

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

Wednesday, May 18, 1983

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

Prayer by Reverend M. Ronald Beinema, Falmouth Congregational Church, United Church of Christ.

The journal of yesterday was read and approved.

**Papers from the Senate
Non-Concurrent Matter
Tabled and Later Assigned**

Bill "An Act to Include the Term 'Sexual or Affectional Orientation' in the Maine Human Rights Act" (S. P. 237) (L. D. 679) on which the Bill and Accompanying Papers were indefinitely postponed in the House on May 17, 1983.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-117) as amended by Senate Amendment "A" (S-123) thereto in non-concurrence.

In the House: Mr. Connolly of Portland moved that the House recede and concur.

On motion of the same gentleman, tabled pending his motion to recede and concur and later today assigned.

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

Representative Soucy from the Committee on Education on Bill "An Act to Allow School Districts to Raise the Maximum Equivalent of Local Leeway Specifically Designated for Major School Construction Projects" (H. P. 303) (L. D. 362) reporting "Leave to Withdraw"

Was 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 Pouliot from the Committee on Business Legislation on Bill "An Act to Clarify Independent Contractor Status Under the Workers' Compensation Act" (H. P. 893) (L. D. 1158) reporting "Ought to Pass" in New Draft (H. P. 1231) (L. D. 1635)

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

Ought to Pass in New Draft/New Title

Representative Gwadosky from the Committee on State Government on RESOLVE, Authorizing the Bureau of Public Lands to Convey by Sale to the Maine State Advent Christian Conference the State's Interest in the Former Municipal Building of Plantation 21 (Emergency) (H. P. 1139) (L. D. 1508) reporting "Ought to Pass" in New Draft under New Title RESOLVE, Authorizing the State Tax Assessor to Convey Title to the Former Municipal Building of Plantation 21 to the Bureau of Public Lands and Authorizing the Bureau of Public Lands to Lease the Former Municipal Building to the Princeton Grange (Emergency) (H. P. 1232) (L. D. 1636)

Report was read and accepted and the New Draft/New Title given its first reading. Under suspension of the rules, the Resolve was given its second reading, passed to be engrossed and sent up for concurrence.

Divided Report

Majority Report of the Committee on Public Utilities on Bill "An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,450,000 for Fiscal Year 1984 and \$1,500,000 for Fiscal Year 1985" (Emergency) (H. P. 1151) (L. D. 1520) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment

to \$1,460,000, beginning in Fiscal Year 1984" (Emergency) (H. P. 1228) (L. D. 1632)

Report was signed by the following members:

Senators:

KANY of Kennebec
EMERSON of Penobscot
BALDACCI of Penobscot

— of the Senate.

Representatives:

VOSE of Eastport
PARADIS of Old Town
BOST of Orono
RIDLEY of Shapleigh
RODERICK of Oxford
BAKER of Portland
MATTHEWS of Winslow
MCGOWAN of Pittsfield
WEYMOUTH of West Gardiner

— of the House.

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

Report was signed by the following members:

Representative:

LEWIS of Auburn

— of the House.

Reports were read.

On motion of Mr. Vose of Eastport, the Majority "Ought to Pass" Report was accepted and the New Draft given its first reading.

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

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" on Bill "An Act Relating to the Labeling of Milk Containers" (H. P. 1132) (L. D. 1498)

Report was signed by the following members:

Senator:

ERWIN of Oxford

— of the Senate.

Representatives:

PARENT of Benton
SHERBURNE of Dexter
MICHAEL of Auburn
MCCOLLISTER of Canton
LOCKE of Sebec
CROUSE of Washburn

— 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:

HICHENS of York
WOOD of York

— of the Senate.

Representatives:

STOVER of West Bath
SMITH of Island Falls
ANDERSON of Stockholm

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

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

The SPEAKER: The gentleman from West Bath, Mr. Stover, moves that the House accept the Minority "Ought Not to Pass" Report. The gentleman may proceed.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the "Ought Not to Pass" Report, I thought I ought to give you my thinking as to why I signed the report out that way.

Actually, this is a labeling bill, a bill that would mandate labeling, putting another label on milk cartons. I never paid too much attention to what was on milk cartons because my wife buys the milk but when this bill came up, I went to the refrigerator and looked in and found a carton that had half a gallon of milk in

it. It was H.P. Hood's. I looked at it and discovered that she had been feeding me skim milk all this time. Back when I was on the farm they used to give skim milk to the calves and pigs, so if you live long enough I guess you find out a lot of things can happen to you.

I looked it over and it did say that it was 99 percent fat free and it had some other things on it that didn't mean much to me, like how much butterfat was in it, how much protein was in it, vitamin A and C and so forth, it apparently requires that. Then they have a certain amount of advertising on their cartons—this one says Dairy Products from the Farm—milk, homogenized, pasteurized, etc.

