

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Eleventh Legislature

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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HOUSE

Tuesday, June 7, 1983

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

Prayer by the Reverend William Smith of the Windsor Memorial Baptist Church.

The journal of yesterday was read and approved.

Papers from the Senate

Reports of Committees

Unanimous Leave to Withdraw

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Establish a State Administered Program of General Assistance" (S. P. 274) (L. D. 841)

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Improve the Administration of the General Assistance Program" (S. P. 275) (L. D. 842)

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

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-179) on Bill "An Act to Permit the Use of Modulating Headlights on Motorcycles" (S. P. 519) (L. D. 1540)

Report was signed by the following members: Senators:

DANTON of York
DIAMOND of Cumberland
EMERSON of Penobscot

— of the Senate.

Representatives:

NADEAU of Lewiston
CARROLL of Limerick
CAHILL of Woolwich
THERIAULT of Fort Kent
MACOMBER of South Portland
McPHERSON of Eliot
REEVES of Pittston
CALLAHAN of Mechanic Falls

— 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:

STROUT of Corinth
MOHOLLAND of Princeton

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-179)

In the House: Reports were read.

On motion of Mr. Theriault of Fort Kent, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-179) was read by the Clerk and adopted in concurrence.

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

Non-Concurrent Matter
Later Today Assigned

Bill "An Act to Provide Equitable Health Care for Alcoholism and Drug Dependency Treatment" (H. P. 623) (L. D. 775) on which the Majority "Ought Not to Pass" Report of the Committee on Business Legislation was read and accepted in the House on June 1, 1983.

Came from the Senate with the Minority "Ought to Pass" in New Draft (H. P. 1293) (L. D. 1714) Report of the Committee on Business Legislation read and accepted and the New Draft Passed to be Engrossed in non-concurrence.

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

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

Non-Concurrent Matter
Later Today Assigned

Bill "An Act to Increase the Minimum Wage" (H. P. 884) (L. D. 1138) on which the Minority "Ought to Pass" as amended Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-262) in the House on June 1, 1983.

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

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

Messages and Documents

The following Communication:

State of Maine
Supreme Judicial Court
Portland, Maine 04112

June 6, 1983

The Honorable John L. Martin

Speaker of the House

State House

Augusta, ME 04333

Dear Mr. Speaker:

Acting pursuant to the provisions of section 3 of article VI of the Maine Constitution, the Justices of the Supreme Judicial Court hereby submit their response to "House Order Propounding Questions of the Supreme Judicial Court" adopted on May 26, 1983.

Sincerely yours,

S/VINCENT L. McKUSICK

ANSWERS OF THE JUSTICES

To the Honorable House of Representatives of the State of Maine:

In compliance with the provisions of section 3 of article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following responses to the questions propounded on May 27, 1983.

QUESTION NO. 1: Do the differing limitations in House Paper 11, Legislative Document 7 (Exhibit A) on the contributions of individuals and corporations to political committees participating in a bond issue or referendum election deny equal protection of the laws to individuals in violation of the Constitution of Maine, Article I, Section 6-A, and the Constitution of the United States, Amendment XIV?

We decline to answer Question No. 1 since it is our conclusion that L. D. 7 (111th Legis. 1983), if enacted, would be unconstitutional for the reasons set forth below in our answer to Question No. 2.

QUESTION NO. 2: In light of the fact that Maine law pertaining to elections, Maine Revised Statutes, Title 21, section 1, et seq., contains no limitation on the amount of money individuals or corporations may spend directly in promoting or opposing referendum or bond issues, in the event that the Legislature found that the initiative referendum, people's veto, legislative referendum and bond issues referendum processes were being corrupted, were in danger of being corrupted or appear to have been corrupted by great disparities in spending between proponents and opponents of measures submitted to the citizens of Maine for consideration, would enactment of House Paper 11, Legislative Document 7 (Exhibit A) limiting the contributions of individuals and corporations to committees participating in such referendum elections unconstitutionally abridge the freedom of speech of individuals or corporations in violation of the Constitution of Maine, Article I, Section 4, and the Constitution of the United States, Amendment I?

Because it our opinion that L. D. 7, if enacted, would violate individual and corporate rights

of association and free expression guaranteed by the First Amendment to the United States Constitution, as made applicable to the states through the Fourteenth Amendment, we answer Question No. 2 in the affirmative.

Three opinions of the United States Supreme Court control the resolution of the issue presented.

In *Buckley v. Valeo*, 424 U. S. 1 (1976), the United States Supreme Court invalidated those provisions of the Federal Election Campaign Act of 1971 that imposed limitations on the dollar amount an individual or group could **expend** on a political candidate for federal elective office. The Court held that limitations on expenditures placed "substantial and direct restrictions on the ability of candidates, citizens, and associations to engage in protected political expression, restrictions that the First Amendment cannot tolerate." *Id.* at 58-59. In the same opinion, the Court upheld that portion of the Federal Election Campaign Act of 1971¹ which imposed limitations on the dollar amount an individual, group or other business entity could **contribute** to any political candidate or to that candidate's election committee. In sustaining the limitation on contributions to political candidates, the Court created a narrow exception in recognition of the unique threat to our system of representative democracy posed by individuals who contribute large amounts of money "to secure a political **quid pro quo** from current and potential office holders." *Id.* at 26-27.

In *First National Bank of Boston v. Bellotti*, 435 U. S. 765 (1973), relying on *Buckley*, the United States Supreme Court struck down state legislation that prohibited corporations from making **any** contributions or expenditures for the purpose of advocating views on ballot measures. The Court held that a state could not prohibit corporations any more than it could preclude individuals from expressing their political views in the context of a referendum or initiative measure. In so holding, the Court noted that: "Referenda are held on issues, not candidates for public office. The risk of corruption perceived in cases involving candidate elections . . . simply is not present in a popular vote on a public issue." *Bellotti*, 435 U. S. at 790 (citations omitted).

