

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Eleventh Legislature

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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HOUSE

Wednesday, June 1, 1983

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

Prayer by Father Gilbert Patenaude of St. Francis Xavier Catholic Church, Winthrop.

The journal of yesterday was read and approved.

Papers from the Senate**Unanimous Leave to Withdraw**

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act Relating to Major Policy-influencing Positions in Certain Regulatory and Law Enforcement Agencies" (S. P. 530) (L. D. 1553)

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Increase Public Disclosure and Accountability with Respect to Review of Hospital Budgets, to Initiate a Prospective Payment System for Medicaid, to Analyze and Approve Appropriate Payor Differentials, and to Extend the Sunset Provisions of the Health Facilities Information Disclosure Act and for Other Purposes" (Emergency) (S. P. 382) (L. D. 1174)

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act Relating to the Laying Out, Altering, Discontinuing, Maintaining and Repairing of Roads and Bridges in Unorganized Territories" (S. P. 70) (L. D. 176)

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act to Permit the Location of Manufactured Housing on Lots Zoned for Single-family Residential Use" (S. P. 89) (L. D. 220)

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act Requiring Municipalities to Make Reasonable Provision for all Public and Private Housing Alternatives" (S. P. 91) (L. D. 222)

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act to Permit Mobile Home Parks in Maine Towns" (S. P. 90) (L. D. 221)

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

Non-Concurrent Matter

An Act Concerning Volunteer Marine Patrol Officers (Emergency) (S. P. 558) (L. D. 1624) which was passed to be enacted in the House on May 26, 1983.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-164) in non-concurrence.

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

Non-Concurrent Matter**Later Today Assigned**

Bill "An Act to Make Voting Places more Accessible to the Elderly and Handicapped" (H. P. 728) (L. D. 937) on which Report "B" "Ought to Pass" as amended of the Committee on Election Laws was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-298) in the House on May 31, 1983.

Came from the Senate with Report "A" "Ought Not to Pass" of the Committee on Election Laws read and accepted in non-concurrence.

In the House: On motion of Mr. Diamond of Bangor, tabled pending further consideration and later today assigned.

Orders

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

ORDERED, that Representative Sharon B. Benoit of South Portland be excused June 1, 2,

and 3 for Legislative Business.

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

Representative Ainsworth from the Committee on Aging, Retirement and Veterans on RESOLVE, Concerning Retirement Allowances for Hester G. Brown and Ruth M. Hanna (H. P. 1162) (L. D. 1541) 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 Hickey from the Committee on Aging, Retirement and Veterans on Bill "An Act to Provide a Veteran's Bonus to Viet Nam Veterans" (H. P. 1076) (L. D. 1423) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft/New Title

Representative RIDLEY from the Committee on Energy and Natural Resources on Bill "An Act to Ban Clear Cutting Within the Allagash Wilderness Waterway" (H. P. 312) (L. D. 371) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Identify Areas Requiring Further Protection Within the Allagash Wilderness Waterway" (H. P. 1296) (L. D. 1720)

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

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Meritorious Good Time" (H. P. 978) (L. D. 1279) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning the Calculation of Periods of Imprisonment" (H. P. 1295) (L. D. 1716)

Report was signed by the following members:

Senators:

TRAFTON of Androscoggin

COLLINS of Knox

VIOLETTE of Aroostook

— of the Senate.

Representatives:

LIVESAY of Brunswick

JOYCE of Portland

SOULE of Westport

HOBBINS of Saco

BENOIT of South Portland

DRINKWATER of Belfast

FOSTER of Ellsworth

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:

CARRIER of Westbrook

REEVES of Newport

— of the House.

Reports were read.

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

Mr. HOBBINS: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report and further move that this matter be tabled until later in today's session.

Whereupon, Mr. Carrier of Westbrook requested a vote on the motion to table.

The SPEAKER: The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that this be tabled pending his motion to accept the Majority Report and later today assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

50 having voted in the affirmative and 62 having voted in the negative, the motion did not prevail.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: This is a very important bill, especially the new draft. It is important because it allows the administration to give the prisoners up to 15 days off per month on their sentence. That is what I am opposed to.

The fact is that the courts, starting with the officers, are trying to give decent sentences to keep this world of ours free from the crooks and the criminals on the streets, and what this bill would do is circumvent the sentences that some of these judges do give to the lawbreakers. I feel very strongly about this type of bill, and just to review what it is all about, at present the prisoners are allowed 12 days a month off, 10 days with no questions whatsoever, 10 days just for behaving. I behave in this House and what reward do I get? You don't get rewarded for behaving and you should not get any reward, that is what they are there for, they should be expected to behave. You go in the service and you don't behave, by golly, they will make you wish you had behaved, and that is the same way with these people.

The fact is, you have to think about the people of this state that are on the streets today, think about your own family and think about your own safety.

These people are not in there because they have done nice things for the community, they are in there for some reason and they should be kept in there and they should be put to work and get the starch out of them so they wouldn't get all these foolish ideas that they should get out in half the time that the judges have given them. The judges will take that into consideration and instead of giving them five years they will give them ten so when they get half off they will still serve five years, and this is not true. This is putting the actual enforcement people in a bad position.

There will be all kinds of arguments and all kinds of things said here to tear you apart, but in essence what the bill does, even the title is disceptive, it says "An Act Concerning the Calculation of Periods of Imprisonment." Who cares how you calculate it? The fact is that they will be back out on the streets half of the month.

We had a bill here the other day on prison visits and making it a right for them to have that. I read the papers afterwards, and it is a continuous line of untruths that come into these bills, and this is what you will hear this morning. The thing is, ladies and gentlemen, in this particular bill we should not allow them anymore. As a matter of fact, we probably should take off what they have now according to law.

It is a sad situation when you have to come here and argue about the same people that you really want to be taken care of for your constituents and for yourself. These people are not doing any good to society on the streets, and you know that and you let them out and in a week's time they will be caught for something else and they will appeal and do all kinds of things and they will still be out on the streets chasing everybody and giving them a hard time.

I submit to you that in committee the original bill, 1279, I believe, called for the same thing, but the people in committee that agreed to give them more time had agreed on 13 days instead of 12. I wasn't willing to go along with that. I know what has happened but I am not going to say anything here. The fact is that from the time the committee agreed to 13 days, actually the same people have agreed to 15 days — I know what the reason is and I am not going to down any members of the committee, we are all entitled to our opinions and the way we want to vote, but I do say to you that you

want to think about what this does, that the people of this state are entitled to walk down that street out here without a crook or criminal accosting them, or anywhere in Portland or anywhere in Westbrook. I am not worried about Westbrook because they don't come there anyway. If they do come, they have a very short visit. I can tell you that.

The fact is, ladies and gentlemen, I don't think they are entitled to 15 days, the present law says 12 days, and if you want to go along with 12 days, you go along with it, but I do think that we should vote against the motion to accept the "ought to pass" report so we can make a motion of "ought not to pass."

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

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: I want to explain to you exactly what this bill does. This bill, under current law for regular good time there is no change, no change at all. For meritorious good time, they get one extra day a month, making it a total of three; right now it is two. This bill will give them three days a month, that is twelve days a year.

What it does change is that when someone is in a minimum security facility such as Charleston and they are assigned to participate in community programs, this is usually the last 18 months of their sentence, they then will come into getting the extra time that Mr. Carrier is talking about, that the committee decided to give them more time there. They are not, when they are in Thomaston or maximum security prison, going to get the 15 days that he is talking about. They are going to get one extra day a month, that is the only change.

The committee came to this conclusion—I don't know if Mr. Carrier was there or not. We thought that anyone that was trying and was down to the last 18 months of their sentence, who was doing community work, should have this incentive. The morale is better at that point and we felt that this was the way to go. I ask that you go with the Majority "Ought to Pass" Report and ask for a roll call.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out of the Judiciary Committee ten "ought to pass" and three "ought not to pass." This bill is strictly a management tool. We need this bill and I hate to bore you with figures, however, if this bill is not passed, the cost to the State of Maine from now until 1987 is \$25 million. The National Bureau of Prisons made that projection after reviewing the system here in Maine.

Without this bill, that study showed that in 1987 we would have 1,125 prisoners to maintain. If this bill was passed, that figure would drop to 918. We are talking about the savings of millions of dollars.

What do the corrections people have on this particular bill, why do they feel they need it? It is a little bit more than why my good and dear friend J. Robert Carrier has told you. Yes, I think J. Robert wrote a speech as he came down the pike this morning and because we have so many potholes there he left a lot out, but you are entitled to know just why this bill is necessary.

This bill will greatly assist the department in carrying out some of its principal objectives. It will provide inmates with an additional incentive to participate actively in a positive work program. It will give the department the tools to better reward those inmates who make a positive step towards personal rehabilitation. It will help the department address prison overcrowding in a reasonable and efficient manner.

We are giving little but we are gaining much by this bill, and I hope that you will vote for the motion before us, the "ought to pass" motion.

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: I rise today in support of L. D. 1716. With the overcrowding of our correctional institutions and the need for new beds and expanded prison oriented programs and the lack of funds to finance either, we need to find ways to relieve the problem.

A parole system would cost approximately \$300,000 more than L.D. 1716 would. Also, it is estimated that L.D. 1716 would save millions of dollars in new construction and/or renovations to meet the need for projected increases in inmate population. The need is now, June, 1983; the relief is L.D. 1716. Your favorable vote today will relieve a very serious problem.

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

Mr. SCARPINO: Mr. Speaker, I would like to pose a question through the Chair. The gentleman from Portland just put up a point that approximately 207 people less would be in the prisons in 1987. I wonder if anyone has taken into consideration what the recidivism rate is among those prisoners so we could get an accurate figure as to how many would be out and how many would have been out and back in again?

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

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: To answer the good gentleman, that certainly is available at the Corrections Department, and this did include the recidivism rate. They made the projection and this certainly included recidivism, and I certainly wouldn't want to talk any corrections bill if it didn't include the recidivism rate, it is very important.

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

Mr. CROWLEY: Mr. Speaker, I would like to pose a question to anyone on the committee concerning this meritorious good time bill. Does this bill include all prisoners or does it limit meritorious good time to just a few of the better risks?

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

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

Mr. HOBBS: Mr. Speaker, in response to the question, any inmate who warrants meritorious good time and earns it is entitled to it.

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

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

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

Mr. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I am in favor of anyone and everyone having a good time, but I am not in favor of this bill in any way.

First of all, I would correct the gentlewoman from Ellsworth, Mrs. Foster, who said that at the present time they are allowed 12 days a year. There is a lot of difference between 12 days a year and 12 days a month, and there is more difference between 15 days a month, which is what this bill will allow.

In other words, if a criminal is sent to Thomaston for 2 years, he can get out in one because he gets 15 days a month good time credit for doing what he is supposed to do, minding his own business and keeping out of trouble.

Yet, they would reward him 15 days a month for just doing that, behaving himself.

My friend, Mr. Joyce, mentioned the heavy cost for taking care of some 1100 prisoners a few years down the road. My answer to that, ladies and gentlemen, if we need more prison space, let's build it, let's not turn them loose. And as Mr. Scarpino said, I don't believe anyone could answer his question of who knows how many of these that would be released under this program would be back in by 1987.

I think that Mr. Carrier gave you a very good presentation on what this bill is all about, so I am not going to take a lot of your time here this morning. I would say that this is a very poor way to deter crime, to send somebody down there and then reward them for behaving themselves. Ladies and gentlemen, if I were to vote for such a bill as this, I would sincerely feel that I was voting for crime and corruption.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bost, Bott, Brannigan, Brodeur, Brown, D.N.; Carroll, D.P.; Cashman, Chonko, Clark, Conary, Connolly, Cooper, Cote, Cox, Crouse, Day, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Gwadnosky, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Ingraham, Jacques, Jalbert, Joseph, Joyce, Kelly, Ketover, LaPlante, Livesay, Locke, MacEachern, Macomber, Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Perkins, Pines, Racine, Randall, Reeves, P.; Richard, Roberts, Rolde, Salsbury, Small, Stevens, Swazey, Walker.

NAY—Allen, Bell, Bonney, Brown, A.K.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, G.A.; Carter, Connors, Crowley, Curtis, Daggett, Davis, Dexter, Greenlaw, Higgins, L.M.; Holloway, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lewis, Lisnik, Martin, A.C.; Masterman, McHenry, McPherson, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Paul, Perry, Pouliot, Reeves, J.W.; Ridley, Roderick, Rotondi, Scarpino, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Webster, Wentworth, Weymouth, Willey.

ABSENT—Benoit, Dudley, Hayden, Jackson, Kane, Kelleher, MacBride, Mahany, Manning, Martin, H.C.; Seavey, Soule, Zirnkilton, The Speaker.

Yes, 75; No, 62; Absent, 14.

The SPEAKER: Seventy-five having voted in the affirmative and sixty-two in the negative, with fourteen being absent, the motion does prevail.

Thereupon, the New Draft (L. D. 1716) 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.

