax abatements under general assistance, be required to pay through their taxes, income and sales, for these people who have their taxes abated under some other city or town's ordinance. This legislation will allow any town who receives reimbursement under current law to virtually write off any bad debts, any property tax that they can't collect they will write off in general assistance.

I suggest that this legislation is, indeed, discriminatory. Why should some towns be allowed to write off their bad debts while others are not because they don't reach the magic plateau of general assistance that they have paid out?

To explain further, I oppose this measure because I don't feel that because some over-generous city council prefers to disallow property taxes, that my constituents and your constituents in those small towns should have to pay. In my town, I have no knowledge of any elderly person ever losing their home because they couldn't pay their taxes. Rather, in my district in Farmington, we would place a lien on an individual's property and work out some arrangement to pay the taxes. We are not going to every taxpayer in this state who pays sales and income tax asking you to pay for our bad debts.

Very simply, I feel very strongly that this issue should be defeated, I hope you will vote against this measure and I would ask for a roll call.

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

Mr. CASHMAN: Mr. Speaker, Men and Women of the House: It seems as though the good gentleman from Farmington, Mr. Webs-

ter's arguments are in opposition to the current practice of reimbursement to communities who exceed the statutory limitation or maximum on general assistance payments and not so much with this bill.

It seems to me that the current system provides for reimbursement where the general assistance is given in the form of rental assistance to provide a roof over the head of the person who is applying for the general assistance. The practice for providing for property tax relief under the poverty provisions of the statutes is, to me, no more than a rental reimbursement. It is meant to provide a roof over the head of the applicant who can't afford to pay their property taxes, and in point of fact, that practice is general assistance and I see no reason why it shouldn't be reimbursed in the formula that is presently being used.

I would urge the House to support the motion of the gentleman from Portland.

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

Mr. BAKER: Mr. Speaker and Members of the House: Currently, towns in which they have to pay more than 3/10 of a mill for welfare costs are reimbursed by the state. This bill would add property tax abatements to food, fuel and other costs that are already reimbursable. I would like to read off just a sampling of some of the 100 towns which this could benefit.

In Androscoggin County, there is Livermore; in Aroostook, Allagash, Caribou, Eagle Lake, Fort Fairfield, Houlton, Madawaska, Presque Isle, Stockholm, Van Buren—all small towns, I believe; Cumberland County, Harpswell; Sullivan in Hancock County; in Kennebec, Chelsea, Winthrop; in Lincoln, Somerville; in Oxford County, Hanover, Oxford, Paris, Porter, West Paris; in Washington County, Cherryfield, Danforth, East Machias, Machias, Perry; in York County, Buxton, Cornish, Hollis, South Berwick. I will stop there. I have a list if anyone wants to see it at some point in the future.

The point is that this bill does benefit those towns, they are small towns and I know it would be a great help and that is why I believe you should accept the Minority "Ought to Pass" Report.

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

Mr. MCCOLLISTER: Mr. Speaker and Members of the House: I would like to add the name of Canton to that list because at the next town meeting, I assure you, we will have paid enough taxes of our elderly so that the state will help pay our tax bill.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I speak this afternoon as a tax collector and also a general assistance administrator. I have to oppose this bill today because I think what you are doing is something that I should be in favor of. What I see happening here is, if I see a situation where there is a property tax that I can't collect, I would let it go so that the property would become tax acquired and then I would recommend to my board of selectmen that they abate it so that I could add the abatement onto our general assistance claims so that we would be able to get reimbursement like the other hundred municipalities.

At the present time, our town doesn't have enough general assistance that would come up to get the reimbursement, but it sounds like here today that if we should pass this legislation, it would only be a matter of time that there is going to be additional towns added, so I can see a cost in the future to the state not only for the hundred municipalities that are already receiving it but also to additional municipalities.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would just like the House

to know that this practice is being done right now under rules and regulations of APA rules. It was set up within the last year, and even if this doesn't go through in legislation, it is still being done by the APA rule.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: One last parting shot. Providing property tax abatement is akin to providing rent payments. Without it, we discriminate against homeowners who are in need as opposed to renters who are in need.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mrs. Nelson, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Andrews, Baker, Bost, Bott, Brannigan, Brodeur, Carroll, D.P.; Cashman, Connolly, Cox, Diamond, Hall, Handy, Hickey, Hobins, Ingraham, Kelleher, Kelly, LaPlante, Manning, McHenry, Melendy, Mitchell, J.; Murray, Nadeau, Nelson, Reeves, P.; Rolde, Thompson, Vose, Walker.

NAY—Ainsworth, Allen, Anderson, Armstrong, Beaulieu, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Carter, Chonko, Clark, Conary, Conners, Cooper, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Jackson, Jacques, Joseph, Joyce, Ketover, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Martin, A.C.; Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, McCollister, McGowan, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Moholland, Murphy, E.M.; Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammara, Theriault, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Benoit, Carrier, Cote, Hayden, Higgins, H.C.; Jalbert, Kane, Mahany, Masterston, Murphy, T.W.; Roberts, Rotondi, Seavey, Soule, Telow, Tuttle, The Speaker.

Yes, 30; No, 103; Absent, 17; Vacant, 1.

The SPEAKER: Thirty having voted in the affirmative and one hundred and three in the negative, with seventeen being absent and one vacant, the motion does not prevail.

Thereupon, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

#### Consent Calendar First Day

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

(S. P. 254) (L. D. 799) Bill "An Act to Increase the Fees and Expenses for Medical Examiners"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended

by Committee Amendment "A" (S-118)

(S. P. 296) (L. D. 911) Bill "An Act to Reinstate the Large Print Book Program at the Maine State Library"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-119)

(H. P. 759) (L. D. 990) Bill "An Act to Discourage Frivolous Court Cases"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-243)

No objections being noted, under suspension of the rules, the above items were given Consent Calendar, Second Day, notification, the Senate Papers passed to be engrossed as amended in concurrence and the House Paper passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

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

Bill "An Act to Establish Job Development and Entrepreneurial Training Funds Within the State Development Office" (H. P. 1229) (Presented by Representative Erwin of Rumford) (Cosponsors: Representatives Melendy of Rockland and Norton of Biddeford) (Submitted by the State Development Office pursuant to Joint Rule 24)

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

By unanimous consent, ordered sent forthwith to the Senate.

#### Passed to Be Engrossed

Bill "An Act to Protect the Public from Unsafe Pesticide Use" (S. P. 553) (L. D. 1602)

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

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

House Amendment "A" (H-245) was read by the Clerk.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: This amendment has the fiscal note which appeared in the Statement of Fact but was left out in the drafting.

Thereupon, House Amendment "A" was adopted.