Most recently, in *Citizens Against Rent Control/Coalition for Fair Housing v. City of Berkeley, California*, 454 U. S. 290 (1981), the Supreme Court confronted the very question now before us. In *City of Berkeley*, the Court held that a municipal ordinance that placed a \$250 limit on contributions to committees formed to support or oppose ballot measures violated the rights of association and expression guaranteed by the First Amendment to the United States Constitution.² The Court distinguished *Buckley* as having identified "a single narrow exception to the rule that limits on political activity were contrary to the First Amendment." *City of Berkeley*, 454 U. S. at 296-97. That exception relates to the perception of undue influence on a **candidate**. Quoting *Buckley*, the Court stressed that:

[T]he concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed "to secure the widest possible dissemination of information from diverse and antagonistic sources, and to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people." *Id.* at 295-96 (quoting *Buckley*, 424 U. S. at 48-49 (citations omitted)).

Like the municipal ordinance at issue in *City of Berkeley*, L. D. 7 is directed exclusively at limitations on contributions with respect to political referenda and other such measures. It is our opinion that *City of Berkeley* is dispositive of the present question and that L. D. 7, if enacted, would violate individual and corporate rights of association and expression gua-

ranted by the First Amendment to the United States Constitution. In view of this conclusion, it is unnecessary to consider whether L. D. 7 would violate article I, section 4 of the Constitution of Maine. Dated: June 6, 1983.

Respectfully submitted
S/VINCENT L. McKUSICK
Chief Justice
S/EDWARD S. GODFREY
S/DAVID A. NICHOLS
S/DAVID G. ROBERTS
S/GENE CARTER
S/ELMER H. VIOLETTE
S/DANIEL E. WATHEN
Associate Justices

1. Federal Election Campaign Act of 1971, 86 Stat. 3, as amended by the Federal Election Campaign Act Amendments of 1974, 88 Stat. 1263.

2. The Berkeley ordinance was directed at individuals as well as corporations and other business entities, as is the proposed Act now before us.

The Communication was read and with accompanying papers ordered placed on file.

On motion of Mr. Diamond of Bangor, the following matter was taken from the Unassigned Table:

House Divided Report — Majority (8) "Ought to Pass" — Minority (5) "Ought Not to Pass" — Committee on Election Laws on Bill "An Act Relating to Referendum Campaign Reports and Finances" (H. P. 11) (L. D. 7)

Tabled — May 12, 1983 by Representative Diamond of Bangor.

Pending — Acceptance of Either Report.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: This is the item that the Supreme Judicial Court rendered its opinion to us on and the one we just accepted. As you may remember, when this bill first came before this body, we mentioned that there was an agreement by the sponsor and the committee that if the court's opinion was not favorable, then we would move indefinite postponement of the bill, and as much as I hate to do it, I now move the indefinite postponement of L. D. 7.

Thereupon, on motion of Mr. Diamond of Bangor, the Bill and all its accompanying papers were indefinitely postponed and sent up for concurrence.

Orders

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

ORDERED, that Representative Stephen M. Zirkilton of Mount Desert be excused June 6 through June 9 for personal reasons.

House Reports of Committees Unanimous Leave to Withdraw

Representative Day from the Committee on Taxation on Bill "An Act to Provide a Sales Tax Exemption for Sales to Certain Humane Societies" (H. P. 433) (L. D. 515) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative McGowan from the Committee on Energy and Natural Resources on Bill "An Act Relating to the Identification and the Hazards of Exposure to Toxic and Hazardous Substances" (H. P. 549) (L. D. 770) reporting "Ought to Pass" in New Draft (H. P. 1306) (L. D. 1735)

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.

Representative Curtis from the Committee

on Local and County Government on Bill "An Act to Provide for Reapportionment of County Commissioner Districts" (H. P. 689) (L. D. 869) reporting "Ought to Pass" in New Draft (Emergency) (H. P. 1307) (L. D. 1736)

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

Consent Calendar First Day

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

(S. P. 571) (L. D. 1649) Bill "An Act to Provide Immediate Authorization and Funding to Clean up Hazardous Waste Dump at Buckfield" (Emergency) — Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-177)

(S. P. 391) (L. D. 1191) Bill "An Act to Enact a Program of Assistance to the Severely Physically Disabled to Enable them to Work" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-178)

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

(H. P. 460) (L. D. 562) Bill "An Act to Provide for an Analysis of the Future of Maine's Forest Resources" — Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-351)

On the request of Mr. Diamond of Bangor, was removed from the Consent Calendar.

On motion of the same gentleman, tabled pending acceptance of the Committee Report and later today assigned.

Second Reader Later Today Assigned

Bill "An Act to Establish and Amend the Air Emission and Open-burning Standards" (H. P. 1259) (L. D. 1680) (C. "A" H-340)

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

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

Orders of the Day

The Chair laid before the House the first item of unfinished business:

Bill "An Act to Establish County Budget Committees" (S. P. 592) (L. D. 1710) (H. "A" H-329 and H. "B" H-330)

Pending — Passage to be Engrossed.

On motion of Mr. McHenry of Madawaska, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-329) was adopted.

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

House Amendment "A" to House Amendment "A" (H-352) was read by the Clerk.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is to take care of reference to the legislature in the budget process, that is all it is doing. We inadvertently forgot to put it in.

Thereupon, on motion of Mr. Carter of Winslow, tabled pending adoption of House Amendment "A" to House Amendment "A" and later today assigned.

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

SENATE DIVIDED REPORT—Majority (7) "Ought Not to Pass" — Minority (6) "Ought to

Pass" in New Draft (S. P. 596) (L. D. 1718) — Committee on Business Legislation on Bill "An Act to Provide Equitable Mental Health Insurance" (S. P. 349) (L. D. 1023) — In Senate, Minority "Ought to Pass" in New Draft (S. P. 596) (L. D. 1718) Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-170)

Tabled — June 6, 1983 (Till Later Today) by Representative Brannigan of Portland.