What this bill would do is mandate that the dealer would have to put on where they bottle the milk, and to me that would seem a little misleading because if anybody did read the carton more than I apparently have in the past, why they would automatically think that this milk was produced in Maine, but that isn't necessarily the case. I guess they really can't mandate that because milk fluctuates and also in the summer season we have a lot of people coming into the area and we need a lot of extra milk and I found out that in the northern part of the state they get milk from Vermont. In our area of the state, they bring it in from Boston as they need it. It seems to me that this is a little bit misleading and also another case against free enterprise. I am for free enterprise. I think Representative Manning said last week that every time we pressed the button here we mandate something but it still kind of bothers me.

I would like to see the man who has his own money in the business, his own expertise, why not let him run it as much as we can? I can't just see why it is so important that we have to tell him what he has to put on that carton as far as where he bottles his milk. If he wants to do it, fine. If there are a lot of people out there that want to buy Maine products, he has a perfect right to put on there that this milk was produced in Maine and was bottled in Maine and capitalize on that particular market. I am sure if he does, and it does have an impact, you will find every other dealer follow suit.

That is the reason why I moved acceptance of the Minority "Ought Not to Pass" Report.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote to defeat the present motion before us. Before I start, I will correct a few errors in the gentleman's comments. We ship 50 percent of the milk made in Maine out of state, so there is darn little milk being brought back into the state from out of state. L. D. 1498 is a very straightforward bill. It is one that looks toward an open and honest approach towards informing the buying public, you and I and the housewife down the street.

Under federal packing laws, a bottler has to put on the container a number to identify himself issued by the federal government. This bill requires that the bottler's name and address be put on the container. In these traumatic times within the dairy industry, a purchaser of milk can be purchasing a brand of milk and it is bottled by his competitor.

The Maine Department of Agriculture, Labor and Publicity Bureau have gone to great lengths to promote "Buy Maine." Granted, this bill does not require the bottle to contain Maine milk but it does assure the purchaser buying the milk that Maine workers were involved in the processing and bottling of the product.

Hood's is in the process of rebuilding a bottling plant in Boston. Their production capabilities will exceed all present bottling plants in New England. The dairy farmers who ship to Hood's of Portland have expressed a concern about the future closing of that plant and their loss of their Maine market shipping status.

I believe if we require the address of the bottling plant to be on a milk container, that it will deter this possible loss of Maine jobs.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Sherburne.

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: This is no big earth-shaking bill, I think there are bigger ones coming along pretty soon, but I think I would have to call it a consumer bill or a public advocate bill. I think some of us who signed the "Ought to Pass" Report wanted to prove that we were public advocates.

It is required now that at least a code number of each bottling plant be on the container somewhere. At the present time, most of those are numbers, so if a person wanted to go to the trouble of checking out that number, they could find where that milk is bottled. For those who like to know that milk is bottled in Maine or is a Maine product, this does not say that it has to be a Maine product but it does have to say the name and address of the bottling plant.

In recent years, many small bottling plants that we knew that had brand names have discontinued bottling and have this done by some other plant. Most of the dealers in Maine are in favor of this bill. One dealer especially that discontinued his bottling plant and has his milk all processed in an H.P. Hood Plant maybe didn't like this bill being put into effect but he certainly did like the idea of having the bottling plant that bottled his milk on the carton or container. He was going to carry out everything in this bill plus some more; he was going to say that his milk was Maine produced milk, but this is not required in the bill because some of the plants do bring in milk from other places and we felt that this was unnecessary.

I think those consumers who like to think that they are helping Maine businesses would like to know where their milk comes from, where it is bottled, that this is just a step in the right direction. It does give the name of the plant and the address.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I have always tried to be forthright, shoot 'em straight from the shoulder and honest with you in this House. That is the creed I live by, that is the creed that I preach to my grandchildren, I intend to preach it no matter who becomes offended or who feels that I am wrong.

I want to point out to you that this particular bill was designed for one dairy in Maine. They even had three quarters of a page ads to influence the committee in their decisions on this particular piece of legislation. I am not a new recruit, I have been around a little while, been in the dairy business 35 years, so I know how the dairies play one farmer against the other. I know how the Maine milk market operates in the Boston market and I know how the New Hampshire market operated and don't let anybody kid you, because that carton has got bottled in Portland, Maine, it comes from Rochester, New Hampshire, an awful lot of it.

The milk producer has been dropped off the Maine market and they are buying out of state milk. Right on the carton it says, bottled in Portland, Maine—what does that mean to the producer? It means that his milk isn't in that bottle, that has some New Hampshire milk in it. Now let's be right out front, let's stand right up here and tell it just the way it is, let's not hedge.

A year ago, the Department of Agriculture was opposed to this labeling bill. I will read you the statement that the Deputy Commissioner read at a hearing. That is why I say we ought to be up front. It says: "The Department, the proposed amendment to existing milk container rules was drafted in mid-1981 at the time Maine milk dealers began to contract for private label packaging. This new activity began in a period of a major upheaval in Maine's milk

industry."

