

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

INDEX

FIRST CONFIRMATION SESSION

August 4, 1983

INDEX

FIRST SPECIAL SESSION

September 6 and 7, 1983

INDEX

SECOND CONFIRMATION SESSION

September 23, 1983

INDEX

THIRD CONFIRMATION SESSION

October 28, 1983

INDEX

SECOND SPECIAL SESSION

November 18, 1983

INDEX

HOUSE

Monday, May 23, 1983

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

Prayer by the Reverend Walter Thompson of the Oakfield Baptist Church.

The members stood at attention during the playing of the National Anthem by the Maranacook Community Band, Readfield.

The journal of the previous session was read and approved.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

May 20, 1983

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

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Marine Resources, the Governor's nomination of Endicott P. Davison, Jr. of Boothbay for appointment to the Marine Resources Advisory Council.

Mr. Endicott is replacing Bernard W. Johnson.

Sincerely,
S/JOY J. O'BRIEN
Secretary of the Senate

The Communication was read and ordered placed on file.

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

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Establish a Directional Sign on Interstate 95 at the End of the Piscataqua River Bridge Indicating York and Ogunquit Exit" (S. P. 384) (L. D. 1176)

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

Unanimous Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Value Forest Land on the Basis of Current Use" (S. P. 531) (L. D. 1554)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act Appropriating Funds for Petitioning Against Damage Due to Foreign Imports" (Emergency) (S. P. 369) (L. D. 1143)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Increase the Percentage of State Municipal Revenue Sharing from 4% to 6%" (Emergency) (S. P. 135) (L. D. 427)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act to Provide a Time for Citizen Input at University of Maine Board of Trustees' Meetings" (S. P. 325) (L. D. 970)

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

Ought to Pass in New Draft

Report of the Committee on Marine Resources on Bill "An Act to Rejuvenate the Fishing Industry in Maine" (S. P. 383) (L. D. 1175) reporting "Ought to Pass" in New Draft (S. P. 575) (L. D. 1652)

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.

Report of the Committee on Election Laws on Bill "An Act to Increase the Number of Voting Booths Required in Maine Elections" (S. P. 125) (L. D. 312) reporting "Ought to Pass" in New Draft (S. P. 566) (L. D. 1639)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report 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.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that Senators shall Serve Four-Year Terms Commencing in 1986 (S. P. 62) (L. D. 168) on which the Majority "Ought Not to Pass" Report of the Committee on State Government was read and accepted in the House on February 16, 1983.

Came from the Senate with that Body having Insisted on its previous action whereby it accepted the Minority "Ought to Pass" in New Draft under New Title RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Staggered Four-Year Terms for Senators (S. P. 242) (L. D. 731) Report of the Committee on State Government and asked for a Committee of Conference in non-concurrence.

In the House: On motion of Mr. Gwadosky of Fairfield, the House voted to Insist and join in a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Relating to the Appointment of County Officials" (H. P. 1200) (L. D. 1594) which was Passed to be Engrossed in the House on May 12, 1983.

Came from the Senate with the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

In the House:

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

Mr. ARMSTRONG: Mr. Speaker, I move that the House Insist and ask for a Committee of Conference and I would like to speak to my motion.

The SPEAKER: The gentleman from Wilton, Mr. Armstrong, moves that the House Insist and ask for a Committee of Conference.

The gentleman may proceed.

Mr. ARMSTRONG: Mr. Speaker, Men and Women of the House: On May 12, this body passed to be engrossed L.D. 1594, An Act Relating to the Appointment of County Officials. This particular bill was a committee redraft, the Local and County Government Committee, of a bill I sponsored, L.D. 785, along with Representative Bonney of Falmouth and Representative Dexter of Kingfield.

The Committee on Local and County Government worked long and hard on this bill and came out with a bipartisan, unanimous committee redraft of my bill, and as I said, it passed the House without any problem or debate on May 12. Basically, this is a fairness bill and I think up to this point in time it had pretty good bipartisan support.

The bill says that when a county official, an elected county official, resigns during mid term or dies in office, that the Governor shall appoint his or her successor for the remainder of the term or until the next general election, someone from the same political party as the elected official who resigned or died in office. I am not quite sure of the makeup of the county officials in the state, but I assume that there is probably an equal number of Democrats and Republicans, and I always felt fairly strongly that, for instance, if a Democratic county commissioner from Androscoggin dies in of-

fice, the Governor, be he a Republican or Democrat, should appoint a replacement from the same political party until the next general election and then let the voters take over.

I would ask that you support my motion to Insist and ask for a Committee of Conference and maybe we can find a solution that everyone can agree with.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentleman from Wilton, Mr. Armstrong. Can we presume that if this L.D. were to become law, if a county commissioner in my county, for instance my own county commissioner here in Augusta were to die, he being a member of the Republican Party, that the Republican County Committee could nominate one person or recommend one person to the Governor and the Governor would have to choose that person?

The SPEAKER: The gentleman from Augusta, Mr. Paradis, has posed a question through the Chair to the gentleman from Wilton, Mr. Armstrong, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: I believe the committee redraft of the bill, and the committee members can probably tell you, it would require the Governor to appoint someone from the same political party as the incumbent who dies or resigns in office. I think the county political party can nominate someone but I think the only thing that would bind the Governor would be an appointment of someone from the same political party, but if I am wrong, I stand corrected, but I believe that is the way the redraft works.

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

Mr. PARADIS: Mr. Speaker and Members of the House: I appreciate the gentleman's reply.

After reading the bill, I am concerned a little bit that a chief executive, no matter what party he is, who is elected by all the people of this state, would have to obey the edict of a partisan county committee that isn't elected by the people, is chosen, elected by a small group of people. It has a serious flaw in that regard. I don't think there is anything inherently wrong with partisanship on the local, county or state level, but I do think that when we seek to dictate to the chief executive of this state who might be the right people to serve on an interim basis to take the place of an elected official, we dictate that there has to be only the most serious criteria, the most important fact would be political party, then I think that is a difficult argument to have to use to explain to your people the way you vote.

I am going to vote against this motion to insist and ask for a Committee of Conference because I think the other body has acted wisely.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Wilton, Mr. Armstrong, that the House Insist and ask for a Committee of Conference. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 36 having voted in the negative, the motion does prevail.

Non-Concurrent Matter

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) which was passed to be engrossed in the House on May 18, 1983.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-132) in non-concurrence.

In the House: The House voted to recede and

concur.

Non-Concurrent Matter

Bill "An Act to Require Swimming Pools to be Enclosed" (S. P. 511) (L. D. 1528) on which the Bill and Accompanying Papers were indefinitely postponed in the House on May 9, 1983. Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-129) in non-concurrence.

In the House:

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

Mr. STROUT: Mr. Speaker, I move that the House adhere.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would certainly hope that the House will not adhere. The amendment which, by the way, I am not sure it has been distributed, I didn't find it on my desk and had to go get one. The amendment should take care of the objections of most if not all of the members of the House who voted against the original bill where the original bill said that municipalities might adopt laws more stringent than the state law. The amendment says, and I will read it, "Municipalities may adopt and enforce swimming pool enclosure ordinances or enforce existing ordinances that are either less restrictive or more restrictive than this chapter or the matters not dealt with by this chapter."

Quite simply, it means that if a municipality does not choose to act in this area, the state law would be in effect. If the municipality chooses to act in this area, the state law would not be in effect regardless of what type ordinance the municipality enacted.

As to the need for this, I found another unfenced swimming pool by accident yesterday. The swimming pool is adjacent to a municipal parking lot with a very large motel within 50 feet of the pool and the pool practically concealed in the ground because of the type of landscaping. The people say, when are you going to stop telling people what to do? I guess I might stop telling people what to do when they stop setting death traps for children.

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

Mr. STROUT: Mr. Speaker, I would pose a question to the gentleman from Brewer, Mr. Cox. I would like to know why under present law we could not adopt an ordinance that would require having swimming pools fenced without this amendment to this legislation?

The SPEAKER: The gentleman from Corinth, Mr. Strout, has posed a question through the Chair to the gentleman from Brewer, Mr. Cox, who may respond if he so desires, and the Chair recognizes that gentleman.

Mr. COX: Mr. Speaker, I would answer the question by saying there is nothing to stop a municipality from passing such an ordinance and I don't think that the lives of children should be placed in jeopardy simply because for some reason a municipality has failed to pass an ordinance.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read from the Statement of Fact on this amendment. "If a municipality has no ordinance, the state statute will apply, but if a municipality currently has an ordinance or adopts one in the future, the municipal ordinance will apply rather than the state statute."

It seems to me, ladies and gentlemen, that this amendment does nothing to this bill except in the instances where a municipality does not enact a local ordinance, then the state law applies. I will criticize this as I criticized it the other day. It is another state mandate being laid on municipalities. Let the

municipalities decide whether or not there is a problem with a swimming pool. And for goodness sake, leave it up to the common sense of hotel and motel pool owners and individual landowner pool owners to protect themselves and their own liability from accidents and drownings in their swimming pools.

I hope you will vote against the motion to recede and concur so that we can adhere and vote this bill down.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker and Members of the House: I would like to address a couple of points in Mrs. Masterton's remarks. One is that this is different than the original bill. The original bill said that if a municipality enacted an ordinance, it had to be more stringent than the state law. This amendment says they may enact any kind of an ordinance, more or less stringent. It is purely left to the local control.

As for leaving it up to the common sense of people to decide whether they are going to fence that pool, I submit that there are many people who are not using common sense, and when people fail to use common sense and place the lives of little children, as well as older people, in jeopardy by leaving swimming pools unfenced, we all know what will happen if someone cannot swim and falls into one of these open swimming pools, which, by the way, are going to be open 24 hours a day to people out for a stroll at night, little children who may be sleep walkers. I think I heard just this morning of a sleep walking child who did walk into a swimming pool and drown, so I don't think anyone is using good common sense when they leave these pools unfenced, and they are leaving these pools unfenced.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: My objection to this, I don't mind trying to protect the youngsters in the built up areas. I don't happen to have a swimming pool on my farm, which is 5½ miles out of Cornish village, and I am very sure there aren't many sleep walkers walking around out where I stay in the summer, but if I ever did want a pool, why am I or anybody in similar circumstances forced to put up a \$2,000 fence on the odd chance that some youngster might walk four or five miles during the evening to get out to South Cornish?

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

Mr. HANDY: Mr. Speaker and Members of the House: I think what we have to do here today is take the bull by the horns and say that we want to protect not only children but other individuals who might use a pool that are not authorized to use or they might walk into. I would submit to Mr. Day, I don't care if a person has to walk 15 miles, if they go near that pool, I want a fence around it and I want to see that person protected. That is what we have to do.

I am tired of hearing the word mandate dragged across any bill that we want to kill. I think that is a new technique that we have come up with in the 111th Legislature, and it is about time that we take the problem head on and say, let's put a fence up around them and protect individuals.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: This went out to referendum at most of your town meetings in March. The towns that wanted an ordinance passed it then. Those that didn't turned it down, and I would suggest to the people that are worried about tots going into swimming pools that the Town of Skowhegan has the Kennebec River the whole length and that has claimed countless lives in our town and no one has suggested that we fence in that.

I am sure we all have bodies of water similar to that where children, young people and even

canoers have met their end. So please let's leave it up to our towns. They had a chance to vote on this in March, they did, and those that wanted it voted for it; those that didn't turned it down.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to debate the merits of a fence around a swimming pool or whatever the case may be, I am going to address the merits of an amendment into law by statute which will allow municipalities to adopt rules and regulations or laws less restrictive or more restrictive than the state's. I think this is setting a dangerous precedent. I feel that it is not in the best interest of the state or good government. I think that our constitution and our laws that we adopt here in Augusta should be consistent and not inconsistent, and I think this amendment would make it inconsistent and cause confusion, cause contempt, and I just feel that it would be bad to adopt this amendment this morning for those reasons.

Representative Clark of Millinocket requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Corinth, Mr. Strout, that the House adhere. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Allen, Anderson, Armstrong, Bell, Benoit, Bonney, Bott, Brodeur, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Cox, Crowley, Curtis, Daggett, Davis, Day, Dexter, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Jackson, Jacques, Joseph, Kelly, Kiesman, Lebowitz, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Masterman, Masterton, Maybury, McPherson, McSweeney, Michael, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Perkins, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Roderick, Salisbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproule, Stevens, Stevenson, Stover, Strout, Tammaro, Telow, Theriault, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Andrews, Baker, Beau-lieu, Brannigan, Carrier, Carroll, D.P.; Connolly, Cooper, Cote, Diamond, Dillenback, Hall, Handy, Hickey, Higgins, H.C.; Jalbert, Joyce, Kelleher, Ketover, Kilcoyne, LaPlante, Manning, Martin, A.C.; Matthews, K.L.; Matthews, Z.E.; McCollister, McGowan, McHenry, Melendy, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Paul, Perry, Swazey, Thompson.

ABSENT—Brown, A.K.; Connors, Crouse, Gauvreau, Hayden, Hobbins, Ingraham, Kane, Mahany, Martin, H.C.; Rolde, Rotondi, Small, Tuttle, The Speaker.

Yes, 95; No, 40; Absent, 15; Vacant, 1.

The SPEAKER: Ninety-five having voted in the affirmative and forty in the negative with fifteen being absent, the motion does prevail.

Non-Concurrent Matter

Bill "An Act to Provide for the 1983 Amendments to the Maine Housing Authorities Act" (H. P. 1152) (L. D. 1521) which was passed to be engrossed as amended by Committee Amendment "A" (H-250) in the House on May 18, 1983.

Came from the Senate passed to be en-

grossed as amended by Committee Amendment "A" (H-250) and Senate Amendment "A" (S-133) in non-concurrence.

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

Non-Concurrent Matter

An Act to Prohibit Residency Requirements for Municipal Employees (S. P. 61) (L. D. 167) (S. "A" S-107 to C. "A" S-90) which was passed to be enacted in the House on May 17, 1983.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-90) as amended by Senate Amendment "B" (S-136) thereto in non-concurrence.

In the House:

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Could I pose a question through the Chair? Would somebody care to explain to me what this bill does now with the Senate Amendment and what is different from the original bill?

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

The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker and Members of the House: The new amendment provides that a municipality may only enact ordinances if there is no collective bargaining. It is virtually identical to the first amendment, only the language is far more clear.

It also clarifies that provisions of the ordinances do not apply to employees already employed when the provisions take effect.

I believe this amendment was worked out between the people who had grave and serious concerns in both bodies and with the assistance of the Maine Municipal Association.

Thereupon, Mr. Racine of Biddeford requested a roll call vote.

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

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

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

Mrs. MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I, for one, wondered about the bill the way it stood. Now, with this amendment, I feel as though it is protecting all the communities that were going to be adversely affected and I would vote that we pass this bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion to recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Bell, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Connolly, Cooper, Cote, Cox, Crowley, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Erwin, Foster, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Jackson, Jacques, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murphy T.W.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Randall,

Reeves, P.; Richard, Roberts, Roderick, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Soucy, Soule, Stevens, Stevenson, Stover, Strout, Swazey, Tammara, Telow, Theriault, Thompson, Vose, Webster, Willey, Zirkilton, The Speaker.

NAY—Anderson, Benoit, Carrier, Drinkwater, Dudley, Kiesman, Masterman, McPherson, Michaud, Moholland, Pouliot, Racine, Reeves, J.W.; Ridley, Salsbury, Smith, C.W.; Sproul, Walker, Wentworth, Weymouth.