Pending — Motion of Representative Racine of Biddeford to Indefinitely Postpone Senate Amendment "A" (S-170) (Roll Call Requested)

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I hope you will vote against the pending motion to indefinitely postpone Senate Amendment "A". Even though I facetiously said yesterday that I would assist the good gentleman in covering all groups, I believe that it would be a move that would do exactly what I do not want to see happen and I am sure the majority of the people here yesterday don't want to see happen, and that would be the end of this bill.

I believe that exempting groups of 20 will possibly allow some small groups and some small businesses to negotiate a contract in health that would eliminate mental health. I don't believe, however, that it would, on the whole, make a different class, I don't believe that insurance companies would make a different class. Therefore, I would urge you to support the bill as it was reported out by the committee and as amended.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday when we debated this bill, it was pointed out that there were approximately 170,000 people within the state that were afflicted with mental illness, and I feel that if we restrict insurance coverage to groups of 20 or more, that we are only going to take care of a small majority of those that need help.

I certainly hope that you will support my motion because I also have an amendment that I would like to introduce that will take care of all the people that need care insofar as it pertains to mental health. I certainly hope that you will support the motion to indefinitely postpone and then we can go on and present the other amendment and go on with this work.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It might seem odd to you to see me on my feet debating a bill that deals with insurance. It is not my practice, as many of you know, however, it has been years since I have sold a health insurance contract, even though I am licensed. I refuse to sell it because it has reached a point where it is too expensive and I tell my people to seek another carrier.

You have heard debate previously on this matter stating that the reason you do not go below groups of 20 or more is because of a so-called insurance term known as "adverse selection." Let me suggest to you that a health insurance contract is just like a fire insurance contract. You don't buy a fire insurance policy when the house is on fire — no insurance carrier will write it. The same holds true with health insurance or disability insurance; you don't buy it after the onset of the illness or the accident.

The option to purchase mental health coverage is available to many, as has been stated on this floor, but very few have elected to take advantage of it.

I would like to go back a bit with you and recall one of the reasons, one of the primary, basic reasons why government does what it does. Normally when the private sector can deliver, governments don't get involved. This has

traditionally been the way in the State of Maine and many other states. You know as well as I know that the state and federal government have been preoccupied with taking care of the people in state hospitals for many, many years, until several years ago when we changed and utilized a term known as "deinstitutionalization." I don't quarrel with that, I think it is a great thing, but it does not relieve the state of its responsibilities and it does not guarantee that the private carriers in the past who have not been able to cope with this type of coverage on a blanket basis will be able to do so in the future. You know, these carriers are in business for profits, and if you mandate on the left side and on the right side, you can't expect anything but increased premium costs; it is a fact of life.

I have sat in this chamber for a few terms and I have watched what has transpired with workers' compensation. All of you know that whenever that subject comes up I take a walk, because if I stand up and object, somebody will say that he has a profit motive, I would be accused of a conflict. I don't want to be put in that position, so I take a walk or I ask to be excused if I happen to be in my chair when the vote is asked for.

If you persist in mandating these types of coverages, the same thing is going to happen to the health insurance that has happened to workers' compensation. It will reach a point where nobody will be able to afford it.

As an aside, let me tell you that another reason I am on my feet is because one of the carriers that I am licensed to represent that used to sell individual health insurance policies no longer does. You want to know why? Last year they lost \$260 million. This isn't any fly-by-night outfit, and if you persist in mandating all these coverages, what you will have in the end will be national health insurance, there will be no recourse, it will be the only thing available.

I would urge you, if you wish to keep this type of coverage available to every person that can afford it, go along with the motion to indefinitely postpone.

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: As you know, we debated the merits of the bill itself yesterday and the majority of the House did approve of the bill. What we are discussing at this point in time is the amendment which would limit the policy and the coverage to groups of only 20 and over, and although this is not a committee amendment, I do feel it is a reasonable approach, one that would — I believe the figure was pointed out yesterday that there are approximately 230,000 workers in this state that fall into that category, certainly a significant amount of the workers in the state, and I believe the amendment is reasonable, it will help cover those particular workers and perhaps address some of the concerns of the smaller businesses that were raised during the whole process. I would urge you to defeat the present motion.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Racine, that Senate Amendment "A" (S-170) be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Anderson, Bell, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, G.A.; Carter, Cashman, Conary, Conners, Davis, Day, Dillenback, Drinkwater,

Greenlaw, Gwadosky, Jackson, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Manning, Masterman, Matthews, K.L.; Matthews, Z.E.; McGowan, McPherson, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Paul, Pines, Racine, Reeves, J.W.; Richard, Ridley, Roderick, Scarpino, Sherburne, Smith, C.W.; Soucy, Stevenson, Stover, Strout, Swazey, Telow, Thompson, Wentworth, Weymouth, Willey.

NAY—Ainsworth, Allen, Andrews, Beaulieu, Bost, Brannigan, Brodeur, Carroll, D.P.; Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Dexter, Diamond, Erwin, Foster, Hall, Handy, Higgins, H.C.; Ingraham, Joseph, Joyce, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Martin, A.C.; Martin, H.C.; Masterton, Maybury, Mayo, McCollister, McHenry, McSweeney, Melendy, Michael, Mitchell, J.; Murray, Nelson, Paradis, P.E.; Perkins, Perry, Randall, Roberts, Rolde, Salisbury, Smith, C.B.; Stevens, Tammaro, Theriault, Vose, Walker, Webster, The Speaker.

ABSENT—Armstrong, Baker, Benoit, Bonney, Bott, Curtis, Daggett, Dudley, Gauvreau, Hayden, Hickey, Higgins, L. M.; Hobbs, Holloway, Jacques, Jalbert, Kane, Kelleher, Mahany, Mitchell, E. H.; Nadeau, Pouliot, Reeves, P.; Rondoni, Seavey, Small, Soule, Sproul, Tuttle, Zirkilton.