"The testimony does not indicate the existence of any significant crisis which now demands the change originally proposed.

"The Department specifically took note of the fact that no other state in New England now requires the information proposed in the rule change, that processing plant numbers presently make it possible for anyone who has a concern to determine where a particular carton of milk was processed, that some processing plants may appropriately process and package milk to different specifications and that there would be some inconvenience and some added costs to processors were the proposed amendment adopted."

"On the other hand, the Department took into consideration the sizable amount of testimony to the effect that consumers have the right to know where milk is packaged."

"The Department noted, also, that all testimony came from milk dealers with the exception of the petition, stating in very broad terms the desirability that the packaging of all items sold for human consumption should be identified. No consumer testimony addressed the milk packaging issue directly."

"In view of the fact that testimony does not indicate any major concern on the part of consumers, for whom the amendment was originated, it is now possible to identify the processing plant. Should such a concern arise, we find it to be in the best interest of the milk industry to withdraw the rule change proposed April 1, 1982."

Some people will stand here and tell those of you who haven't been around a little while that a rule is not a law, that what they are asking today is a statute. I want to tell you something, ladies and gentlemen of this House, you go out and violate a rule and see how quick you get slapped because a rule becomes a law after it has gone through the rule processing procedure. They have a rules procedure hearing and they incorporate rules into the enforcement of the law and if you violate those rules, you have violated that law.

I said that I was going to be up front with you and that is what I intend to be. They mentioned the fact that another dairy has now closed up his bottling plant and his milk is being bottled in Portland. My son ships to that dairy and I have no interest in that dairy business, he owns it. He is 30 years old with 168 head of cattle, a lot of machinery and a tremendous investment. Instead of going to college, he stayed on the farm with me and he labored many hours. He almost lost his life because he rode home early with some children instead of riding on the bus and got hit head-on by an out-of-state car, and for those of you who talk about property insurance, I want you to hear this one—that car had \$10,000 insurance on it, five children were severely injured and in the hospital. Some of those children didn't get one red cent out of that accident. We did, we settled early, we took what we could get off the table. You might say, what does this have to do with the legislation. I want to tell you about this young man. He wouldn't go to college, he wouldn't study very good in school because his mind was always on the land, the soil, the cattle and the farm, he loved it, he loved Alderwood Farm and he will own it all. I gave him a half interest two years ago that I owned in the cattle. He owns everything there except the land and that will be his eventually. But I want to tell you that these Maine dairy farmers now are faced with the greatest sacrifice of anybody. They are being asked to subsidize the United States Foreign Policy of imported farm dairy products by an assessment against them. Nobody has addressed that subject matter in the national news media, nobody is interested in the farmer; they will be by and by.

But to get back to the subject matter, this is designed for one dairy and one dairy alone, this labeling bill, and don't you let anybody kid you.

I am going to be right on target on that one. They want this and they put an ad in and said the Dairy Council and the Commission of Agriculture in the State of Maine want this—there it is right from the Assistant Commissioner, they didn't want it. What has happened in the last year when all of a sudden you want this so bad? I was concerned. I said, how many complaints have you had? We haven't had any complaints.

Now, let's be right up front here today, let's tell it just the way it is. We have a war going on out there among the dairy people and you heard the gentleman from Dexter, Representative Sherburne, telling you that there will be a more important bill coming here and there will be, but what I want to do is I want to pull the dairy industry together in Maine, try to get them to speak with one voice, to work together, I don't want vested interests being able to play one dairy farmer against the other for the next 20 years as they have for the last 35.

I hope you will defeat this piece of legislation because I think Mr. Stover is right on target.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: This bill affects all dairies in Maine from Aroostook County to York County. To the best of my knowledge, the one dairy that was previously addressed purchases milk from New Hampshire, so let's get Maine milk and New Hampshire milk on an equal basis.

This bill will require all dairies in Maine to put their name up front so the people will know where their milk comes from.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Parent.

Mr. PARENT: Mr. Speaker, Ladies and Gentlemen of the House: All this bill does is require that the name and the address of the packager be placed on the package instead of the code that stands for the name and the address, that is all it does.

The inconvenience and the cost to the businessman, to the dealer, is next to nothing and the right of the people to know where their milk is packaged is real.

I hope that you vote against the motion.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from West Bath, Mr. Stover, that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

36 having voted in the affirmative and 65 in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Under suspension of the rules, the Bill was given its second reading, passed to be engrossed and sent up for concurrence.

Divided Report

Majority Report of the Committee on Energy and Natural Resources on RESOLVE, Authorizing and Directing the Joint Standing Committee on Energy and Natural Resources to Contract for an Engineering Study of Maine River Sites to Determine the Feasibility of Current-type Turbines for Hydropower Production (Emergency) (H. P. 453) (L. D. 550) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Appropriating Money for Research and Development of Appropriate Turbine Technology" (H. P. 1230) (L. D. 1633)

Report was signed by the following members:

Senators:

KANY of Kennebec

PEARSON of Penobscot

— of the Senate.