Consent Calendar First Day

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

(S. P. 563) (L. D. 1637) Bill "An Act to Provide Workers' Compensation Coverage to Emergency Medical Services' Persons"—Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-160)

(S. P. 513) (L. D. 1537) Bill "An Act to Provide for Citizen Participation in the Decision to Construct any Nuclear Power Plant"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-161)

(S. P. 557) (L. D. 1623) Bill "An Act to Define Connection under the Liquor Laws"—Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-162)

(H. P. 1197) (L. D. 1588) Bill "An Act to Reform the School Finance Act"—Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-312)

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

Passed to Be Engrossed

Bill "An Act to Permit any Municipality with a License Ordinance to Deny a License to any Person who is Delinquent in Paying Personal Property Taxes" (Emergency) (H. P. 1290) (L. D. 1711)

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

Amended Bill

Bill "An Act to Address the State's Responsibility Under the Potato Industry's Long-Range Plan" (H. P. 1170) (L. D. 1558) (C. "A" H-305)

Was reported by the Committee on Bills in the Second Reading, read the second time, the House Paper was 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 to Authorize Bond Issue in the Amount of \$24,600,000 for Highway and Bridge Improvements to Match Federal Funds and to Accelerate the Improvement of Town Way Bridges" (S. P. 415) (L. D. 1262)

Tabled — May 31, 1983 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending — Passage to be Engrossed.

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

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

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)

Tabled — May 31, 1983 (Till Later Today) by Representative Soule of Westport.

Pending — Passage to be Enacted.

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

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

An Act to Create a Maine Sentencing Guidelines Commission (H. P. 1270) (L. D. 1684)

Tabled — May 31, 1983 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending — Passage to be Enacted.

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

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

SENATE REPORT — "Ought to Pass" in New Draft (S. P. 592) (L. D. 1710) — Committee on Local and County Government on Bill "An Act to Establish County Budget Committees" (S. P. 435) (L. D. 1347)

Tabled — May 31, 1983 by Representative Diamond of Bangor.

Pending — Acceptance of Committee Report.

On motion of Mr. Diamond of Bangor, tabled pending acceptance of the Committee Report and tomorrow assigned.

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

An Act Concerning the Stopping of Trucks at Roadside Weighing Points (Emergency) (H. P. 1094) (L. D. 1440) (C. "A" H-288)

Tabled — May 31, 1983 by Representative Mitchell of Vassalboro.

Pending — Passage to be Enacted.

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

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

House Amendment "B" (H-310) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-288) and House Amendment "B" (H-310) in non-concurrence and sent up for concurrence.

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

An Act to Revise the Truancy Laws (H. P. 877) (L. D. 1131) (C. "A" H-213 and H. "C" H-264)

Tabled — May 31, 1983 by Representative Connolly of Portland.

Pending — Passage to be Enacted.

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

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

Bill, "An Act to Increase the Minimum Wage" (H. P. 884) (L. D. 1138)

Tabled — May 31, 1983 by Representative Diamond of Bangor.

Pending — Motion of Representative Kilcoyne of Gardiner to Reconsider whereby the House accepted the Majority "Ought Not to Pass" Report of the Committee on Labor.

On motion of Mr. Diamond of Bangor, tabled pending the motion of Mr. Kilcoyne of Gardiner to reconsider whereby the Majority "Ought Not to Pass" Report was accepted and later today assigned.

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

SENATE DIVIDED REPORT — Majority (7) "Ought to Pass" in New Draft (S. P. 570) (L. D. 1646) — Minority (6) "Ought Not to Pass" — Committee on Judiciary on Bill "An Act to Provide Equal Access to Justice" (S. P. 203) (L. D. 625)

—In Senate, Majority "Ought to Pass" in New Draft (S. P. 570) (L. D. 1646) Report read and accepted and the New Draft passed to be engrossed.

Tabled — May 31, 1983 by Representative Kelleher of Bangor.

Pending — Motion of Representative Joyce of Portland to accept the Minority "Ought Not to Pass" Report.

On motion of Mr. Hobbins of Saco, tabled pending the motion of Mr. Joyce of Portland to accept the Minority "Ought Not to Pass" Report and later today assigned.

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

An Act to Require Interdepartmental Coordination of Social Services Planning (H. P. 1255) (L. D. 1668)

Tabled — May 31, 1983 by Representative Brodeur of Auburn.

Pending — Motion of same gentleman to Reconsider Passage to be Enacted.

On motion of Mrs. Mitchell of Vassalboro, tabled pending the motion of Mr. Brodeur of Auburn to reconsider whereby the Bill was passed to be enacted and later today assigned.

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

An Act to Protect Employees from Reprisal who Report or Refuse to Commit Illegal Acts (H. P. 592) (L. D. 736) (C. "A" H-274)

Tabled — May 31, 1983 by Representative Mitchell of Vassalboro.

Pending — Motion of same gentleman to reconsider Passage to be Enacted.

On motion of Mr. Diamond of Bangor, tabled pending motion of Mrs. Mitchell of Vassalboro to reconsider whereby the Bill was passed to be enacted and later today assigned.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to Pass" — Minority (6) "Ought Not to Pass" — Committee on Taxation on Bill "An Act to Amend the Law Relating to Tax Increment Financing" (H. P. 1039) (L. D. 1364)

Tabled — May 31, 1983 by Representative Jalbort of Lewiston.

Pending — Motion of Representative Higgins of Portland to accept the Minority "Ought Not to Pass" Report. (Roll Call Ordered)

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: We debated this issue at length yesterday. Let me just recapture the primary points that I tried to make so that we can move on.

First of all, if a major project is built, we are going to be creating a tax shift. One of the issues that the gentleman from Durham, Mr. Hayden, brought up is, is it a proper shift? Is it proper for the municipality in which a major project is built to receive principal benefits and not be responsible for the county taxes or any adjustments in the school subsidy index? It is my contention that this is not good tax policy.

As I stated yesterday, if a major project is built in Portland and its valuation is not counted in the county taxes, it is the outlying areas that are going to have to pay the burden and carry the weight of the project.

Also, on the school level, if the legislature compensates for state valuation loss by increasing the subsidy index, then shifts in the local share of financing would occur. Alternatively, if the subsidy index is not adjusted to reflect the reduced valuation, then the state's share of educational funding would be increased.

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: I concur with the gentleman from Portland that this bill was debated at some length, but I think it should be pointed out very briefly that what we are dealing with here is a quirk, if you will, in the state valuation formula, and the way it is calculated, presently a municipality that does form a tax increment financing district is penalized from the loss of state aid in education and the increase in county taxes without any means of paying for either of those two losses. L. D. 1364 simply tries to eliminate this disincentive. Tax increment financing can be used by any size municipality, it does not affect any limitations on a municipality's debt limitations that are already in place, and this bill does provide our municipalities with a viable local economic development tool.

For these reasons, I would ask you to reject the present motion so that we may accept the Majority "Ought to Pass" Report.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: The subject before us is a tool that communities in Maine can use and the change is to make it useable. As it is now, it probably would not be used very much. Therefore, I urge that we pass this as something that a community could use if they chose; they don't have to. It is an advantage if they want to.

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

Mrs. THOMPSON: Mr. Speaker, Men and Women of the House: I would like to pose a question to anyone on the committee. Of the two people that just spoke, one in support of tax increment financing and one opposing it, they both said it would have an impact on the school subsidy index. The school finance formula says that every community will raise as much money as it can according to its property valuation as the state assesses that. I would like to have that question cleared up. If, in fact, a community does use TIF, does it place other communities who do not use this tax incentive increment, does it place those other communities at a disadvantage as far as the education subsidy is concerned?

The SPEAKER: The gentleman from South Portland, Mrs. Thompson, 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, Men and Women of the House: Briefly, because the subsidy index is based on the state valuation, this loss to the communities where the project is held, there would be a shift in the local shares of financing education. The effect would be that while the municipality in which the project is located would not have in their state valuation the valuation of this project, therefore, it would be receiving what I view as a substantially high subsidy indexing, more monies than it rightfully should have under the school subsidy index at this time.

For these reasons, I hope you will support the "Ought Not to Pass" Report.

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

Mr. McHENRY: Mr. Speaker, I would like to ask a question. I would like to know how many communities would take advantage of this if it were to become law?

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

Mr. CASHMAN: Mr. Speaker, Men and Women of the House: In reference to the first question asked by Representative Thompson, I don't feel that the system as it currently exists creates a substantial benefit in terms of educational funding for the community that uses TIF. In fact, the reason for the law that is in front of us today, the legislation that is in front of us today, is to correct a situation where if the system is used under the current law, the community that uses it is penalized to the tune of having their educational subsidies cut back because of increased value. All we are talking about doing here is not including that increased value in the state assessment of the town's value until after that town has debt serviced the money it laid out to encourage the investment in the first place.

In answer to Mr. McHenry's question, the system of tax increment financing is not widely used in the state today partly because of the problem that this legislation attempts to correct. Hopefully, if this is passed, it would be used to a greater extent.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: As a practical aspect, I don't see where we are raising all these problems. I don't think this money would be used to any great extent within the communities, but if it is used, what does it do? It creates jobs, it creates places for industry. In the old days when we brought any industry into the town, manytimes we forgave some of the taxes, illegally perhaps, but it was done, anything to get business started. Here you are talking about bringing sewers, roads and other projects into an area, and mostly, I would say, for the development of an industrial site or a business loca-

tion, and certainly that is what we need in this state and I can't see any reason to vote against it.

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

Mr. HIGGINS: Mr. Speaker and Members of the House: In no way would I be disagreeing with the gentleman from Cumberland, Mr. Dillenback. That is one of the reasons that I proposed some amendments to the tax increment financing act last session and this House and the Senate concurred and passed them. If I am in favor of it; what I am opposed to is this major tax shift. If a major project is built in Portland — I guess I should be arguing for Portland but just as a matter of good tax policy for the state I am arguing against Portland on a rare occasion — if a major project was built in Portland and Portland would be the principal beneficiary of it, it is the outlying areas that would have to pick up the country tax burden, the Cumberlands, the Yarmouths, the Westbrook and South Portlands, that is one of the principal reasons I am arguing against this proposal.

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

Mr. WEBSTER: Mr. Speaker, could I ask the Clerk to read the Committee Report, please?

Thereupon, the Report was read by the Clerk.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Higgins, that the Minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Brannigan, Brodeur, Brown, A.K.; Carroll, G.A.; Chonko, Cooper, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Gauvreau, Greenlaw, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Joseph, Ketover, Kilcoyne, LaPlante, Lehoux, Livesay, Locke, Macomber, Martin, A.C.; Matthews, Z.E.; Mayo, McCollister, McHenry, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nelson, Norton, Paradis, P.E.; Perry, Pouliot, Racine, Reeves, J.W.; Reeves, P.; Richard, Ridley, Rolde, Rotondi, Smith, C.B.; Swazey, Tammaro, Thompson.

NAY—Anderson, Armstrong, Bell, Bonney, Bost, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, D.P.; Carter, Cashman, Clark, Conary, Conners, Connolly, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gwadosky, Handy, Higgins, L.M.; Holloway, Ingraham, Jacques, Jalbert, Joyce, Kelly, Kiesman, Lebowitz, Lewis, Lisnik, MacEachern, Masterman, Masterton, Matthews, K.L.; Maybury, McGowan, McPherson, McSweeney, Michael, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Paradis, E.J.; Parent, Paul, Perkins, Pines, Randall, Roberts, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout, Telow, Theriault, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Benoit, Jackson, Kane, Kelleher, MacBride, Mahany, Manning, Martin, H.C.; Seavey, The Speaker.

Yes, 58; No, 83; Absent, 10.

The SPEAKER: Fifty-eight having voted in the affirmative and eighty-three in the negative, with ten being absent, the motion does 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 Chair laid before the House the ninth tabled and today assigned matter:

HOUSE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" in New Draft (H. P. 1293) (L. D. 1714)

—Committee on Business Legislation on Bill "An Act to Provide Equitable Health Care for Alcoholism and Drug Dependency Treatment" (H. P. 623) (L. D. 775)

Tabled — May 31, 1983 by Representative Brannigan of Portland.

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

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: This L. D. is one of the so-called mandated benefit bills that we have been hearing about, we in committee have been hearing a great deal about, and you, to some extent, I am sure.

First of all, the word "mandate" should not be something that would throw us off, this isn't much of a mandate, anyway. Secondly, we mandate all the time. We mandate taxes, we mandate speed limits, we mandate the size of everything from clams and potatoes to shingles.

In the area of insurance we have done a great deal of mandating, and some of it, I am sure, we are all very glad for. My colleague on the committee, Representative Perkins, reminds me that fire insurance had to be mandated many many years ago by this body. We have mandated proper maternity benefits, and for those who have had babies recently or have had babies in the last few years, I am sure you are delighted that mandated benefits were provided for those babies when they were born. Can you imagine, those of you who have just had children, what would have happened had we not mandated benefits for those new borns and you had a defect, a problem, a neonatal stay in the hospital which would have cost you hundreds and hundreds—hundreds don't even matter—thousands and thousands of dollars. So I ask you not to let that term or that process throw you off because that is what we do.