Yes, 58; No, 63; Absent, 30.

The SPEAKER: Fifty-eight having voted in the affirmative and sixty-three in the negative, with thirty being absent, the motion does not prevail.

Thereupon, Senate Amendment "A" was adopted.

Under suspension of the rules, the New Draft was read the second time.

Mrs. Pines of Limestone offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-342) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mrs. Pines.

Mrs. PINES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to Page 8 of the bill, Section 2843, Subsection 3 (3) definition "Provider." Provider is defined as individuals included in Title 24, Section 2303, Subsection 2, a licensed physician with three years' approved residency in psychiatry, and hospitals and other institutions. Title 24, Section 2303, Subsection 2, includes currently psychologists but by this legislature's passage of L. D. 955, which currently sits on the Senate Appropriations Table, this House has added to that section certified social workers with masters degrees in social work and licensed nurses who have received a certificate as clinical specialists in psychiatric and mental health nursing from the American Nurses Association.

Because of the provision in L. D. 1718 stating that insurers shall offer contracts to providers authorizing the provision of mental health services within the scope of the provider's license, we have mandated that social workers and nurses and psychologists be reimbursed for counseling services but not general practitioners or family practice medical doctors.

I think you should be aware that Maine has approximately 220 physicians in family practice who have undertaken a residence in family practice. The three-year family practice residency includes extensive training and education in behavioral sciences and counseling. Because the family practice physicians are manytimes in the rural areas where psychiatrists are not located, they are providing a great deal of the current psychiatric counseling in the State of Maine. I think that if we are going to mandate reimbursement to the other categories of providers, the family practice physicians should be reimbursed as well.

My amendment would simply delete from the definition section in the bill the words "with three years approved residency in psychiatry," thus mandating any licensed physician, includ-

ing osteopaths, to be so reimbursed.

You should also be aware that we do not have licensing by specialty in Maine. Neither the Board of Registration in Medicine nor the Osteopathic Board license physicians by specialty designation. Therefore, in my opinion it is inappropriate to enact statutory provisions which refer to particular specialties. I believe that this language in the definition section of L. D. 1718 would be the first time that this type of approach has been used. Until there is reason for the Board of Registration to license physicians by specialty, the legislature should not, in my opinion, affect or limit the work that a general practitioner or osteopath does.

I hope you will support the amendment.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I certainly am very well aware of the work that family practitioners do, which is a small group of the specialties in medicine today, and some of them do actually do psychiatric counseling and they have more training than other physicians, such as surgeons or those specialists in other fields of medicine. However, in our bill we have restricted this coverage to those whose full training is in the area of mental health, those who are either MD's, doctors, osteopaths or who have full residency in psychiatric work and that is their main work and they don't do other work, or psychologists whose full work is therapy or if the social worker bill finally reaches law, then those and nurses who have full training. We would like to keep it at this, MD's who do work such as medication and other kinds of counseling around illnesses will be paid in their usual way, as they have been.

I would urge that you not vote in favor of this bill, I would ask for a division.

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

Mr. PERKINS: Mr. Speaker and Members of the House: With this bill we are doing a little experimenting and we certainly want to keep the cost low. It seems strange to me that people who appeared before our committee not in favor of the bill and spoke against it now want to join the bandwagon. In my opinion, they should not.

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

Mrs. JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against this amendment. I think that this amendment defeats the intent of the bill.

The Federal Alcohol, Drug Abuse and Mental Health Administration study showed that 73 percent of all people treated for mental disorders are seen in a general health care setting only. The survey of the general physicians in Maine supports the conclusion that many people seek physical intervention for what are basically mental or nervous disorders. A review of a high level of valium, librium and similar prescriptions also support the conclusion that general physicians are seeing mental and nervous conditions as the basis for health complaints.

Also, in another survey it shows that 60 percent or more of visits of general medical doctors are made by patients who have an emotional rather than an organic basis for their physical symptoms. So I urge you that this does defeat the intent of the bill, which is for people to seek the kind of help that they need rather than going first to physicians and not to the source of their ailment, which may be emotional or nervous disorders.

I have a great respect for family physicians, general practitioners and all of the medical profession. However, this bill seeks to right a wrong and I urge you to defeat Amendment "B".

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mrs. Pines.

Mrs. PINES: Mr. Speaker, Ladies and Gentlemen of the House: I have here a copy of a let-

ter from the Maine Psychiatric Association addressed to the Honorable Nancy Clark, Chairperson, Business Legislation. I will read you a sentence from it. "The exclusion of physicians who have not had three years of psychiatric residency training from the proposed provider group is an unacceptable affront to many hardworking physicians who take the time to counsel their patients and who, in some cases, practice psychiatry with knowledge and compassion despite not having completed a residency."

A general practitioner, this states, supports this program and financially has brought many family practitioners to the state to train and hope that they will stay here in rural areas. They spend three years in residency and all three years they are involved in a behavioral science program. They are learning counseling skills for those solid three years and behavioral conferences are held each week. All of these physicians are eliminated if this bill is passed as is. I urge you to support my amendment and request a roll call.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: The letter that was read from, I am familiar with that letter, it was written by somebody who was totally opposed to the bill itself.

Family practice — again, I want to commend the people who do family practicing. It is a very important new specialty that is replacing the general practitioners we knew of old. I applaud the work they do, they get paid for the work they do, but they should not be confused with those who are trained.

Mr. Speaker, I move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Portland, Mr. Brannigan, moves that House Amendment "A" to House Amendment "A" be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mrs. Pines.

Mrs. PINES: In order to clarify the letter I read, it was written — perhaps he is opposing the bill but it is Joseph Rubin, M. D., President of the Maine Psychiatric Association.