Representatives:

MITCHELL of Freeport

JACQUES of Waterville

HALL of Sangerville

MICHAUD of East Millinocket

MICHAEL of Auburn
RIDLEY of Shapleigh

— 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:

McBREAIRTY of Aroostook

— of the Senate.

Representatives:

BROWN of Livermore Falls

McGOWAN of Pittsfield

KIESMAN of Fryeburg

DEXTER of Kingfield

— of the House.

Reports were read.

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

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

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to take the time but I am going to try to save \$25,000 this morning. I hope that everybody has looked at this bill. You talk about a simple bill, this is a simple bill. All it says is to appropriate \$25,000 and spend it, that is all it says.

This bill came about as a result of a study we had last year, last summer, on the so-called bulb-type turbine. The idea was that a bulb-type turbine could generate substantial quantities of power without the use of a dam in the river that would obstruct the flow of the rivers and therefore make the rivers usable for both recreational use and power production. It became evident very shortly in the study that a bulb-type turbine was not the technology and then it shifted to a current-type turbine. We had several people come in to the study and discuss so-called current-type turbines. We found that those who came in in favor of this looked like they would like the job of spending this \$25,000.

The so-called current-type turbines are of rather substantial size for the amount of horse power that they will develop; they are more of a paddle wheel or water wheel type thing that takes up quite a substantial space in the river and you have to have quite a lot of current flow to make them operate and they would produce relatively little horse power. One proposal was a raft anchored out in the river that would be somewhere around 16 by 16 or 16 by 20 and it would produce something less than 20 shaft horse power. I can visualize those anchored all up and down the river.

This is a great idea, there are people out there that believe there is some mystical method of developing energy and there really isn't. For water power to generate power it must have flow, it must have head, it must have a drop to it and you have to build a dam. This is not what this addresses. The proposal is to send, I am sure, this down to Appropriations, and we know what the situation is on funding in the State of Maine. We could pass the buck and send this down to the Appropriation Table and let it die down there. Let's bite the bullet right here and let's kill this thing right here. It does nothing; it just proposes to spend \$25,000.

I hope you will vote against the motion.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I have to agree with the Representative from Fryeburg. I happen to have a degree in engineering, I am obsolete now but, nevertheless, I know a little bit about it. I cannot see us getting into spending \$25,000 to look at turbine technology when there are many major companies that are doing this and if you want to go back, Dexter Cooper was a Maine engineer, one of the foremost hydropower engineers in the country and he was the one that proposed, of course, Passamaquoddy, and

worked for it for many years to try to get Passamaquoddy. So there are all kinds of people who have studied this problem of turbines, etc., for many, many years.

The Norwegians, in particular, who have no fossil fuel, have spent millions of dollars developing turbines on their rivers to try to get electric power. Why the State of Maine should get into turbine research and that sort of thing is way beyond me.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Let me start off by first saying that I am not an engineer. However, I happen to know something about this type of turbine.

Let me start off by saying that both gentlemen who spoke before didn't go quite far enough. It is much more than turbine research. What we're discussing here this morning is a relatively new type of way to generate electricity. The bulb, the actual flow bulb type turbine was developed in France in 1953 and it is very economical and very efficient. Since 1953, it has been installed in quite a few countries, Norway being one of them, and the first installation in Norway was in 1969, not too long ago. There are very few of this type of turbine on this continent. Eight were installed at the Rock Island Project on the Columbia River in 1979. That battery of turbines produces 400 megawatts of power.

The interesting thing about the Rock Island Project is the fact that a study was conducted on the survival of fish swimming through the turbine and the results are fascinating, 95 percent survival rate of fish swimming through this type of turbine. That alone ought to tell us something. The conventional type turbine that we have in the State of Maine just simply annihilates any fish that goes through it. The survival rate is less than 10 percent.

One of the other advantages of this type of turbine, as the good gentleman from Fryeburg has stated, is that it can be installed, it can be built and assembled on a dry dock, floated into position and dropped. It can be installed without the use of a dam, and I was going to have the Clerk of the House make a copy for all of you to see how this thing operates but the cost scared me. If anybody is interested in seeing what it looks like, they are welcome to come and look at the brochure that I received not from a national firm but from an international firm.

When we started this project we invited a national firm to meet in the Speaker's Office, there were four engineers, and they agreed that it was possible to generate electricity in rivers without having to build a dam. One firm went so far as telling us that this is the type of turbine that should have been installed on the Shawmut Dam on the Kennebec River, but it wasn't and it makes me wonder why. Is it because it is too economical, too efficient? Or is it because the rate structure of our utilities does not favor this type of installation? I believe that really is the question.