This issue that we are dealing with this morning is the issue of alcohol treatment. Alcoholism, mental health, chiropractic, there are some issues and some areas of health care that have just not been embraced by the insurance companies, and Blue Cross-Blue Shield especially, and may I point out that Blue Cross-Blue Shield is a mandated benefit for the State of Maine, it has special tax advantages, has a whole special section in our laws and writes 50 percent of the group coverage in the State of Maine, so we are talking a lot about Blue Cross-Blue Shield, we are talking about them because other insurance companies, especially Union Mutual and its new effort at insuring groups, its new package, already include these rather modest benefits that we are asking.

Let me give you a little bit of history about how alcoholism and mental health and others have been approached by our committee and this legislature in the past. From those who have served in that committee for many years, I am told that this bill requiring that these kinds of health problems be covered have been presented year after year. For a long time the committee gave the bills "leave to withdraw," saying they were a good idea but their time had not come, saying after awhile that they were a good idea and why don't you take them into account, insurance companies and Blue Cross-Blue Shield?

Why don't you embrace these less expensive ways to treat these illnesses but still giving Leave to Withdraw?

Finally, in my time in the last five years, we mandated that at least groups of 50 or more have an option available to be purchased. Even though many of us felt that that wouldn't work, it has been gentle nudging, gentle suggestion, patient pushing to bring about coverage in areas where coverage must be given. The option has not worked well for the alcoholic and those afflicted with mental illness. Chiro-

practic, it did, because that profession, as you know, has a very strong constituency and they moved to get that coverage and to get that rider picked up. How many people rush in and say, I have an alcoholic wife or drug abusing husband or a mentally ill child and I want this kind of insurance? I am afraid that this will happen in my family. This is a different issue.

So after all that gentle nudging and pushing, it was decided this year that we will take another step in this gentle process. Even though the sponsors came in with a giant step, we have whittled it down to a baby step. All we are saying is that these kinds of coverages, some coverage, must be put in the basic policy, it must be there for your use if you need it if you belong to a group.

Other people will address the cost effectiveness, which I believe is cost effective, rather than having hospital treatment, having these kinds of community treatments for people who may best benefit.

I urge you to support us as we go along in this gentle, patient, nudging process in the treatment of alcoholism.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, it has been a confusing and controversial bill, but I would like to try and explain as much about it as possible to you.

The gentleman from Portland, Mr. Brannigan, has perhaps left an impression with you that I think some people in this body have, the covering of alcoholism services by a third-party payment would be something entirely new. Right now, alcoholism is covered by Blue Cross-Blue Shield, but the basic reason for this bill is that it only covers the most expensive form of treatment, which is in-patient hospital treatment, which costs approximately \$200 or \$250 a day. At the same time, we have other techniques in other institutions for treating alcoholism which are just as effective but are much less expensive. We have out-patient hospital care, we have what we call the free-standing units where care would cost something in the neighborhood of \$60 to \$70 a day.

I put out an article to all of you from the New York Times. It shows that a Congressional study has shown that treatment in these areas is comparable to that of an in-patient hospital care which costs at least four to five times as much.

The gentleman from Portland has touched upon the mandatory aspect of this legislation. Some of you may have seen in the papers that I had a quarrel with Channel 6 which did an editorial attacking this particular bill. They offered me a chance to rebut that, I shot the rebuttal, they refused to run it on the basis that I did not address their principal argument, which was that the bill was mandatory. I felt that that was an attempt to censor me, and as a result I refused to do what they asked me, so they did what I consider a television first, they came out with their own rebuttal to their own editorial. What I would like to do is read their arguments against their own objections to mandating.

They said in their editorial that mandating is not new. Maine mandates immunization against dangerous childhood diseases; auto insurance carriers are mandated to cover assigned risk drivers; 17 states have developed some type of mandated alcoholism insurance coverage, and it appears that these coverages are more cost effective to the taxpayers. One reason for this can be shown by the income sources of residential and out-patient services in Maine. In 1982, group insurance policies paid only 8 percent of these services, the overwhelming income source being taxpayer funds. It is felt that mandating an inclusion of these treatment services would not only reduce the taxpayer's burden but encourage ear-

lier treatment of this serious disease, and I think their second editorial convinced me more than their first.

However, I still feel that in their editorial they missed the major point of the bill and that is, the most expensive treatment can now be covered and the least expensive treatment is not covered.

Let me give you an example of what I mean by one of the free-standing units. There is a place in South Windham called Crossroads. This is a special facility for dealing with the alcoholic problems of women. In many instances, an in-patient hospital such as St. Mary's or Mercy Hospital or Eastern Maine Medical is not the right setting for women with alcoholic problems, so they go to a place in South Windham called Crossroads; there are others in the state that specialize in women.

This is a letter from the administrator and he says: "The State provides 80 percent of our \$250,000 a year budget through a grant. Last year, we lost \$50,000 on 30 women who had Blue Cross coverage that was uncollectible since we are not a general hospital. We did collect \$22,000 from private insurance policies for 14 clients. Most of our clients are penniless and uninsured. We turn no one away for inability to pay. If L. D. 775, which was the original version of this bill, were in effect, we could easily balance our budget and gradually return money back to the state. At \$68 per day, we would be very competitive with the hospitals that charge up to three times that amount for the same program of alcoholism treatment. Insurance industry policy does restrict free market competition. The state, through its grant, is subsidizing this arrangement. By passing L. D. 775, you would be mandating competition and hence cost containment."

Let me read you another letter that was sent to me. This was from somebody who had this particular problem, it happens to be from some people in Dexter, Maine. The woman writes, "Last Spring when my husband underwent treatment for alcoholism in Eastern Maine Medical Center, my policy would not cover him because he went as an out-patient and because the people who provided his rehabilitative counseling were not professionals. I do hope that L. D. 775 will do something to help the out-patient get fair coverage for this disease." She says, "I guess it just upsets me that if we had insisted he could have been an in-patient and the insurance company would have paid \$5,000 for treatment. Many go in-patient because of their medical coverage. However, since we went out-patient, we had to pay \$2,000 out of our own pocket." She said, "It was well worth it, mind you, because my husband has been sober for ten months."

She also makes a very good point on another issue. She says, "The in-patient is safely locked away for 30 days with no exposure to drugs and upon release has a much more difficult time of adjusting." This is true. I just talked to somebody who had a relative who went into this 30 day treatment, they came out and because they were in this very enclosed atmosphere and not having to deal with the realities of coming home, they went right back off the wagon. So I think in some instances in-patient treatment is possibly the worst type of treatment that somebody could have.

I wanted to emphasize to you this problem of the fact that current insurance policies will pay for the most expensive treatment but will not pay for comparable treatment and sometimes even better treatment which costs less money.

In talking to many of you, which I have, I find that the biggest problem that you have with this bill is that it will cost some money and there is no doubt that it will cost some money.

In talking to many of you, which I have, I find that the biggest problem that you have with this bill is that it will cost some money and there is no doubt that it will cost some money.

Let me look at it from two points of view. First of all, and I am looking at it now as the Chairman of the Select Committee on Alcoholism which deals with the funds that the state has to deal with alcoholism—if the original bill had been passed, the bill before it was changed, we figure that approximately a million dollars that the state is putting out now to these free standing units, which have patients who have insurance policies that they cannot use, would be saved. Because the bill has been changed and it has been narrowed down, that million dollars would not be available to us but it would still be a significant saving to the state, money that we could use for other alcoholism services or that we could return to the General Fund.

There have been a lot of different costs put on this bill. When the bill was originally put in, it was an open-ended bill, it had no specific limitations on the amount of treatment. To give you an idea of how the bill is changed, it was originally estimated by Blue Cross-Blue Shield, and unfortunately that is the only source of our figures and the number one opponent of the bill, it was originally estimated that the bill would cost a million dollars. Then an amendment was put in that said this would be limited to 60 patient days a year and they said it would cost \$800,000; this is just for state employees. Now, the way the bill is written, those limits are not specified in the bill; it would be up to the insurance carrier themselves to set the limits for that bill. They are estimating, and they are using basically their figure for their optional payment, which we think is very high, anyway they are using that and they are saying it would now cost \$187,000 for state employees. So if this bill is passed, it will have to go on the table because it does have fiscal note which, unfortunately, comes from the people who are trying to kill the bill.

They have estimated now with the amended version of the bill that it would cost \$2 a month for a family and 72 cents for an individual. I, again, have no way of knowing whether that is an accurate figure or not. The only comparison we can have is from other states and that may not be an exact comparison as to how much it would cost. These are some of the figures that come from other states. For example, the Equitable Life Insurance Society of the United States provides up to 31 days of coverage annually for an in-patient rehabilitation facility, not qualified as a Hospital, that is a free-standing unit, at no increase in premium. The Aetna Life Insurance Company did a study of federal employees' alcohol benefits, and they suggested a cost for a similar program of 42 cents a month. We have figure from California for state employees of 19 cents a month. We have New York State, a state-wide plan available to 700,000 New York state and local government employees who pay claims amounting to approximately 14 cents per person per month.

I cannot stand here and tell you that this will not cost anything but I cannot tell you that I can agree with the figures that have come from Blue Cross-Blue Shield, which is opposed to the bill.

Let me speak of one other area of confusion—some people have felt since we passed the alcohol premium bill, and you all know I was a very strong leader in that fight, that we have all the money that we need to deal with alcoholism in the state. Let me put in perspective exactly what the figures are on the premium bill, it brings us approximately \$2.6 million a year. We spend on alcoholism services approximately \$7.5 million, so it covers about a third. For those of you who felt that the premium bill should take care of everything, it does not. In fact, after the allocations we have made, if people don't start drinking more in the state, we may run into a deficit situation, which I certainly hope doesn't

necessarily be a leader in the fight against alcoholism, as we have been in passing the premium bill, we will be a follower because 17 other states have gone to this type of legislation.

Another point I would like to make is that I think one of the reasons that Blue Cross-Blue Shield is very wary of this legislation is that they feel that the floodgates will be opened and if you allow people to go to out-patient and allow people to go to free-standing units, there will be a tremendous run on the services.

Let me tell you something about the disease of alcoholism, the first symptom of it is that you deny that you have it. It is the hardest thing in the world to get someone into treatment. I talked to a friend of mine in the hall the other day and he told me about a harrowing experience with one of his relatives and it took them four hours to convince this person to go in for treatment. It is not the kind of thing they do is deny that they have the illness. There are people who don't believe that it is an illness but the World Health Organization and the AMA have both declared that alcoholism is a disease.

We have had a lot of discussion in this body about alcoholism. We have had some heated arguments on the bills. I think this body has shown again and again that they want to do something about alcoholism but just making liquor harder to get is not doing something about the problem of alcoholism. This is the bill that the people who are in the front lines fighting alcoholism want and need and I hope that you will support this measure.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I have had somewhat of an interest in this legislation and similar legislation over the years. I cosponsored a bill a few years back that made alcoholism coverage optional and that is the current statute that we have now and I would like to pose a question through the Chair.

It is my understanding that this bill is one—there is another companion bill dealing with mental health coverage that will also be coming out and the question that I have is, the bill mentions out-patient care, and I want to know if this bill were passed, would office visits be covered and if they are covered, what is the percentage of the coverage? It is my understanding that if a person has major medical now and has a physical disability, goes into an office, he is covered like 80 percent, and I am wondering if that is the same situation with this bill?

The SPEAKER: The gentleman from Fairfield, Mr. Gwadosky, has posed a question through the Chair to anyone who may care to respond.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill does not specify what they must do other than they must do something to place these kind of treatment modalities in their basic coverage. So it does not, as we might have wished, changed discrimination against the mentally ill as far as only 50 percent of their major medical is covered rather than 80 percent with all other diseases and so forth. It doesn't bring about that kind of equity. It is, again, a gentle nudging step toward some kind of basic coverage for those things other than expensive hospital care.

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

Mr. GWADOSKY: Mr. Speaker, I would like to pose an additional question through the Chair. One of my concerns has been the quality of care that is going to be provided in some of these out-patient programs. It was mentioned by Representative Rolde that he believes there are many out-patient treatment programs

that are just as effective as in-patient treatment programs and in many instances the in-patient treatment programs can be somewhat of a disadvantage for the person who is cooped up for 20 days or a month. I am wondering if the committee received any information evaluating the pros and cons of in-patient care versus out-patient care, because this is certainly a dramatic step to be taking?

The SPEAKER: The gentleman from Fairfield, Mr. Gwadosky, has posed a question through the Chair to anyone who may care to respond.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: First of all, I am not sure there is a dramatic step. These kinds of facilities have been running and have been supported by this legislature through state funds for many, many years, and as far as what the committee received in testimony, for some people inpatient, \$300-a-day treatment is the best. For others, a much less expensive community based—we are talking about residential treatment as well as out-patient treatment—residential treatment modalities and a lot of places that have been working with alcoholics for many years is the best. So for different types of people and problems, different treatments should be available and should be paid for by third-party payers.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I have received a number of letters on this bill, as I imagine the rest of you have, and I would like to pose a question through the Chair.