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

#### Orders of the Day

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

Bill, "An Act to Establish a Commission to Review and Evaluate the University of Maine System" (S. P. 537) (L. D. 1566)

Tabled—May 13, 1983 by Representative Kelleher of Bangor.

Pending—Passage to be Engrossed.

On motion of Mr. Kelleher of Bangor, tabled pending passage to be engrossed and specially assigned for Thursday, May 19.

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

SENATE REPORT—"Ought to Pass" as amended by Committee Amendment "A" (S-116) — Committee on State Government on Bill "An Act to Expand the Tourism Promotion Program" (Emergency) (S. P. 451) (L. D. 1372) Tabled—May 16, 1983 by Representative Carter of Winslow

Pending—Acceptance of Committee Report.

On motion of Mr. Gwadosky of Fairfield, tabled pending acceptance of the Committee Report and tomorrow assigned.

The Chair laid before the House the third

tabled and today assigned matter:

An Act to Make Extreme Anger or Extreme Fear Brought About by Adequate Provocation an Affirmative Defense which Reduces Murder to Manslaughter, and to Create the Crime of Intentional or Knowing Manslaughter (S. P. 447) (L. D. 1368)

Tabled—May 16, 1983 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

On motion of Mr. Hobbins of Saco, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-247) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: Just a matter of clarification. It appeared that when this bill was drafted by the Attorney General's Office, it made an inadvertent error by removing a section of the bill which repealed the penalty provisions for manslaughter. As you can see, what could have occurred is, there could have been no penalty provisions for the crime of manslaughter without this amendment. I urge passage.

Thereupon, House Amendment "A" was adopted.

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

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

An Act to License Waste Oil Dealers and to Include Waste Oil Within Coverage of the Maine Hazardous Waste Fund (H. P. 389) (L. D. 472) (C. "A" H-223)

Tabled—May 16, 1983 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

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

An Act to Amend the Statutes Governing the Licensing and Approval of Adult and Child Care Programs (H. P. 791) (L. D. 1032) (C. "A" H-208)

Tabled—May 16, 1983 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

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

Bill, "An Act to Revise the Truancy Laws" (H. P. 877) (L. D. 1131) (C. "A" H-213)

Tabled—May 16, 1983 by Representative Diamond of Bangor.

Pending—Motion of Representative Connolly of Portland to Reconsider whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-213)

On motion of Mrs. Locke of Sebec, tabled pending the motion of Mr. Connolly of Portland to reconsider and tomorrow assigned.

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

An Act Relating to Drinking in Public (S. P. 420) (L. D. 1273) (H. "A" H-201 to C. "A" S-86)

Tabled—May 16, 1983 by Representative MacEachern of Lincoln.

Pending—Motion of Representative Hobbins of Saco to Reconsider whereby the Bill Failed of Indefinite Postponement. (Roll Call Requested)

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't reconsider this bill to have a roll call on it. We are going to have a roll call on it, but I hope you don't reconsider it.

There were several questions that were raised the last time we discussed this bill. One was, could you give notice to somebody for the first time, which we definitely do. Secondly, does this bill concern bottle clubs—no, it definitely does not, we have established that.

There was an amendment to the bill and the amendment was in regard to public buildings. In the old bill which is existing right now, we will say a schoolhouse, a person can be drinking and a policeman can go to that person and say "do not drink" under the old bill, and all the person has to say, the person that has charge of that building, happens to be the janitor, "I have permission to drink here." Consequently, that is not the right thing to do.

The amendment makes clear that the government owned or privately owned place that is otherwise within the definition of a public place is not considered a public place during a private event or gathering to which there is no access to the public at large. This includes such events as wedding receptions, birthday celebrations and other parties where guests are by private invitation only and the general public is excluded—that was another problem.

The amendment also has a provision requiring a personal warning by a law enforcement officer as exists in the current law.

This bill went before our committee and there was no opposition to the bill whatsoever. Russ Burton, president of the Maine Police Chiefs Association supported the law. Jack Wyman, Christian Civic League, supported the law. Captain Martin of the Bureau of Liquor Enforcement supported the law and suggested that perhaps it ought to include automobiles.

Under either one it is a Class E crime and under the new one, new bill, the bill that we are talking about right now, it can be upgraded if a person is a habitual offender.

I think if you want to prevent drinking in your schools and public buildings and on the streets, you should support the bill as it is now, and I respectfully request that you not change the existing law.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: As I stated to you yesterday when I made the motion to reconsider our action, I said that there is not a compelling reason to amend the present law. To reiterate what I said yesterday, the present law was the result of comprehensive negotiations between members of the Legal Affairs Committee, members of the Judiciary Committee, the good gentleman from Kennebunk, Mr. Murphy, the good gentleman from Old Orchard Beach, Mr. McSweeney. We were instructed at that time by the Speaker not to come out of the room until we had a compromise, we had a bill, and, of course, we listened to our Speaker and came out of that room with a workable bill.

If we change the law, I am afraid that there will be a lot of litigation that will take place in regard to the interpretation of what is and what is not a private event. The issue might be easy when the event is sponsored by a private club like the Elks or the Eagles or the annual meeting of those organizations, but for organizations which charge an entrance fee, as you know, we would be playing semantic games of saying that the entrance fee is a membership fee and therefore it is in fact a private event.

As I stated yesterday and as I will state on the floor again, there is no compelling reason to change the present law. The present law has worked well. It has alleviated the problems in our coastal communities.

Last summer and the summer before in the town of Old Orchard Beach, we did not have

the problems that we had in previous years. It gives law enforcement officers, under present Maine law, the right, if that person disrespects the warning given by that law enforcement officer, to arrest that individual, to take that person into custody. It is a very good mechanism, it is a very good safety valve.

As I mentioned before, I think we are opening up a can of worms when we are dealing in the area of public drinking. If anyone here can show me a fault with the present law or how it has been unjust that wasn't the fault of someone involved, then I might be persuaded to change my position.

As I stated yesterday, I respect the Legal Affairs Committee for the hard work they put in, I respect the good chairman from Brewer, but I think that once that was in place, it was a workable compromise and something that I don't think we should tinker with this session.

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 Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to delay this debate, but I just have to answer one thing. If you think this is a good law, you are allowing children to drink in the schools and you are allowing people to drink on the streets, because all you have to do is get permission from the person, the janitor at the school or anybody. Sure, that person is responsible, but that doesn't allow the policemen to take any action.

I hope you vote against this.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I must be speaking a different language, but I think that the last statement that was made is factually inaccurate; that is not the status of the present law, and I am disappointed to hear someone use the old emotional argument of students drinking and all of that. We have plenty of laws on the books to take care of that now.