When this national firm was pressed to appear before the committee. I guess they got cold feet and withdrew, and the answer it gave for withdrawing was that, unfortunately, if they pursued this it would be in conflict.

Then we invited another firm, a nationally known firm, they appeared in the Speaker's Office and we went through the same procedure, only this time we asked this firm if they could possibly be in conflict if they did work on this type of a project. They assured us they wouldn't be until it came time when they were pressed for concrete information to appear before the committee and they, too, withdrew—conflict of interest. There we vacillated between this type of turbine and the current type. We went back and forth and both are very efficient, both can be utilized.

It might interest you to know that two weeks

ago, two members of the committee, Representative Hall and Representative Ridley, and myself took a site excursion, we went to Kennebunk to visit an installation in Kennebunk and it is a turbine that uses part of this technology. It is a tube-type turbine with the same type of propeller that this turbine uses. It was very educational, it was for me. The gentleman that was operating it was very enthused about it. It was a small operation. It only produced 300 kilowatts but the flowage was only 260 cubic feet per second, which is a very, very small stream. The turbine itself was only six feet in diameter but 300 kilowatts is a lot of power, ladies and gentlemen of the House. The cost of the turbine and the paddles and the connections was \$250,000. The cost of rebuilding the dam, the entire process, was around three quarters of a million dollars—Very economical, not the type of thing that our utilities would like to get involved in because you know 10 percent of \$750,000 and 10 percent of \$750,000,000 is one big difference.

I started to tell you about the Rock Island Project and the survival rate of the fish. The other advantage that we have with this is that if you do not dam a river, you can utilize less than 10 percent of it, you must understand that you can't put this everywhere, you have to be site specific. You have to use a little common sense, you can't say that you are going to blanket the state with this type of turbine, it just doesn't work. But you can find locations and that is what this money would be used for, nothing more than a reconnaissance study, finding sites that might be conducive for the utilization of this type of turbine which would only use a small percentage of the river. You could build a retaining wall or open fence stock or closed fence stock without having to dam the river. The boaters would still be able to utilize the rivers, the rafters would be able to utilize the rivers and so would the fish.

One of the other advantages, and again I am not an engineer, but common sense tells me these things, you take a dam, it is nothing more than a dam and that is just what it does, it dams. Anything that comes down the river is dammed. They start off with a structure that might be 20 feet high and over the course of the years, the silt comes down and builds up in back of it and builds up and builds up and eventually there is no more head, so what does the power company do? They put up flash boards, four feet high to build up their head again, and it acts as nothing more than just a flushing process. Once the river pressure has reached a certain point in high water, you can see it all over the state today, the flash boards are ripped out and out goes the silt that has built up in the back. Once the water drops down and all the spawn that is on the shores of the waters are dead, they reinstall the flash boards, cut off the flow of water, stop the spawning runs, and the end result is that the power companies have the sole use of the rivers. Now, these rivers are a resource that belong to all the people of the state and its maximum use should be one of our goals, and this is a way of doing it.

I would hope, ladies and gentlemen of the House, that you would go along and allow this study, this reconnaissance study, to be conducted by the Energy Office.

When the vote is taken, I would ask for the yeas and nays.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I won't take as much of your time as the gentleman preceding me. However, there are a couple of things that I do want to point out. It sounds to me that perhaps this bill should have been included in the Rivers Bill; everything else was.

It seems that since the 1973 oil embargo, anything that has energy on it is treated as a sacred cow. Occasionally, we get carried away with

spending money in areas that we shouldn't be spending money and this is one of those areas.

I concur completely with the gentleman from Fryeburg, Mr. Kiesman, with the exception of one point that he made. He said it was a good idea, I don't even think it is a good idea that this study be approved.

Mr. Carter talked about the bulb-type turbine and said that it was developed in 1953 and said it was very economical, very efficient and he is probably absolutely correct, and if that is so, why do we need the \$25,000 study of taxpayer's money to prove it? If something is that good, that great an idea, the free market place will take over and it will be used. I don't know too many companies that are in the business of trying to lose money.

We had some expert testimony before our committee from a Maine firm, a Maine firm with real Maine people who have had 30 years experience in hydropower development. I would consider that firm to be perhaps the leading firm in the state with respect to hydropower development and their feeling was that this was, indeed, a waste of taxpayers' money.

It seems as if arrangements have already been made with an out-of-state firm, an international firm, I guess, with international qualifications to come up and do this study for us. Folks, let me tell you, an international engineering firm, for \$25,000, is probably going to fly in and out of the state, probably a jet, four or five times and develop a report about so thick and walk away with \$25,000 of the taxpayer's money. It is a waste of money, a waste of effort and I hope you turn this down.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to rebut about three points. I would have to agree with a great deal of what the gentleman from Winslow said because almost every site that he mentioned that was such an outstanding site does have a dam and that is one of the points in this thing, it does require a dam.