ABSENT—Brown, A.K.; Connors, Crouse, Gauvreau, Hobbins, Ingraham, Kane, Mahany, Martin, H.C.; Rolde, Rotondi, Tuttle.

Yes, 118, No, 20; Absent, 12; Vacant, 1.

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

Messages and Documents

The following Communication: (S. P. 574)

The Senate of Maine

Augusta

May 19, 1983

Honorable Gerard P. Conley

President of the Senate

111th Legislature

Honorable John L. Martin

Speaker of the House

111th Legislature

Dear Mr. President and Mr. Speaker:

On May 19, 1983 two Bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on May 19, 1983 as follows:

Health and Institutional Services:

Bill, An Act to Authorize and Fund a Medical Model of Congregate Housing (S. P. 572) (L. D. 1650) (Presented by Senator BUSTIN of Kennebec) (Cosponsors: Senator GILL of Cumberland)

State Government:

Bill, An Act to Establish a Special Acquisitions Fund at the State Library (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (S. P. 573) (L. D. 1651) (Presented by Senator WOOD of York) (Cosponsors: Representative MASTER-TON of Cape Elizabeth and Senator COLLINS of Knox)

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

S/EDWIN H. PERT

Clerk of the House

Came from the Senate read and ordered placed on file.

In the House, was read and ordered placed on file in concurrence.

The following Communication:

State of Maine

One Hundred and Eleventh Legislature

Committee on Marine Resources

May 20, 1983

The Honorable John Martin

Speaker of the House

State House

Augusta, Maine

Dear Speaker Martin:

The Committee on Marine Resources is pleased to report that it has completed all business placed before it by the first regular session of the 111th Legislature.

Total number of bills received 40

Unanimous reports 34

Leave to Withdraw 16

Ought not to pass 0

Ought to pass 7

Ought to pass as amended 5

Ought to pass in New Draft 6

Divided Reports 5

Carryover 1

Respectfully submitted,

S/NATHANIEL CROWLEY, Sr.

House Chairman

Was read and ordered placed on file.

The following Communication: (H. P. 1254)

State of Maine

House of Representatives

Augusta 04333

May 20, 1983

John L. Martin

Speaker of the House

111th Legislature

Gerard P. Conley

President of the Senate

111th Legislature

Dear Mr. Speaker and Mr. President:

On May 20, 1983 three Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, Bills were referred to the Joint Standing Committees on May 20, 1983 as follows:

Health and Institutional Services

RESOLVE, to Establish a Maine Commission to Examine the Availability, Quality and Delivery of Mental Health Services for Children (Emergency) (H. P. 1251) (L. D. 1664) (Presented by Representative BENOIT of South Portland) (Cosponsors: Senator CONLEY of Cumberland, Speaker MARTIN of Eagle Lake and Representative DAVIS of Monmouth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Local and County Government

Bill "An Act Relating to the Date of Apportionment County Taxes" (H. P. 1252) (L. D. 1665) (Presented by Representative McHENRY of Madawaska) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Public Utilities

Bill "An Act to Permit Expedited Processing of Petitions for A Certificate of Public Convenience and Necessity" (Emergency) (H. P. 1253) (L. D. 1666) (Presented by Representative VOSE of Eastport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Sincerely,

S/EDWIN H. PERT

Clerk of the House

S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

House Reports of Committees

Unanimous Ought Not to Pass

Representative Stevenson from the Committee on Election Laws on Bill "An Act to Prohibit Advertising for Political Candidates on Radio and Television" (H. P. 121) (L. D. 129) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative Maybury from the Committee on Health and Institutional Services on Bill "An Act to Promote Consistency in the Funding Authority Granted to the Department of Mental Health and Mental Retardation" (H. P. 756) (L. D. 987) reporting "Leave to Withdraw"

Representative LaPlante from the Committee on State Government on Bill "An Act to Require any Applicant for Guaranteed Loans from the Maine Guarantee Authority to Issue Insured Industrial Development Bonds Prior to Acceptance of any Loan Moneys that have been Guaranteed by the Maine Guarantee Authority" (H. P. 1120) (L. D. 1477) reporting "Leave to Withdraw"

Representative Richard from the Committee on Health and Institutional Services on Bill "An Act to Require that the Aid to Families with Dependent Children Program Promote Family Unity" (H. P. 609) (L. D. 757) reporting "Leave to Withdraw"

Representative Nelson from the Committee

on Health and Institutional Services on Bill "An Act Relating to Transfer Review" (H. P. 793) (L. D. 1033) reporting "Leave to Withdraw"

Representative Kane from the Committee on Taxation on Bill "An Act to Permit Municipalities to Levy a Sales Tax on Amusement and Entertainment Charges" (H. P. 354) (L. D. 412) reporting "Leave to Withdraw"

Representative Kane from the Committee on Taxation on Bill "An Act to Prohibit State Mandates and Tax Shifts" (H. P. 375) (L. D. 458) reporting "Leave to Withdraw"

Representative Andrews from the Committee on Taxation on Bill "An Act to Establish a Meals and Lodging Tax" (H. P. 432) (L. D. 514) reporting "Leave to Withdraw"

Representative Kane from the Committee on Taxation on Bill "An Act to Make the Maine Income Tax More Progressive" (H. P. 495) (L. D. 592) reporting "Leave to Withdraw"

Representative Kane from the Committee on Taxation on Bill "An Act to Reform the Maine Corporate Income Tax Law" (H. P. 941) (L. D. 1224) reporting "Leave to Withdraw"

Representative Kane from the Committee on Taxation on Bill "An Act to Allow Municipalities the Option of Charging Reasonable Service Fees on Certain Tax Exempt Property" (H. P. 964) (L. D. 1245) 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 Reeves from the Committee on Judiciary on Bill "An Act to Ban Metal-Piercing Ammunition" (H. P. 957) (L. D. 1238) reporting "Ought to Pass" in New Draft (H. P. 1245) (L. D. 1659)

Representative Nadeau from the Committee on Election Laws on Bill "An Act Concerning Explanations for Referenda Questions which Appear on a Ballot" (H. P. 819) (L. D. 1059) reporting "Ought to Pass" in New Draft (H. P. 1250) (L. D. 1663)

Representative Seavey from the Committee on Health and Institutional Services on Bill "An Act to Require Interdepartmental Coordination of Social Services Planning" (H. P. 955) (L. D. 1236) reporting "Ought to Pass" in New Draft (H. P. 1255) (L. D. 1668)

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

Ought to Pass in New Draft/New Title

Representative Foster from the Committee on Judiciary on Bill "An Act to Make Joint Custody the First Order of Preference in Child Custody Cases." (H. P. 397) (L. D. 480) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide that Joint Custody be Awarded when the Parents Agree to it in Child Custody Cases" (H. P. 1243) (L. D. 1657)

Report was read.

The SPEAKER: The Chair recognizes the gentlewoman from Ellsworth, Mrs. Foster.

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 1657, the new draft, so-called joint custody bill, is one of the results of this work. The new draft amends current law to require a judge in a case of divorce or separation involving children to grant joint custody if that is the custody alternative the parents choose.

The Judiciary Committee heard of cases where parents have agreed to joint custody, yet the judge has gone against the wishes of these parents. The committee feels that unless a judge has substantial evidence to support a different custody award, the judge should accept a joint custody agreement achieved by the parents.

The committee wishes to emphasize that the change we have recommended in current law is not intended to imply that a judge may only grant joint custody when the parents agree to

this award. The standard for custody decisions remains in the best interest of a child. A judge may in some cases find that joint custody is best, though one parent or the other may resist the idea.

Thereupon, the Report was 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 Foster from the Committee on Judiciary on Bill "An Act to Prohibit Parents from Interfering with the Parental Rights of the Other Parent" (H. P. 1117) (L. D. 1475) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Establishing a Commission to Study the Issue of the Custody of Children in Domestic Relations Cases" (Emergency) (H. P. 1244) (L. D. 1658)

Representative Mitchell from the Committee on Energy and Natural Resources on Bill "An Act Concerning the Agricultural Usage of Tannery Sludge" (H. P. 596) (L. D. 740) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning the Agricultural Use of Sludge" (Emergency) (H. P. 1248) (L. D. 1662)

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to Attorney's Fees Under the Workers' Compensation Law" (H. P. 1107) (L. D. 1460)

Report was signed by the following members:

Senators:

HAYES of Penobscot
DUTREMBLE of York

— of the Senate.

Representatives:

NORTON of Biddeford
WILLEY of Hampden
SWAZEY of Bucksport
TAMMARO of Baileyville
TUTTLE of Sanford
ZIRNKILTON of Mount Desert
BEAULIEU of Portland
BONNEY of Falmouth

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-272) on same Bill.

Report was signed by the following members:

Senator:

SEWALL of Lincoln

— of the Senate.

Representative:

LEWIS of Auburn

— of the House.

Representative GAUVREAU of Lewiston — of the House — abstaining.

Reports were read.

Mrs. Beaulieu moved that the Majority "Ought Not to Pass" Report be accepted.

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 Labor on Bill "An Act Providing Collective Bargaining Rights to Judicial Employees" (H. P. 333) (L. D. 392) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Authorize the Supreme Judicial Court to Provide for Collective Bargaining for Judicial Department Employees" (H. P. 1246) (L. D. 1660)

Report was signed by the following members:

Senators:

DUTREMBLE of York

HAYES of Penobscot

— of the Senate.

Representatives:

WILLEY of Hampden
ZIRNKILTON of Mount Desert
GAUVREAU of Lewiston
NORTON of Biddeford
TUTTLE of Sanford
BEAULIEU of Portland
SWAZEY of Bucksport
TAMMARO of Baileyville

— 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:

BONNEY of Falmouth
LEWIS of Auburn

— of the House.

Reports were read.

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

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

The SPEAKER: The gentlewoman from Portland, Mrs. Beaulieu, moves that the Majority "Ought to Pass" Report be accepted.

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

Mr. BONNEY: Mr. Speaker, Ladies and Gentlemen of the House: Because of the variety of secretness necessary for judicial employees to do their jobs, it seems to me that they need freedom from nonregulation. If by any chance there happened to be an impasse during union negotiations, what would happen to our court system? I just can't see that the present freedom of our court system should be regulated.

Representative Lewis of Auburn requested a division.

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

A vote of the House was taken.

68 having voted in the affirmative and 49 having voted in the negative, the motion did prevail.

Thereupon, the New Draft was 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 Education reporting "Ought Not to Pass" on Bill "An Act to Provide Compensation for Denial of Educational Opportunity" (H. P. 649) (L. D. 826)

Report was signed by the following members:

Senators:

HICHENS of York
CLARK of Cumberland

— of the Senate.

Representatives:

SOUCY of Kittery
BROWN of Gorham
MURPHY of Kennebunk
SMALL of Bath
THOMPSON of South Portland
BOTT of Orono

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide Compensatory Special Education for Exceptional Students Who have not Received an Equal Educational Opportunity" (H. P. 1247) (L. D. 1661) on same Bill.

Report was signed by the following members:

Senator:

HAYES of Penobscot

— of the Senate.

Representatives:

CROUSE of Washburn

MATTHEWS of Caribou

RANDALL of East Machias

LOCKE of Sebec

— of the House.

Reports were read.

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

Mrs. LOCKE: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" in New Draft Report.

The SPEAKER: The gentlewoman from Sebec, Mrs. Locke, moves that the Minority "Ought to Pass" in New Draft Report be accepted.

The gentlewoman may proceed.

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: This New Draft would allow special education students who are presently in school and have been judged through the regular special education school process, which includes the PEP hearing officer and commissioner of education, not to have received necessary education program to be able to have compensatory education equal to that which they were not previously offered.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: It is very difficult to get up today and speak against an education bill, but knowing that Maine can be quite proud of its leadership in fulfilling its legal and moral responsibility to special education students, I must speak.

The search for testing and placement in the most appropriate special ed program consumes substantial staff time and educational funds. Your school unit and my school unit will continue to meet that responsibility, they are committed.

This bill is an open-end invitation for suits, the diversion of staff from present students who are in special ed programs, and a possible blank check on the school budget. There are too many unanswered questions about the possible impact of this bill.

I would urge you to vote no on the motion so that we might then accept the Majority "Ought Not to Pass" Report.

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

Mr. ANDREWS: Mr. Speaker, Men and Women of the House: As of July 1, 1977, disabled children and their parents have been guaranteed under the law an equal opportunity for a decent education. As a result, disabled people are earning high school diplomas, college degrees and a wide variety of vocational skills in record numbers. They are becoming independent, contributing, tax-paying members of the community. Young disabled people can, for the first time, look forward to more than a life in a nursing home and life dependent on social security subsistence and welfare.

The success story of disabled Maine citizens has, indeed, required an up-front investment in public funds through our educational system. But, ladies and gentlemen of the House, we have all benefitted from this investment, not only disabled young people and their families, but all taxpayers, as fewer disabled people require the drain of tax dollars on dependency services.

This bill, L.D. 1661, the New Draft, does not create a new program, it does not mandate a new service and will have no effect on a school system that has been meeting its responsibility under the law. For school systems who have not met their obligation under the law to provide an equal educational opportunity to disabled children, it will mean that they may have to provide this opportunity as a result of a fair and open process to determine their responsibility.

It was about one year ago when we received a report of the special review team and related reports from the Governor Baxter School for the deaf, and in this report we learned from the headlines in the newspapers the cases of physical and mental abuse, those were well publicized, but for those of us who read this report in detail, we read of systematic violations of the rights of handicapped children and their parents for a decent education under the law. Page after page outlined ways in which those school systems or the Baxter School failed to meet their responsibility to these children.

This bill simply states that in those cases where children were denied what was due them under the law, they will be able to receive compensatory educational services, no more—no less, as a result and a response to their denial of educational opportunity.

The best laws in the world mean little if we don't have the will to enforce them, and I agree that the vast majority of school systems in the State of Maine have done an excellent job in meeting their obligation under this important law. Again, for those school systems, this bill will have no impact, but this bill does tell the disabled children of Maine and their families that we believe in equal educational opportunities, we believe in the law and we have the will to back it up when for no fault of their own disabled children go without because a school system fails to meet its legal obligation.

I believe that disabled children and their families deserve no less nor more, and certainly no less.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: This bill will transfer a tremendous amount of money being spent by the state government onto our local tax districts.

One of the districts that I represent has one of the finest programs in the state for handicapped children, and the state is in the process of filling up foster homes in my district with extremely handicapped children. They are overburdening our present system, they are deluging it so that we cannot afford to continue to offer the level of handicap education that we have been giving.

Unless money goes with this bill, you should vote against it, because those people who have been willing to make the effort to have good handicapped education are going to be penalized by this.

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

Mrs. THOMPSON: Mr. Speaker, Men and Women of the House: This is a very difficult bill to oppose. I do think when we have to set priorities, however, we need to vote against the minority report of the committee.

The issue is not whether or not children should get special education or help; the issue really is, should young adults who turn 20 years of age and who have qualified for special ed in the school system, up to the year 20, as they enter the young adult years, should they indeed continue to be a responsibility of the local school system?

The fiscal note was not definite, there was no understanding as to how many people would apply for further special ed help after they are 20 years of age. There was no indication as to how much this would cost the local school system.