I would like to ask the gentleman from Cumberland or anyone else a factual question, and that is a hypothetical—when someone rents a field from a farmer to hold a concert and opens the event for the general public for a fee, is any drinking by the members of the public privileged—remember now, in the bill we talk about privileged—because the owner of the field should have known that the rental for this purpose would include drinking?

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that the House reconsider its action whereby this Bill failed of indefinite postponement. All those in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Bost, Bott, Brannigan, Brodeur, Carroll, D.P.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Crowley, Daggett, Diamond, Dudley, Erwin, Gauvreau, Gwadosky, Hall, Hickey, Higgins, H.C.; Hobbins, Jackson, Jacques, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; McCollister, McGowan, McHenry, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Pouliot, Racine, Randall, Richard, Roberts, Roderick, Rolde, Soucy, Stevens, Tammaro,

Therault, Vose, Webster, The Speaker.

NAY—Anderson, Bell, Bonney Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Conary, Connors, Cox, Crouse, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Handy, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Lisnik, Livesay, MacBride, Martin, A.C.; Masterman, Matthews, K.L.; Maybury, McPherson, McSweeney, Murphy, E.M.; Paradis, E.J.; Parent, Paul, Perkins, Perry, Pines, Reeves, J.W.; Ridley, Salisbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Stover, Strout, Swazey, Thompson, Walker, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Benoit, Carrier, Cote, Hayden, Jalbert, Kane, Mahany, Masterton, Murphy, T.W.; Reeves, P.; Rotondi, Seavey, Soule, Telow, Tuttle.

Yes, 72; No, 63; Absent, 15, Vacant, 1.

The SPEAKER: Seventy-two having voted in the affirmative and sixty-three in the negative, with fifteen being absent and one vacant, the motion does prevail.

The pending question now is on the motion to indefinitely postpone. The Chair will order a vote. All those in favor of this Bill and all its accompanying papers be indefinitely postponed will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Sent to the Senate.

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

The following Communication:

The Senate of Maine  
Augusta

May 16, 1983

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

The Senate today voted to Adhere to its action whereby "An Act to Amend the Unfair Trade Practices Law" (H. P. 570) (L. D. 718) was Indefinitely Postponed.

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

The Communication was read and ordered placed on file.

#### Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-122) on Bill "An Act Concerning the Size of Exempt Lots Under the Subdivision Laws" (S. P. 462) (L. D. 1411)

Report was signed by the following members:

Representatives:

McGOWAN of Pittsfield  
KIESMAN of Fryeburg  
MICHAEL of Auburn  
HALL of Sangerville  
MICHAUD of East Millinocket  
BROWN of Livermore Falls  
DEXTER of Kingfield  
RIDLEY of Shapleigh  
JACQUES of Waterville

— of the House.

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

Report was signed by the following members:

Senators:

McBREAIRTY of Aroostook  
KANY of Kennebec  
PEARSON of Penobscot

— of the Senate.

Representative:

MITCHELL of Freeport

— of the House.

Came from the Senate with the Minority "Ought Not to Pass" Report read and accepted.

Not to Pass" Report read and accepted.

In the House: Reports were read.

On motion of Mr. Hall of Sangerville, the Majority "Ought to Pass" Report was accepted in non-concurrence, and the Bill read once.

Committee Amendment "A" (S-122) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended in non-concurrence and sent up for concurrence.

#### Non-Concurrent Matters

Bill "An Act to Prohibit Smoking in Indoor Public Waiting Areas" (H. P. 957) (L. D. 741) on which the Majority "Ought to Pass" in New Draft under New Title Bill "An Act to Regulate Smoking in Public Buildings" (H. P. 1203) (L. D. 1597) Report of the Committee on Health and Institutional Services was read and accepted and the New Draft passed to be engrossed in the House on May 13, 1983.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Health and Institutional Services read and accepted in non-concurrence.

In the House: On motion of Mrs. Nelson of Portland, the House voted to Insist.

Bill "An Act to Authorize Municipalities to Guarantee Delivery of their Solid Wastes to Specific Waste Facilities" (H. P. 1048) (L. D. 1392) which was passed to be engrossed in the House on May 12, 1983.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-120) in non-concurrence.

In the House: On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and tomorrow assigned.

An Act to Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration (S. P. 539) (L. D. 1574) which was passed to be enacted in the House on May 13, 1983.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-121) in non-concurrence.

In the House: On motion of Mr. Gwadosky of Fairfield, the House voted to recede and concur.

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

#### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Amend the Interception of Wire and Oral Communications Law" (H. P. 845) (L. D. 1095) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-244)

Report was signed by the following members:

Senators:

COLLINS of Knox  
VIOLETTE of Aroostook  
TRAFTON of Androscoggin

— of the Senate.

Representatives:

DRINKWATER of Belfast  
LIVESAY of Brunswick  
FOSTER of Ellsworth  
HAYDEN of Durham  
JOYCE of Portland  
HOBBINS of Saco

— of the House.

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

Report was signed by the following members:

Representatives:

REEVES of Newport  
BENOIT of South Portland  
SOULE of Westport  
CARRIER of Westbrook

— of the House.

Reports were read.

On motion of Mr. Hobbins of Saco, the Major-

ity "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-244) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Fisheries and Wildlife on Bill "An Act to Regulate the Season on Coyotes" (H. P. 985) (L. D. 1290) reporting "Ought to Pass" in New Draft (H. P. 1227) (L. D. 1621)

Report was signed by the following members:

Senators:

USHER of Cumberland  
REDMOND of Somerset  
DOW of Kennebec

— of the Senate.

Representatives:

CONNERS of Franklin  
ERWIN of Rumford  
MacEACHERN of Lincoln  
SMITH of Island Falls  
GREENLAW of Standish  
RODERICK of Oxford  
PAUL of Sanford

— of the House.

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

Report was signed by the following members:

Representatives:

KELLY of Camden  
CLARK of Millinocket  
JACQUES of Waterville

— of the House.

Reports were read.

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

Mr. MacEACHERN: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves that the Majority "Ought to Pass" in New Draft Report be accepted.

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

Whereupon, Mr. Gwadosky assumed the Chair as Speaker pro tem and Speaker Martin retired from the hall.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: As you can see, I signed the minority report and you won't see me do that very often in the Fisheries and Wildlife Committee.

I first would like to address the title of this bill, An Act to Regulate the Season on Coyotes. It is just a little misleading. What the bill actually does is allow for the hunting of coyotes at night. I have just a few problems with this bill, that is why I am not going to go along with it, and I would like to bring those problems forward so that you can understand where the three of us on the minority report come from.

This bill is designed to enable someone to go out one half hour after sunset to one half hour before sunrise with a so-called jutebox or a mechanical tape player that makes the sound of a dying rabbit or a young deer in distress and sitting with an amber colored light or a red colored light, wait for a coyote to come into sight and blast the heck out of them. That is what this bill would basically do.