Is there any way of projecting what the cost to employers around the state might be if this legislation should pass?

The SPEAKER: The gentleman from Sanford, Mr. Tuttle, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: That is very hard to say, but I will tell you one thing, if you have a group case and your experience is good, I doubt very much if there would be an additional charge put on you for one basic reason, competition. If a charge is put on, another carrier could well come along and take your case right away from you. Frankly, I don't believe if you take it altogether that there is going to be much of a cost at all. I will talk about that in a minute.

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

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: As we all know, alcoholism is an illness and like all illnesses it has both physical and psychological components. Perhaps in alcoholism the psychological component in the later stages of recovery are greater than they are in other types of illnesses. The simple fact of it is, as has been said many times, in some cases a permanent in-house program such as Kelly Six or one of the others in the state is the best method. In others, the residential treatment such as Skyward or Merrymeeting House, Milestone, Seton Hall or one of the myriad of others in the state perform the best. There is no way to tell, it has to be a decision that is made on a case-by-case basis, it is what is best for the individual. As it is now, the only insured means available are the most expensive and many people don't have the coverage, they don't go. We see it reflected in welfare costs, we see it reflected in court costs, we see it reflected in prison costs.

I think it behooves the people of the state and the government of the state to provide the greatest possible number of all alternatives for this type of treatment. I personally believe that the insurance costs would be minimal and that the benefits to the state and the benefits to the

people themselves would be uncountable. I urge your support of this measure.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope I can make the assumption that every one of us recognizes the need for alcohol and drug treatment and that our only real problem is suggested cost as posed by the insurance companies for this benefit.

Do you remember the hospital charges in Maine as shown in last Friday's Portland Press Herald? I will read them to start with: Castine, \$296 and goes down to Maine Medical of \$574, that is for in-patient treatment and those are the prices which we are paying today for in-patient treatment for alcoholism. This bill would require coverage for out-patients and other facility care at a much less cost with restrictions as to over-utilization. The result could well be a total reduction in medical care costs.

Studies were shown to the committee that by allowing out-patient treatment to share costs for alcoholism there could be a reduction in health care utilization and costs ranging from 26 to 69 percent in treating individuals. In fact, one of those studies showed 69 percent fewer hospital days utilized. What a savings that could be in Maine.

I could go on and talk about other studies all the way from Pennsylvania to California which confirm this lessening of in-patient hospital stays for alcoholism, but I think it is better to tell you about the results experienced by the Kemper Group of insurance companies which has been providing these benefits since 1964. Just one thing, it says "The Kemper Group extended coverage in 1973 for non-hospital alcoholism treatment at no charge to its policyholders and continues to do so today."

I assume that other insurance groups can read these statistics as well as I can. This being true, why are they against the bill? Why are they trying to scare everyone citing increased costs as a major factor? The answer to me is quite simple; hospital insurance is generally a losing line. Most insurance companies don't write losing lines and write the coverage only to protect the other parts of their group coverage; namely, life insurance and income disability. They have no incentive to experiment with our hospital costs and do not wish to change their policy forms to incorporate a benefit about which they know little or nothing and where there doesn't seem to be any chance for any great profit.

Why is it necessary to mandate this coverage? It is the only way to obtain good experience, for without such mandation, the only cases that would be written would be those where there is evidence of a great deal of current need.

Today, group packages contain life, disability income, hospital and major medical benefits and are highly competitive. I firmly believe that those cases showing an overall profit will not have their rates increased just by adding this out-patient coverage. To do so would be to invite competition. Incidentally, I had a letter from Caribou, Maine and has to do with Fraser Paper Company. I don't necessarily want to read all of it but the gist of the letter is that they have had this type of coverage for two years and they have seen a drastic reduction in their hospital costs.

This leads me to a fiscal note prepared by two companies which have had no meaningful experience with this coverage. This is a little bit like the fox taking care of the chickens. They don't want the coverage, so what kind of a fiscal note do you think they are going to put on it? They are going to put on it a big one and they certainly have. I doubt very much that they are accurate, and I might add, if this bill is passed and these companies insist on increasing cost to the state employees by reason of this bill, then I would suggest that the state ask for bids

because I think they would find some companies that will take it without additional costs.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I sort of hate to get up and speak in opposition to this bill but I feel compelled to do so. I happen to have voted in the majority of "Ought Not to Pass" and I want to relay to you why I took that position.

In the first place, I realize that alcoholism is a disease, it is a sickness, I know this, I know this because I have some relatives that are afflicted with this and I have seen the results of it, but the reason that I am opposed to this bill is cost. Somebody is going to have to pay the bill. You have heard individuals get up and say that it is only going to cost a few pennies, it is not going to cost that much and this is strictly guess work. The figures that were provided to us at the public hearing were provided by people that have experience in this field, they are actuaries that work for insurance companies and, believe it or not, insurance companies are here to sell insurance, they will sell any type of insurance that can be sold.

This only applies to groups, which means 10 or more individuals. There are a lot of people out there that would need treatment, however, they don't belong to groups. They are not working, they are on welfare, they are people who do not have the opportunity to subscribe to group coverage. Two years ago, we mandated an option and that option was not well received out in the field because people just didn't want to have that coverage. What we are doing today is, we are mandating that this be covered by insurance policies.

Not too long ago, there was a bill that came before our committee which would have mandated insurance companies to pay hospital emergency treatment room visits, this is not covered, and this was turned down on the basis that this would increase costs—somebody is going to have to pay.

At the public hearing, labor or AFL-CIO were neither for nor against, they are afraid of this bill simply because they feel that if we mandate this, that some of the companies will shift their coverage. As an example, some companies pay full benefits. What they feel might happen is that some of the benefits might be reduced. In other words, if they are paying 100 percent for hospitalization, it could be on a co-insurance basis. The company would pay 80 percent and the employee would pay 20 percent. This is why they were opposed to it, they might reduce some of the coverage.

If we mandate alcoholism, you are going to have a bill in the next session to mandate chiropractic services, you are going to have another bill to mandate podiatrists, you are going to have a bill to mandate hospital visits, and if this is what this body wants, then I would say that is what we should do, but to mandate piecemeal, I think is the wrong approach.

I have to agree with Representative Rolde that the present coverage does not include out-patient and I feel that out-patient should be included in the mandatory option because it would be more cost effective rather than in-patient, I agree with that, and if there was a bill in that would indicate that the coverage should include out-patient, I would be in favor of that, but to mandate alcoholism and another bill will be coming through, it will increase the cost and the cost will have to be shared by the employer and ultimately the employee. The employers can only afford so much money for fringe benefits and when they exceed that, either the coverage will have to be paid by the employee or the coverage will have to be reduced in some other form or manner. This is one of the reasons why I was on the Majority "Ought Not to Pass" and I think most of us who voted against the bill feel just about the same way as I do.

Like I said before, I hate to get up and speak against as sensitive an issue as this but I feel that you should hear both sides, you should have information on both sides.

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: I would like to just briefly share with you some figures on costs since it is a very legitimate and an important concern. Before I share these with you, I would like to emphasize that these are worst case estimates, worst case estimates because they are provided by the company that is obviously opposed to this and therefore are shaded in that manner and also worst case in the sense that they don't take into consideration a reduction in the overall health care cost which many other states have experienced and other companies have experienced because of alcohol coverage.

We were given these figures by Blue Cross and Blue Shield, that the increase per contract per month cost for an individual would be 72 cents a month, and for a family \$2.03 a month. The weighted average of those two works out to \$1.44 per contract per month in increased insurance costs. When you consider that an average work month would be 160 hours, this breaks down to a cost of less than one cent per hour in increased labor costs. To be more specific, we are talking about nine-tenths of one cent in increased labor costs. I would argue that nine-tenths of one cent increase in labor cost is little to ask in beginning to equitably treat this country's second most prevalent disease.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: During the last couple of years there has been a trend towards self-insurance and we have seen a number of bills involved in the area of self-insurance. I am not sure exactly how it works, but it was my understanding that when companies do make a decision to self-insure, they can circumvent having to pick up these mandated benefits. To pose an additional question, if, indeed, this bill is passed, might it not be an encouragement for more companies to self-insure and thereby circumvent having to pick up these mandated benefits. To pose an additional question, if, indeed, this bill is passed, might it not be an encouragement for more companies to self-insure and thereby circumvent this whole process?

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

The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I think I can answer that question. In this area, there are very few self-insured plans and to get a self-insured plan for a hospital, you have to go through a lot of trouble. In fact, it is not easy to do, you have to set up reserves and really it is not worth the effort.

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

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I didn't plan on getting up and talking about this bill today but I haven't heard anybody mention the small businessman; I am a small businessman; in fact, I got my insurance bill the other day and it was \$62,000 for 25 or 28 trucks, so I wish somebody would try to help me pay that \$62,000 because I had to go borrow the money and pay 15 percent interest on it. If you put this bill in today, I will have to pay probably another \$80 to \$100 a month and there is no way I can afford that, so I hope you would not pass this bill today.

Mr. Martin of Eagle Lake requested a roll call.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It may come as a surprise to you to see me up on my feet about to debate an insurance bill. First of all, let me tell you that it has been a number of years, although I am licensed to sell health insurance, since I have been able to sell a health insurance policy, so I feel quite comfortable in debating the bill, something that I happen to know something about.

We speak of hospital cost containment on one hand, and on the other hand we talk mandation. In my book, they just don't have the same meaning at all. What we are about to do here is to try something that the state of California did many years ago and many companies almost went bankrupt. I could try to rebut every person that spoke but I am not going to make that attempt. Let me just point out to you one sentence in this bill. The point was made that we ought to mandate out-patient care. Just take a look at the last line on Page 2, Paragraph 2a, I guess it is the whole paragraph, it states: "Out-patient care," down to about the fifth line, "including but not limited to patient diagnosis, assessment and treatment, individual and family and group counseling and educational and support services." We are talking about an area that is support services. We are talking about an area that is supposed to deal with sickness and accidents. Are you going to educate somebody not to become sick? Is this what we are going to do with this type of mandation?

Some say that this is a disease—well, I disagree with you. It may be a disease but it is one that is self-induced. We don't mandate maternity benefits on a hospital contract, it is an option. When you ask insurers why it is not mandated, they will tell you that it is not an illness and it is not an accident, at least it is not supposed to be. The same thing applies to alcoholism, it is not an illness, it is a self-induced type of thing, and why should every other person be forced to pay for that particular person's wrong? I don't think it is right and I would urge you to vote against this bill.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I would just like to say a few words about what you just heard. First of all, we do mandate maternity benefits, even though we don't call it a sickness, we are covered by hospital insurance and we did mandate it in this body and I am sure that Mr. Carter voted for it, that single woman, if he wants to talk about accidents, were not covered and married women were and this body straightened out that kind of discrimination.

Secondly, I am a co-sponsor of the hospital cost containment bill and I am also a strong proponent of this bill and I believe that they are not contradictory stands. I stand here and I will tell you that right now.

This is a costly issue, alcoholism. We have heard about in-patient and out-patient; in-patient is costly if you are called an alcoholic, but it is also costly if you are called a lot of other things. Up until recently, very few people were treated in a hospital for alcoholism. Oh, they were treated for alcoholism all right. If they were somebody prominent, if they were somebody well known, they were in the hospital being treated but were treated under another name but we were still paying for it, we were still paying for it in our hospital costs and in our insurance costs. A lot of people went on from there to be treated for the real thing—at first they were under a disguised diagnosis, then it got to them and it was really their liver and really their heart, so I say that to be able to treat this early, to treat this well, is cost containment. If it is treated outside of a hospital, as it well can be, it is cost effective. So I make those points very strongly because I feel them very strongly and I hope you will now vote to pass this bill.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, that the House accept the Minority "Ought to Pass" Report.

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

Mr. POULIOT: Mr. Speaker, I request permission to pair my vote with the gentleman from South Portland, Ms. Benoit. If Ms. Benoit were present and voting, she would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, I request permission to pair my vote with the gentleman from Presque Isle, Mrs. MacBride. If Mrs. MacBride were present and voting, she would be voting no; I would be voting yes.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Portland, Mr. Brannigan, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Bost, Brannigan, Brodeur, Carroll, D.P.; Chonko, Connolly, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Joyce, Kelly, Kilcoyne, LaPlante, Locke, Martin, A.C.; Matthews, K.L.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Reeves, P.; Richard, Rolde, Rotondi, Scarpino, Smith, C.B.; Soucy, Stevens, Swazey, Theriault, Thompson, The Speaker.

NAY—Anderson, Armstrong, Beaulieu, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, G.A.; Carter, Cashman, Clark, Conary, Connors, Cooper, Cote, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Jalbert, Ketover, Kiesman, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, MacEachern, Macomber, Masterman, Masterton, Maybury, McPherson, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Paul, Perry, Pines, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Sherburne, Small, Soule, Sproul, Stevenson, Stover, Strout, Tammara, Telow, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirnkilton.