This is not a very rare turbine. I might inform the people of this House that you can go to Milo, Maine, and look at two of them up there that was just put in by one of the entrepreneurs that are running around developing these old hydro sites. There are two operating in Milo, doing a very good job, and they have a dam. They do impound the water.

Another point that was made that present dams are very bad for the fish, the spawn, they spawn, there on the shores in the silt and then they get washed away. Well, I don't know of any kind of a fish in the State of Maine that spawns in the silt, so that is not a very good item.

The last item is that the Office of Energy Resources testified that the Corps of Engineers and their office have done research already on feasible sites. They have done site feasibility studies, the information is already available over in the State Office Building and this is truly not a necessary \$25,000 expenditure.

The SPEAKER: The Chair recognizes the gentleman from Shapleigh, Mr. Ridley.

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I do hope you will go with the Majority Report and I would like to just mention a couple of reasons that haven't been expounded on too much today.

This is not a new idea, it has been around for many years, but I think that it has become more attractive lately because of the shortage or possibility of a shortage of power and due to the embargo and what not, but most of the towns in the State of Maine are built on rivers and there was a very good reason—years ago this was a means of power.

These new type generators, and I refer to the tube-type one which is installed down in Kennebunk, it is manufactured by Allis-Chalmers, a division of Allis-Chalmers, it is a low-head hydro that can run with a nine, ten, twelve foot

head, they are very economical to run and one of the big features about it that I liked was that fish can swim back and forth through this thing. You take where you have a fish ladder, the fish can swim up the ladder but then how do they get back? These, they can go back and forth both ways and the survival rate, as was pointed out before, is somewhere better than 90 percent.

I would hope that you would go along with this because I think there is some information that could be gathered up that would be very useful and would be available to many of these small towns. In my town there is a dam there that has about a 15 foot head and this looks very attractive. If the information is available, it would make it much easier for us to go ahead with this project. I hope you do support the Majority Report.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Just one quick point why we need a reconnaissance survey. Occasionally, I take my boat out on the coast of Maine and there is one area in particular known as Hell's Gate which is an ideal spot for this type of a turbine. No dam is needed, and if I can find a spot like this, what do you suppose an engineering firm with the know-how could do for the State of Maine? This is all the study calls for.

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 pending question before the House is on the motion of the gentleman from Sangerville, Mr. Hall, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Andrews, Baker, Beau-lieu, Bost, Brodeur, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Connolly, Cote, Cox, Crouse, Daggett, Diamond, Drinkwater, Erwin, Gauvreau, Gwadnosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Jacques, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; McCollister, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Reeves, P.; Richard, Ridley, Roberts, Rolde, Seavey, Smith, C.B.; Soucy, Soule, Stevens, Tammaro, Theriault, Tuttle, Vose, The Speaker.

NAY—Allen, Anderson, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Clark, Conary, Connors, Cooper, Crowley, Curtis, Davis, Day, Dexter, Dillenback, Dudley, Foster, Greenlaw, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, Macomber, Masterman, Matthews, K.L.; Maybury, McGowan, McPherson, Murphy, E.M.; Paradis, E.J.; Parent, Perkins, Pines, Racine, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Swazey, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Benoit, Brannigan, Callahan, Higgins, L.M.; Kane, MacBride, Mahany, Masterton, Murphy, T.W.; Rotondi, Strout, Thompson.

Yes, 78; No, 59; Absent, 13; Vacant, 1.

The SPEAKER: Seventy-eight having voted in the affirmative and fifty-nine in the negative, with thirteen being absent and one vacant, the motion does prevail.

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

Consent Calendar

First Day

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

(S. P. 525) (L. D. 1548) Bill "An Act Relating to Forest Practice" Committee on Energy and Natural Resources reporting "Ought to Pass"

(H. P. 1152) (L. D. 1521) Bill "An Act to Provide for the 1983 Amendments to the Maine Housing Authorities Act" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-250)

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

Consent Calendar

Second Day

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

(H. P. 1037) (L. D. 1362) Bill "An Act to Permit Municipalities to Regulate Shellfish Harvesting Within State Park Lands" (C. "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" (C. "A" H-248)

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

Passed to be Engrossed

Bill "An Act to Regulate the Season on Coyotes" (H. P. 1227) (L. D. 1621)

Bill "An Act Concerning Records of Arrests of Criminal Offenders" (S. P. 559) (L. D. 1616)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed in concurrence and the House Paper was passed to be engrossed and sent up for concurrence.

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

Emergency Measure

An Act to Remove the Requirement that Farm Vehicles have a Fuel Use Decal (H. P. 427) (L. D. 509) (H. "A" H-239 to C. "A" H-197)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of same and None against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Change the Deadline for Holding Municipal Caucuses (S. P. 113) (L. D. 265) (C. "A" S-111)

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

Enactor Tabled and Assigned

An Act to Establish the Third-party Prescription Program Act (S. P. 518) (L. D. 1539) (H. "A" H-209)

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 es-

pecially assigned for Friday, May 20th.