I am voting against the bill because I feel that the young adults who need special educational help should, indeed, go to the state bureaus that are responsible for educating adults, either adult ed programs or the Bureau of Rehabilitation.

This bill would, indeed, put 17, 18 and 19 year olds competing with 5, 6 and 7 year olds for the scarce resources in our local school

system.

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

Mr. SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in opposition to the minority report. Basically under the law today, school systems are required to provide education for students ages 5 through 20. It is possible under this bill that your system could be responsible for a student 21, 22, 23, 24, 25. Some of these institutions, and I will just pick one out, let's talk about McLean Hospital in Belmont, Massachusetts, it is \$36,000 a year to have a student there. I feel that this legislation is not necessary and I urge you to support the "Ought Not to Pass" Report.

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

Mr. ANDREWS: Mr. Speaker, Ladies and Gentlemen of the House: If a school system has denied a child an equal educational opportunity under the law, it means in a sense that they have attempted to balance their books on essentially the backs of handicapped children. In other words, they have a legal obligation under the law to provide a certain educational service. The child comes for that service, the parents come for that service, and in a process that violates the law as it is now written, the school system denies that equal educational opportunity to a child. In other words, yes, they are able to save some money that year, but they are saving that money essentially by taking it and borrowing it from a child.

What this bill says, if a school system has decided to borrow that money for a child when that child should have received that service, then it has an obligation to pay that child back and to give that child the education that that child deserved.

Again, ladies and gentlemen of the House, this bill does not create any new programs, it creates no new services, and it concerns me greatly when we have a very difficult time in standing behind the laws that we have on the books right now. This is merely what this bill is going to do.

One final comment on Representative Murphy's comment that this bill would create an open-ended opportunity for law suits. There is a law suit currently pending right now in which the issue is whether or not a student should receive compensatory educational services, and that child and those parents went through the regular school process, got to the final hearing officer stage, the appeal stage, and the hearing officer said, "I can't rule on whether or not you should receive the services because there is nothing that tells me that I should rule on this. I have no obligation to rule, I have no responsibility to rule, I can't rule." What this law would do is allow that hearing officer, based on the evidence before him or her, to determine yes or no whether that student should receive compensatory educational services and therefore keep that case out of the court. If this bill was in effect, the hearing officer could have ruled and we could have kept this case out of court and prevented a costly litigation.

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

Mrs. THOMPSON: Mr. Speaker and Members of the House: I think it is important to note that what we have to consider is the age of the students we are talking about. The elementary child, the junior high child, the early high school student, indeed now has the right to petition for better and increased programs in their special ed program. The parents can go through what is now considered due process in the law and they can get compensatory educational time while they are still in school.

The real problem with this bill, however, to reiterate, is that we're saying that if a 19 year old student applies for compensatory time, they could, indeed, be the responsibility of the

local school system up into their young adult years. That places a complete competitive force by putting young adults competing with elementary school children for the scarce resources of our school system.

I urge you to vote against the pending motion.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: I got involved in this particular legislation, and I am a cosponsor of the bill, because of the Education Committee's review last summer and fall of what happened at Baxter School and the investigations that were conducted by the Attorney General's Office, the Department of Education and the Department of Human Services.

I would hope, at least at this stage in the game, that this House would support the motion of the chair of the Education Committee of "ought to pass" and question some of the remarks that I think come from what I would term educational establishment.

When the Education Committee last year reviewed what happened at Baxter School, in addition to the very dramatic charges of sexual and physical abuse that occurred to students stretching back to the early 1970's, we also found, and this didn't receive much attention in the press, example after example where special education students at Baxter School were, in effect, denied the proper educational program. Even after they had gone through the pupil evaluation process at the local school level and had been placed in Baxter and it had been established what kind of education program they should receive when they went to Baxter School, we found example after example where students were not tested, where students were not evaluated properly, where students didn't receive the education that everybody said they should have received while they were at Baxter School. It was even proven to the Committee that there were numbers of people on the staff at Baxter School who were unable to communicate with the very students over whom they had responsibility.

This bill is a much compromised version of the original bill that was before the Education Committee.

In response to Representative Murphy's charge that if this legislation were to pass that it would be an open invitation to law suits, I would call the House's attention to the Pine-land law suit that occurred back in the early seventies and the mandates both in terms of responsibility and money that were placed upon the state because of the success of that law suit. And I would suggest that if legislation like this doesn't pass, we will probably, as a result of what happened at Baxter School, have a similar law suit that in the long run will cost both the state and local communities a lot more money than is anticipated with this bill.

This bill is a very good bill even though it has been watered down, and I would urge the House, at least at this stage, to vote to support the "ought to pass" motion and keep the bill alive.

Mr. Speaker, I would request a roll call vote.

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

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

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

ROLL CALL

YEA—Ainsworth, Andrews, Baker, Beau-lieu, Bell, Bost, Brannigan, Brodeur, Carroll,

D.P.; Cashman, Connolly, Cox, Diamond, Handy, Hickey, Higgins, H.C.; Ketover, La-Plante, Lisnik, Locke, Macomber, Matthews, K.L.; Matthews, Z.E.; Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Randall, Reeves, P.; Smith, C.B.

NAY—Allen, Anderson, Armstong, Benoit, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, G.A.; Carter, Chonko, Clark, Conary, Cooper, Cote, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Gwadosky, Hall, Hayden, Higgins, L.M.; Holloway, Jackson, Jacques, Jalbert, Joseph, Joyce, Kelleher, Kelly, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lewis, Livesay, MacBride, MacEachern, Manning, Martin, A.C.; Masterman, Masterton, Mayburn, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Paul, Perkins, Perry, Pines, Racine, Reeves, J.W.; Richard, Ridley, Roberts, Roderick, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Thompson, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilston.

ABSENT—Brown, A.K.; Connors, Crouse, Gauvreau, Hobbins, Ingraham, Kane, Mahany, Martin, H.C.; Pouliot, Rolde, Rotondi, The Speaker.

Yes, 32; No, 104; Absent, 14; Vacant, 1.

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

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

Consent Calendar First Day

In accordance with House Rule 56, the following items appeared on the Consent Calendar for the First Day:

(S. P. 502) (L. D. 1518) Bill "An Act to Clarify the Authority of the Superintendent of the Bureau of Consumer Credit Protection" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-128)

(S. P. 218) (L. D. 655) Bill "An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration, and the State Liquor Commission for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-134)

(S. P. 359) (L. D. 1080) Bill "An Act Concerning Fishways in Dams and Other Artificial Obstructions in Coastal Waters" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-135)

(S. P. 292) (L. D. 880) Bill "An Act to Clarify the Tax Status of Time-sharing Condominiums" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-130)

(S. P. 558) (L. D. 1624) Bill "An Act Concerning Volunteer Marine Patrol Officers" (Emergency) — Committee on Marine Resources reporting "Ought to Pass"

(S. P. 495) (L. D. 1502) Bill "An Act Providing Uniformity, Conformity with the ME Administrative Procedure Act and Compliance with Court Decisions of the Statutes of Licensing Boards within the Department of Business Regulation" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-131)

(H. P. 1035) (L. D. 1360) Bill "An Act to Amend Various Provisions of the Maine Crimi-

nal Code" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-275)

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

Passed to be Engrossed Amended Bill

Bill "An Act Relating to Prison Visits" (H. P. 699) (L. D. 888) (C. "A" H-261)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

Orders of the Day

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

Bill "An Act Adjusting the Rate of Refund of Motor Fuel Tax to Users of Aircraft and to Make Technical Adjustments to the Motor Fuel Tax Laws" (Emergency) (H. P. 1177) (L. D. 1571) — In House, Referred to the Committee on Taxation on May 5, 1983. — In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-113) without reference to a committee in non-concurrence.

Tabled—May 19, 1983 (Till Later Today) by Representative Diamond of Bangor.

Pending—Further Consideration.

On motion of Mr. Higgins of Portland, the House voted to recede.

Thereupon, the Bill was read once. Under suspension of the rules, the Bill was read the second time.

Senate Amendment "A" (S-113) was read by the Clerk and adopted in concurrence.

Mr. Higgins of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-256) was read by the Clerk and adopted.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I realize that we are in a hurry to get through this particular piece of legislation, but at the same time the bill hasn't had a public hearing and there are two amendments on it, one has been put on by the other body and the one the gentleman just put on here in this body, and I think the House is within its bounds, at least I feel that I ought to ask the question of what this bill does and why we are amending it on the floor of the House and Senate without having a public hearing.

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: When we passed the gas tax about a month and a half ago there were some technical changes that the Bureau of Taxation and the Department of Transportation have found and this bill puts these technical changes into effect. One of the changes is dealing with the suppliers' law and enforcement of this in September, and also to make the same rebate for aircraft owners as is allowed those of commercial motor boat owners under the gas tax provision.

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

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

HOUSE REPORT—"Ought to Pass" — Committee on Transportation on Bill "An Act Making Adjusted Allocations from the Highway

Fund for the Fiscal Year Ending June 30, 1983" (Emergency) (H. P. 810) (L. D. 1050)

Tabled—May 20, 1983 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Committee Report.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading later in the day.

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

An Act to Revise the composition of the Marine Resources Advisory Council (H. P. 1038) (L. D. 1363) (C. "A" H-162)

Recalled from the Governor pursuant to Joint Order H. P. 1224. — In House, Passed to be Enacted on May 9. — In Senate, Passed to be Enacted on May 9.

Tabled—May 20, 1983 by Representative Mitchell of Vassalboro.

Pending—Further Action.

The SPEAKER: There was a question as to whether or not this matter required a two-thirds vote pursuant to the Constitution. The Speaker asked for an Attorney General's opinion and the opinion has returned which indicates that this bill does not require a two-thirds vote for enactment.

Thereupon, the Bill was returned to the Governor's Desk and sent up for concurrence.

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

An Act Concerning the Admissibility in Criminal Proceedings of Statements by Minors Describing Sexual Contact (H. P. 1201) (L. D. 1595)

Tabled—May 20, 1983 by Representative Soule of Westport.

Pending—Passage to be Enacted.

On motion of Mr. Soule of Westport, retabled pending passage to be enacted and later today assigned.

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

House Divided Report—Majority (11) "Ought Not to Pass" — Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (H-262) — Committee on Labor on Bill "An Act to Increase the Minimum Wage" (H. P. 884) (L. D. 1138)

Tabled—May 20, 1983 by Representative Beaulieu of Portland.

Pending—Motion of same gentlewoman to accept the Minority "Ought to Pass" as amended Report.

The SPEAKER: The Chair recognizes the gentleman from Mount Desert, Mr. Zirnkilton.

Mr. ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you not to accept the Minority "Ought to Pass" Report and to accept the Majority "Ought Not to Pass" Report. Eleven out of 13 members felt that this bill was not good. I can only say to you now that if this bill were to pass as amended by Committee Amendment "A" (H-262), we would be the only state in the 48 contiguous states in the United States to have a minimum wage which exceeded the federal minimum standard of \$3.35 per hour. Our business climate currently is 40th in the nation, give or take a few, depending on the day which you ask someone and also depending on who you ask.

It is my opinion and the opinion of many others, and I hope the opinion of the majority of this body and the other body that this would be a terrible thing to do to the State of Maine when we are in fact trying to increase our business climate so we can be more competitive with other states in this nation. The cost of transportation to Maine as opposed to our other New England states is more expensive, the cost of workers' compensation is one of the highest in the nation—we certainly hope we have been able to address that with some of the legislation this year—and our taxes are also fairly well up there in comparison. It is my opinion that this bill would do much more harm

to the people that it is intending to help, and we have all received, certainly, various correspondence from the restaurant industry, from other industries, that this would in fact put the last nail in the coffin, so to speak, to insure that no industry would even consider moving into a state which is already costly, moving into a state which would have a higher minimum wage than any other state in the contiguous U.S., and I would urge you not to accept the minority "ought to pass" report and I would request a roll call, Mr. Speaker.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: When I first came to this body, there were two leading labor people in this House that continually used to speak for the opposition party against any type of wage increases. One was the Honorable Dean Durgin from Cumberland County, one of those small towns up in that area, and the other one was the Honorable Paul Huber, the two leading labor spokesmen for the Republican party in this House, and they used the very arguments in 1969 that Mr. Zirnkilton used today—it isn't the right time, we have got to be cautious because we are at the end of the pipeline in terms of employment, the minimum wage will break the backs of the businessmen in this state—the same old useless arguments.

Now, being a Democrat and being a member of this body back then and presently today, I just cannot accept those tired, old, sick arguments that have been traditionally represented by the Republicans in this state over the years. Never once did I ever find the Republican Party, in the majority, arguing for increases in the minimum wage, it would be against their conscience. And lo and behold, 15 years later that same mentality is present again on the floor of this House.

The minimum wage is not going to break the backs of the businessmen in this state no matter how much they cry about it. We all got a letter this morning from the Maine Restaurant Association, and that same old song is being sung again today—Maine should not take the initiative to raise our minimum wage. Legislative increases would cause a rippling effect on costs. Our food service industry hires many people and we will have to let them go. Any increases passed on by the minimum wage will be reflected on the customers in increases for their meat and potatoes and everything else that they have there—who pays for it? The people, you and I that use the restaurants. The old argument is, it is not the right time. Let me tell you, the right time will never come for this opposition party of ours—wonderful people, I love you all, but sometimes I can't figure where you are coming from when you have the best benefit of the working people.

We want to raise it a few cents, and isn't it terrible that we will be ahead of the federal government. Well, I wouldn't mind the state being ahead of the federal government on this issue. And the old argument that industry isn't going to come in, well, industry is here, there are plenty of working people, and you know, it is hard for me to believe that a committee report such as this came out of the Committee on Labor with so many Democrats sitting on it, I am really shocked, I am really surprised that my brothers and sisters in the Democratic Party that are on that committee, the working people in this state whose table we have supped at a thousand times for political support, and with good reason, you are turning your backs on them right here today. Are we getting too comfortable? Is it prosperity that we're afraid of, or are we afraid the few businessmen in our community, who never support the minimum wage, are going to be a little uncomfortable when they see us walking down Main Street?

The only advantage the working people have in this state is the advantage of the Democratic

Party. Traditionally that has been the ethnics and the workers for the minimum wage, and don't buy those old songs that we have heard so many years before that it isn't the time, the economic climate is bad. You can go back to 1945 and you would hear the same arguments by the same party when they were in the minority in the Congress arguing against the minimum wage.

I urge this House to support the gently lady from Portland, Mrs. Beaulieu's minority report, and for the love of heaven, let's not at all—and I am talking to you as Democrats—the Republicans, we know where they are going, they are not going for anything. I am asking the Democrats in this House to support the minority report and support the minimum wage bill.

The SPEAKER: The Chair recognizes the gentleman from Mount Desert, Mr. Zirnkilton.

Mr. ZIRNKILTON: Mr. Speaker and Members of the House: The gentleman is absolutely right on a number of points. First of all, the same arguments were used in the sixties and the same argument is being used today because it still holds true.

The gentleman is also right that I, for one, will never support an increase in the minimum wage above the federal standards because of what I believe it will do to the business climate of the State of Maine.

The gentleman, however, is not right when he says he only wants to increase the minimum wage a few cents, 15 cents to be exact. Let's take a look at what that would do—a few facts compiled for the gentleman.