ABSENT—Gauvreau, Joseph, Kane, Kelleher, Mahany, Manning, Martin, H.C.; Seavey.

PAIRED—Benoit-Pouliot, MacBride-Perkins. Yes, 55; No, 84; Absent, 8; Paired, 4.

The SPEAKER: Fifty-five having voted in the affirmative and eighty-four in the negative, with eight being absent and four paired, the motion does not prevail.

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

At this point, the Speaker announced the appointment of Representative Mayo of Thomaston to the Joint Standing Committee on Aging, Retirement and Veterans.

(Off Record Remarks)

On motion of Mr. Mayo of Thomaston, Recessed until four o'clock in the afternoon.

After Recess 4:00 p.m.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act to Make Voting Places more Accessible to the Elderly and Handicapped" (H. P. 728) (L. D. 937) which was tabled and later today assigned pending further consideration. (In House, Report B, "Ought to Pass" accepted and Bill passed to be engrossed as amended by C. "A" H-298. In Senate — Report A, "Ought Not to Pass" accepted in non-concurrence.)

On motion of Mr. Nadeau of Lewiston, the House voted to recede.

The same gentleman offered House Amendment "A" to Committee Amendment "A" (H-320) and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-320) was read by the Clerk.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: If you recall, this bill would provide that only those areas in a building that is being used for a voting place be accessible to the handicapped, and as promised in the last debate, the amendment would make clear that the Secretary of State would promulgate rules and regulations outlining the reasons for the waiver provision that we incorporated into the bill so that everybody knows and it is very clear exactly what would cause undue or extreme hardship and the other factors that would constitute a waiver.

The other thing that it would do is incorporate part of the other report which was a phase in period of two years, so that the effective date would be July 1, 1985, to give municipalities an opportunity to gear up and get ready for this, because otherwise upon the law taking effect in October, the election being in November, it could cause a problem in terms of implementing the legislation.

Essentially, that is what the amendment does, it makes it clear that the Secretary of State will promulgate the rules and regulations and also gives municipalities a couple of years to gear up and get ready for somehow organizing whatever they have to do in terms of making that particular voting place accessible.

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

Mr. RACINE: Mr. Speaker, I would like to pose a question through the Chair to anyone on the committee. Looking at the amendment, paragraph two under Section 1, it specifies that each municipality shall provide at least one voting place which is in a building which is accessible as defined in Subsection 1. As an example, taking the City of Biddeford, the city hall, we have a ramp for the physically handicapped. Would that cover—would we be covered under this or does that mean accessibility at all of our voting districts, which we have seven within the town?

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 gentleman from Lewiston, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, the intent is to make as many voting places as possible accessible, that is the intent of the bill. The waiver provision is in there to give some flexibility to the Secretary of State to determine whether it is an extreme hardship in making those voting places accessible. So to answer your question, every voting place should be accessible only in the area where voting is taking place, that doesn't mean all the entrances, for example, have to be accessible; there has to be one accessible entrance.

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

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

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

The Chair laid before the House the following matter:

An Act to Create a Maine Sentencing Guidelines Commission (H. P. 1270) (L. D. 1684) 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-316) 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.

The Chair laid before the House the following matter:

Bill "An Act to Increase the Minimum Wage" (H. P. 884) (L. D. 1138) which was tabled and later today assigned pending the motion of Mr. Kilcoyne of Gardiner to reconsider whereby the Majority "Ought Not to Pass" Report was accepted.

Thereupon, the House reconsidered its action whereby the Majority "Ought Not to Pass" Report was accepted.

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

Mr. ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: This matter was tabled quite some time ago and by now we have all had ample opportunity to hear the arguments that both sides are speaking, whether it is for or against the matter that is before the House today. I don't really think that by my standing here or by anybody else standing up here and telling you why they are for or against the bill is really going to change your mind because I think you all probably have made your minds up by now.

We presented the arguments why we feel it would be the wrong thing to do. We say that we feel it would be drastic for the economy of the State of Maine to be the only state of the 48 contiguous states of this country to have a minimum wage that exceeds that of the federal level. Some argue that the federal government hasn't increased it and inflation has, in fact, surpassed the level of the minimum wage—well, there must be a reason why the federal government has not increased the minimum wage, and that reason, in my opinion, is to allow the economy a chance to recover, which it certainly is in the process of doing.

I will just remind you of some things that you may or may not have been aware of that were actually not presented on the floor of this House, and that is that when the model state legislature was here, those kids had a similar bill in front of them and they turned it down, they killed the bill. The reason they killed the bill is because they are very aware of the fact that if that bill were to pass, they would be the ones who would be hurt the most, the minimum wage jobs, the jobs that high school kids and sometimes college kids get when they are in between school or just out of school or whatever time they have when they are trying to make money, these are the jobs that would become least available if in fact this were to pass. It certainly would be no secret that it would be harder for the businesses in Maine to compete with our other New England states. It would allow the other states next to us, New Hampshire, Connecticut and others to bring products into this state and market them for a lesser price than our Maine businesses could market them, and that certainly isn't going to help us or the economy of this state.

So as I have said before and I will say again, I believe it will result in a loss of jobs, I believe it will result in the decline of the ranking of our business climate, which, as you are well aware, isn't that good right now.

I don't think the bill is properly titled. It is titled Bill "An Act to Increase the Minimum Wage." In my opinion, it probably should be titled "An Act to Insure that No Business Currently Located Outside the State of Maine will Consider Moving into the State of Maine" because I think that is what it is going to do.

I hope you will vote against the pending motion.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: Maine is a state rich in natural resources. Hundreds of thousands of acres of forest make us one of the nation's leading lumber and paper and wood pulp production. Coastal waters teem with fish and shellfish supporting a commercial fishery that's one of the strongest in the nation. But unquestionably, our most important national resource is the Maine worker.

The work force in Maine, it is a study in contrasts—a balance of old and new, tradition and progress. It includes the self-reliant lobstermen, farmers and artisans of Yankee folklore. But it also includes skilled laborer of shipbuilding, paper, printing, mining, manufacturing — all important industries — and the highly trained specialists in those scientific and technological firms that have sprung up across the state almost overnight. Yet, with all this diversity, the workforce of Maine has one thing in common, a tradition of hard work and grit, the power and the backbone. The fact is, we've got the hardest working, most committed labor force in America. Our people are famous for their low absenteeism, low turnover, high productivity, high loyalty and high standards.

These are not my words though they reflect my feelings. These are the words of one of Maine's leading businessmen. The members of the Maine Legislature should have received a copy of these words for they are the introduction of the 1982 Annual Report of the Maine Savings Bank, and the gentleman who expressed so eloquently my feelings is Robert R. Masterton, President of that fine institution.

In the fifties and the sixties, Maine exported its most valuable resources. Young men and women left Maine not because of the desire to leave Maine, rather to seek employment and pay reflective of their skills.

In a study of Maine since 1940, the partnership program found that 90 percent of Maine's workforce of 1990 is now employed. That tells us that soon we will realize a labor shortfall in Maine. This labor shortfall can only be made more severe by our shortsightedness. For if we set the least amount of pay far below the value the laborer returns, that laborer has no choice but to leave Maine.

Today we can provide to those entering the labor market, those in the labor market and those who will enter the labor market a viable reason for remaining in Maine, that reason being the salary that they may earn is sufficient not only for their survival but for their mental well being and their material gain.

We cannot ask individuals that develop a record such that it wins the praises of Maine's leading businessmen to forego their personal, physical, mental and material well being, for to do so is to exploit the tradition of hard work and commitment to employer and the drive to turn even the smallest beginning into a big achievement.

To deny these workers 15 cents an hour is a disgrace to each and every person, for each person becomes an exploiter themselves, for they would deny another man the income that they themselves would refuse to accept. Therein lies the cruelist injustice. We instill in our

offspring the spirit of hard work, of loyalty and high standards and then instill that they accept wages far below their value to their employer.

To insure, to protect, to convey to the Maine labor force our respect, we can in this small way express our gratitude.

To establish a principle to instill in our offspring and to encourage hope in the hearts of the Maine worker, we can cast a vote which, though monetarily small, can be a promise to future generations. We can make the law of the land that no man shall be paid less than \$3.50 an hour, that no man or woman who carries in his or her heart the very Yankee traditions is worth less than \$3.50 an hour.

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

Mr. BOST: Mr. Speaker, Men and Women of the House: We in this chamber have an opportunity today to show our support, be it so ever small, for the working men and women of this state.

Initially, I was lukewarm to this meager increase in the minimum wage simply because it appeared to be but a token gesture to those at the low end of the wage scale. An additional \$6 a week is not going to broaden financial horizons of the working person presently bringing in just over \$100 per week.

But the simple principle of the bill began to eat away at me. This legislature has consistently voted in favor of mandates. We have mandated child safety restraints, we have mandated motorcycle helmets, we have mandated that swimming pools be fenced, that credit card holders be levied a \$12 fee and that consumers pay a 5 cent gas tax in addition to the federal nickel. Granted, some of these mandates are reasonable, drawn up by members of this body concerned that we make positive strides in the interest of the welfare of the people of Maine. By the same token, we must be concerned about the means toward that noble end result. We should be aware that the very people who will most often bear the brunt of these new responsibilities we have placed upon them are those least able to afford them.

I have spoken with colleagues who contend that a meager 15 cents is essentially an insult to the working person and that perhaps if the proposal were in line with the party platform of \$4.50 per hour, they could endorse it. I maintain that a little progress is better than no progress at all.

Another argument against this bill has been that it will be to the detriment of our business climate. I, like each one of you, am concerned about maintaining an attractive environment for business to move into and to prosper. But hinging the success or failure of these businesses on a cost-of-living adjustment of 15 cents makes those speeches we have all heard about our state's work ethic and about the strength and integrity of our working men and women ring rather hollow.

I find it ironic that on the very day we are battling for a 15 cent increase in our minimum wage, the president of one of our state-regulated utilities has been awarded a \$14,300 raise, almost \$6,000 more than the average per capita income in Maine of \$8,535.

I urge members of the House to vote with equity and fairness in mind and support the passage of L. D. 1138.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Originally when this bill came before this body, I voted against it. I followed the majority committee report. I did so because I wear many hats and I am very much concerned about inflation, very much concerned about industrial development, economic development. In my community, I happen to be the founder and president of the Economic Development Corporation. Tax in-

creases, inflation, are a great concern trying to locate any new industry in the community.

A week ago Monday when I went home, I had a council meeting which terminated around ten-thirty in the evening. Following that I went home, took my shoes off and sat in front of the tube, which I normally do every day of the week anyway, and lo and behold, a news report from the City of Bangor flashed across the tube—wage dispute settled in Bangor. Teachers receive 15.5 percent increase the first year. I said to myself, we were discussing inflation, and I think back in my community, they received a 10 percent increase in wages, then I recall that the county employees received a wage increase, all above the consumer price index which stood around 3.7 percent for last year. I said to myself, what are we doing? If we are going to lick inflation, we can't pick on the group on the lowest rung of the ladder. Everybody is going to have to join in and sacrifice if we are going to lick inflation. By that I mean not just the minimum wage people; all the workers of this state are going to have to realize that they all have to work together.

You know, those earning minimum wage are going to have to pay that gas tax increase that we voted through, and if you don't raise their wages, it is going to be pretty difficult for them to make ends meet. Those same people are going to be faced with increased costs in real estate taxes because the cost of education is going up. I don't think these people have any way of generating the funds that they are going to need to survive on, and this so-called 15 cent increase is just about equal to what the consumer price index went up, around 4 percent. I think we owe it to the people of this state to give them an equal chance to survive like the rest of us.

I would hope that you would vote to reconsider.

Thereupon, Mr. Martin of Eagle Lake 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 gentleman from Mount Desert, Mr. Zirkilton.

Mr. ZIRKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond very briefly to some of the comments that have been made by those advocating this minimum wage increase.

First of all to Mr. McCollister, who says that in the past our number one export has been the young educated students who have lived here in Maine, grown up in Maine and graduated from Maine universities — well, that is true, but the reason they are leaving is because good jobs are not available, good, high paying jobs just aren't here. The reason they aren't here is because business isn't coming here to make those jobs available, or they cannot expand at a rate that will accommodate those jobs.

The fact is, if someone is going to make minimum wage in the State of Maine, they probably are not going to make anymore in any other state, considering the fact that no other state in the 48 contiguous states has a higher minimum wage than we currently have, so I don't really see very much merit to that argument.

Representative Bost says the 15 cent increase is rather hollow when we argue that it could jeopardize our business climate. The fact of the matter is, if you are sitting in a board room for a major corporation or even a smaller corporation, perhaps even a mom and pop business that is looking to move into another state, it may not necessarily be the 15 cents

that stops them, but it could be the 15 cents coupled with one of the highest workers' compensation costs, one of the highest taxes, one of the highest cost of heating in this entire country. Those things together could very definitely stop someone from considering the State of Maine.