An Act to Prohibit Harassment of Hunters, Trappers and Fishermen (S. P. 543) (L. D. 1586) (S. "A" S-114)

An Act to Amend the Child and Family Services and Child Protection Act (H. P. 827) (L. D. 1085) (C. "A" H-232)

An Act to Clarify Method of Payment of Salaries to County Commissioners (H. P. 1109) (L. D. 1462)

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 Provide a Statement of Birth Parents' Identity for Adoptees (H. P. 1202) (L. D. 1596)

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

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

Mr. VOSE: Mr. Speaker, I would like to pose a question through the Chair. Would somebody on the Committee or the sponsor be kind enough to explain to me what L.D. 1596 does?

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

The Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1596 addresses a very narrow area of the law with regard to adoption of—perhaps I could best explain it by giving you an example. In an instance where a couple of children, ages 4 and 5 years old, their parents are killed in an automobile accident, in that instance they know the identity of their parents. The children are then adopted by a third party with a different last name and as part of the adoption process, a new birth certificate is issued with that new last name. The examples that came before the committee were these children who wished at some later time in their life to have some addition to the record to indicate the identity of their natural parents, and all this bill provides is that in those situations where children know of the identity of their natural parents, it allows them to place an annotation on that birth certificate so that there is some evidence of their history and their genealogy. It doesn't address the other issue of search for natural parents where they are unknown, it just addresses a very narrow issue.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and 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 17, 1983

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

The Senate today voted to override the negative recommendation of the Committee on Education. Subsequently, the Governor's nomination of Joseph D. Murphy of Biddeford to the State Board of Education was confirmed.

Sincerely,
S/VALERIE MITCHELL
Assistant Secretary of the Senate
Was read and ordered placed on file.

Ought to Pass in New Draft

Report of the Committee on Audit and Program Review on Bill "An Act to Standardize the Disciplinary Proceedings of Health Profession

Licensing Boards" (S. P. 483) (L. D. 1465) reporting "Ought to Pass" in New Draft (S. P. 561) (L. D. 1618)

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 given its Second Reading and passed to be engrossed in concurrence.

Ought to Pass as Amended

Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-124) on Bill "An Act Concerning Fishways in Dams and Other Artificial Obstructions in Inland Waters" (S. P. 405) (L. D. 1253)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-124) as amended by Senate Amendment "A" (S-127) thereto.

In the House, the Report was read and accepted and the Bill read once.

Committee Amendment "A" (S-124) was read by the Clerk.

Senate Amendment "A" to Committee Amendment "A" (S-127) was read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted.

Under suspension of the rules, the Bill was given its Second Reading and passed to be engrossed as amended in concurrence.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-125) on Bill "An Act to Discourage Violation of Wildlife Laws" (S. P. 143) (L. D. 435)

Report was signed by the following members:
Senators:

USHER of Cumberland
DOW of Kennebec
REDMOND of Somerset

— of the Senate.

Representatives:

MacEACHERN of Lincoln
CLARK of Millinocket
JACQUES of Waterville
ERWIN of Rumford
CONNERS of Franklin
RODERICK of Oxford

— 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:

SMITH of Island Falls
GREENLAW of Standish
KELLY of Camden
PAUL of Sanford

— 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-125)

Reports were read.

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

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

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves that the House accept the Majority "Ought to Pass" Report.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the signers of the "Ought Not to Pass" Report on this bill and I would like to say that I have no problem deciding on this one. I wish all decisions could be made that easily.

This bill is often referred to as the 'rat and cheese' bill. The department holds the cheese and the rat is to call a toll free number, a new number, and report a game violation. That rat then receives a number which he may collect a reward at a later date. How many calls will be false reporting? Let's not play on greed or need of others to have people turned in or turn on one another. Instead, let's advertise those five toll free numbers now in existence and let the true sportsmen report violations without reward. Maybe a number of you don't know these toll free numbers. Well, let me give you these: In Acton, it is 1-800-322-4011; in Augusta, it is 1-800-322-3606; in Bangor, it is 1-800-322-2033; in Gray, it is 1-800-322-1333; in Greenville, it is 1-800-322-9844. Do you think we need another number?

When the department has asked for an increase in license fees, do we need to be spending money before we get it? There will be more people to answer the phones.

When one is turned in, who does the accused blame? Should he have the right to face his accuser? We will be playing one neighbor against another. I believe if the department advertises its already existing toll free numbers, any person who is concerned about violations and not a reward will make that call.

Let's put this bill down the rat hole where it belongs. I move this bill and all its accompanying papers be indefinitely postponed and would ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I hope you will go along with the gentleman from Island Falls. This House refused to put a bounty on coyotes here a few days ago; now this bill will put a bounty on a man.