The average work week is 39 hours in the State of Maine, and if we multiply this times 52 weeks per year, times 15 cents, that equals roughly \$304 per employee. In addition to this, we have \$21 in additional Social Security costs, \$10 in additional unemployment insurance cost, roughly \$10—if you average out the workers' compensation cost—some \$10 for miscellaneous other items which are either taxed or pay premiums, depending upon the total salary of that employee, that comes to \$365 per employee per year and there are roughly 325,000 employees in the State in the State of Maine that make somewhere near minimum wage. You take that time \$365 per year per employee and you get \$118, 625,000, just a few cents per person.

I still believe that the arguments I stated to you earlier hold true. The gentleman and I had a conversation the other day about what would happen to our business if in fact we did raise the minimum raise 15 cents. We started talking about the corporate world which some of us, including myself, don't always understand, but I do believe the corporations are responsible to their stockholders, that's who invests in the corporations and the companies, that's who receive the dividends and in many cases, aside for the board of directors, that is who determines what the corporation is going to do. Now, if you put yourself in that room with the board of directors and you want to make some kind of expansion and you are looking for a state which is going to be receptive to your needs and desires, looking for a state that is going to help you run the business as best you possible can and provide as many job opportunities as you possible can in that state for the people of that state, those people are not going to consider, in my opinion, the State of Maine if we are the only state which has a higher minimum wage than any other state in the entire 48 contiguous states in this country.

We mentioned our other costs which exceed that of our neighboring state and many other states in this nation, and to put it bluntly, I think this would be complete and total suicide for our business climate.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I can't let the remarks of

the good gentleman from Bangor, Mr. Kelleher, go unanswered. I would just simply remind him and other members of this body that it is the federal government who has passed the minimum wage laws, and as I recall, up until the last couple of years anyway, that Congress has been made up predominately of Democrats. If the gentleman from Bangor is so concerned about the minimum wage, perhaps he ought to consider running for Congress himself, going down there and doing something about this instead of making Maine the one and only state in the whole nation that is going to take the forefront and be the brunt of the increase in the minimum wage. I think the gentleman from Mount Desert has hit the nail on the head when he says that it sends out a very bad message to businesses who want to come to the State of Maine and work.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If I had an opportunity, I have no desire to answer the call that the good gentleman just made about running for the United States Congress.

But I will tell you this, I think you and I can do more and have done more in this state for the welfare of the people of this state than all the darn congresses we ever had because we are near the people. We take federal money as it comes up and we try to disburse it in the fairest fashion.

Mr. Higgins, just by his nature, and he is a wonderful guy, and I sincerely mean that, but when it comes to this issue, it is dark outside and he will never see the light. It is just contrary to his convictions, and I can appreciate him for that. But I am also sure you can appreciate the fact of where I am coming from, that this Democrat in this seat has continually supported the minimum wage every year that I have ever been here, and I will continue to do it because it is only us that will answer the call for the working people outside the halls of this House here today—no one else, his party won't. He doesn't have to apologize for it, that is the way they are and that is fine with me, but my party has always spoken for the working men and women in this state, at least on this issue, and that is to support the minimum wage. I urge my own party members, because I am not going to waste my breath on the other side, I know exactly where they are coming from and it is a nice morning and they can go out and enjoy the sunshine like everybody else, but this guy here is going to support the minimum wage.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have voted for the minimum wage at least three or four times in this House and I thought I had good reason at the time. This time I think I have a good reason not to, my reason being not that I don't think the people on the bottom could stand a little raise in pay, I would like to do that, but having seen what happened the last four times I voted for minimum wage, the people on the top got 10 and 20 percent, so they ended up with \$1.80 and \$2.00 and they put us farther apart.

We can't stand any more inflation in this state. The problem in our labor forces today is the difference between the top and the bottom. If I could vote for a dollar for the bottom, I would do it this morning without increasing the top, but having seen what happened the last four times I voted for the minimum wage increase, it made us worse off because it widened the difference between the top and the bottom to the extent that the man on the bottom, his loaf of bread went up, even his haircut and everything else and we made him worse off. We tried to increase his pay and we made him worse off because the guy on the top gets 10 or 20 percent. This is ridiculous, this could go on forever and all we would be doing is kindling the fire of inflation.

I am a Democrat and I would like to support a dollar for the minimum wage if it wouldn't raise the top, but that hasn't been the case, believe me. I can prove that everytime I voted for a minimum wage in this House, I gave them a dime and the top gets \$1.80, \$2 and \$3. This is what is ridiculous about it. So if here is some way to cap it off, I would give the bottom a dollar, but this bill doesn't do that. We can absolutely not stand any inflation in this state at the present time.

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

Mr. BAKER: Mr. Speaker and Members of the House: I fully intended to debate this issue this morning. There has been a tremendous shift of wealth away from the have not's to the haves in this country in the last few years. This is a modest attempt to shift some of that wealth back into the hands of the lowest paid workers in this state.

I have heard a lot of talk about the business climate, I have heard talk about businesses not wanting to come to this state and businesses that would probably like to leave. What happens when a business leaves, they take the big corporate executives and their counsel, but the work force is still here, the resources are still here and we have the ability to put the people to work.

Ladies and gentlemen of the House, a modest increase of 15 cents an hour amounts to \$6 a week. This body has passed pay raises for judges, it has passed pay raises for all sorts of state bureaucrats—\$6 a week, is that too much to ask?

The other day I spoke to a young woman and she said to me that she was leaving Maine, she was going elsewhere in search of a better opportunity. She was tired of the minimum wage scene. We should consider our young people who desperately need the income to make ends meet. These are the people we should be considering. We have the ability, we have the resources, and if we truly wanted to, we could definitely improve the climate for the workers in this state; all we need is the will to do it.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Every year we have seen substantial increases to all of our utilities alone, and I would like to know just how many years it has been since we have increased the minimum wage?

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

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: The last time that this legislature increased the minimum wage was in 1981, and we raised the minimum wage to \$3.35 an hour. This bill here is a significant watering down of the original bill that was presented to the Labor Committee. The original bill called for the minimum wage to go to \$3.50 and then next July to go to \$3.70 and then the following July to go to \$3.90. It was what I considered and many other people who have supported the minimum wage in the past considered to be a very modest, reasonable step increase in the minimum wage.

The bill that has come out of committee and yet has only two supporters, at least from this point, just stops at the \$3.50 level.

Since 1981, the last time the minimum wage was increased, the cost of living in the State of Maine has increased more than 13 percent, and based on that alone, the minimum wage should be \$3.75 an hour. The federal government determines the poverty level for a family of four in the State of Maine to be roughly \$9,900. We would have to have the minimum wage of \$4.75 an hour in order to meet what the federal government considers bare poverty levels for a family of four.

Back in 1938, the Congress of the United States, at the urging of Franklin Roosevelt, was considering the National Fair Labor Standards Act of which the minimum wage was a part, and while the bill had great support and the idea of minimum wage had great support in the Congress of the United States, it hadn't yet passed in the U.S. Senate, and the key, as far as many historical observers are concerned to the eventual adoption in 1938 was the fact that there was a somewhat obscure race for Congress going on in the state of Florida. The Democratic candidate at that time, in 1938, was Claude Pepper and he ran on the minimum wage. He was overwhelmingly elected in that election in 1938, and within two weeks after his election the U.S. Senate adopted the minimum wage.

The only people who support the minimum wage are the workers of the state of Maine. The Democratic Party, I am amazed at what I have heard some Democrats say about the minimum wage this year. The Democratic Party has always supported an increase in the minimum wage. Our own Democratic Platform says that the minimum wage should be \$4.50 an hour, and this bill is a buck less than that.

Representative Kelleher is absolutely right — the arguments that are being made against this bill have always been made. They were made in 1938 against the minimum wage. We have been ahead of, in Maine, the minimum wage in the past and we have also been behind and every time there has been an attempt to address it, the Republican Party has made the same arguments to defeat it.

We should support an increase at this time for two reasons — number one, on humanitarian grounds. The people that are protected by the minimum wage are the lowest paid workers in the State of Maine. It makes sense to give those people an increase in their paycheck. We haven't done it since 1981. The second reason is because it makes good economic sense. When a low income, low paid worker receives his paycheck, virtually every penny of that paycheck immediately goes back into the economy. It is spent on food, it is spent of clothing, it is spent of the basic necessities of life, that money is pumped back into the economy.

This legislature has been good to business in the past. Look what we did for Bath Iron Works earlier in this session. We passed a gas tax increase that hits the hardest the lowest paid people in the State of Maine and we are going to say today, even though we passed the gas tax, we are not going to allow you a 15 cent an hour increase in the minimum wage.

Members of this House, particularly Democrats in this House, I appeal to you — please support the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I have to say that I hadn't really intended to speak on this but I have had to confront this issue because I was told last week in my town that there is an industry there that employs about 350 people that will leave the state if we increase the minimum wage beyond \$3.35 an hour. I thought about it a minute and I told the man who told me this something that I want to call to your attention now and that is, just where are we now with the \$3.35 an hour minimum wage? For 40 hours work, that is \$134. We know that no one can live on \$134 a week so how do people live? There are about three ways that I can see that they can live on this. One is, they have two jobs, either the person himself or herself has two jobs or there is someone else in the family working or the student who is getting help from parents. That leaves two other ways to make up the difference. One is food stamps, the other is local welfare. So I told this person who told me that this business would move out that I wasn't sure how much of an economic advantage a business like this was to our state.

if we have got to subsidize their workers with food stamps and welfare for any of them who do not have parents to help or for some reason cannot hold two jobs.

In having seen the struggles of people on the job where I work who are making \$4 an hour and are still going behind, I am afraid that I am going to have to vote for this increase.

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

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say, and it has been mentioned here several times about the age old cliches and arguments that were used in 1945 and 1938, along there. I would suggest that if you look at the business atmosphere in the state, probably those arguments were correct. Certainly the business atmosphere has not improved and if you really want to do something to benefit the workers of the State of Maine, then I would think that it should be something to increase employment in the state, and decent employment at that. Certainly we all can't go to work for the State of Maine, which has absorbed more help than anybody else has over the years, we must have private employment and it must be decent employment. Certainly a person is better off working for a healthy company than they are for an unhealthy company. Fringe benefits have to be much better, and I would call your attention to the fact that Maine is one of the poorest states in the union and it doesn't make any sense for it to have the highest minimum wage in the nation with that relationship.

I would also call your attention to the ripple effect that anything like this has, that if you give a person on the lower end of the totem pole a 15 cent raise, then those from there on up get a percentage of increases accordingly and certainly payroll taxes of all types are based on the payroll, so that workers' comp, unemployment insurance, all these sort of things go up accordingly.

I would call your attention to the financial report of the State of Maine which indicates that the taxes on corporate taxes are down far below estimates and this should indicate, I think, that industry in the State of Maine is not doing that great and this is really a poor time to tax them a little more.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Hayden.

Mr. HAYDEN: Mr. Speaker, Men and Women of the House: You know, everytime we have to make a hard decision that could affect members of our family or our constituents who are working people, we always do hear the same arguments, whether it is right-to-work, job safety, industrial reform, any change that we make that is going to help the lot of the working men and women, we hear that that will be the death nail of Maine industry, they will leave the state in flocks, but it never seems to happen when we make those hard decisions. I think those are smokescreens, I think the arguments we have heard against the minimum increase are smokescreens. What concerns me is that I think a lot of us aren't listening, and a lot of us aren't listening because we are convinced that that will be the death nail for the business climate in this state because we are trying to avoid a tough decision. Right now many of our constituents are comfortable and maybe it is easier to pass something like an increase in the minimum wage when times are tough all around, you have a mass of people that you can't turn your face from that can't make ends meet. Ladies and gentlemen, most of us have hundreds of people in our districts who are trying to get by, not just for themselves but for their families, on minimum wage and they can't come near making it.

We have heard talk, another smokescreen, the fact that corporate taxes are down and that is an indication that our industrial economy is limping along and this would be just one

more arrow in its back. Ladies and gentlemen, the corporate taxes are down because business isn't paying that much tax. They have a fantastic tax law that has come through the federal government that the states piggy-backed on in part of and corporations are paying less taxes, not because they are working less but because the government, our government, the state government and the federal government, has given them a free ride or an easier ride, in some cases a free ride.

This is a modest increase and it is a hard decision. I know a lot of you have been lobbied like I have been lobbied. Towns are against it, businesses are against it, restaurants are against it, but look at the economy in this state. The economy in this state is really on the rise. There are still pockets where people have to depend on the minimum wage and I think we have to have the courage to protect those people and to protect those pockets of people so they are not forgotten, because everybody doesn't have the chance to work at Bath Iron Works or work in the construction trades. All your constituents don't, all your family doesn't. It is the right vote, I believe, and I think we have to have the courage of our convictions, and I urge you to accept the Minority Report so we can stand up for the convictions that we have held truth to in the years past.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I have been sitting here very quietly listening to this and I am not going to go into the corporate setup or any of these other setups, but who is in control up here? The Democratic Party is in control up here and you people continually have been raising taxes, 5 percent on the gas tax, excise taxes, fishing license taxes and all those things—who pays for these things? Who is going to be hurt if you raise this minimum wage? Who is going to pay for it? The retail sales are going to cost you more, the food stuffs are going to cost you more. I can pay it and probably most of you can, but the fellow on the minimum wage is the fellow who is going to be hurt. I would love to see that man get more money, but the only way he is going to get any more money is for business to stay in this state.

I can leave the state, as all my friends do on Sebago Lake, they retire, they go to Florida, they pay their income tax, they don't have it here in the state, and that is what business people will do too. They are not going to come into this state if you raise the minimum wage higher than any other state. They are not going to invest their money here if your income tax is higher than any other state. They are not going to come into a state where this rate proportion of your money is being spent this way. You are the people who have done this and now you are pleading for the poor fellow who is on the minimum wage. The only way he will get off the minimum wage is to get a good job and the way he gets a good job is to have business in this state and you are not going to get it under the procedure that you are following.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: It is no secret to members of my party, particularly to members on the Labor Committee, that I have agonized long and hard over this decision because yes, Democrats do think, they don't simply knee jerk to raising the minimum wage. We have been agonizing over whether or not it is the right time, and even though those arguments are tried and true, they are still appropriate for us to ask ourselves when making difficult decisions.

I can't sit here any longer and listen to Representative Dillenback ask "who pays the taxes?" Who benefits from those taxes, Representative Dillenback? As long as I have been here, we have given many tax benefits. The 5

cent gas tax is certainly going to help the construction industry a great deal, the people who own those firms, the sand and gravel crowd as they have been fondly called in years past. Since you and I have been in this legislature, we have given benefits to Pratt-Whitney, to Spencer Press, the Bath Iron Works and the list goes on and on, and I get a little sick of hearing about welfare benefits to the working men and women when we certainly give plenty of them to corporate structure. I see that every day and the longer I sit in leadership, the more I see it. Frankly, it is time that we stopped talking in those terms. We are here together, Republicans and Democrats.

I talked to an economist about this and, of course, standard wisdom is that when you raise the minimum wage, you do hurt the people on the lowest rung of the ladder because those people get shuttled out of positions, but in this case, in Maine, where do they work? They are in service-related industry. Who are they? They are women, women who change the sheets in these motels around the state and clean the floors, they are women who work in restaurants, and men too, of course, who have not gotten the benefit of a good education and even many of the men who have gotten good educations who simply cannot find jobs. We are talking very minimum money.