Now Representative Carter—he says that the unions have in fact negotiated higher pay for the teachers, other people are making much more money than people receiving minimum wage, and that is true, there is no question about it, they have labor organizations to represent them. The fact of the matter is, as I am sure you are all aware, on a national basis it is in fact a Democratic majority that controls the United States Congress in this country and you do not see those people jumping up and down trying to pass a higher minimum wage for this entire country, and there is probably a darn good reason why and it is time you sat down and thought about it.

This bill should not pass.

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

Mr. BAKER: Mr. Speaker and Members of the House: Just a brief response to the member from Mount Desert. The Democrats do not control the U.S. Senate or the Presidency.

The SPEAKER: A roll call has been ordered. 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 the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker. I request permission to pair my vote with the gentlewoman from Presque Isle, Mrs. MacBride. If she were voting, she would be voting yes; I would voting no.

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

Mrs. MARTIN: Mr. Speaker, I would like to pair my vote with Mr. Sproul. If he were here, he would be voting yes; if I were voting, I would be voting no.

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

Mr. NORTON: Mr. Speaker, I request permission to pair my vote with the gentleman from Portland, Mr. Manning. If he were here, he would be voting nay; if I were voting, I would be voting yea.

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

Mr. KILCOYNE: Mr. Speaker, I wish permission to pair my vote with Representative Rotondi of Athens. If she were here, she would be voting no and I would be voting yes.

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

Mrs. JOSEPH: Mr. Speaker, I request permission to pair my vote with Representative Benoit of South Portland. If she were here, she would be voting nay; if I were voting, I would be voting yea.

ROLL CALL

YEA—Allen, Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cote, Crouse, Curtis, Davis, Day, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Kiesman, LaPlante, Lebowitz, Lewis, Livesay, Masterman, Masterton, Maybury, McGowan, McPherson, Moholland, Murphy, E.M.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Soucy, Stevenson, Stover, Strout, Tammara, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirnkilton.

NAY—Ainsworth, Andrews, Baker, Beaulieu, Bost, Brannigan, Brodeur, Carroll, D.P.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cox, Crowley, Daggett, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey,

Higgins, H.C.; Hobbins, Jalbert, Joyce, Kane, Kelleher, Kelly, Ketover, Lehoux, Lisnik, Locke, Macomber, Martin, H.C.; Matthews, K.L.; Matthews, Z.E.; Mayo, McCollister, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Perry, Racine, Reeves, P.; Richard, Ridley, Small, Smith, C.B.; Smith, C.W.; Stevens, Swazey, Theriault, Thompson, Tuttle, The Speaker.

ABSENT—Carrier, Carroll, G.A.; Dexter, MacEachern, Mahany, Murphy, T.W.; Paul, Pouliot, Roberts, Seavey.

PAIRED—Benoit-Joseph, Kilcoyne-Rotondi, MacBride-Rolde, Manning-Norton, Martin, A.C.-Sproul.

Yes, 65; No, 66; Absent, 10; Paired, 10.

The SPEAKER: Sixty-five having voted in the affirmative and sixty-six in the negative, with ten being absent and ten paired, the motion does not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-262) was read by the Clerk and adopted. Under suspension of the rules, the Bill was read the second time.

Mr. Higgins of Scarborough requested a roll call vote on engrossment.

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

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

The SPEAKER: The pending question is on passage to be engrossed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Andrews, Baker, Beaulieu, Bost, Brannigan, Brodeur, Carroll, D.P.; Carter, Cashman, Chonko, Clark, Connolly, Cox, Crowley, Daggett, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jalbert, Joyce, Kane, Kelleher, Kelly, Ketover, Lehoux, Lisnik, Locke, Macomber, Martin, A.C.; Martin, H.C.; Matthews, K.L.; Matthews, Z.E.; Mayo, McCollister, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Perry, Racine, Reeves, P.; Richard, Ridley, Rolde, Smith, C.B.; Smith, C.W.; Soule, Stevens, Swazey, Theriault, Thompson, Tuttle, The Speaker.

NAY—Allen, Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cooper, Cote, Crouse, Curtis, Davis, Day, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Joseph, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lewis, Livesay, Masterman, Masterton, Maybury, McGowan, McPherson, Mitchell, E.H.; Moholland, Murphy, E.M.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Soucy, Stevenson, Stover, Strout, Tammara, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirnkilton.

ABSENT—Benoit, Carrier, Carroll, G.A.; Dexter, MacBride, MacEachern, Mahany, Manning, Murphy, T.W.; Norton, Paul, Pouliot, Roberts, Rotondi, Seavey, Sproul.

Yes, 66; No, 69; Absent, 16.

The SPEAKER: Sixty-six having voted in the affirmative and sixty-nine in the negative, with 16 being absent, the motion does not prevail.

On motion of Mrs. Mitchell of Vassalboro, the House reconsidered its action whereby this bill failed of engrossment.

Mr. Higgins of Scarborough requested a roll call vote on passage to be engrossed.

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, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: As Representative Zirnkilton said when he led off the debate on this issue this afternoon, the arguments really haven't changed very much from the debate that we had last week, in the same way that they haven't changed very much from the debate that took place back in 1938 when the minimum wage was first proposed.

This bill, as has been explained, is a considerably compromised version of the original bill that was put before the Labor Committee very early on in this session. That bill, while it called for an increase in steps to \$3.90 in the minimum wage, this bill calls for a one-time, one-shot 15 cent increase in the minimum wage.

If this bill passes, the net take-home pay for a minimum wage worker, who works 40 hours a week, if he is lucky enough to get that, would be roughly around \$4.70 a week, enough to buy two gallons of milk.

The gentleman from Mount Desert referred to the model legislature being here and used as an argument the fact that the kids voted against the minimum wage. I think everybody can see through that argument, there is not one of those people who was here in the model legislature that is a person who has to support his family working for \$3.35 an hour. If this legislature passes a \$3.50 minimum wage, 15 cents ahead of the federal level, it is my opinion that Jock McKernan, Olympia Snowe and Bill Cohen will be jumping over themselves to put a bill in Congress the next session to raise the federal minimum wage to see who can get it in first.

This minimum wage, 15 cents, is a matter of basic fairness and it makes a great deal of economic sense because all the money that is earned will go right back into the economy, and I would hope that this legislature would take the bold, courageous, historic step and pass this bill.

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

Mr. ZIRNKILTON: Mr. Speaker, no one at the federal level is jumping over themselves right now to submit legislation to increase the minimum wage at the national level because it is going to perhaps jeopardize the economy, the efforts that have been made, the steps that have been taken and the good results that have been seen thus far in trying to create a more healthy economy. If you think that it is worth jeopardizing the business climate of the State of Maine for two gallons of milk a week, then go right ahead and vote for it. If two gallons of milk is going to make a difference between whether or not someone makes it or doesn't make it, I would be very, very surprised, but I do think that two gallons or 15 cents an hour over \$118 million a year, as it computes with all the figures, is going to make a substantial difference with the business climate of the State of Maine.

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

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: No, I don't suppose it makes very much difference to you whether you raise the thing 15 cents or whether you raise it \$1.50 or \$10 for you people who don't have to meet a payroll.

I would also suggest that the educated youth that are leaving our state, those who graduate from college, are not going out of state for an additional 15 cents; hopefully, none of them are going to be working for the minimum wage.

I would also think that some of you might consider that this state, being one of the poor-

est states in the nation, doesn't make a lot of economic sense to have the highest minimum wage in the state.

I ask you to think of something else—why are the unions pushing this bill so hard? They are not a benevolent allocations. If you think so, you might consider the president of the Teamsters Union the other day announced that they were getting \$400,000 a year plus a couple of Lear jets. I don't think the labor unions are representing many people that earn \$3.35 an hour. If they are, they are doing a lousy job. I suggest that the reason is because this is an escalating thing. It is not 15 cents an hour, it is 15 cents an hour at the bottom all the way up through. It increases accordingly and doubles as it goes along. The ones that will reap the harvest are at the higher end of the totem pole, the higher edge of the wage scale, not the low end.

I think this is something that would be very detrimental to the business in the State of Maine and I urge all of you to vote against it.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I will respond to a comment just made by my friendly opposition, Mr. Willey, who said that we need not be concerned because some of us sitting in this body don't have to meet a payroll. Let me assure you that when my employer meets his payroll, he darn well makes sure that my labor is for real and that it is compensated and earned.

I stood before this body and gave 15 honest, from the head and heart, arguments as to why we need to do something in this area and why we need to do it now for the minimum wage working men and women of this state. I honestly and truly believe that they, not the business community in great numbers, sent us here, the party who has always stood behind the reasons and the tribulations and trials of trying to do something for the people.

I distinctly remember in my committee a member of my committee saying, why would you want to do this to the Democrats, why would you alone sign out a bill and put your people to the wall voting on an issue like this knowing that it might hurt. I did it because I never knew a Democrat to shirk his responsibility on a bill that is legitimately before this body. Those working men and women who, if they are lucky, and somebody is not listening, to work 40 hours a week, the most they could take home would be \$140 a week before deductions, and they pay taxes and all the other stuff we have to pay for even if we make more. They sent us here to recognize and to do something constructive for them. They sent us here to do something about the fact that the minimum wage in this state is now the maximum wage, that there is no labor union behind them to help them get 10, 12 and 5 percent wage increases; yet, the corner store goes up on its product, everywhere else goes up on their products.

They sent us here to do something about better working conditions and to help in so many other ways, and I assure you, ladies and gentlemen, those of you who have been around here for awhile, that a bill concerning asbestos, a bill concerning workers' comp changes with our bloodshed, benefit adjustments in unemployment compensation, both ways, and many more issues in this body would never have survived if we, the majority party, with the cooperation of some friendly members of the opposition party, we never would have made the strides that we have made in this legislature before.

I implore you and I plead with you to do something constructive for the people who are not able to be here to speak for themselves, the people who in so many ways are held in a trap. We have an opportunity here to let them out of the trap, even if it is only a little bit.

On the reported wage scales at the Bureau of

Labor, they can indicate to you that between 80,000 and 100,000 people in the state are working a 40 hour or comparable 40 hour work week. That does not tell the people who are working four or two hours a day or five hours a day at minimum wage. Just looking at the figures that the Bureau of Labor can provide you, based on 100,000 people, that miserable \$6 a week can put \$600,000 into the economy and it will be spent in our economy because that isn't \$6 that they are going to put in the bank. They haven't got the kind of money to have a bank account. That is \$6 that they will spend at the corner store and maybe they can take their kids to McDonald's, even though McDonald's came before the committee and said they might have to raise their prices by 15 cents to make up the difference. I know people, ladies and gentlemen, who can't afford to go to McDonald's.

We have an enormous responsibility here today and I am just hoping that we are willing to carry it out with common sense and with the purpose that I honest to gosh believe we were sent here to do, and that is to do something for that class of people. I have been on record here, I have voted for the poor, I have voted for businesses and now I want something for those who can't help themselves, and if it is only 15 cents, believe me, it will be the best money any of us will have ever spent.

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

Mr. ZIRKILTON: Mr. Speaker, I just want to correct the gentlelady on one point, and that is when she mentioned asbestos and other issues that would not have passed without the Democratic majority. I would like to remind the gentlelady that it was this Republican minority member who sponsored that bill, so let's not turn this into a partisan issue. We are all here to do what is best or what we feel is best for the people, and it isn't always what they want. We are here to act responsibly, 151 members, to the best of our ability.

Can every member in here say that they have voted every time for what they feel their constituency wanted even though they didn't necessarily feel that it was in fact what was best?

The other day when this vote initially came before us, 20-some-odd people thought this was not in the best interest of the people of the State of Maine. Since that time, a lot of arms have been twisted, a lot of special interest groups have gotten to people and they have persuaded them to change their votes. I don't know how they did it, I would like to know, but I hope those people will go with their original feelings and do what they feel is best and not succumb to the pressures that outside groups can put on them.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I have probably been down here for five years under a gross misconception. I thought I was down here to do what I thought was right for everyone involved. Nobody has twisted my arm, nobody has made me change my vote, but I must say that I really am not too proud of my Democratic party, the party of the workingmen, when the best they have to offer is 15 lousy cents an hour. If you want my vote to help the little guy, you give me something to help the little guy, but 15 cents? I haven't voted against this bill because of industry or business, because they never supported me and probably never will.

I resent the fact that some people say I am voting against the working man, because unlike some people who have criticized me, I have worked all my life and I have worked for minimum wage before and probably will again, because actually, I don't think I am too bright sometimes or I wouldn't be down here. But I came down here with one conception, and that was to do the best I could for everyone involved, and that is what I have always tried to

do but I guess that is not good enough, I guess it wasn't good enough here today because it seems I am going to be on the losing side even though I have done things that I thought was right.