Under the present law, to get somebody for night hunting, they have to have all the capabilities of night hunting. In a court of law, that means a flashlight, that means a weapon and that means cartridges to fit that weapon. That also means that they will be out there a half hour after sunset to one half hour before sunrise.

My big problem with this bill is that I can see

this as being a license to poach, a license to night hunt, because under the current law you have to meet that criteria in order to prosecute for night hunting. The person does not have to fire a shot and he does not have to kill a deer, he just has to establish the intent that he is out there looking around for something, basically a deer, with the weapon and the flashlight.

This original bill addressed December, January and February on the assumption that the deer wouldn't be out in the fields at that time roaming around. That may be correct when you have plenty of snow. What they did, they took December off. This last year, for a perfect example, the deer were eating frozen apples way up into the middle of January and the end of January. That means they would have been on the edge of the fields and they would have been very easy targets.

What this bill proposes to do is give a permit to someone to go out and hunt coyotes, a permit given by the Commissioner. That will give that person a legitimate right to be out in the woods at all hours of the night supposedly hunting coyotes, and there will be no prosecutions of night hunting unless they can actually catch the person shooting and possessing that deer. If that is what you want, that is what you are going to get.

This bill is intended to save the deer from the coyotes. Well, I would say that it may save the deer from the four-legged coyote, but it is really going to raise havoc with it from the two-legged coyote. I know some guys very well that will jump right on this opportunity to be out there bagging the heck out of some deer and selling them for \$25 or \$35 a whack or keeping them for themselves. I think it will be a very poor precedent to set to allow these people in the woods with their special permits.

One final point, let's say someone has the equipment to night hunt, they have got the flashlight and they are out in the woods and a game warden arrests them, what does he arrest them for, night hunting? Does he arrest them for hunting coyote without a permit? There is a \$500 mandatory fine for night hunting, three days in jail, loss of rifle and loss of vehicle if the vehicle is involved. Hunting coyote without a permit, unless it is specified in the statutes, which it isn't, is a Class E crime with a fine from zero to \$500 and chances are the judges, if they are convinced the guy was hunting coyotes without a permit, he will be paying a \$30 to \$50 fine.

Just think what you are going to be doing with the game wardens out there.

One final point. Let's say you allow people out there in the middle of the night to hunt coyotes. The game warden hears a shot in the middle of the night and you hear a shot and call your game warden—what is he going to tell you? I don't have to go check that, that is a coyote hunter out there hunting coyotes. It may be somebody out there shooting deer. The game warden is going to stay home nice and warm and nobody is going to go out and find out if somebody is out there shooting deer.

Think about this before you pass this bill.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from East Millinocket, Mr. Michaud.

Mr. MICHAUD: Mr. Speaker and Members of the House: The good gentleman from Waterville, Mr. Jacques, has just thrown a smoke screen at you. It is not my intent to legalize night hunting. If you read the bill, number one, you have a permit so the department knows who is going to be out there.

The time of year is from January 1 to February 28. That is away from the deer season and it is going to be cold during that time and I feel the people you are going to have out there on these coyotes are the hunters that are dedicated.

The commissioner has the right to terminate the season at any time if he feels there is an immediate problem with the hunting, and they

won't be out all night—a half hour after sunset to 9:00 p.m. and from 4:00 a.m. to a half hour before sunrise.

There is a sunset in this bill for April 1, 1986. And the reason why I submit this bill is because there is a coyote problem and this legislature has not addressed the problem as of yet.

The gentleman from Waterville, Mr. Jacques, was worried about night hunting of deer. Well, they have night hunting of raccoon.

Colorado has had night hunting for over 20 years, and I have a letter from Major Al Boderick, Wildlife Specialist, and his comment in regard to the jacking, he states: "In my opinion, there is no proof or relationship between night hunting and deer jacking. An increased harvest of coyote can help the deer survival, so I think the tradeoff of the value will be positive in night calling."

I submit to you, ladies and gentlemen, I believe this is the last proposal Fish and Game has down in their committee dealing with coyote. It is not my intent to legalize it. That is the reason why I have the dates between January 1 to February 28. If this legislative body is going to do something with the coyotes, now is the chance. There is no fiscal note on this bill and I think we ought to at least give it a chance. That is one reason why the sunset provision is in this bill.

Texas, Nebraska and other states also have night hunting. It has worked there and I think it can work in the State of Maine. So I hope you will go with the majority of the committee.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Millinocket, Mr. Clark.

Mr. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I, myself, am not one who likes to sign out a minority report on fisheries and wildlife, but this time I feel I must as a hunter myself, visualizing and seeing people in the woods at nighttime with a rifle, a flashlight, and we call this bill in our committee the Jutebox Bill. It is hard to believe that anybody out in the woods this time of the year, regardless if it is deer season or whatever the season may be, giving them a permit just to hunt coyote, it is hard to believe.

Can you visualize sitting out in the woods this time of year, cold, going home, not seeing any coyotes but seeing a deer walk by your path, you think these people getting permits are going to be some of your best, honest people that there is out there hunting?

My colleague and friend from East Millinocket mentioned that we also hunt raccoon—well, we do hunt raccoon but we hunt them with a revolver or a .22 pistol, we do not hunt them with a shotgun like they want to hunt the coyote.

Last, the other day in committee we had a report from the deputy commissioner saying that during rules and regulations they want to implement an 8-day extended trapping on the front of the season. We have had a lot of problems this year with the coyote problem and I do not believe this will address the problem that we are going to have. We have a problem with our deer herd and I believe this is going to add to the problem of our deer herd.

Mr. Speaker, I request a roll call on this bill as it is right now.

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

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I would hate to think that this bill is going to go down the drain for the lack of a little bit of attention, and that attention, I think, should be focused in two ways. I think somewhere along the line perhaps we can come up with an amendment to make it a thousand dollar fine not only for this but for deer hunting as well so it would conform with the deer hunting season, which is a \$500 fine. I think if we put \$1,000 in front of people's faces, I think they are going to think twice before they

pull that trigger.

Thinking along with the sponsor of this bill, he says there is nothing else on the horizon, and I agree with him, and isn't it about time we tried to do something for the deer herd instead of letting this slip out of our fingers at this time?

I would like to see this motion defeated and let's come back with an amendment to do something here on this floor.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Truly, something needs to be done in Penobscot County. If you people can't buy a bill like this for the whole state, my seatmate from Kennebec County perhaps doesn't need this bill and he has a right to speak against it.

I will tell you where the coyotes are—in my area, they are so thick there aren't any deer anyway, so that is not a problem. Where Mr. Michaud comes from, I think the problem is nearly the same.