Mr. Murray of Bangor requested a roll call vote.

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

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

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

Mr. MURRAY: Mr. Speaker, Ladies and Gentlemen of the House: The bill before us deals with trying to treat an illness, mental health illness, which is an extremely prevalent illness in our society. I think what we should be concerned with when we are dealing with reimbursement is trying to provide for the best sort of treatment possible, and those people who can provide the best sort of treatment are those that are trained in psychiatry, masters in social work providers, who have this kind of specific training.

Obviously, general practitioners are qualified to do certain things and provide a valuable service to our society, but what we hope to address here is specific mental health illness treatment, and this is what we want to cover through this particular insurance bill.

We are all concerned about keeping costs down. I think by defeating this particular amendment, we will be taking a large step in trying to keep health care costs down by limiting those providers or coverage to those providers that are truly the ones that are best qualified in providing the best treatment for

mental illness, and I would urge you to vote in favor of the motion to indefinitely postpone.

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

Mrs. JOSEPH: Mr. Speaker, Men and Women of the House: I urge you to vote for the motion to indefinitely postpone.

I want to add to what I have already said that in 12 out of 13 recent studies that decreased use of medical and surgical services when out-patient mental health care is provided was found. I also want to tell you that a compilation of 11 studies found a decrease of 25 percent in later use of medical services when out-patient type of therapy is provided.

I can see what the problem is with those people who are urging you to support this amendment, but as the gentleman from Bangor said, I urge you to indefinitely postpone this amendment because we are trying to seek treatment for an ailment via those experts who can offer this treatment. I do not consider this mandating, but I do see this as offering an opportunity for those people afflicted with emotional and nervous disorders and overwhelming stress to seek treatment in an area where they can be treated professionally.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mrs. Pines.

Mrs. PINES: Mr. Speaker, Ladies and Gentlemen of the House: I strongly urge you to think about those family practitioners who are out in the rural areas in the State of Maine. We have turned away from being individualists and we are trying as much as we can to promote family unity. We will have resolves coming in here to that effect before this session ends. A family practitioner knows the whole family and is trained to counsel.

I urge you to vote no, please do not indefinitely postpone this amendment.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: Remember, these specialists they are talking about are located in your big metropolitan areas. Most of our people live in the rural areas. The family practitioner is the one that knows the family. He is the one that is going to see them week after week. Yes, he can recommend that they go to Portland or to Bangor or Augusta, but will they go? Most of them go to the doctor's office because they know him, you can talk to him, rather than to go to the city and to a stranger.

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

Mrs. MELENDY: Mr. Speaker and Members of the House: I feel that there is no need for this amendment. I have worked in physicians' offices for approximately 10 years and during this time, when mental health was not available to be covered by insurance for the people that needed it, physicians were seeing these patients for this reason, because they felt as though the person needed someone to talk to. However, I feel as though they don't adequately give the help and many of the physicians that I have worked with said the very same thing — we don't have the time to do this, this is not our specialty, but in many cases speaking to someone ten or fifteen minutes is probably going to help them more than if they cannot go to mental health directly. For this reason, they were seeing them, because these patients were at least covered by them under their major med, so if they have been seeing them, they have been paid by them, why is there a necessity for this bill?

I hope that we indefinitely postpone this.

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

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Beaulieu, Bost, Brannigan, Brodeur, Carroll, G.A.; Carter, Chonko, Connolly, Cote, Cox, Crouse, Crowley, Diamond, Dillenback, Erwin, Gwadodsky, Handy, Hickey, Higgins, H.C.; Hobbs, Jacques, Joseph, Joyce, Kelly, Ketover, Kilcoyne, LaPlante, Locke, MacEachern, Manning, Matthews, Z.E.; Mayo, McGowan, McHenry, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Paradis, P.E.; Perkins, Reeves, P.; Richard, Rolde, Smith, C.B.; Soucy, Vose.

NAY—Anderson, Bell, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, D.P.; Cashman, Clark, Conary, Conners, Cooper, Curtis, Davis, Day, Dexter, Drinkwater, Foster, Greenlaw, Hall, Ingraham, Jackson, Kiesman, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, MacBride, Macomber, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McCollister, McPherson, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Nelson, Norton, Paradis, E.J.; Parent, Paul, Perry, Pines, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Roderick, Rondini, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Stevens, Stevenson, Stover, Strout, Swazey, Tamaro, Telow, Theriault, Thompson, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Armstrong, Baker, Benoit, Bonney, Daggett, Dudley, Gauvreau, Hayden, Higgins, L. M.; Holloway, Jalbert, Kane, Kelleher, Mahany, Nadeau, Pouliot, Seavey, Soule, Sproul, Tuttle, Zirkilton, The Speaker.

Yes, 50; No, 79; Absent, 22.

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

Thereupon, House Amendment "A" (H-342) was adopted.

Mr. Racine of Biddeford offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-350) was read by the Clerk.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: If you will take a look at House Amendment "B", it has about six pages. The only thing that this does, it changes Paragraph 5 under "Services" to read — the original bill reads that each group contract shall provide at a minimum the following benefits, so based on the testimony that was presented yesterday that we have a serious problem out there, if you only include groups of 20, there will be a lot of people that will not be included and will not be able to benefit from mandating mental health coverage, and what the amendment does, it specifically reads: "Each health insurance policy shall provide at a minimum the following benefits for a person suffering from a mental or nervous condition," so this includes everyone.

You are going to hear people get up and say we can't do this because those that are presently afflicted should not be covered, and I agree with that. It is just like if you have a heart condition, the insurance companies will not provide you with any health benefits because the condition that you have is not coverable. I feel that the same thing should apply to mental health.