As Representative Cox pointed out, who can live on an extra \$6 a week that we are talking about putting in their pockets. I really think that having listened to the debate this morning, having talked with economists, we talk about incentives to work, we want people to get off welfare and go to work and many of us have sponsored bills trying to help AFDC recipients get jobs through apprenticeship programs. On your committee, Mr. Dillenback, we have worked with that area. What incentive is there to work if you work 8 to 10 hours a day at minimum wage and you still can't feed your family.

It seems to me that it is time we stand up and be counted and I would encourage you to vote for the Minority "Ought to Pass" Report.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of points. Can any of you here answer if there is any industry here that is paying as low as the minimum wage, any good, viable industry? If you can name some, are they something that we need in this state?

Let me ask you another question. As I read over this letter from the Restaurant Association—big deal, look who the Directors are—McDonald's, have you ever seen what their report is, for crying out loud, on the stock market? I assure you that 15 cents an hour isn't going to break those fellows by a long shot. Don't be so naive to accept what Mr. Dillenback said. I apologize here, he is trying to give you a snow job on this because that is not so. The industry that you are going to try to protect here are certainly not the ones that we want for my children or my grandchildren to be a part of. They are the ones you are subsidizing and you know how they are doing it? They are doing it through the work, the sweat and the blood and the toil of these people that don't have any other way to turn.

Mr. Speaker, when this vote is taken, I hope you take a roll call.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: When I came to the House and got involved with the Business Legislation Committee, I began to read more about business than I ever had before. I read the trade journals that come to me because of my position on that committee and newspapers—I just began to pay a lot more attention to business. Invariably, when people were moving to Maine, businesses, small businesses

and large businesses, one of the major reasons that they said they were coming to Maine is because we had a good work force. I can't believe that that good work force is only in the highly skilled areas. Relatively speaking, our good work force is as good in the minimal jobs and the lower paying jobs.

It makes me very angry when people say and complain because our work force has a good workers' comp, one of the best in the country—why not? We have one of the best work forces, so why shouldn't they? It makes me angry this morning when people say we can't be a leader. I say we give a vote of confidence to that work force that brings people into this state by being a leader in this very small area of giving increase to those people who are making nothing.

I urge you to go with this unbelievable Minority Report.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: When I got home Friday, I had an envelope from a Maine bank—I wish I had brought it with me so I could have read from it. It contained about six leaflets from different corporations around the state. All through that financial report, these brochures, were glowing reports of the economy in Maine. They weren't saying things were bad, they were saying things were good, invest your money, the economy is going up.

I am glad that Representative Kelleher reminded me that I was a Democrat and that I should speak on this issue and I should vote for the Minority Report.

Mr. Zirkilton of Mount Desert was granted permission to speak a third time.

Mr. ZIRKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I have sat here, after not being so quiet a little bit earlier, and I have listened to the arguments presented by the other side and I have heard a lot of people shoot down our arguments but I haven't heard them shot down with logic. I have heard them shot down with—that is the same argument you used 20 years ago—no reason why the argument wasn't any good.

You are talking about raising the minimum wage here by 15 cents. If you do so, maybe the businesses won't leave the State of Maine, maybe they will stay, obviously the majority of them will, but what do you think they are going to do. You think they are going to say, "Okay, we will just suffer that percentage of losses on our profits that we would have otherwise had"—they are not going to do that. They are going to raise the profit margin, and you know who is going to pay for it? All of us and all of the people who just got the 15 cent raise, only they are going to pay for it in clothing, they are going to pay for it in every different type of business that you can possibly imagine, everywhere that it is going to affect them. Now, is that in the best interest of the people.

You are talking about an economy here, I have heard people say that our economy is getting better—oh yes, it is getting better, our unemployment rate is now down to 10 percent, or should I say up to 10 percent. Raising the minimum wage is not going to lower the unemployment rate and if you think it is, you are sadly mistaken. I think almost anybody could tell you that.

If you really think this is the way to go about it, then try it. I don't believe it is the way to go about it and I am on record as saying that and I can only hope that you won't, and I can also stand here and say to my fellow Republicans that I hope that you are not voting against a minimum wage bill just because you are Republican. I hope this is something that everyone is going to use their head for and not fall for the arguments of some of the people in here to turn this into a partisan issue. Democrats this, Democrats that, Democrats have stood for this; Republicans stand for that—vote your conscience, vote what you feel, not what you

feel your party thinks you should do.

In committee, it was not a partisan vote. We sat there and listened to reason and logic, something I wish people would do and I would ask if the Clerk would please read the Committee Report.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Bott.

Mr. BOTT: Mr. Speaker, Men and Women of the House: If you want to increase the number of people working in the state and earning a living, you want to increase business coming into this state and creating jobs, if you want to increase the tax base that is necessary to fund continued necessary social programs, then you don't vote for legislation like this.

I would hope that you would go along with the Majority "Ought Not to Pass" Report and give this bill the deep six it deserves.

Thereupon, the Committee Report was read by the Clerk.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: If this House had the opportunity to vote for an industry which would pump \$118 million into the economy, I honestly believe if it were the Workers Incorporated, we would all vote for it. We would say: 'hey, great, \$118 million in our economy'—well, that is exactly what we are doing by increasing the minimum wage, because of all of those dollars are spent in the State of Maine, not outside the State of Maine, not like a person like myself who works for a paper industry, who receives, counting all our benefits, close to \$20 an hour, I spend a lot of my money outside the state but the people on minimum wage spend all their money in the state, I would venture to say 95 percent at least.

We in the legislature say that we are not well paid. If our constituents who are on minimum would know that if I worked 12 hours a day, I would be receiving \$5.40 an hour for serving in the legislature, plus expenses, I assure you, I work for a paper industry and my wages over here come to almost the same thing and we are always telling the people of the State of Maine we are underpaid.

As far as the jobs, this is going to do away with jobs, do you honestly believe that any employers in the state are keeping people employed out of the goodness of their hearts? If they can do away with a job, they will. As a matter of fact, most all companies are computerized, they are automizing, they are getting machines to replace human beings and we are always yelling—why are people on welfare? Why are people unemployed? They are lazy. They are not lazy, there are no more jobs. We are going to be at a point where people won't have to work for a living because there won't be any jobs. Let's pay them, let's have people working.

You are suggesting that we should cut the minimum wage in half so we will employ more people, that is ridiculous, I don't believe that and you know it, because that loaf of bread will cost my people on minimum wage the same thing it would cost me who is making \$20 an hour, close to it. How do you help these people? I really believe that we should give them a dollar an hour.

I had a bill that would have given those people increases according to the inflation rate, at least keep up with inflation. But I also had in the Labor Committee a lobbyist against this, Mr. Bob Reny, that suggested, well enough, you know darn well that the people who are on minimum wage, they know what they have to do, go on local welfare, food stamps, AFDC. Who pays for that? We still do. At least I would rather pay a higher food price, I would rather pay more for my shoes than going through the welfare program which is degrading to the people of the State of Maine, and most people always use it and yet here we are shutting the door and saying, go on welfare.

The SPEAKER: The Chair recognizes the

gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Members of the House: I think more than anything else the soft spoken young man from Mount Desert, Mr. Zirkilton, a Republican, got me on my feet, as well as one of my dearest friends from Durham, Mr. Hayden.

The first time an official of as bigger a corporation as there is in Maine and very shortly will be one of the biggest corporations in New England, and when the gentleman from Durham, Mr. Hayden, makes a statement that the reason we are in the dilemma we are in now is because of what Washington has done to us and that they are on the way up, that there is almost prosperity in Maine, I wish he could have followed me on several occasions when I have gone around noontime to the railroad yards and I usually sit around with the men in the railroad yards while they are eating their lunch out of their lunch buckets and watch the expression on their face when sometimes, 23, 40, 53 people are told, I am sorry fellas but as of Monday morning you are off base, not permanently, but you are going to have to use the bumping system which is now completely gone and those are high paying jobs and they are out. I don't know if the young gentleman from Durham, who is one of my dearest friends here, has ever seen half a hundred people eating their lunch at the same time with tears rolling down into their lunch buckets. I have and it hurts. I didn't get a pay cut.

As far as partisan politics is concerned, my position is this, I certainly can understand the gentleman from Mt. Desert, Mr. Zirkilton, because he happens to live in an area that possibly proportionately is one of the wealthiest areas in this country. Houlton, Maine used to be but then came that big fire in Mt. Desert and Bar Harbor and that knocked that out a little bit.

Fifteen cents an hour, 15 cents an hour, I can remember just a couple of years ago here that you could buy a hot chocolate for 15 cents, try it now—30 cents. I can remember when you could buy peanut butter nabs, six little peanut butter nabs for 15 cents, try it now—32 cents. Go over to the cafeteria and buy a hamburger with a few french fried potatoes and see what it makes \$2.50 look like.

I am not talking about myself and I am not going to talk about the Democrats, they have their reasons. I would have to agree with my leader, I just don't understand this other than to say this: I have told many of you, in the last few years it is not that the steam has gone out of me because of age, I have just, by my own wanting to, I have just kind of cooled down a bit, I find myself better off and you get less tired, but by the same token, I don't understand for the life of me an 11 to 2 report on a thing like this; to me it just doesn't make sense.

I think we ought to really think things over, act and be reasonable. What difference does it make if another state, and I hear it so often, 33 states do this, we should do it. Why should we do it because 33 states do it? When I was first here in 1945, I put in a bill changing the election date; we were only two states in the union that voted in September and then again in November. It took 20 years to change it. The argument then was used, two states are doing it so we are going to follow the other then 45 or 46 states. Personally, I think we are spending a great deal of time on something that we should not spend a great deal of time on. A lot of good arguments have been presented on both sides of the aisle, but for heaven's sake, will you please tell me, any of you, what 15 cents an hour means to any of you?

As far as some of the people that speak and leave their seats after the water gets a little hot, that doesn't please me too much. It is when the water gets hot that I like to sit in my seat.

To the Republican Party, I say this—somewhere along the line you are going to have to change your ways of doing things and this is

just a kindly piece of advice, because if you don't, you are going to keep on going down.

As far as my party is concerned, I have always said we couldn't stand prosperity. In 1911, we organized the House, the Senate and the Governor; in 1913, the House, Senate and Governor wound up Republican. In 1965, we had over 100 members in the House, 29 in the Senate, Democrats. In 1967, we went back to 41 Democrats in the House and 3 Democrats in the Senate. I don't know what is going to happen this time but somewhere along the line my remark that we can't stand prosperity may hold true. I lay it to discipline, I don't think we have too much of that, but I am not here at a Democratic caucus.

I really think you should think it over. I am not going to stand up here — yesterday I happened to be out driving, as a matter of fact, I drove by Representative Davis's house, I lost my way and wound up looking at that big 20 by 20 sign.

I certainly am not going to start getting up here and raising my arms and doing this and doing that. I have my good friend that has replaced me doing that, he has been doing a pretty good job in the last few years, so I am not going to start doing that after I saw that. I just found out what the thing really cost, I am not going to turn around and start blasting Tom, Dick or Harry, it is getting too late in the session anyway, then you make enemies and they stay with you, and I don't want to do that.

But for heaven's sake, please think it over, be reasonable, 15 cents an hour is not going to break anybody and 15 cents an hour is not going to make too many industries go by. By raising the corporate tax, that would make them leave, make no mistake about that, but you can't say that business in this state is that good and that we are on a prosperity kick. If we were, why did we wind up with \$7.4 million in hock last month, and believe me, when you see May, you might get another little surprise.

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

Mr. MATTHEWS: Mr. Speaker, Members of the House: I just rise today as one member of this House who happens to be a Democrat, and happens to be very proud of that fact, in support of this bill, the Minority Report. I think members of this House should just remember that we are not getting very much leadership from Washington for the unemployed and for the working class men and women out there and I would just ask the members of the House in this state to give some leadership.

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

Mr. BOST: Mr. Speaker, Men and Women of the House: I was not planning to address this issue but after listening to some of the half truths in debate today, I feel that I must.

We have a tremendous responsibility today. The Democratic Party has been given a majority and in turn a trust by the laboring men and women in this state. There is a difference on this issue between the two parties and I, for one, am proud of being a member of the Democratic Party on this one.

We are constantly under pressure to grant tax break after tax break to big corporations throughout the state, and they have been doing pretty well for themselves this session. The climate is good at present and they are not going to leave the state because of this legislation, that is the biggest red herring I have heard so far.

Today we have an opportunity to speak for those who can't afford to take much time off to lobby and cannot afford to set up letters on elaborate letterheads. We have a chance to make not only a statement but a difference, be it however small. I am proud to be able to vote for the Minority "Ought to Pass" Report and I echo the dismay of many that this was not a solid majority report.

The SPEAKER: The Chair recognizes the

gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I guess it is regrettable that this has become a political issue, but obviously the Democratic Party has seen fit to make it so. This is the kind of thing that allows a lot of rhetoric and hopefully brings in some votes. We have heard the businesses being whipped about here, that they have come for tax benefits. Well let me tell you why, we have brought businesses into this state, why did we get Spencer Press in here? We gave them benefits, we went out and recruited them, we went out and searched for them to get them in here because it provided some good paying jobs, and what did we do on Bath Iron Works? It was the leadership of this legislature that went out and recruited them in here. We went out and competed for them and we said, come in because you will bring in some good paying jobs, and now we will whip them because they are getting some benefits. They got it because we went out and recruited them and what did we do on Bath Iron Works? We recruited them, we went and competed for their business to get them in here and we made a lot of sacrifices for them to get them in here to provide jobs, but still it is very popular to take the political whip and say, maybe if I whip on these people a little bit, it will gain me another vote, it will buy me a vote. Well, that is great, but let me tell you one thing, when you start tinkering with the minimum wage, you don't just tinker with the minimum wage itself, you get a lot of support on this issue by organized labor because it is a trickle up system. If you raise the minimum wage by 15 cents, let me tell you, the spread gets bigger as it gets closer to the top. The gentleman from Enfield laid it right out for you and nobody listened — the spread gets bigger. It is the spread that hurts the guy at the bottom and that is what happens and that is why he is pushed and don't be deluded by it.

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

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I have been waiting all morning and finally it came, we mentioned organized labor. The gentleman who just spoke has been the first one this morning to mention organized labor. I am glad he did because that gives me a chance to talk about the 20 percent that are organized. We are talking about the 80 percent now. There isn't one organized person that is getting less than \$3.50 an hour, that is for sure. So all we are talking about is the unorganized people at \$3.35 an hour.

Who is going to fight for these people? It certainly isn't anybody that I know of except the legislature. The legislature is the only people that is going to be able to fight for these people that are down in the 80 percent bracket that we are talking about, 80 percent of the people who are unorganized.

I am glad he mentioned Bath Iron Works too, the previous speaker. Bath Iron Works doesn't have to worry about a thing and the workers don't have to worry about a thing. They are getting a good salary and they will always get a good salary because they are organized.

Another thing I want to talk about is the fact that during the course of this legislature we certainly haven't had any trouble in taking care of the banks. Every time an issue comes on the floor about the banks, boy, the old flag is waving.

I would just like to say this morning that I wish all the people in here had probably checked with their priests, ministers, or their rabbis before they took off over the weekend and came down here and asked their advice, because I am sure I know what it would be. They would certainly be saying — for heaven sake, give those people \$3.50 an hour. The priests, rabbis and ministers don't have anybody pressurizing them. They don't have any lobbies hanging over their shoulder, they can

talk from their hearts and they do talk from their hearts and it is a shame that we don't listen to them.