There are many ways that we could amend this bill. I am sure if we keep it alive, we can say just Penobscot and Piscataquis Counties, let's give it a try in some way. We could say, if that is too tough you can't buy it, well, that time of the year the game wardens don't have much to do but sit around and whittle, it is after hunting season, give them a job. There are a lot of things we could do but certainly something ought to be tried or we won't have any deer anyway. Let's find some way that we can pass some part of this bill for some part of the state and give it a trial. I don't know just what part of it you will buy but I would like to buy it for at least Penobscot County, and if some of you other counties think you will use it—I don't believe there are many coyotes in Waterville, I really don't, so probably my seatmate really doesn't need it. There's probably none in Portland, so it is not a Portland bill.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I was put on the subcommittee to work, there were three of us on it and we were to work with the Department, so we got together with the Deputy Commissioner and sat down and we had him work with us, and he wrote up something that the Department could work with, that they would go along with and figured they could enforce.

You have to have a permit and you also have to tell a local warden or call the district office and tell them what area you are going to be in. Don't you think, if you stop and think about this, after you have either called your local warden or called the district office and told them that you were going coyote hunting in a certain area, that you would be sort of foolish if you went out there and tried to poach a deer that you happened to see? They have you pinpointed and know right where you are at. Also, if you are out there legally hunting the coyote and there is a night hunter around, possibly you might scare him off too because there is somebody else in the area and they like to work very quietly.

New York has had a night hunting law on coyotes for the last two or three years and this has been working very good out there. Let's give it a try. As was said before, we have done nothing to try to control the coyote this year and certainly we need to do this not only for the wildlife in the unorganized territories but also for the sheep farmers and other people. Let's pass this and see how it works. There is a sunset on it.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Canton, Mr. McColister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: You are hearing about 'let's protect the deer herd'—one of these days we are going to be reading in the



paper where the coyote has killed somebody's child. They have already made attempts against farmers in my district, they have come up within less than 100 feet from a woman who was feeding her calves. The day is going to come where we are going to pass a coyote bounty bill after somebody has been killed. Let's try to do something different, let's pass this bill.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: There has been a statement made here that the department was thrilled about this thing and went along with it. It is, unfortunately, not the case. They still have some very serious reservations and I think if you called them and asked them, they would tell you what those reservations are and I addressed some of them.

Now we are back to the same thing of being very emotional here and the coyotes are going to eat everybody up and are going to kill children and even though my good seatmate from Enfield doesn't think there are many coyotes in Waterville, there are some. There was one killed on the road right behind Seton Hospital in Waterville and Representative Erwin's son-in-law got the pet.

If you people think that passing this law is going to make all these guys go out in the woods and sit in January and February at night with zero or below zero weather for very long to shoot a coyote, then you must know different people than I do, I can tell you that right now.

Just because it works in New York, Colorado and Nebraska doesn't mean that it is going to work in Maine. Conditions are different. Those deer move around if there is a little bit of snow on the ground and if you guys haven't been out to see what an open field with six inches of snow on it looks like on a clear moonlit night, you ought to try it, you can see from one end of that field to the other just like it was daylight. There isn't any way that some of these guys are going to go out there and waste their time chasing coyotes when they have meat on the hoof right there.

One of the problems that they don't have in Colorado, they don't have whitetail deer in the same situation our is. If I honestly thought that passing this bill would do something to control the coyote population in the State of Maine, I would be supporting it. But I would be lying to you if I said that I thought it would, I don't think it will and that is why I signed against it. But if you want two months of uninterrupted night hunting, that is what you are going to get, if you want that in the State of Maine and you think that is going to help the deer herd, vote for this bill.

Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and I would ask for a roll call on that.

The SPEAKER Pro-Tem: The gentleman from Waterville, Mr. Jacques, has moved that this bill be indefinitely postponed and has also requested a roll call.

The Chair recognizes the gentlewoman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't know of any bills that our committee has worked on and we have had more problems with than those that we received on coyotes. I want to commend the subcommittee for all the work that they did on this. It is true that the Department isn't thrilled with it; however, they went along with it and they worked with the subcommittee and they will have to have a permit. Frankly, we are going to have night hunters no matter what bills or laws we put on the books, and I frankly don't think it's going to increase it by maybe 100 percent or whatever. The night hunters are out there, maybe they will catch them.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from East Millinocket, Mr.

Michaud.

Mr. MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I just want to debate some of the comments made by Representative Jacques from Waterville. He said the Department has reservations. They might have had reservations on this bill but at the public hearing no one opposed the bill; the department came in and spoke neither for nor against it.

When I originally drafted the bill, I talked to the Deputy Commissioner and he made the suggestions on the bill. It also came out at the public hearing that the Commissioner of Inland Fisheries and Wildlife was even thinking himself of instituting a night hunting season, so I don't think the Department is really too concerned.

Also I would like to read a letter from the Colorado State University and the Department of Fisheries and Wildlife, just one statement here: "The law enforcement folks don't like it," in reference to night hunting, "they keep trying to kill it. They lose because they can't show any relationship between night calling properly permitted and poaching." That, ladies and gentlemen, is why they still have it out in Colorado.

Today, the Kennebec Journal has an article in there and I quote: "If the animal roaming in Maine is indeed a coyote, then the state holds a world's record for the size of the 76 lb. animal trapped in the Rumford area."

Ladies and Gentlemen of the House, this has a 10 to 3 report and I hope you accept the Majority "Ought to Pass" Report.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Millinocket, Mr. Clark.

Mr. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I hate to take any more of your time but there have been a lot of things said on this bill that are getting a little bit emotional.

I took a little bit of time when I went home on the weekends and I have a few friends that work for the warden service that are very close to me and I asked them how they would enforce this law. He said, "You have people out there poaching now and you will have more of them when this law is passed."

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Standish, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Fisheries and Wildlife Committee, I had the pleasure of being chairman of the study committee. I was very impressed with Representative Carroll a few weeks ago demanding that we fight these critters on the land, the sea, and in the air and I thought we ought to do it at night time too.

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

Mr. PARADIS: Mr. Speaker, I would like to pose a question through the Chair. I am a city slicker and I am not too much acquainted with coyotes and stuff but aren't we supposed to do everything we can to protect the deer?

The SPEAKER Pro-Tem: The gentleman from Augusta, Mr. Paradis, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Island Falls, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Much has been said about this bill. When Representative Jacques started to debate it, I began to wonder whether I had the same bill as he had because the season does go from January 1st to February 28th, half an hour after sunset to 9:00 p.m. and from 4:00 a.m. to half hour before sunrise. That is pretty restrictive. You know, as far as people going out there, I thought people would be crazy to ride snowsleds but they do it and I was wrong and I think there will be those that will like to hunt coyotes and they will be out there

doing a good service.