I certainly hope that you will support this motion, because based on what has been stated on the floor, we have a problem, there are over 200,000 people afflicted with this, and if we pass the bill the way it is now, it will only include approximately 40 to 50 percent of those that are in need of help. I also request a roll call on this.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: From a practical point of

view, my good friend Mr. Racine is mixing up the statutes, but be that as it may, let's assume we do this, that would mean that every individual policy would have in it a mandated benefit for this coverage.

Let's assume that you are an individual with a family who is going to get some coverage and ask for a hospital policy. However, one of your dependents has a background of mental illness, do you realize that you wouldn't get any coverage at all? The policy would not be written, and that way you wouldn't get coverage for all the other things besides mental illness. Is that what you want? That is the reason that individuals are not included here. I think you have to think that one over because we have found that many people would not get any hospital coverage whatsoever if this was mandated, because they would not write the policy at all.

Today, on other conditions you could waiver them out, but if we mandate this coverage, there is no way in the world that you would be able to waiver that out. So if you want a lot of people not to have any coverage at all, go right along with my friend's motion.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I posed a question through the Chair yesterday and I didn't get a satisfactory answer, therefore I would like to pose the question again. That is, I understood the gentleman to say in discussing this legislative document that the State of New Hampshire provides this coverage for their people, therefore I would like to know why in the State of Maine we cannot provide it for our people?

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

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I am the one who gave the inadequate answer. I am sorry, I didn't realize it was inadequate or I would have tried to research it further. Mr. Carroll, I don't quite understand, we are trying to make this coverage available to the people of the State of Maine. I am sure that they don't have what Mr. Racine is asking for in this, as Mr. Perkins has said. To mandate an individual policy for mental health without a waiver provision would mean that everyone who cannot come under a group would have no health insurance whatsoever if they had mental illness themselves, in their background, or in their family's.

If New Hampshire is ahead of us on this and has got their Blue Cross, and I am sure that is the major issue, Blue Cross-Blue Shield, if they have got them to cover it, we have not been able to as yet. We hope to, with the vote yesterday we should, and I think that is what we are trying to do. If the gentleman has further questions, I will try to find some other way — Mr. Speaker, I move indefinite postponement of this amendment. What Mr. Racine is trying to do is what he tried to do in the indefinite postponement of Senate Amendment "A" by including those people in groups from 10 to 20, there are no groups under 10, and include individuals too. Mr. Perkins has been very good in his explanation of why we just absolutely could not mandate inclusion of individuals. It would be an almost tragedy, it would be a tragedy for anyone who might have mental health problems in their family and not be under group coverage.

I hope you will support my motion to indefinitely postpone this amendment.

The SPEAKER: The gentleman from Portland, Mr. Brannigan, moves that House Amendment "B" be indefinitely postponed.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Being just a dumb country boy, not having the higher education of many

people, I am going to have to shudder and wonder about all the people in the State of Maine. You say that New Hampshire has this coverage and they are writing it in New Hampshire. Yet, in Maine we are so different, but for the grace of God, we could be a mentally retarded person or a mentally sick person walking in this hall today. We could wake up tomorrow morning in this condition. New Hampshire writes these coverages but you say Maine can't write it.

I don't understand why we have two codes of ethics and two standards for people when you cross from one line to another line, when you cross from New Hampshire into Maine. Being just a dumb country boy, I don't understand those two standards. I wish you would explain them.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Carroll is not a dumb country boy, I now live in the city and I am the one who is dumb and doesn't quite understand his questions. He is the one who said that New Hampshire writes it, I did not. If New Hampshire does write it, Blue Cross-Blue Shield plan which covers 50 percent of the people in Maine and large numbers of people, I am sure in New Hampshire, maybe 50 or more, are different, each plan is different from state to state. If their plan writes it, it is probably because their legislature mandated it before we did. We are now going to mandate it and then we and New Hampshire will be the same on this coverage.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: When I prepared this amendment, I was not aware of the consequences that would result, and I certainly do not want to deprive any citizen within this state the opportunity to purchase insurance.

Representative Brannigan mentioned that unless there was a waiver, and I don't quite understand that, so unless we can put a waiver to this amendment, I don't know if that is possible or not, it might be better for me at this time to withdraw my amendment because I certainly don't want to hurt anyone within the state, that was not my intention. My intention was to include all those individuals that are in need of this service, so at this time, I move to withdraw House Amendment "B".

The SPEAKER: The gentleman from Biddeford, Mr. Racine, withdraws House Amendment "B."

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

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House reconsider its action whereby this bill was passed to be engrossed.

The SPEAKER: The gentleman from Presque Isle, Mrs. MacBride, moves that the House reconsider its action whereby this Bill was passed to be engrossed.

The SPEAKER: The gentleman from Presque Isle, Mrs. MacBride, moves that the House reconsider its action whereby this Bill was passed to be engrossed.

The gentleman may proceed.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I would request a roll call. As you can see, there really are many complications with mandating the insurance coverage of programs. I think we will have many more problems if we do pass this bill and so today do remember that Blue Cross and Blue Shield says that this is going to increase your family insurance by \$67 a year in addition to the premium that you are already paying for your health plan, so I hope that you will vote

against the passage of this bill.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: The figure that Representative MacBride has just given you has been developed by companies which don't want this coverage whatsoever. In my opinion, and I will just repeat what I have said before, that we are shifting now from in-patient to out-patient treatment and we all know that that is cheaper, out-patient costs a lot less. I don't believe their figures and while there is nothing I can do about what they say, I doubt very much if they will make those charges. If they do, I suggest again that the state employees get a rebid of their hospital benefits.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I am awful glad to be working for a company named Fraser Paper Limited who does provide this insurance coverage for their employees. They do provide alcohol abuse and mental illness, they do provide help for each and every member that works for that company and they were the first ones in the state to provide such help. I believe by passing this I would be helping my employer.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Presque Isle, Mrs. MacBride, that the House reconsider its action whereby this Bill was passed to be engrossed as amended. All those in favor of reconsideration will vote yes; those opposed will vote no.