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 pending question before the House is on the motion of the gentleman from Island Falls, Mr. Smith, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Anderson, Andrews, Baker, Beaulieu, Bell, Bonney, Bost, Bott, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Conary, Connolly, Cote, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Drinkwater, Foster, Greenlaw, Gwadosky, Handy, Hayden, Hickey, Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, Locke, MacBride, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; McPherson, McSweeney, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Randall, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Stevens, Stevenson, Stover, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton, The Speaker.

NAY—Allen, Benoit, Clark, Connors, Cooper, Cox, Diamond, Dillenback, Erwin, Gauvreau, Hall, Higgins, H.C.; LaPlante, MacEachern, Maybury, McCollister, McGowan, McHenry, Michael, Moholland, Roderick, Soule, Sproul.

ABSENT—Armstrong, Brannigan, Brown, K.L.; Callahan, Dudley, Kane, Mahany, Masterton, Murphy, T.W.; Racine, Rotondi, Strout.

Yes, 115; No, 23; Absent, 12; Vacant, 1.

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

Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Create a Statutory Will" (H. P. 1182) (L. D. 1575) which was passed to be engrossed in the House on May 10, 1983.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-126) in non-concurrence.

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

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

Bill "An Act to Effect Changes in the Statutes of Various Occupational and Professional Licensing Boards" (S. P. 562) (L. D. 1625)

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

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

Bill "An Act to Establish a Program to Abate, Clean up and Mitigate Threats to Public Health and the Environment from Uncontrolled Hazardous Substance Sites" (Emergency) (S. P. 565) (L. D. 1638)

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

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

The Chair laid before the House the following matter:

Bill "An Act to Include the Term 'Sexual or Affectional Orientation' in the Maine Human Rights Act" (S. P. 237) (L. D. 679) which was tabled earlier and later today assigned pending the motion of Mr. Connolly of Portland that the House recede and concur.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: I don't intend to renew the debate because yesterday virtually all the arguments for passage of this bill were made. Obviously, the vote of yesterday was very, very disappointing to those of us who have not only in this session but in the past tried to have this type of legislation enacted.

The fact of yesterday's vote and the fact that it was defeated by just about a 3 to 1 margin doesn't change the issue at all. The issue that is represented in this legislation is one of discrimination and protections that would be offered to protect a minority against discrimination, and that purely and simply is the issue. It seems a shame that we had an opportunity yesterday to do something not only historic and courageous but something very constructive. It is a shame, from my point of view, the kinds of things that have been done throughout history in the name of God and in the name of religion. I firmly believe that if the vote in this House were done by secret ballot, that this bill would pass overwhelmingly.

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

Mr. JALBERT: Mr. Speaker, Members of the House: Unfortunately, for a couple reasons I couldn't be here yesterday and the Speaker knows about it because I spoke to him about it. This morning I was strolling out of the hospital and I ran into a gentleman and he said, "are you one of the 37—in lieu of the word that we used to use around here and I have used it my-

self, it is not, I think, very nice. Yesterday I would have voted no. I spoke to him and I said, "young man, if I were you, I would not repeat what you just said because instead of going out that way to the hospital, you would be going in this way. I don't like that kind of conversation."

I have decided that people have a right to live their lives the way they want to live them. It is their business, it isn't my business what they do where, when or how. It is their business, not mine. I am going to vote no and I don't give a darn who knows it.

Mr. Speaker, Ladies and Gentlemen of the House: There are only two things that I want to say. I want the opportunity today to vote two times instead of one, because I forgot to vote yesterday in the course of the excitement and many other things. So I want to ask for a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. 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 desire for a roll call, a roll call was ordered.

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

ROLL CALL

YEA—Andrews, Baker, Beaulieu, Benoit, Brodeur, Carroll, D.P.; Chonko, Connolly, Cooper, Cox, Diamond, Gauvreau, Hall, Handy, Hayden, Higgins, H.C.; Hobbins, Jalbert, Joseph, Kelleher, Ketover, LaPlante, Locke, Martin, A.C.; Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Pouliot, Reeves, P.; Rolde, Seavey, Soule, Stevens, Thompson.

NAY—Ainsworth, Allen, Anderson, Bell, Bonney, Bost, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Carrier, Carroll, G.A.; Carter, Cashman, Clark, Conary, Conners, Cote, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Gwadosky, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Joyce, Kelly, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, MacBride, MacEachern, Macomber, Manning, Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, McCollister, McGowan, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, E.M.; Norton, 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, Swazey, Tammara, Telow, Theriault, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirnklinton.

ABSENT—Armstrong, Brannigan, Callahan, Kane, Mahany, Masterton, Murphy, T.W.; Rotondi, Strout, The Speaker.

Yes, 38; No, 102; Absent, 10; Vacant, 1.

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

Thereupon, the House voted to adhere.

(Off Record Remarks)

On motion of Mr. Handy of Lewiston,
Adjourned until nine o'clock tomorrow morning.