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

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

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Sanford, Mr. Paul.

Mr. PAUL: Mr. Speaker, Members of the House: Obviously, this is a very emotional issue. I had an experience a couple of years ago where I got a call one evening from one of my wardens to go down to an area where there appeared to have been a coyote killed or some deer. Upon going down to the deer yard, we witnessed a doe deer that was pregnant and she was carrying two fawn. She had been killed by coyotes. I just feel that we have to do something about these animals.

We worked very hard in the subcommittee to try to do something about this problem. We have put in some regulations and some restrictions to hopefully tie up the loose ends that may occur. But the point I would like to leave with you today is that during this crucial period of January and February, when this would be permitted, the female deer are pregnant, they are carrying their fawns, they are in the deer yards, the coyotes went in on the surface of the crust, they walk right into these deer yards, there are dozens of coyotes, they circle the deer yards, they kill the deer. This hunting that will be going on during this period to protect the pregnant does in those deer yards, they need the help.

We are also faced with the arguments that, well, abuse, you know the minority, the people are a little abusive, I don't question that. I am sure there will be some people that will abuse it but we are dealing with this every single day and ought we not to deal with good legislation just because we know there are a few people who will abuse it? I think we feel, I know that I do, the majority of people are the good people, they are honest people and they abide by the law. The poachers—well, we can't do much about them, because whether we have this bill or not, the poachers will still rob from you and I.

When you vote on this bill, I hope you reach down deep inside and face this, the deer are in trouble, we need to do something to protect the does and I hope you vote against the motion to indefinitely postpone.

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: The Fisheries and Wildlife Committee has held some 80 hearings on different bills this session. I have yet to have a hearing that I have attended that the subject of the coyote didn't arise in some manner or another. We have been discussing a fish bill but somehow the coyotes got in there.

This is a matter of real grave concern to just about everybody that I talked to in the State of Maine. It isn't only a problem for the deer herd, I have a gentleman who is a barber in my town, who has a sheep farm in the town of Winn and he has lost over 20 lambs in the last 12 months to the coyote on his farm. If you don't think this is a serious problem to that gentleman, you have another think coming. I know that he is on my back all the time. He feels that we, as a legislative body, aren't doing anything. We're trying and this is one of the tries. Nobody says that this is going to take care of the coyote situation in the State of Maine. We don't know that it is going to have any effect but at least it is an act in the direction of some sort of control of this animal.

As to the fact that people will be running out



in the woods at night time with guns, I never saw a deer in January or February that was very good to eat. They are eating cedar most of the time and they taste just like a piece of cedar. I have eaten them that have been killed at that time too. I didn't say that I killed them.

We hope you wouldn't vote to indefinitely postpone this bill, give it a chance. It is only a two-year thing that is sunsetted, and it is an attempt to make an effort by the committee and by this legislature to take care of the problem that we have with our deer herd and also to take care of the problem that some of the farmers have with their sheep. They are even killing some cattle too and the cattle farmers have a problem. This is just one avenue that we can try to control this animal and please don't kill it.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to add that the newspaper clipping that the Representative from East Millinocket just mentioned said that that 76 lb. wolf exceeded the record of a 74 lb. wolf which has held the record in Wyoming for many years.

The SPEAKER Pro-Tem: The pending question before the House is on the motion of the gentleman from Waterville, Mr. Jacques, that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. HALL: Mr. Speaker, I request permission to pair my vote with the gentleman from Bangor, Mr. Kelleher. If Mr. Kelleher were present and voting, he would be voting no; I would be voting yes.

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

Mrs. KETOVER: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Auburn, Mrs. Cote. If Mrs. Cote were present and voting, she would be voting yes; I would be voting no.

The SPEAKER Pro-Tem: The pending question before the House is the motion of the gentleman from Waterville, Mr. Jacques, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Andrews, Baker, Brodeur, Chonko, Clark, Connolly, Daggett, Handy, Jacques, Joseph, Kelly, Lisnik, Stevens.

NAY—Ainsworth, Allen, Anderson, Armstrong, Beaulieu, Bell, Bonney, Bost, Bott, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Conary, Connors, Cooper, Cox, Crouse, Crowley, Curtis, Davis, Day, Dexter, Diamond, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Ingraham, Jackson, Joyce, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lewis, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, McColister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Roderick, Rolde, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Swazey, Tammara, Theriault, Thompson, Vose, Walker, Webster, Weymouth, Willey.

ABSENT—Benoit, Brown, K.L.; Carrier, Dillenback, Gwadosky, Hayden, Holloway, Jalbert, Kane, Mahany, Masterton, Murphy, T.W.; Rotondi, Seavey, Soule, Telow, Tuttle, Wentworth, Zirnkilton, The Speaker.

PAIRED—Cote-Ketover; Hall-Kelleher.

Yes, 13; No, 113; Absent, 20; Vacant, 1; Paired, 4.

The SPEAKER Pro-Tem: Thirteen having voted in the affirmative and one hundred and thirteen in the negative with twenty being absent, one vacant and four paired, the motion does prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for Second Reading tomorrow.

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

Bill, "An Act to Provide Workers' Compensation Coverage to Emergency Medical Services' Persons" (S. P. 563)

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

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

By unanimous consent, ordered sent forthwith.

#### Unanimous Leave to Withdraw

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw on Bill "An Act Concerning Open Burning When There is Snow on the Ground" (S. P. 127) (L. D. 314)

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act to Further Clarify the Right of Citizens to Petition for Special Town Meetings" (S. P. 450) (L. D. 1371)

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

#### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Concerning Records of Arrests of Criminal Offenders" (S. P. 289) (L. D. 877) reporting "Ought to Pass" in New Draft (S. P. 599) (L. D. 1616)

Report was signed by the following members:  
Senators:

COLLINS of Knox  
VIOLETTE of Aroostook  
TRAFTON of Androscoggin  
— of the Senate.

Representatives:

FOSTER of Ellsworth  
LIVESAY of Brunswick  
JOYCE of Portland  
HOBBINS of Saco  
HAYDEN of Durham  
CARRIER of Westbrook  
— of the House.

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

Report was signed by the following members:  
Representatives:

REEVES of Newport  
DRINKWATER of Belfast  
BENOIT of South Portland  
SOULE of Westbrook  
— of the House.

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

In the House: Reports were read.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBINS: Mr. Speaker, I move the acceptance of Majority "Ought to Pass" Report.

Thereupon, the Majority "Ought to Pass" Report was accepted, and the New Draft read once and assigned for Second Reading tomorrow.