This morning I am saying, think a little bit, think for that little guy who doesn't have anybody to think for him except you, the members of the legislature.

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 gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: Listening to the debate, both sides making their points clear, I hope that everybody in this room can appreciate the horrendous situation I have been in for over two months. I have taken those arguments from both sides, from fellow Democrats and from friends of the opposition party, and I have had to live with my decision to sign out, all by myself, from this Democratic House, a report that has created this kind of debate. I am glad I did, but I ask you to respect the kind of situation and the kind of horror, so to speak, that has been imposed on me from the point of view that I was taking an irresponsible action. I am going to share with you the reasons why I signed out this report.

I am a Democrat, I am probably one of those few left kinds of Democrats that still believes in the party platform and as a participant year after year after year, I see my party with no dissenting debate put in writing that the minimum wage should be \$4.50. If I am to hang onto the principle of what my party means to me, I felt an obligation to take some action and I did.

I live in a district of minimum wage workers; there are some 300,000 of them in our state, or just barely above minimum wage. Most of them are from the larger communities, the larger towns and the larger cities. The minimum wage has become the maximum wage. The most a person can earn, if they are fortunate enough to work a 40 hour week, is \$140 a week before deductions. They live in areas where landlords are coming with notices of \$40 and \$60 a month rent increases on a one month notice, where the lights and the phone bills go up at least twice a year, where the corner stores charge more than the large supermarkets but these people don't have cars to get to the larger supermarkets, where mothers must now go to work and we have the gall to decry the fall or the decline of the family life — they go to work because they have to.

The cost of living goes up, their salaries never do. We look at the news of this weekend where the post office, with a \$100 million surplus wants more. Because I know that staff and work force cutbacks are putting minimum wage workers in the position of doing the work of two people for the cost of one at minimum wage; because I know of employers who are laying off Maine workers in order to hire Taiwanese, Cambodian and Haitian workers because they can get tax credits or pay cost sharing minimum wages with a variety of federal programs for the hiring of minorities. That is occurring. I have reported two companies in Portland who have laid off Maine workers and hired the minority worker at a cheaper price and the Bureau of Standard Working Hours wouldn't do a thing about it.

I did it because I stood on the floor of this House and I asked all of you to kill a bill that could have helped waiters and waitresses stating very clearly that the best way to help low wage earners in our state was to raise the minimum wage, because I know that raising the

minimum wage for those at the bottom will upgrade those at the top just ahead through the ripple effect and I am not scared of it. It is a lot better than some of the trickle down stuff we are forced to eat.

I know that the \$5 or \$6 a week increase will be money going back into the economy because this isn't money that will go in the bank, this is money that will be spent immediately because these people need it just to make ends meet. I speak for the working poor who cannot get assistance of food stamps and housing assistance.

I know of a family in my city who were \$1.41 over the federal guidelines to get some help and I couldn't help them because I have to live with those rules — \$1.41 — the husband laid off, the wife working 15 hours a week and that is what they have to live on with no assistance.

I know and I gave Representative Connolly the data that shows that five states have raised their minimum wage levels by as much as 30 and 55 cents just to bring their workers up to the federal minimum wage, despite the horror stories you have heard if we go 15 cents above. Maybe some of us should opt to live in those states.

I don't want economic development in this state dependent upon low wages. I want the claims of Maine exceptional work force to be backed up by the affirmative action of giving the lowest paid worker a few more bucks in his or her paycheck, not just a pat on the back.

I am willing to trust that the employers of this state still have integrity and that they will lay off if they have to lay off maybe the doctor's wife who is working four hours a day for pin money or because she is bored and give that 15 cent an hour increase to the employee with a family or the student working his or her way through school or the AFDC mother or single parent who wants to get off the local welfare roles. I did it because I know that if states do not have the guts to take action independently, nothing will happen at the national level. Social Security taxes, personal taxes and our own state gas taxes will continue to go up and, remember, minimum wage workers also pay those taxes and that leaves them a heck of a lot less in their take-home pay.

There is a fiscal note to this bill, I just signed it, it wasn't prepared in printed form and it just came to me, so I think you should be aware that because there is an impact on wages paid to the boarding home employees and reimbursed by the Department of Human Services, that in the first year it would cost \$43,842 to pass this bill, and next year \$58,000. I am right up front with you. What a terrible cost for the state to have to bear. But let me again state my point of view—I am not concerned about the fiscal impact on the state, let a few executives go without raises or maybe one less piece of road will be fixed this year, or let somebody's pet project go unfunded, including one of my own if need be, and let's pass some bills around here to reduce property taxes so more money can be used to pay decent wages to our workers in these institutions.

I believe in cost containment, but I also believe that fair wages for institutional workers would probably result in less problems because we are paying them a decent wage.

Finally, I guess the biggest response, or the greatest criticism, has been, why would you opt to put your people, your fellow Democrats, on this kind of a spot? You are forcing Democrats to vote on an issue knowing that if they do or if they want to but feel they can't, the double-edged sword could mean they won't get re-elected. Well, I run for office as a Democrat, it is a party that is known to support working people of this country, including the State of Maine. I chair the Joint Standing Committee on Labor where I have witnessed Maine's industries' downright refusal and almost constant negative stance in the area of increasing the benefits or a better working condition

change for Maine workers.

While I personally, and almost a majority of the time, vote for economic development programs and for industry assistance, the bottom line for all of us here is that no one need or should avoid this issue. It is before us in a legitimate manner, as is every other bill introduced, and if anyone opts to vote yes or no for political reasons or for economic reasons, I contend that it is their individual responsibility as to what the consequences are, but at least I trust my party, my fellow Democrats, to have the courage to vote and not ignore the issue.

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

Mr. McHENRY: Mr. Speaker and Members of the House: I, for one, believe if this question were put on a ballot, I know how my people would vote, so I am the Representative, supposedly we are all Representatives of the people and I have no problem voting for this.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Portland, Mrs. Beaulieu, that the Minority "Ought to Pass" as amended Report be accepted. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Washington, Mrs. Allen.

Mrs. ALLEN: Mr. Speaker, I request permission to pair my vote with the gentleman from Saco, Mr. Hobbins. If he were here and voting, he would be voting yes; if I were voting, I would be voting nay.

ROLL CALL

YEA—Ainsworth, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carrier, Carroll, D.P.; Cashman, Chonko, Clark, Connolly, Cox, Crowley, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jalbert, Joyce, Kelleher, Kelly, Ketover, Lisnik, Locke, Macomber, Manning, Martin, A.C.; Matthews, Z.E.; McCollister, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Paul, Perry, Racine, Reeves, P.; Richard, Smith, C.W.; Stevens, Theriault, Thompson, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Carter, Conary, Cooper, Cote, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Jackson, Jacques, Joseph, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lewis, Livesay, MacBride, MacEachern, Masterman, Masterton, Matthews, K.L.; Maybury, McGowan, McPherson, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Perkins, Pines, Pouliot, Randall, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Soucy, Soule, Sproul, Stevenson, Stover, Strout, Swazey, Tammara, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirnkilton.

ABSENT—Brown, A.K.; Conners, Crouse, Ingraham, Kane, Mahany, Martin, H.C.; Rolde, Rotondi, Tuttle.

PAIRED—Allen—Hobbins.

Yes, 57; No, 81; Absent, 10; Vacant, 1; Paired, 2.

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

Representative Lewis of Auburn moved that the Majority "Ought Not to Pass" Report be accepted.

Mr. Kelleher of Bangor requested a roll call vote.

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

A vote of the House was taken, and more than one fifth of the members present having

expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Auburn, Miss Lewis, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentlewoman from Washington, Mrs. Allen.

Mrs. ALLEN: Mr. Speaker, I request permission to pair my vote with the gentleman from Saco, Mr. Hobbins. If he were here and voting, he would be voting nay; if I were voting, I would be voting yes.

ROLL CALL

YEA—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Carter, Conary, Cooper, Cote, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Jacques, Joseph, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lewis, Livesay, MacBride, MacEachern, Masterman, Masterton, Matthews, K.L.; Maybury, McGowan, McPherson, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Perkins, Pines, Pouliot, Randall, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Soucy, Soule, Sproul, Stevenson, Stover, Strout, Swazey, Tammara, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirnkilton.

NAY—Ainsworth, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carrier, Carroll, D.P.; Cashman, Chonko, Clark, Connolly, Cox, Crowley, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jackson, Jalbert, Joyce, Kelleher, Kelly, Ketover, Lisnik, Locke, Macomber, Manning, Martin, A.C.; Matthews, Z.E.; McCollister, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Paul, Perry, Racine, Reeves, P.; Richard, Smith, C.W.; Stevens, Theriault, Thompson, The Speaker.

ABSENT—Brown, A.K.; Conners, Crouse, Ingraham, Kane, Mahany, Martin, H.C.; Rolde, Rotondi, Tuttle.

PAIRED—Allen—Hobbins.

Yes, 80; No, 58; Absent, 10; Paired, 2; Vacant, 1.

The SPEAKER: Eighty having voted in the affirmative and fifty-eight in the negative, with ten being absent and two paired, the motion does prevail.

Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought to Pass" in New Draft (H. P. 1241) (L. D. 1653) — Minority (4) "Ought Not to Pass" — Committee on Education on Bill "An Act to Insure State Enforcement of Equal Opportunity in State-supported Educational Programs" (H. P. 841) (L. D. 1091)

Tabled—May 20, 1983 by Representative Locke of Sebec.

Pending—Motion of same gentlewoman to accept the Majority "Ought to Pass" in New Draft Report.

Thereupon, the Majority "Ought to Pass" Report was 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.

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

An Act to Standardize the Disciplinary Proceedings of Health Profession Licensing Boards (S. P. 561) (L. D. 1618)

Tabled—May 20, 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 seventh tabled and today assigned matter:

An Act to Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration (S. P. 539) (L. D. 1574) (S. "A" S-121)

Tabled—May 20, 1983 by Representative Diamond of Bangor.

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 eighth tabled and today assigned matter:

An Act to Discourage Frivolous Court Cases (H. P. 759) (L. D. 990) (C. "A" H-243)

Tabled—May 20, 1983 by Representative Mitchell of Vassalboro.

Pending—Motion of Representative Soule of Westport to Indefinitely Postpone Bill and accompanying papers.

On motion of Mrs. Mitchell of Vassalboro, retabled pending the motion of Mr. Soule of Westport to indefinitely postpone and later today assigned.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT — Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-272) — Committee on Labor on Bill "An Act Relating to Attorneys' Fees under the Workers' Compensation Law" (H. P. 1107) (L. D. 1460) which was tabled and later today assigned pending the motion of Representative Beaulieu of Portland to accept the Majority "Ought Not to Pass" Report.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: If this House of Representatives really wanted to do something about the workers' compensation situation in the State of Maine, in which rates have gone so high that it is difficult for Maine businesses to remain competitive, this is a bill that we should have seriously considered. This bill models the system of attorneys' fees being paid to injured workers after Connecticut's law. In the State of Connecticut, the only time that the workers' compensation system pays these attorneys' fees is when the employer is terribly frivolous in bringing case against an employee who is obviously going to prevail and therefore forces that employee into getting legal representation. In the State of Connecticut we therefore find that most cases that are obviously clear-cut cases are not going to litigation at all, and this is certainly saving money in the system. We are also finding that attorneys' fees are not being paid out in most of the other cases.

This bill, if it were enacted in the State of Maine, would probably save at least \$5 million, that \$5 million being the amount of money that is currently being paid out to pay for these lawyers. However, it would probably actually save more than that because it would save in the administration of the whole workers' compensation system.

In the State of Connecticut, in the city of Hartford alone, there is only one workers' compensation commissioner who handles all of the cases in that area. The number of people in that area is similar to the State of Maine and, as you recall, here in the State of Maine we just increased the number of compensation commissioners to nine. Therefore, I would request a division on this particular report because this is the way that we really could solve our rate problem.

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

Mr. KELLEHER: Mr. Speaker, I move that this bill and all its accompanying papers be in-

definitely postponed.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. HIGGINS: Mr. Speaker, I ask for the yeas and nays.

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

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

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: It is unfortunate that we are in a situation of indefinite postponement, but I must ask most of you to vote for that motion. No such data of that kind of savings was ever brought before the Labor Committee while we were considering some four or five bills that were dealing with legal fees as known to the workers' comp system, and certainly no fiscal note of this magnitude was brought to our attention from the Workers' Comp Commission itself.

I believe that in the four years of debate on workers' comp issues before this body, we have certainly explored and we have discussed and we have talked about what to do concerning attorneys' fees. A few weeks ago we met together in a unanimous effort to put together a bill to begin to address all aspects of our workers' comp system, one portion of it directly aimed at dealing with attorneys' fees. I believe that we took a rightful step forward. I believe that we need to take the opportunity to allow the action that we took to take place to see if we need to do more.

I cannot support the bill before us, the majority of the committee could not because we felt, all of us, that we had made an honest and sincere effort to address this issue. We need to have time to allow it to work.

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

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

Mr. GAUVREAU: Mr. Speaker, I request permission, pursuant to House Rule 19, to abstain from voting on this matter due to a potential conflict of interest.

The SPEAKER: The Chair would advise the gentleman that the Chair will not grant the request; the gentleman is to vote.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Jacques, Joseph, Joyce, Kelleher, Kelly, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Paradis, P.E.; Perry, Pouliot, Richard, Roberts, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammara, Theriault, Thompson, Vose, Zirkilton, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, K.L.; Cahill, Callahan, Carrier, Carroll, G.A.; Conary, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Jackson, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Murphy, E.M.; Murphy, T.W.;

Norton, Paradis, E.J.; Parent, Paul, Perkins, Pines, Racine, Randall, Reeves, J.W.; Ridley, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Telow, Walker, Webster, Wentworth, Weymouth, Wilkey.

ABSENT—Brown, A.K.; Brown, D.N.; Carter, Connors, Crouse, Hayden, Hobbins, Ingraham, Jalbert, Kane, Ketover, Mahany, Martin, A.C.; Martin, H.C.; Reeves, P.; Rolde, Rotondi, Tuttle. Yes, 70; No, 62; Absent, 18; Vacant, 1.

The SPEAKER: Seventy having voted in the affirmative and sixty-two in the negative, with eighteen being absent, the motion does prevail. Sent up for concurrence.

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

Passed to Be Enacted

An Act to Create the Nuclear Activity Consent Law (S. P. 564) (L. D. 1631)

An Act to Authorize Municipalities to Guarantee Delivery of their Solid Wastes to Specific Waste Facilities (H. P. 1048) (L. D. 1392) (S. "A" S-120)

An Act to Amend the Interception of Wire and Oral Communications Law (H. P. 845) (L. D. 1095) (C. "A" H-244)

Finally Passed

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)

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

Consent Calendar

First Day

(H. P. 1113) (L. D. 1471) Bill "An Act to Provide Continued Funding for the Determination of Ground Water Quality in the State's Sand and Gravel Aquifers" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-277)

(H. P. 1114) (L. D. 1472) Bill "An Act to Authorize the Department of Environmental Protection to Continue to Provide Technical Assistance to Municipalities and other Quasi-municipal Entities Regarding Solid Waste Management" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-276)

There being no objections, under suspension of the rules the above items were given Consent Calendar, Second Day, notification, passed to be engrossed as amended and sent up for concurrence.