I don't like being told that I have voted against the working man; that bothers me an awful lot. Probably next time around I will stay home and let somebody come down here and vote for the working man.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have been around here awhile and I have always voted, as I told you the other day, to increase the minimum wage, and all we are doing is trying to deceive these poor people. I agree with what the gentleman from Waterville says, what is 15 cents? That is just making them think you have done something for them while the monsters here trying to promote this will be at the top end getting 10 and 20 percent, and that is why I am against more inflation. That puts the poor man in a worse position than he is in now. In my area, it will make a lot less jobs because they have got to compete with some of these small wood products they make with places where they are already having a hard time to compete. There will be less jobs, for one thing, for these poor people, but that isn't the gripe that I have got. The gripe that I have got is the same thing that happened every other time when I voted to give the little fellow what I thought was a lift, I ended up hurting him. He got 10 cents or 15 cents and right away the big fellows in the unions got 10 percent and they were already getting a pretty good salary. They got at least a dollar where the poor man got 10 cents.

I think the trouble today in this state with labor is the fact that we have got too much difference between the top and the bottom. We should be giving these people on the bottom a dollar and stop raising it for those on the top. These people have got to buy the same loaf of bread. It isn't the 15 cents that is going to raise the loaf of bread, it is that after we are out of here the unions all over the state are going after about 10 percent because we raised the minimum wage. This is what happened four other times and I have got good reason to believe the same thing will happen today. This is why I am against this bill until the bitter end. I know the people will understand what you are doing too, you are just trying to deceive them and they are smart today, they are not as dumb as they used to be.

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

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to Mr. Willey. He is afraid of that 15 cent spinoff that is going to affect the other workers on the payroll. All I can say to this gentleman is, I think that payroll bears looking into because it must be a horrendous one. If he is worried about the 15 cents affecting the rest of the payroll, what must the rest of the payroll be looking like?

They keep bringing organized labor into this thing—organized labor over the years has done one thing, and that is look out for the little guy down at the end of the ladder whether he was organized or unorganized.

I would like to have you also think today about organized labor and what they have done in the communities. Organized labor has made one big mistake, they haven't advertised themselves enough and told people exactly what they are doing. They get so involved in the neighborhood situations with their hard earned money and their work and everything else, and yet they don't get the proper respect that they should have with all the work that they do. So that is a big mistake they have made, because I think it would help us an awful lot more up here in the House today if they had a better image with all the things that

they have done over the years.

I would say today, you take the organized people out of the neighborhood and you are going to see a big drop, and they are just there for one thing, to help the little man, and that is what I am trying to do today and I hope you people will too.

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

Thereupon, Mr. Gwadosky assumed the Chair as Speaker pro tem and Speaker Martin occupied his seat on the floor of the House.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I don't think this vote this afternoon is going to affect any one of us personally on what the voters are going to do next year in regards to how we respond to this issue. I honestly don't think it makes one bit of difference to the businessmen in my community whether they are going to vote me out of office or the guy in the neighborhood who is going to vote to keep me in office, and I don't think it is going to make any difference to any one of you and I know that that is not an argument that you are listening to—just the point I wanted to make.

Each of us comes down here every term or we come down here for our first term to represent a philosophy and to represent a constituency. My philosophy hasn't changed from day one on this issue, since 1969, and if I am here until 1989, it isn't going to change then either. It is you and I, the rank and file, members of this House, you and I who represent our independent constituencies back home that have the final say and have always had the final say on what the quality of life, mind you, the quality of life means to our own constituencies.

This amounts to something like \$6 a week. Mr. Dudley raises a valid point about it. If we vote for the minimum wage, it is going to raise the other end of the spectrum—well, let me tell Mr. Dudley and the members of this House, most of the high wage earners in this state are represented by organized labor and there is nothing wrong with that. I applaud organized labor, I applaud it for what it has done for this state, not to this state but for the state in terms of providing quality jobs, providing safety in the mills, safety in the woods, safety in the Bath Iron Works or wherever else we have organized labor; there is nothing wrong with it.

The only organized labor that we have for the people that are on minimum wage is in this House this afternoon at 5:15, it is you and I that is going to be speaking as an organized body whether we want to support a minimum wage. Harry Truman once said years ago that there are a lot of people in this country for the minimum wage; however, the lower the minimum, the better it suits them. Well, that didn't apply to Harry Truman and it didn't apply to my political party, and it certainly doesn't apply to me. We are the only answer here this afternoon to increase the working man or woman that is on the minimum wage. Just think of that, just think of that awesome responsibility that you and I have, and I am not going to separate the fact of where I was in 1969 to where I am today. I urge this House, and I urge all of us in this House, to consider that factor.

We vote for increases for the state employees, we voted our county budgets for our county employees, we change repeatedly in this House and in the Senate the very staff that works, whether it is in the Archives, the Law Library or wherever, and we have voted for continual increases and you tell me that you can sit in this House tonight and not vote for the very people that are unorganized, but they are organized when it comes to us, for a 15 cent minimum wage, I can't believe it.

I hope this House holds fast if it is only by a

very narrow vote, one vote, to pass this bill to be engrossed.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: I was one of those individuals who was not at all impressed with even dealing with the issue during this legislative session. I was one of those who made my views known to the gentlewoman from Portland, Mrs. Beaulieu, and to the members of the committee, because I felt that perhaps it was not the time, but as the days went by and as the debate has grown longer, it has become obvious to me that the time has come, not because of the amount of money. The gentleman from Waterville, Mr. Jacques, is absolutely correct, the 15 cents is but almost nothing to give to those people at the bottom of the scale in this state. But fortunately or unfortunately, that 15 cents has become the principle as to whether or not the members of this House and the members of the other house feel that the working people of this state deserve to have a pay raise.

Inflation has hit all of us. Members of leadership of both parties have sat as members of the Legislative Council granting pay raise after pay raise as a result of the collective bargaining process that we have, or lack thereof, since January 1. We have denied none and we have granted them all, some of them in excess of 8 to 10 percent.

If for once I thought that by not granting this 15 cents we would have an impact on inflation, then I would stand shoulder to shoulder with the gentleman from Mount Desert, Mr. Zirkilton, but that is not the case. I guess what really got to me, and I hope gets to you, is the bleeding hearts of the McDonald Corporation, and let me tell you why. If you have not read it, you ought to grab the Labor Market Digest and see what corporations such as these are going to do to your constituents, yours as well as mine — perhaps I should not say mine because there isn't a McDonald's in my district, I don't enjoy that luxury or lack thereof, but let me tell you what is going to happen for those of you who have those high school juniors and seniors who go for those employment jobs and what the result is going to be. I read from the Labor Digest of March 1983:

"The private employers will be able to save thousands of dollars through the targeted jobs tax credit known as TJTC passed by Congress earlier this year. The purpose of this program is to provide employers with an additional incentive to hire workers from certain groups of disadvantaged individuals. The employee incentive, in turn, is designed to provide employment opportunities to individuals who would therefore otherwise be unable to find jobs.

"Beginning May 1, an employer who hires an eligible young person age 16 or 17 for up to 90 days of summer employment will get a tax credit of 85 percent of the first \$3,000 paid to that employee. For some employers, the effective cost of hiring a youth this summer will be less than \$1 per hour. The summer youth tax credit will be available May 1 through September 15."

We all know that that just happens to be the work period for our youth, the juniors and seniors of Maine who will be going to look for summer jobs, and they will receive those jobs and you now know why, the cost to the employer will be less than \$1 per hour. The taxpayers of America, through the federal corporate taxes, will pick up most of it, and the Maine corporate tax will pick up the rest. That is a program enacted by Congress. You and I, obviously there is nothing we can do about it, it is law and it is effective now, but please don't use the argument, and I almost fell for it myself, that youth would be affected because they won't be. Employers of the kind that McDonald's are, and others like them, will be at the high school doors, your high schools, to pick up

those people to work for them this summer.

So if that is not our concern, and now you know that it can't be because it is not affected anymore, they stand to benefit a great deal, then what is our concern by increasing the minimum wage? Most of my people, as I suppose most of your constituents, are not represented by unions and as a result of that we establish the only floor that there is. Unfortunately, that floor that we establish becomes the maximum and not the minimum. The good employers are not rushing to you, you have not received those kinds of calls, but those people who use the minimum wage as the floor, the maximum and the minimum, are breaking down your doors and mine pleading poverty.

I often hire employees and the \$6 a week is not going to break me. If it does, I shouldn't stay in business. If that is the way we have to run a business which we are part of, then perhaps the time has come for us to find something else.

I plead with you this afternoon, even though the hour is late, to consider engrossing this legislation, and you are hearing from a person who was not at all interested at the beginning of the session, motivated or otherwise, lobbied or otherwise, nor have I been since; if anything, I have done the lobbying and not the other way around. So I would ask you on engrossment that you would engross this bill this afternoon and send it on its way to the other body.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Mount Desert, Mr. Zirkilton.

Mr. ZIRNKILTON: Mr. Speaker and Members of the House: As much as I hate to, I would like to dispute the gentleman's comments. He feels that kids will not be affected, he has presented you with the arguments that we have stated as to why we feel that they will, and he has presented you with the arguments as to why he feels they won't. The fact of the matter is, it is kind of the old story of does the chicken or the egg come first as far as businessmen and employees. The fact of the matter is, it is business that provides jobs to employees, and, of course, without employees there would not be business, it is a fact. It is also a fact, however, that when you are talking about affecting business in some way, you must put yourself in their shoes as well as putting yourself in the shoes of the employee, but in this particular case, yes, you are trying to see that people can get as much money as they possibly can to increase their standard of living, but you must also look at the facts and figures. You must look at the fact that the business failure rate in this country is the highest since the great Depression because the economy has not been prospering. Who knows what the reasons are as to why that has happened. We could debate that much longer than we have gone on today on this matter.

It is a fact that 44,000 people were unemployed in Maine in 1982; it is a fact that 7,000 of those people lost their jobs between 1981 and 1982. Since that time, we have seen the facts and figures, the unemployment rate in Maine is not going down, that's a fact. Maybe it will in time, I certainly hope it will.

I know if you are going to sit in a businessman's shoes, which you have to do right now for a minute because you have got to look at what are they going to do if this legislation is passed to be engrossed and eventually enacted and perhaps even signed into law, are they going to consolidate their work force, are they going to cut the number of people they employ and work them longer hours so that they won't be paying as much? Are businesses that are outside of the State of Maine not going to move into the State of Maine? Is that a possibility? Aren't we trying to create an atmosphere that will attract businesses and at the same time insure that the work force will receive proper compensation for the hard work that they do, but, ladies and gentlemen, you can't give

proper compensation if you don't have jobs—that is a fact.

Please, let the federal government raise it. They are representing us, they are representing the state, they are representing everyone in the state and they are trying to do what is best for this nation as a whole so that we can compete with the entire world, not just here in the State of Maine, and there are reasons why they haven't done it. I can't stand here and give you those reasons; believe me, I wish I could. But I hope you will think about why they haven't done it and let that be handled on that level.

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

Mr. TUTTLE: Mr. Speaker, Men and Women of the House: I will be very brief. I was one of those members of the Labor Committee who originally supported the "ought not to pass" report, and I went home one night and I was saying—what actually is this bill going to do? We all worry about the business climate around the state, we are very much concerned, as well as I am, that is one reason that I said to myself, is this the time to pass this bill? Then I got back and I said to myself, isn't it true, at least I found myself that sitting up here we have a tendency to forget what it is like to be back home, what it is like to be back on main street. Today, I have changed my vote, and I think that at least for one legislator, I don't know about the political outcome with my vote today, and I could care less, but if we, whether it be a Republican or Democrat, can't go on record supporting the people on the lower end of the spectrum, giving them a 15 cent an hour raise, I think that is wrong, I think that is irresponsible, that is not why we are up here. I think the simple matter is that we have to pass this bill, we should pass this bill as a matter of what is equitable and what is right. That is why I am up here and that is why you are up here.

The unfortunate thing is that we get involved in the political ramifications of "I am up here because." I think the important issue here today is a matter of what is equitable and what is right, and I would hope that you would support this bill.

The SPEAKER Pro Tem: A roll call has been ordered. The pending question is on passage to be engrossed as amended by Committee Amendment "A". All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Biddeford, Mr. Norton.

Mr. NORTON: Mr. Speaker, I request permission to pair my vote with the gentleman from Portland, Mr. Manning. If he were here and voting, he would be voting yes; I would be voting nay.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker, I request permission to pair my vote with the Representative from Westbrook, Mr. Carrier. If he were present and voting, he would be voting yes; I would be voting no.

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

Mr. KILCOYNE: Mr. Speaker, I wish permission to pair my vote with Representative Rotondi of Athens. If she were here, she would be voting yes; I would be voting no.

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

Mrs. JOSEPH: Mr. Speaker, I request permission to pair my vote with Representative Benoit from South Portland. If she were here, she would be voting yes; I would be voting nay.