#### Non-Concurrent Matter

Bill "An Act to Regulate Smoking on Public Conveyances in the State of Maine" (H. P. 829) (L. D. 1067) on which the Majority "Ought to Pass" in New Draft (H. P. 1211) (L. D. 1604) Report of the Committee on Health and Institu-

tional Services was read and accepted and the New Draft passed to be engrossed as amended by House Amendment "A" (H-240) in the House on May 16, 1983.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Health and Institutional Services read and accepted in non-concurrence.

In the House:

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, I move that the House insist and ask for a Committee of Conference.

The SPEAKER Pro-Tem: The gentlewoman from Pittston, Mrs. Reeves, moves that the House insist and ask for a Committee of Conference.

The Chair recognizes the gentleman from Canton, Mr. McColister.

Mr. MCCOLLISTER: Mr. Speaker, I request a Division.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Farmington, Mr. Webster.

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

Mrs. Reeves of Pittston requested a Division.

The SPEAKER Pro-Tem: The pending question before the House is on the motion of the gentleman from Farmington, Mr. Webster, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Brodeur of Auburn requested a roll call.

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

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

The SPEAKER Pro-Tem: The pending question before the House is on the motion of the gentleman from Farmington, Mr. Webster, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Anderson, Armstrong, Bonney, Brown, D.N.; Cahill, Callahan, Carter, Cashman, Chonko, Conary, Connors, Davis, Day, Dillenback, Dudley, Foster, Greenlaw, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Joseph, Joyce, Kilcoyne, Lebowitz, Macomber, Martin, H.C.; Matthews, K.L.; Maybury, McColister, McSweeney, Murphy, E.M.; Parent, Perkins, Randall, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammara, Theriault, Walker, Webster, Weymouth, Willey, Zirnkilton.

NAY—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bell, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Clark, Connolly, Cooper, Cox, Crouse, Crowley, Curtis, Daggett, Dexter, Diamond, Drinkwater, Erwin, Gauvreau, Hall, Handy, Higgins, H.C.; Hobbins, Jacques, Kelly, Ketover, Kiesman, LaPlante, Lehoux, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Manning, Masterman, Matthews, Z.E.; McGowan, McHenry, McPherson, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perry, Pines, Pouliot, Racine, Reeves, P.; Rolde, Smith, C.B.; Thompson, Vose.

ABSENT—Benoit, Brown, K.L.; Carrier, Cote, Gwadosky, Hayden, Jalbert, Kane, Kelleher, Mahany, Martin, A.C.; Masterton, Michaud, Murphy, T.W.; Richard, Rotondi, Seavey, Soule, Telow, Tuttle, Wentworth, The Speaker.

Yes, 59; No, 69; Absent, 22; Vacant, 1.

The SPEAKER: Fifty-nine having voted in the affirmative and sixty-nine in the negative, with twenty-two being absent and one vacant, the

motion does not prevail.

Thereupon, the House voted to insist and ask for a Committee of Conference. Sent up for concurrence.

#### Non-Concurrent Matter

Bill "An Act Regulating the Activities of Political Action Committees" (H. P. 306) (L. D. 365) (C. "A" H-174) and H. "A" H-236)

— In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-174) and House Amendment "A" (H-236) on May 12, 1983.

— In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-174) and House Amendment "A" (H-236) on May 13, 1983 in concurrence.

— Recalled from Engrossing Department pursuant to Joint Order (S. P. 560)

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-236) in non-concurrence.

In the House:

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

Mr. NADEAU: Mr. Speaker, I move that the House recede and concur.

The SPEAKER Pro-Tem: The gentleman from Lewiston, Mr. Nadeau, moves that the House recede and concur.

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

Mr. HIGGINS: Mr. Speaker, I would like to pose a question through the Chair. Why was this bill recalled from the Governor's desk? I am not in possession of House Amendment "A" so I can't kind of coordinate here. I see where we killed the Committee Amendment and replaced it with the House Amendment and I wondered if the good gentleman could explain to us why we had to recall it.

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

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

Mr. HANDY: Mr. Speaker, Ladies and Gentlemen of the House: The problem that occurred was, when the House Amendment was drafted some language that was in the original Committee Amendment was also included in that and it presented a problem for the Engrossing Department. There is no substantive change and the issue regarding the \$5,000 referendum ceiling has been eliminated and still is.

Thereupon, the House voted to recede and concur.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair would thank the gentleman from Fairfield, Mr. Gwadosky, for presiding.

Thereupon, the Sergeant-at-Arms escorted Mr. Gwadosky to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

#### Unanimous Leave to Withdraw

Representative Stover from the Committee on Agriculture on Bill "An Act Related to the Labeling of Milk Containers" (H. P. 972) (L. D. 1270) reporting "Leave to Withdraw"

Representative Brown from the Committee on Taxation on Bill, "An Act to Apply Mirror Reciprocity Against Jurisdictions that Assess 3rd Structure Motor Vehicle Taxes" (Emergency) (H. P. 974) (L. D. 1272) reporting "Leave to Withdraw"

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

#### Consent Calendar First Day

In accordance with House Rule 49, the fol-

lowing items appeared on the Consent Calendar for the First Day:

(H. P. 1037) (L. D. 1362) Bill "An Act to Permit Municipalities to Regulate Shellfish Harvesting Within the State Park Limits" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-246)

(H. P. 676) (L. D. 859) Bill "An Act Relating to the Adjustment to the Penalty for Withdrawal from Current Use Tax Laws" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-248)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 18, under the listing of Second Day.

#### Passed to be Engrossed

Bill "An Act to Provide for Annual Motor Vehicle Inspections" (S. P. 551) (L. D. 1601)

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

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

An Act to Prohibit Residency Requirements for Municipal Employees (S. P. 61) (L. D. 167) (S. "A" S-107 to C. "A" S-90)

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

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mrs. Melendy.

Mrs. MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Rockland, Mrs. Melendy, moves that L.D. 167 be indefinitely postponed. The gentleman may proceed.

Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to L.D. 167 as it is presently proposed. As written, it will eliminate the ability of municipalities to require that the municipal employees reside within the town or city in which they work even though they have already accepted their jobs with this stipulation. Such residency requirements currently exist in a number of Maine communities. They have been adopted by ordinance policy and negotiated contracts throughout the state and for good reasons. When people live in a community in which they work, they are more apt to have pride in it and they will work harder to protect it. Everyone has heard the expression — "Why should I care, I only work here."

Safety reasons is another reason why municipalities may want firemen or policemen and other key people to live within the town or city so that they can have them close by in case of emergency.

In addition, if municipalities must pay the wages of these people, why shouldn't they be able to pay the wages to their own taxpayers? The state has no compelling interest in this issue and it is one best left to the people who are directly affected. A town or city ought to have the right to set its own labor policy through ordinance or whatever instrument it chooses.