Divided Reports

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-274) on Bill "An Act to Protect Employees from Reprisal who Report or Refuse to Commit Illegal Acts" (H. P. 592) (L. D. 736)

Report was signed by the following members:

Senators:

COLLINS of Knox
TRAFTON of Androscoggin
VIOLETTE of Aroostook

— of the Senate.

Representatives:

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

SOULE of Westport
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:
REEVES of Newport
DRINKWATER of Belfast
CARRIER of Westbrook
— of the House.

Reports were read.

On motion of Mr. Soule of Westport, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-274) 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.

Majority Report of the Committee on Judiciary on Bill "An Act to Revise Certain Sections of the Probate Code" (H. P. 936) (L. D. 1219) reporting "Ought to Pass" in New Draft (H. P. 1256) (L. D. 1669)

Report was signed by the following members:

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

Representatives:
JOYCE of Portland
LIVESAY of Brunswick
SOULE of Westport
BENOIT of South Portland
DRINKWATER of Belfast
HOBBINS of Saco
HAYDEN of Durham
— 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:
FOSTER of Ellsworth
REEVES of Newport
CARRIER of Westbrook
— of the House.

Reports were read.

Thereupon, the Majority "Ought to Pass" Report was 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.

The Chair laid before the House the following matter:

An Act Concerning the Admissibility in Criminal Proceedings of Statements by Minors Describing Sexual Contact (H. P. 1201) (L. D. 1595) which was tabled and later today assigned pending passage to be enacted.

On motion of Mr. Soule of Westport, 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-278) was read by the Clerk and adopted.

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

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

(Off Record Remarks)

On motion of Mr. Jacques of Waterville,
Recessed until four o'clock in the afternoon.

After Recess

4:00 p.m.

The House was called to order by the Speaker.

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

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" on Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government to Insure that Maine Courts are Accessible to the Handicapped" (H. P. 753) (L. D. 984)

Report was signed by the following members:

Senators:
BROWN of Washington
NAJARIAN of Cumberland
— of the Senate.
Representatives:
SMITH of Mars Hill
ARMSTRONG of Wilton
BELL of Paris
MASTERTON of Cape Elizabeth
CONNOLLY of Portland
LISNIK of Presque Isle
— 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:
PERKINS of Hancock
— of the Senate.
Representatives:
JALBERT of Lewiston
KELLEHER of Bangor
CHONKO of Topsham
CARTER of Winslow
— of the House.

Reports were read.

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

Mr. CARTER: Mr. Speaker, I move we accept the Minority "Ought Not to Pass" Report.

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

Mr. ANDREWS: Mr. Speaker and Members of the House: This piece of legislation, as is obvious if you take a look at it, L. D. 984, is very basic and very straightforward in that it calls for making the appropriations necessary to make our superior courthouses accessible to handicapped people. I believe the arguments are very clear and straightforward as well. In the creation of this country, access to justice, equal access to justice, was a fundamental right of all Americans, and in the State of Maine that fundamental right is not extended to a certain portion of our population, namely physically handicapped people.

This is complicated also by the fact that several handicapped people are now either in law school or have graduated from law school and are in the position of beginning to practice law, and they are in the very difficult position of not being able to get into the courtroom, which makes them unable to fulfill their duties.

This bill is the product of several months of lengthy negotiations. At the very outset of the negotiations, the county commissioners were very opposed to appropriating any money for making their county facilities accessible. The state was very cautious about making any recommendations for appropriations, and finally, after several months and weeks of negotiations between the counties and the State of Maine, in an executive committee meeting of the County Commissioners Association, by unanimous vote, the formula which we have spelled out in this L. D. was accepted. So in other words, the counties and the state will take responsibility for making their courthouses accessible. That portion of the state's share that was agreed to with the counties was to be appropriated through the Appropriations Committee.

tions Committee.

I hope that you will not accept the motion to accept the Minority Report. The majority of the members of the Appropriations Committee saw fit to make this appropriation. I think it is the kind of activity that we should be funding and I think that the negotiations and hard work that has gone into this bill warrants the approval of this legislature.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain the position I have taken on this bill. It is not that I am against what the bill aims to correct, far be it. There happens to be a law on the books that has directed, among others, the county commissioners to make these buildings accessible to the public. That law has been on the books for several years and they have chosen to ignore it. I don't quite understand how they can get away with avoiding a law that is rather specific and to the point. It appears to me that they had hoped all along that the state would bail them out. I think that is a very poor way of enforcing laws.

I know that my county is involved, just like every other county, and if nothing else, I think the county commissioners ought to be made to realize that when a law is passed, they are not above it. So I would hope that you would go along with the Minority "Ought Not to Pass" Report, and when the vote is taken, I ask for a division.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would remind this body that two years ago I introduced legislation that would have provided for a bond issue, floated by Cumberland County, to provide a new district court for that county. At that time, the legislation took the position that it was the state's responsibility to finance court buildings even though, as I recall, 15 of our current court buildings were sponsored by counties.

Today, I am asking you to remember that commitment that we made two years ago on behalf of the state; this is a state court system that we have. We have declared that it is up to the state to finance the structures.

Now, this is a joint venture between counties and state, and I think today the very least we can do is abide by the Majority "Ought to Pass" Report, send this to the Appropriations Table and let it take its chances there. I will remind our good chairman that today in Appropriations we spent the afternoon going through largely Human Services programs, appropriating in a preliminary way millions of dollars for human services. I can't think of a better human service. The handicapped need access to the courts and they deserve it.

I hope you will vote against the pending motion.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: There isn't one of us on the Minority Report that would try to argue against the fact of accessibility for people to our public buildings. The reason that I signed the Minority Report, and I think for the most part the other members as well, is simply a matter of dollars that are available, which we don't have, and more importantly the fact that I think our own counties should have the responsibility based on the argument that Mr. Carter presented a few moments ago about a law that we passed.

Some counties have responded to provide accessibility in the county courthouses; others haven't. I honestly think at this time there shouldn't be a sharing of whether the state is obligated to pay a proportional share, I believe that responsibility lies totally on the counties.

For the most part, the county courthouse is not the only facility that is in the courthouse. There is a variety of other agencies that operate within the county structure.

I can agree and support Mr. Andrew's argument about accessibility for handicapped people, but at this time, number one, I don't think we have the money; number two, I think our respective counties are obligated to do just what the law intended them to do several years ago.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: As you can tell from the debate and the people who are speaking this afternoon, there has been a very curious division among members of the Appropriations Committee on this particular issue. And as Representative Kelleher has said, there is complete agreement amongst all 13 members of the committee for this type of legislation or for the courts being made accessible. The question became one of "how do you do it?"

In the committee there were essentially three alternatives, one could be accomplished through a bond issue. An attempt to do that several years ago was defeated. There is a chance that that may be a proposal that will come before us sometime later on in this session.

The second way is to have the repairs paid for completely through the counties.

The third way is the cost-sharing measure between the state and the counties that is in this bill.

I came down in favor of the legislation, against the position of Representatives Carter and Kelleher, because if you ask the counties to pay for the cost themselves, you are essentially asking for that to be financed through the property tax. If this bill is passed, it would be a sharing, so not all the cost would be paid for through the property tax but part of it would be paid for by the state through general tax revenues, and that seems to me to be a better approach.

I would hope that you would support the legislation, the "ought to pass" report, so we can get it to the table. If at the end of the session Mr. Kelleher is right and there is no money to finance it, the Appropriations Committee and leadership could make a decision to carry the bill over to the next session and see if a bond issue does develop. But I think it would be premature to have this bill die at this point.

The SPEAKER: A vote has been requested. The pending question is on the motion of Representative Carter of Winslow that the Minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

22 having voted in the affirmative and 88 having voted 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 read the second time, passed to be engrossed and sent up for concurrence.

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

The following Communication:

The Senate of Maine
Augusta

May 23, 1983

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

The Senate today Voted to Adhere on Bill, An Act to Require Life Preservers to be Used by Canoeists. (H. P. 1220) (L. D. 1627)

Sincerely,
S/JOY J. O'BRIEN

Secretary of the Senate

The Communication was read and ordered placed on file.

Unanimous Ought Not to Pass

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Protect the Public Use and Enjoyment of Maine's Important Rivers" (S. P. 403) (L. D. 1251)

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

Unanimous Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Amend the State Income Tax Credit for the Installation of Renewable Energy Systems" (S. P. 248) (L. D. 769)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Provide Additional Tax Credits for Businesses Providing New Jobs in Areas of High Unemployment" (S. P. 276) (L. D. 836)

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Streamline Information Processing by Income Supplementation and Social Service Programs" (S. P. 533) (L. D. 1564)

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

Non-Concurrent Matter

An Act Relating to Drinking in Public (S. P. 420) (L. D. 1273) (H. "A" H-201 to C. "A" S-86) on which the Bill and accompanying papers were indefinitely postponed in the House on May 17, 1983.

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

In the House: On motion of Mr. Cox of Brewer, the House voted to Insist and ask for a Committee of Conference.

By unanimous consent, ordered sent forthwith to the Senate.

The following Communication: (S. P. 579)

The Senate of Maine
Augusta

May 20, 1983

The Honorable Gerard P. Conley
President of the Maine Senate
111th Legislature

The Honorable John L. Martin
Speaker of the Maine House
111th Legislature

Dear Mr. President and Mr. Speaker:

On May 20, 1983 one Bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, this Bill, "An Act to Prohibit Insurers from Increasing or Adding Insurance Coverage to Existing Insurance Policies Without the Consent of the Insured" (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27) (S. P. 578) (L. D. 1667) (Presented by Senator CLARK of Cumberland) was referred to the Joint Standing Committee on Business Legislation.

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

S/EDWIN H. PERT

Clerk of the House

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

Bill "An Act to Strengthen the Maine Milk Industry" (Emergency) (H. P. 1260) (Presented by Representative McCollister of Canton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule

27)

Was referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

Bill "An Act to Establish and Amend the Air Emission and Open-burning Standards" (H. P. 1259) (Presented by Representative Hall of Sangerville) (Cosponsor: Senator Kany of Kennebec) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

Bill "An Act to Increase Funding Allocation for the Bureau of Air Quality Control for Fiscal Year 1983" (Emergency) (H. P. 1258) (Presented by Representative Jacques of Waterville) (Cosponsor: Representative Ridley of Shapleigh) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

Were referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to printing.

Consent Calendar

First Day

(H. P. 1127) (L. D. 1482) Bill "An Act to Establish Advocacy Services for Special Education Students in Residential Placements" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 373) (L. D. 456) Bill "An Act to Provide Funds to an Elderly Legal Services Program" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-279)

(H. P. 1145) (L. D. 1517) Bill "An Act to Incorporate Bills Passed in the Second Regular Session of the 110th Legislature into Title 20-A" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-281)

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

Passed to be Engrossed

Bill "An Act Making Adjusted Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1983" (Emergency) (H. P. 810) (L. D. 1050)

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

Mr. McPherson of Eliot offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-280) was read by the Clerk.

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

Mr. McPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I offer this amendment after some confusion in the committee. Some of us on the committee, and over the past few years some from Appropriations have been working to get the budget process, especially with the Transportation budget, more in line with the Appropriations process for the General Fund account. This bill came out of committee Thursday or Friday before some of the members had a chance to sign it one way or the other.

Title 23, 1652, has been interpreted to allow the Governor to transfer funds from the Highway Fund surplus account whenever such funds exist. This differs from the process in General Fund surplus expenditures because only the legislature can appropriate funds from that surplus account. Such control is hinted at in 1652 but has not been strictly enforced.

The purpose of this amendment is to prevent any transfers which will cause the expen-

diture of highway funds to exceed the total allocations as authorized by the legislature. I would just point out to you that have been involved in local government, especially the smaller towns, you do not spend money above what the town meeting has authorized, and that basically is the way I look at it, that state government should be run the same way. The county government cannot expend more than what is authorized here by the legislature. To me, it must seem like good sound business.

With the increase in the highway fuel tax and the increase in the trucking fees, we are operating on estimated revenues and these could probably stagger you, we hope anyway. There should be some surplus money around and I think the legislature should be the one who has the final say as to where it is going.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I move that House Amendment "A" be indefinitely postponed and I would like to speak to the subject.

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

The gentleman may proceed.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: It is unusual when the gentleman and I differ, but on this particular issue we do differ today. We differ because I don't feel that this type of legislature is necessary at this time. I feel that where we are returning every year in session, we do not need this legislation.

The highway budget has gone on line items, we are just moving into the process, and I don't feel there has been rank abuses at this time. If someone has spent any funds in a careless manner for anything that they feel was not in the best interest of state government, I ask them to stand up here and tell me here today.

I know from whence this piece of legislation comes and I know the action taken was action that was necessary. I ask you all to join me today in voting for indefinite postponement of this amendment.

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 my good chairman today. I think it only makes good sense for us to adopt this amendment that basically will tell us that we treat our highway fund the same as the general fund or any other funds in state government. When we put a budget together and we pass an allocation and there is excess money that comes in, I don't think that we should be allowing money to be spent without it being approved by the legislature.

I think the good gentleman from Limerick was wrong on this issue. He and I disagree; however, I just think it makes good sense. We do it at the local level, we do it partly at the state level, and I think we should do it in the Department of Transportation.

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

Mrs. CAHILL: Mr. Speaker, I request the yeas and nays.

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 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 Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: At the risk of perhaps turning this into a partisan fight, which I don't intend to do, I do feel very strongly about this

amendment.

Many of us who have been here for a number of years have been concerned about the highway funding problem that hopefully we resolved at the end of March of this year. A couple of years ago we set up a line item budget for the Highway Department that was alluded to here earlier, we have provided them some additional staff from the Legislative Finance Office within the last year or two, and I think this is one step further towards trying to get a handle on the expenditures of that department. I don't think anybody here, and I am not, certainly, is trying to indicate that there have been any improprieties at all. I think the important thing is that if we as a legislative body are going to appropriate money, tax the people for it, when the money comes in we ought to have a say about where that money goes, and we ought not to give up that authority to either the Governor or Commissioner or anybody else anymore than we do in the General Fund budget, or, as was mentioned here, at the local level through property taxes.

If revenue estimates are up in the General Fund budget, we are not allowed, the Governor or anybody else is not allowed to spend those monies until the legislature has taken a vote on it, and that is all this amendment does. It is pure and simple, it seems clean, it seems like the responsible, reasonable thing to ask for, and I can't for the life of me think why the Highway Fund should be any different than the General Fund.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: The reason this amendment is in here is because by executive order by the Governor, he purchased some state police cars because of his concern at that time that we had many cars with 75,000 to 80,000 miles on them. As a matter of fact, we had one trooper no longer working because of riding in a motor vehicle which had a very bad seat in it and gave him a back injury. I feel he used prudent judgment at the time that he passed an executive order to purchase these cars. It was prudent judgment at that time because the purchase of these cars was at a time when the industry was down, the auto industry was down and we could get a very good bid on these automobiles.

If you always have to wait to come before the legislature for even a few things like police cars, what are you going to do if you have a real problem in this state with the Highway? We used to have surpluses in the Highway Department where if we had a problem we could address it. We no longer have it, and I don't feel that this was an irresponsible act, and furthermore, I think if a man wants to be Governor of Maine, let him work for it, let's stop trying to be Governor in the legislature.