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

Mr. PERKINS: Mr. Speaker, I would like to pair my vote with Representative Higgins of Scarborough. If he were here and voting, he would be voting yes; I would be voting nay.

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

Mr. CASHMAN: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here, he would be voting nay; if I were voting, I would be voting yes.

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

Mrs. THOMPSON: Mr. Speaker, I would like to pair my vote with Representative Hayden of Durham. If he were here, he would be voting nay; I would be voting yes.

ROLL CALL

YEA—Anderson, Bell, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Clark, Conary, Connors, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Macomber, Masterman, Masterton, Maybury, McPherson, Michaud, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Paul, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Ridley, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Stevenson, Stover, Strout, Swazey, Telow, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Ainsworth, Allen, Andrews, Beaulieu, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Chonko, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Gwadnosky, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern,

Manning, Martin, A.C.; Martin, H.C.; Matthews, K.L.; Matthews, Z.E.; Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nelson, Paradis, P.E.; Perry, Reeves, P.; Richard, Roberts, Rolde, Rotondi, Smith, C.B.; Stevens, Tammaro, Theriault, Vose, The Speaker.

ABSENT—Armstrong, Baker, Benoit, Bonney, Daggett, Gauvreau, Holloway, Kane, Kelleher, Mahany, Nadeau, Seavey, Soule, Sproul, Tuttle, Zirkilton.

PAIRED—Cashman-Jalbert; Hayden-Thompson, Higgins L. M.; Perkins

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

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

Bill "An Act to Amend the Motor Vehicle Salvage Laws of the State" (H. P. 910) (L. D. 1189) (C. "A" H-318)

Tabled — June 6, 1983 (Till Later Today) by Representative Carroll of Limerick.

Pending — Passage to be Engrossed.

On motion of Mr. Carroll of Limerick, retable pending passage to be engrossed and later today assigned.

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

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

Tabled — June 6, 1983 (Till Later Today) by Representative Kelleher of Bangor.

Pending — Motion of Representative Brodeur of Auburn to Reconsider Passage to be Enacted.

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

On motion of Mr. Brodeur of Auburn, 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-347) was read by the Clerk.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: This bill requires the coordination of efforts in the planning for social services between the departments and with the legislature and with public input. This is the result of a compromise agreed to by the committee, the department and members of the public. This amendment adds one section to make it consistent with the agreement that was reached and also changes the form but not the substance of that agreement. I hope we pass this amendment.

Thereupon, House Amendment "A" was adopted.

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

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

An Act to Provide Workers' Compensation Coverage to Emergency Medical Services' Persons (S. P. 563) (L. D. 1637) (C. "A" S-160)

Tabled — June 6, 1983 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending — Passage to be Enacted.

On motion of Mrs. Beaulieu of Portland, retable pending passage to be enacted and later today assigned.

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

An Act to Encourage Prompt Resolution of Public Employee Labor Disputes (H. P. 1267)

(L. D. 1678)

Tabled — June 6, 1983 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending — Motion of Representative Diamond of Bangor to Indefinitely Postpone House Amendment "A" (H-333) (Roll Call Requested)

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

Mr. DIAMOND: Mr. Speaker and Members of the House: As you might remember from yesterday's debate, I raised some concerns over the constitutionality of the amendment that is currently before us that would expand the binding arbitration bill to include state employees as well. After talking to the Attorney General's staff and to the Attorney General himself in going over the amendment, I have been informed that the amendment itself is not unconstitutional. While the intent would be unconstitutional if the language of the amendment so stipulated, the amendment as it is now written is not unconstitutional in the informal opinion of the Attorney General.

I would like to explain the distinction between the state employees and the municipal and university employees who are addressed in the bill itself.

Unlike the provisions in the bill dealing with binding arbitration for municipal and university employees, state employees are unique in that they have another force that has to be taken into consideration, the legislature. Regardless of what agreement is reached between the state and its employees, the legislature has the power to reject or amend that agreement. We have done it in the past. The purpose of Mr. Kelleher's amendment is to expand the bill to include binding arbitration in the form that would be similar to what is proposed in the bill. I think the members of this body should know that that would not take place if the amendment is attached; however, the amendment, if it is attached, would at least provide a mechanism that would be something that would hopefully facilitate unresolved contract disputes. For that reason, I really don't have any objection to the amendment, I don't really think it accomplishes a great deal, but I do think that if it deals with the concerns raised by the proponents of the amendment and by members on the other side of the aisle who had concern with the bill itself but seemed to have developed quite a bit of support for the amendment yesterday, then I have no objections if this makes everybody happy.

For that reason, I ask leave of the House to withdraw my motion to indefinitely postpone Mr. Kelleher's amendment, and hoping that if we can pass this bill along and finally enact it, that I will be standing beside Mr. Kelleher down at the Governor's desk when this bill is signed into law. I know I would be happy if that took place and I know just how important that is to Mr. Kelleher as well.

Thereupon, Mr. Diamond of Bangor withdrew his motion to indefinitely postpone House Amendment "A".

Thereupon, House Amendment "A" (H-333) was adopted.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: The impression in previous debates upon this bill have implied that it applies only to municipal and university employees. It is my understanding that the municipal public employees labor relation act also applies to county government employees when such county employee units request recognition and bargaining. I see nothing in L. D. 1678 to exclude such county employees from coverage under this bill.

I have also been told that the Maine Labor Relations Board and Office of Legislative Assistants have indicated that they feel the bill applies to county government employees.

The more I look at this bill, it begins to re-

mind me of the days many years ago when my mother would tuck me into bed. She always read me a bedtime story and one of my favorites was the classic "Song of the South." There is an episode in that classic book that reminds me of the growing problems this bill has begun to have as we examine it more closely. Do you remember the tar baby episode in that story and what happened to Br'er Rabbit? The closer Br'er Rabbit examined that innocent looking tar baby, the stickier it got for him and the more Br'er Rabbit struggled, the quicker he got to that boiling kettle of water.