The employment contract or relationship exists between the community and its employees. The state is not and should not be involved. Our communities and the people employed by them are perfectly capable of dealing with local residency requirements. The state should not insert itself into this type of purely local decision over local policy without at least giving the community time to negotiate in good faith for radius requirement.

For this reason, I ask that you vote with me to indefinitely postpone the bill and all its accompanying papers. I request a roll call.

The SPEAKER: The Chair recognizes the

gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to remember that this particular bill before you applies strictly to those who are involved in the collective bargaining process. Even if this bill were to pass, anyone who has taken a job under a current collective bargaining agreement that has stated that residency was a requirement will not be dismissed. They will have to live by the current collective bargaining process. However, when they do get to the point of re negotiating the contract, this bill says that they shall not enact in ordinance which requires employees to reside within the boundaries of a municipality as a condition of employment but they will and they may negotiate collective bargaining agreements or if the municipality doesn't have collective bargaining agreements, they may enact ordinances that require employees to reside within a specified distance.

Even with the passage of this bill, if a community chooses or opts to say that their Superintendent of Schools, their City Manager or someone that is listed as an official in an official capacity or in an administrative capacity in a community, they can, indeed, insist that they be residents of that community. But for the general employee sector where collective bargaining agreement occurs, they will not be able to negotiate that into a contract, the strict residency requirement. This bill was brought to our committee, we put a lot of careful, thoughtful thinking into this process, it is a unanimous "ought to pass" committee report from the committee. Not everybody is happy but it was delicately negotiated. We invited and had the participation of the MMA in the drafting of the legislation to make sure that we were not infringing any more on an employer rights than we would be on an employees rights so we ask that you do not indefinitely postpone the bill.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: As Representative Beaulieu has stated, this was a unanimous report from the Committee on Labor. In addition to what she has explained to you about the bill, if a particular community did want to establish an emergency response time limit, this would be possible. For example, if you wanted all of your firemen or policemen to live within a certain distance of the fire or police station, this would be allowed.

We were very concerned that in some of these communities that housing would not be available or whatever and that is why the entire committee agreed that a strict residency requirement was not a good policy.

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

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

The SPEAKER: The pending question before the House is the motion of the gentlewoman from Rockland, Mrs. Melendy, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Anderson, Bell, Bott, Brodeur, Brown, A.K.; Carroll, G.A.; Carter, Chonko, Connors, Cooper, Cox, Daggett, Dexter, Drinkwater, Dudley, Foster, Hall, Hickey, Higgins, H.C.; Jackson, Joseph, Joyce, Kelly, Kiesman, Kilcoyne, Lehoux, Livesay, Macomber, Manning, McCollister, McGowan, McPherson, McSweeney, Melendy, Michaud, Mitchell, E.H.; Moholland, Murphy, E.M.; Nelson, Parent, Paul,

Perkins, Perry, Racine, Reeves, J.W.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.W.; Sproul, Stevens, Stover, Strout, Theriault, Walker, Webster, The Speaker.

NAY—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Bonney, Bost, Brannigan, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Cashman, Clark, Conary, Connolly, Crouse, Crowley, Curtis, Davis, Day, Diamond, Dillenback, Erwin, Gauvreau, Greenlaw, Handy, Higgins, L.M.; Hobbins, Holloway, Ingraham, Jacques, Ketover, LaPlante, Lebowitz, Lewis, Lisnik, Locke, MacBride, MacEachern, Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, McHenry, Michael, Mitchell, J.; Murray, Nadeau, Norton, Paradis, E.J.; Paradis, P.E.; Pines, Pouliot, Randall, Reeves, P.; Roderick, Rolde, Scarpino, Smith, C.B.; Soucy, Stevenson, Swazey, Tammara, Thompson, Vose, Weymouth, Willey, Zirnkilton.

ABSENT—Benoit, Carrier, Cote, Gwadosky, Hayden, Jalbert, Kane, Kelleher, Mahany, Martin, A.C.; Masterton, Murphy, T.W.; Richard, Rondoni, Seavey, Soule, Telow, Tuttle, Wentworth. Yes, 59; No, 72; Absent, 19; Vacant, 1.

The SPEAKER: Fifty-nine having voted in the affirmative and seventy-two in the negative with nineteen being absent and one vacant, the motion does not prevail.

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

#### Tabled Unassigned

An Act to Provide for the Negotiation of Union Security Provisions (S. P. 267) (L. D. 812)

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

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

#### Tabled and Assigned

An Act Relating to Authority of the Land Use Regulation Commission over Organized Municipalities (S. P. 302) (L. D. 916) (S. "A" S-110)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and specially assigned for Thursday, May 19th.

An Act to Clarify the Administration of the Department of Labor (S. P. 333) (L. D. 978) (H. "A" H-228 to C. "A" S-101; S. "A" S-108)

An Act to Improve Access to Small Claims Court (H. P. 480) (L. D. 577) (H. "A" H-227)

An Act to Extend Consumer Freedom of Choice Regarding Insured Mental Health Services (H. P. 743) (L. D. 955) (C. "A" H-190; S. "A" S-96; S. "B" S-112)

An Act to Establish the Position of Director of Technical Analysis within the Public Utilities Commission (H. P. 963) (L. D. 1244) (C. "A" H-224)

An Act to Address School Failure in Kindergarten and Early Elementary Grades (H. P. 1066) (L. D. 1404) (C. "A" H-221)

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 Amend the Maine Consumer Credit Code (H. P. 1191) (L. D. 1577)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and specially assigned for Thursday, May 19th.

An Act to Designate the Division of Eye Care as the Agency for the Provision of Certain Services to Blind Children (H. P. 1198) (L. D. 1589)

RESOLVE, Authorizing and Directing the Commissioner of Agriculture, Food and Rural Resources to Promote Regional and Interna-

tional Cooperation in the Development of Agricultural Programs Designed to Encourage Greater Food Production, Marketing and Food Self-sufficiency Among the States of New England and Quebec and the Maritimes (S. P. 324) (L. D. 969) (H. "A" H-234 and C. "A" S-82)

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

The Chair laid before the House the following matter:

An Act to Enable School Districts to Develop and Administer an Orderly Procedure for Filling Vacancies and Laying Off Teachers" (S. P. 270) (L. D. 832) which was tabled earlier and later today assigned pending acceptance of the Majority "Ought to Pass" Report.

Thereupon, the Majority "Ought to Pass" Report was accepted and the New Draft read once.

Under Suspension of the rules, the Bill was read a Second Time, passed to be engrossed and sent up for concurrence.

#### (Off Record Remarks)

On motion of Mrs. Beaulieu, of Portland, Adjourned until nine o'clock tomorrow morning.