ROLL CALL

YEA—Ainsworth, Andrews, Baker, Beau-lieu, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cote, Cox, Crowley, Daggett, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kelleher, Kelly, Ketover, Lehoux, Lisnik, Locke, Macomber, Martin, A.C.; Martin,

H.C.; Matthews, K.L.; Matthews, Z.E.; Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Reeves, P.; Richard, Ridley, Rolde, Smith, C.B.; Stevens, Swazey, Theriault, Thompson, Tuttle, Vose, Speaker Martin.

NAY—Allen, Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cooper, Crouse, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kisman, LaPlante, Lebowitz, Lewis, Livesay, Masterman, Masterton, Maybury, McPherson, Moholland, Murphy, E.M.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Stevenson, Stover, Strout, Tammara, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Gwadnosky, MacBride, MacEachern, Mahany, Murphy, T.W.; Roberts, Seavey, Sproul.

PAIRED—Benoit-Joseph, Carrier-Soule, Kilcoyne-Rotondi, Manning-Norton.

Yes, 72; No, 63; Absent, 8; Paired, 8.

The SPEAKER Pro Tem: Seventy-two having voted in the affirmative and sixty-three in the negative, with eight being absent and eight paired, 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 Emergency Measures

An Act Concerning Confidential Records and State Certification of Educational Personnel (S. P. 583) (L. D. 1691)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Make Technical Adjustments to the Motor Fuel Tax Laws (H. P. 1177) (L. D. 1571) (S. "A" S-113 & S. "B" S-149)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Provide Authority to the Department of Labor to Receive Federal Funds in Order to Expand the Workplace Safety Compliance Consultation Program (H. P. 1225) (L. D. 1630)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor Reconsidered

An Act to Amend Certain Motor Vehicle Laws (H. P. 1272) (L. D. 1686)

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

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

The same gentleman offered House Amend-

ment "A" (H-315) and moved its adoption.

House Amendment "A" (H-315) 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.

An Act to Clarify the Types of Property Which Pass by Deed (H. P. 1273) (L. D. 1687)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act to Require Swimming Pools to Be Enclosed (S. P. 511) (L. D. 1528) (S. "A" S-129)

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

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

Mrs. MASTERTON: Mr. Speaker, I would like to ask a series of questions to perhaps Representative Cox, the good Chairman of the Committee on Legal Affairs. I would like to know who on the state level would be responsible for seeing that municipalities enforce this proposed law?

The SPEAKER Pro Tem: The gentlewoman from Cape Elizabeth, Mrs. Masterton, has posed a question through the Chair to the gentleman from Brewer, Mr. Cox, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. COX: Mr. Speaker, all I can say on who on the state level would be responsible for seeing that the municipalities enforce this law, I think I would have to answer it with another question—who at the municipal level is responsible for enforcing any state laws?

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I am very interested in this problem because in my freshman year I sponsored a bill called the "seasonal conversion bill" and it was the same kind of problem, effecting municipal law from the state level, but in that bill the Department of Health Engineering was responsible for enforcing the law from the state level. I wondered if under Title 22 anyone, perhaps the Department of Human Services, would be responsible on the state level for seeing that the state law is being enforced on the local level.

The SPEAKER Pro Tem: The gentlewoman from Cape Elizabeth, Mrs. Masterton, has posed an additional question through the Chair to anyone who may care to answer.

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

Mr. COX: Mr. Speaker, the only thing I can say to the gentlewoman from Cape Elizabeth is that we have not assigned the responsibility to anyone at the state level to enforce this law. It seemed to us that it would be enforced by the local officials, the same as any law would be enforced.

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

Mrs. MASTERTON: Mr. Speaker, it would appear to me, then, that if there was not a watchdog at the state level, in many communities this law would not be enforced at all.

I have a second question here, but first I would like to read the amendment which we attached to this bill a few days ago. It reads: "Municipalities may adopt and enforce swimming pool enclosure ordinances or enforce existing ordinances that are either less restric-

tive or more restrictive than this chapter, or that concern matters not dealt with by this chapter." My question to Mr. Cox is, since when have we passed state mandates and then turn around and allow municipalities to pass and enforce less stringent ordinances? Is there a precedent for this?

The SPEAKER Pro Tem: The gentlewoman from Cape Elizabeth, Mrs. Masterton, has posed a question through the Chair to the gentleman from Brewer, Mr. Cox, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. COX: Mr. Speaker, in response to the question from the gentlelady, I am not aware of any precedent for this. The reason for this is that the gentlelady from Cape Elizabeth was so opposed to any cooperation with the sponsor of this bill he felt he was forced to make as liberal a concession as he felt he could, and I told him that I would accept this amendment but I would accept no further watering down of the bill.

Mr. Strout of Corinth requested a roll call vote.

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

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Brannigan, Brodeur, Callahan, Carroll, D.P.; Carroll, G.A.; Connolly, Cooper, Cote, Cox, Crouse, Diamond, Dillenback, Erwin, Foster, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jalbert, Joseph, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, MacEachern, Matthews, K.L.; Matthews, Z.E.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, J.; Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Reeves, P.; Richard, Smith, C.B.; Soucy, Stover, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Carter, Chonko, Clark, Conary, Connors, Crowley, Curtis, Daggett, Davis, Day, Dexter, Drinkwater, Dudley, Greenlaw, Higgins, L.M.; Hobbins, Holloway, Ingraham, Jacques, Joyce, Kiesman, Lebowitz, Lewis, Lisnik, Livesay, Locke, MacBride, Macomber, Martin, H.C.; Masterman, Masterton, McCollister, McPherson, Michaud, Mitchell, E.H.; Moholland, Murphy, E.M.; Paradis, E.J.; Parent, Perkins, Pines, Racine, Reeves, J.W.; Ridley, Roberts, Roderick, Rolde, Salisbury, Scarpino, Sherburne, Small, Smith, C.W.; Soule, Stevenson, Strout, Webster, Wentworth, Willey, Zirkilnton.

ABSENT—Benoit, Bost, Carrier, Cashman, Gwadosky, Jackson, Mahany, Manning, Martin, A.C.; Maybury, Murphy, T.W.; Pouliot, Randall, Rotondi, Seavey, Sproul, Stevens, Walker, Weymouth, The Speaker.

Yes, 63; No, 68; Absent, 20.

The SPEAKER Pro Tem: Sixty-three having voted in the affirmative and sixty-eight in the negative, with twenty being absent, the motion does not prevail.

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

Mr. STROUT: Mr. Speaker, having voted on the prevailing side, I move we reconsider and hope everybody votes against me.

Whereupon, Mr. Vose of Eastport moved that this be tabled for one legislative day.

Miss Brown of Bethel requested a vote.

The SPEAKER Pro Tem: The pending question is on the motion of the gentleman from Eastport, Mr. Vose, that this be tabled for one

legislative day pending the motion of Mr. Strout of Corinth to reconsider whereby the bill failed of passage to be enacted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 57 having voted in the negative, the motion did prevail.

Passed to Be Enacted

An Act to Establish a Special Acquisitions Fund at the State Library (S. P. 573) (L. D. 1651) (S. "A" S-148)

An Act Relating to Certifying Indian Representatives (H. P. 223) (L. D. 271) (C. "A" H-293)

An Act to Amend the Hazardous Waste Statutes Administered by the Department of Environmental Protection (H. P. 477) (L. D. 574) (C. "A" H-290)

An Act Relating to Voting by Citizens Overseas (H. P. 901) (L. D. 1180) (C. "A" H-283)

An Act to Provide Advocacy Services to Residents of Children's Homes (H. P. 970) (L. D. 1265) (C. "A" H-295)

An Act Concerning Compensation for Witnesses (H. P. 1021) (L. D. 1344) (C. "A" H-292)

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

Tabled and Assigned

An Act to Amend the Department of Environmental Protection Statutes (H. P. 1105) (L. D. 1458) (C. "A" H-291)

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

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

Enactor Reconsidered

An Act to Authorize Court Appointed Receivers (H. P. 1165) (L. D. 1546) (C. "A" H-294)

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

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-311) was read by the Clerk and adopted.

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

An Act to Amend the Maine Business Corporation Act to Permit Preferred Stock Redeemable with Property or Securities (H. P. 1233) (L. D. 1640) (C. "A" H-296)

An Act Relating to the Date to Apportion County Taxes (H. P. 1252) (L. D. 1665)

An Act to Establish Standards of Accessibility for Handicapped Persons in Public Housing and Places of Public Accommodation (H. P. 1261) (L. D. 1671) (S. "A" S-153)

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

An Act to Establish Funding for Programs of Preventive Intervention and Family Support (H. P. 1268) (L. D. 1682)

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

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I would request a roll call on enactment of this legislation, and I would like to speak very briefly.

I have no illusions on the final outcome of this proposed new legislation. This is the bill

which I fought the other day on principle and lost for whatever reasons. I feel that this bill will raise the marriage license from \$10 to \$20 and fund a new program that is worthy, and I never questioned that, but I did question and I still question why this program, if it is so worthy, cannot compete with every other issue in the General Fund. Because of the principle, because of the fact that I feel that this issue is not as important as other issues on the Appropriations Table, I am going to vote against this and I ask you to do the same.

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

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Gauvreau, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Martin, H.C.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Reeves, P.; Richard, Ridley, Rolde, Soule, Stevens, Swazey, Theriault, Thompson, Vose.

NAY—Anderson, Bell, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Curtis, Davis, Day, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lehoux, Lewis, Livesay, MacBride, Masterman, Masterton, Matthews, K.L.; McHenry, McPherson, Michaud, Moholland, Murphy, E.M.; Norton, Paradis, E.J.; Parent, Paul, Perkins, Perry, Pines, Racine, Randall, Reeves, J.W.; Roberts, Roderick, Salisbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Stevenson, Stover, Strout, Tammaro, Telow, Tuttle, Webster, Wentworth, Willey, Zirkilnton.

ABSENT—Armstrong, Benoit, Bost, Brown, A.K.; Carrier, Cashman, Conary, Connors, Daggett, Dexter, Gwadosky, Hayden, Jackson, Jalbert, Mahany, Manning, Martin, A.C.; Murphy, T.W.; Pouliot, Rotondi, Seavey, Sproul, Walker, Weymouth, The Speaker.

Yes, 64; No, 62; Absent, 25.

The SPEAKER Pro Tem: Sixty-four having voted in the affirmative and sixty-two in the negative, with twenty-five being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

An Act Relating to the Position of Counsel for the Maine Human Rights Commission (H. P. 1287) (L. D. 1705)

Finally Passed

RESOLVE, Authorizing and Directing the Maine State Commission on the Arts and the Humanities to Prepare and Make Available to Artists a Form Contract for the Protection of Works of Art (H. P. 1277) (L. D. 1693)

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

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

Ought to Pass in New Draft/New Title

Report of the Committee on Health and Institutional Services on Bill "An Act to Improve Maine's Dental Health" (S. P. 372) (L. D. 1146) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Statutes Relating to Fluoridation" (S. P. 595) (L. D. 1717)

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.

On motion of Mr. Higgins of Scarborough, tabled pending passage to be engrossed and tomorrow assigned.

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" on Bill "An Act to Improve the Functioning of the Maine Milk Commission" (S. P. 133) (L. D. 426)

Report was signed by the following members:

Representatives:

SHERBURNE of Dexter

LOCKE of Sebec

PARENT of Benton

CROUSE of Washburn

MICHAEL of Auburn

SMITH of Island Falls

ANDERSON of Stockholm

— of the House.

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

Report was signed by the following members:

Senators:

ERWIN of Oxford

WOOD of York

HICHENS of York

— of the Senate.

Representatives:

STOVER of West Bath

McCOLLISTER of Canton

— of the House.

Came from the Senate with the Bill and accompanying papers indefinitely postponed.

In the House: Reports were read.

Mr. Michael of Auburn moved that the Majority "Ought to Pass" Report be accepted in non-concurrence.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Amend Various Provisions of the Maine Criminal Code" (H. P. 1035) (L. D. 1360) which was passed to be engrossed as amended by Committee Amendment "A" (H-275) in the House on May 23, 1983.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-275) as amended by Senate Amendment "A" (S-147) thereto in non-concurrence.

In the House: On motion of Mr. Soule of Westport, the House voted to recede and concur.

Consent Calendar

First Day

(H. P. 1009) (L. D. 1334) Bill "An Act to Clarify the Decision-Making Process Within the Department of Environmental Protection"—Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-314)

There being no objections, 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 con-

currence.

At this point, Speaker Martin returned to the rostrum.

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

Thereupon, Representative Gwadosky returned to his seat on the Floor and Speaker Martin resumed the Chair.

The Chair laid before the House the following matter:

An Act to Protect Employees from Reprisal who Report or Refuse to Commit Illegal Acts (H. P. 592) (L. D. 736) (C. "A" H-274) which was tabled and later today assigned pending the motion of Mrs. Mitchell of Vassalboro to reconsider whereby the Bill was passed to be enacted.

Thereupon, the House reconsidered its action whereby the Bill was passed to be enacted.

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

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-313) was read by the Clerk and adopted.

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

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

(Off Record Remarks)

On motion of Mr. Lehoux of Biddeford, Adjourned until nine o'clock tomorrow morning.