I am going to lay it right on the line here, let's call it just what it is—do you want to be the governor? If you do, run for it. There is only one Governor in the State of Maine, don't keep trying to put in amendments curtailing the powers of that office.

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

Mr. MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just remind the gentleman from Limerick that the financial order that transferred the funds that he is talking about, which I really don't have any problem with, I think the trooper that he is referring to is a constituent of mine, I am quite sure he is, and I was one, when the cruisers were cut two years ago, that fought quite strongly to keep that issue in there, but the Department of Safety chose to cut the new cruisers out of their budget.

I would just remind him that the financial order was effective April 1, 1983. In other words, the legislature was here. It is not the issue of the \$350,000 that was transferred to

buy the new cruisers. What if that had been two or three million dollars? That is what I am trying to get at the heart of. I think this legislative body should have some say when it gets up to that amount.

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

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I, too, got kind of sucked in a little on this bill. In fact, I seconded the motion for the amendment downstairs and we had quite a little bit of an argument over this. I think that I made a mistake and I think after everything was all talked over, we agreed to take that amendment off, and I thought everybody came out of there pretty happy and now I see it is back on again.

I hope you vote against the amendment because I think it is a slap at the man down on the second floor.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I hope you will go along with the gentleman from Limerick, Mr. Carroll, and indefinitely postpone this amendment.

The issue is essentially what he outlined. The administration is charged by the Constitution to manage state government. In the situation we have before us, the Department of Transportation is somewhat unique among the departments in state government, number one because of the number of items that are under the auspices of the transportation budget, public safety, road maintenance, bridge repair, the whole gamut, and I think decisions have to be made on a case-by-case basis and not always when the legislature is in session. In the analogy presented to you by the gentleman, Mr. McPherson, that the difference between a \$300,000 transfer and a \$2 million transfer, I think you have to give them a little bit of credit and benefit of the doubt. If there is going to be a \$2 million or \$3 million transfer, I have a suspicion that they would check with the legislature before they did that sizable a transfer in funds.

I think you have to give some degree of credit to the department, to the administration. They are charged with managing state government and I think we have to give them the tools they need and I hope we will not be sidetracked by any smokescreens. There has not been any abuse with this authority. Things have been running relatively smoothly, as the gentleman from Limerick, Mr. Carroll, pointed out in the line item budget. We haven't been under it that long, let's give it a chance to work and, ladies and gentlemen, I encourage you to indefinitely postpone this amendment.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Baker, Beaulieu, Benoit, Bost, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; McCollier, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Perry, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammaro, Theriault, Thompson, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Curtis, Davis, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Hollo-

way, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Murphy, E.M.; Paradis, E.J.; Parent, Paul, Perkins, Pines, Reeves, J.W.; Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilston.

ABSENT—Andrews, Bonney, Brannigan, Carrier, Connors, Day, Dudley, Jackson, Jalbert, Kane, Mahany, Martin, A.C.; Murphy, T.W.; Randall, Roderick, Rotondi, Tuttle.

Yes, 80; No, 53; Absent, 17; Vacant, 1.

The **SPEAKER**: Eighty having voted in the affirmative and fifty-three in the negative, with seventeen being absent, the motion does prevail.

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

The **SPEAKER**: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, is the House in possession of Senate Paper 511, L. D. 1528, Bill "An Act to Require Swimming Pools to be Enclosed?"

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

Mr. COX: Mr. Speaker, having voted on the prevailing side whereby this House adhered to its previous action whereby this Bill was indefinitely postponed, I now move that we reconsider our action and I further move that it be tabled for one legislative day.

Mr. Strout of Corinth requested a division.

The **SPEAKER**: The pending question is on the motion of the gentleman from Brewer, Mr. Cox, that this matter be tabled for one legislative day pending his motion to reconsider. All those will vote yes; those opposed will vote no.

A vote of the House was taken.

70 having voted in the affirmative and 52 having voted in the negative, the motion does prevail.

The **SPEAKER**: The Chair recognizes the gentleman from Gardiner, Mr. Kilcoyne.

Mr. KILCOYNE: Mr. Speaker, is the House in possession of House Paper 884, L. D. 1138, Bill "An Act to Increase the Minimum Wage?"

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

Mr. KILCOYNE: Mr. Speaker, having voted on the prevailing side, I now move that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted.

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

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

Consent Calendar

First Day

(H. P. 197) (L. D. 241) Bill "An Act to Clarify the Election Laws" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-282)

No objections being noted, under suspension of the rules the above item was given Consent Calendar, Second Day, notification, passed to be engrossed as amended and sent up for concurrence.

(H. P. 901) (L. D. 1180) Bill "An Act Relating to Voting by Citizens Overseas" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-283)

On the objection of Miss Lewis of Auburn, was removed from the Consent Calendar.

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

Mr. NADEAU: Mr. Speaker, I move accep-

tance of the Committee Report.

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

Miss LEWIS: Mr. Speaker, could I please have a brief explanation of this bill?

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

Mr. NADEAU: Mr. Speaker, in answer to Miss Lewis' question, what the bill essentially does is provides for earlier access to absentee voting by overseas military personnel primarily. There has been a problem described to us. We first received notice of the problem from several organizations that are concerned about the lack of time between the availability of absentee ballots and the time it takes to get them overseas and back, so through the interest of these organizations and the correspondence we received, the bill was introduced and the committee decided unanimously to support it.

What it does, it provides for a blank ballot, essentially a write-in ballot, that would be available earlier than the time that printed ballots are. Obviously, for filing purposes and people who file originally and drop out, the actual ballots with the printing on them in each office aren't available until three or four weeks before the election. For somebody overseas, that is not a lot of time to get the application, get the ballot, vote and get the ballot back to the city clerk by election day. It has to be in the clerk's hands by election day, not postmarked, so that even makes the time constraints even more.

Essentially what this would do, it would enable clerks or would enable the Secretary of State to print up a blank ballot with the officers listed and the clerk, when receiving an application, would simply send the blank ballot with a list of the candidates along with that. Essentially what they would do is for those officers write in the candidacy of their choice, which is obviously allowed under current law in Maine when you go to the polls on election day, you have the opportunity to write in anybody for any office. So it essentially is an extension of that write-in privilege to enable these overseas personnel to vote within a timely fashion in our state general elections.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I have a real interest in this bill because I was overseas at one time and voted by absentee ballot when I was living in Greece. I was particularly interested in voting in that election because my mother was on the ballot. As I understand it, had this law been in effect, my mother's name would not have been on the ballot and I might easily have not really been able to vote for her because I might not have understood exactly how I was supposed to write in her name and municipality rather than being able to just check the box of the candidate of my choice.

As I understand, right now by our state law, absentee ballots have to be ready three months before an election. If the clerk in your city or town mails the absentee ballot to you, the slowest mails aren't any slower than two weeks. Greece is sort of out of the way and the slowest mail was at least in two weeks, and at that time, when I finally got my ballot, I trotted over to the U. S. Embassy at my convenience, I voted at the Embassy, they put my absentee ballot into the Embassy mailbag so that I didn't even have to put it in with a stamp and my ballot got back to the City of Auburn about two days after I had voted.

In other words, what I am suggesting is that this is not as cumbersome a process as has been pointed out and that maybe in fact three months is plenty of time for those of us who are overseas to vote.

I would also like to point out that when we are voting, we shouldn't be voting on blank ballots but in fact we should have the candidates in front of us and then if we reject all of those

candidates, certainly we could write in someone else's name, but I really don't think it is good policy in the State of Maine to have blank ballots going about through the mails and expecting these voters that aren't even on the scene where they can read in the press who the candidates are and all to be expected to be able to vote. For that reason, I move indefinite postponement of this Bill and all its accompanying papers.

The **SPEAKER**: The gentleman from Auburn, Miss Lewis, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: With all due respect to my good colleague from Auburn, the state law says that absentee ballots shall be available a reasonable time before the election and the Secretary of State's Office considers that 30 days. Thirty days is not a great deal of time for diplomatic personnel and military personnel to request their absentee ballot, or actually get an application, request a ballot with that application, send that application back to their city clerk and the city clerk then returns that ballot to that individual overseas. That takes a great deal of time to transfer all that information. So the gentlelady is not actually correct as far as the time involved in the availability of absentee ballots.

I know that some of you will look at the idea of blank ballots as some kind of ominous threat, and I can sympathize with that; however, if you consider a ballot that you would go to vote on and there would be maybe no candidate for an office, you would have the same privilege to write in an individual's name. Here this provides a method by which the process is expedited so that the voting rights of that individual serving in our country's military or diplomatic service may take that opportunity to vote.

A case may have been developed in Representative Lewis's case where she may not have received a ballot in time by virtue of the fact that we would have to wait for the ballots to be printed up. So I think this addresses a concern that you had originally and would expedite the process and give those persons serving overseas their right to vote.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Having been in this military for an extended period of time and having spent 16 years of that time overseas, I participated in many elections by absentee ballots. The first one was in 1944 in our presidential election, and I was overseas at that time. They found ways to get ballots to me and the same process as was described by Mr. Handy was used. The application, had to be made back here at home and then sent out to the individual, had to be notarized in both the request for the ballot and the return of it and we found no problem with accomplishing that.

I voted when I was in Korea and I voted again when I was in Viet Nam and they took care of the situation for me then.

The **SPEAKER**: The Chair recognizes the gentleman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker, I would like to pose a question through the Chair. How does this procedure parallel or coincide with federal ballots?

The **SPEAKER**: The gentleman from Houlton, Mrs. Ingraham, has posed a question through the Chair to anyone who may care to answer.

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

Mr. NADEAU: Mr. Speaker, I am not quite sure what you mean by federal ballots, but essentially it would apply to any general election, primary election. If you are meaning this in

terms of the presidential contest, that is incorporated into the same ballot as any regular state general election, so there is not distinct difference there, they are all incorporated into the same process.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, spent 22 years in the service and of the 22 years I spent 11 years overseas and I never, never encountered any difficulty in voting, never. The process is very simple, and actually, today, I don't know what has been broken but if there is nothing broken there is nothing to be fixed.

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

Mr. LEHOUX: Mr. Speaker, Ladies and Gentlemen of the House: I, too, spent as much time as my good confederate from Biddeford overseas and I also had the same amount of time in the military, and I have had beaucoup problems trying to vote absentee. I am sorry that I am not prepared to say too much on this issue right now because the mail that I requested came in this afternoon just before this topic came up and I started looking at it. Anyway, let me give you some information that I have here.

According to a Department of Defense survey, and I have it here in my hands, approximately 182,000 military personnel who tried to vote in the 1980 presidential election were unable to do so because they received their absentee ballots too late or not at all. This figure does not include those personnel who are not aware that their ballots were not counted because local election officials received them after the election.

The figure also does not include military dependents and other overseas civilians. If these were included, the number of disenfranchised voters would be several hundred thousand. The basic problem is that regardless of how early the voter applies for an absentee ballot, the local election officials probably won't start mailing out the ballots until about three weeks before the election, and in Maine and 44 other states, an absentee ballot must actually be received, not just postmarked, by election day. For many military personnel, especially those at sea or at isolated overseas duty stations, three weeks is insufficient time for the ballot to go from the local election official to the voter and back. The same is true for many overseas civilians, especially those who live in countries, for example Italy, with a terrible postal service.

Ladies and gentlemen, I do hope you consider to vote for this bill.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I was surprised at Representative Lehoux's comments. I believe that maybe we were not in the same Army.

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

Mr. LEHOUX: Mr. Speaker, Ladies and Gentlemen of the House: You can bet it is in the same Army, only I had some good duty assignments, I didn't stay in the states or some other fat post overseas.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I don't want to delay this debate anymore, I think you know what the issue is. If I may quote the gentleman from Bangor, Mr. Kelleher, in recent debate—anything we can do to make voting easier is obviously incumbent upon us to do.

It is a very simple bill. I had no idea it would receive this kind of debate. We simply want to give them that added opportunity to vote should they be in a position that they cannot do it under normal procedures. There is no room for abuse, there aren't going to be any problems with it.

In response to Miss Lewis's concern earlier, I

just want to reiterate that with ballot the clerk will submit a list of qualified candidates who have filed and an explanation of the procedure and all that, so there won't be any confusion, everybody will know who is on the ballot and, of course, if they are writing home regularly, they know what is going on anyway. The real gist of this bill is aimed at the presidential contest because that is where all the problems are.

Remember what Mr. Lehoux said, 182,000 in the last election did not vote in this country because of the cumbersome absentee ballot process. I have no idea how many of those were from Maine, but there was one, it is too many.

I hope you will vote against the motion to indefinitely postpone and, Mr. Speaker, I would request a division.

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I am supporting this measure because, for one reason, my husband is in the Merchant Marines and although that is a civilian job, for voting purposes it is considered military, and he has a real problem obtaining ballots at election time because he is not in one port long enough to receive mail. If he could vote before the election, before he went away, it would solve the problem. However, in most cases or many cases the absentee ballots have not been available, so this is why I am supporting this measure.

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

Miss LEWIS: Mr. Speaker, I would like to respond to Representative Nadeau's comment that he wanted to make voting easier. I believe that this measure is going to make voting more difficult because you are going to have to write in all these names and then remember to write in the municipality as well. If you just wrote in Harriet Lewis and checked the box, it wouldn't be good enough; you would have to be sure to write Harriet Lewis and Auburn, so I am suggesting that some of these people might think they are voting but in fact their absentee ballot will be thrown out.

As I look at the bill, it appears to me that present law right now states at least three months before any election these absentee ballot applications have to be ready. I would suggest to you that people who want to vote three months before the election could get their application filled out and then when they do get their ballot in the mail, they could take care of it right away and not have any problems voting, as many of us who have indeed voted overseas have attested to you today.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I think we all ought to put partisan politics aside and give Representative Cahill another vote in the next election by passing this bill.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I want this body to know that I am not that opposed to this bill because based on the testimony that has been given, it appears that we do have a problem. However, there is one area that I would like to clarify.

Representative Lehoux and I were in the same Army; however, I was an Infantry Officer in the front lines and he was in the Medical Services Corps in the rear. That is the only difference between he and I.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Miss Lewis, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

24 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-283) was read by the Clerk and adopted.

The SPEAKER: Is there objection to this bill being given its second reading at this time? The Chair hears objection.

The Chair recognizes the gentleman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, I would hope that perhaps we could table this so that we could get an amendment prepared to get rid of the blank ballot business or something. Is there any objection in this body to allowing that simple courtesy?

The SPEAKER: The pending question is, shall the rules be suspended for giving this bill its second reading at this time. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 49 having voted in the negative, the rules were suspended.

Thereupon, the Bill was read the second time.

On motion of Mr. Diamond of Bangor, tabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the following matter: "An Act to Discourage Frivolous Court Cases (H. P. 759) (L. D. 990) (C. "A" H-243) which was tabled and later today assigned pending the motion of the gentleman from Westport, Mr. Soule, to indefinitely postpone the Bill and accompanying papers.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Everything the good gentleman said on Friday is accurate. It is not often that the sponsor of the bill can concur in having his own bill killed but I would today. I just feel badly that the people I talked with were not aware that this rule had been passed by the Superior Court and, in this case, the legislation is no longer necessary and they are going to do it of their own free will and accord and I think that is terrific.

Thereupon, the Bill and all accompanying papers were indefinitely postponed in concurrence.

(Off Record Remarks)

On motion of Mrs. Holloway of Edgecomb, Adjourned until eight-thirty tomorrow morning.