Men and women of the House, L. D. 1678 is like that fictional tar baby, but unlike the bedtime story, the kettle of boiling, scalding water that this binding arbitration bill puts our towns and cities into and now the counties and the state is very real with no hope of escape from inflationary public employee wage increase for Maine taxpayers.

Mr. Speaker, I would request a roll call.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: Very briefly to address the concerns of my good friend from Kennebunk, Mr. Murphy, county employees are dealt with in a number of ways in the state labor relations laws and the municipal labor relations laws. For the purposes of this proposal, though, the same arguments dealing with state employees would hold true for county employees as well. We have that outside force again, the legislature, that has to approve that county budget as well as our own state budget, and for that reason, binding arbitration in the sense that we deal with it for municipalities and the university were not placed into effect, because it could not be binding because you have that outside force that would interfere. So for that reason, I don't think it should be a concern that we will be going beyond what is established in the title of the bill and what was the intent for the same reason that the state employees' provision does not really hold much weight.

I hope that we can pass this bill and we can all live happily ever after.

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

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

The SPEAKER: The pending question is on passage to be engrossed as amended by House Amendment "A". All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from West Gardiner, Mr. Weymouth.

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

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

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

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Handy, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kelly, Ketover, LaPlante, Lisnik, Locke, MacEachern, Macomber, Martin, H.C.; Mayo, McColister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Paul, Perry, Randall, Reeves, P.; Richard, Rolde, Ro-

tondi, Stevens, Tammara, Theriault, Thompson, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carter, Canary, Connors, Cooper, Curtis, Daggett, Davis, Day, Dexter, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Hall, Ingraham, Jackson, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lewis, Livesay, MacBride, Manning, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Melendy, Moholland, Murphy, E.M.; Murphy, T.W.; Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Pines, Pouliot, Racine, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Stevenson, Stover, Strout, Swazey, Telow, Walker, Webster, Wentworth, Willey.

ABSENT—Benoit, Bonney, Carrier, Dillenback, Gauvreau, Hayden, Holloway, Kane, Kelleher, Mahany, Matthews, Z.E., Nadeau, Seavey, Soule, Sproul, Tuttle, Zirkilton.

PAIRED—Higgins, L. M. Weymouth; Jalbert-Smith, C.B.

Yes, 58; No, 72; Absent, 17; Paired, 4.

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

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

Mr. **MURPHY**: Mr. Speaker, having voted on the prevailing side whereby L. D. 1768 has failed of passage to be engrossed, I move that we reconsider our action and urge you to vote against the motion.

Mrs. Beaulieu of Portland requested a roll call vote.

Mr. Brannigan of Portland moved that this be tabled until later in today's session.

Mr. Murphy of Kennebunk requested a roll call vote.

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

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

The **SPEAKER**: The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, that this be tabled until later in today's session pending the motion of Mr. Murphy of Kennebunk to reconsider whereby the Bill failed of passage to be engrossed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

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

NAY—Anderson, Armstrong, Bell, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Canary, Connors, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Racine, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.;

Soucy, Stevenson, Stover, Strout, Telow, Walker, Webster, Wentworth, Willey.

ABSENT—Benoit, Bonney, Carrier, Gauvreau, Hayden, Higgins, L. M.; Holloway, Jalbert, Kane, Kelleher, Mahany, Nadeau, Seavey, Soule, Sproul, Tuttle, Zirkilton.

Yes, 77; No, 57; Absent, 17.

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

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

HOUSE DIVIDED REPORT—Majority (8) "Ought to Pass" in New Draft under New Title Bill "An Act Establishing the Emergency Service Personnel Arbitration Act" (H. P. 1299) (L. D. 1724) — Minority (5) "Ought Not to Pass" — Committee on Labor on Bill "An Act Concerning Arbitration Involving Municipal Fire and Police Departments" (H. P. 331) (L. D. 390)

Tabled — June 6, 1983 by Representative Beaulieu of Portland.

Pending — Acceptance of Either Report.

On motion of Mr. Diamond of Bangor, tabled pending acceptance of either Report and later today assigned.

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

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

Tabled — June 6, 1983 by Representative Locke of Sebec.

Pending — Passage to be Enacted.

On motion of Mrs. Locke of Sebec, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-353) 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 following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

Passed to Be Enacted Bond Issue

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) (H. "B" H-326)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution and a two-thirds vote of the House being necessary, a total was taken. 87 voted in favor of same and 27 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund, for the Fiscal Years Ending June 30, 1984, and June 30, 1985 (S. P. 433) (L. D. 1345) (C. "A" S-167)

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. 101 voted in favor of same and 30 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor Later Today Assigned

An Act to Strengthen the Maine Milk Industry (H. P. 1260) (L. D. 1681) (C. "A" H-323)

Was reported by the Committee on En-

grossed Bills as truly and strictly engrossed.

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

Tabled and Assigned

An Act to Provide for Local Option Voting on Bottle Clubs (S. P. 584) (L. D. 1694)

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

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

Mr. **MICHAEL**: Mr. Speaker, I would like someone to explain to me the procedure whereby a bottle club would be denied under this bill.

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

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

Mr. **HANDY**: Mr. Speaker, Men and Women of the House: A bottle club would be prohibited in a town that voted on this local option question to prohibit such bottle clubs.

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

Mr. **MICHAEL**: Mr. Speaker, I would like to get that clarified a little bit more. How would such a referendum vote come about? Would the council or the selectmen have to put it on the ballot? Could any citizen petition to have it placed on the ballot or would it have to go through the council?

The **SPEAKER**: The gentleman from Auburn, Mr. Michael, has posed additional questions through the Chair. The Chair recognizes the gentleman from Lewiston, Mr. Handy.

Mr. **HANDY**: Mr. Speaker, Ladies and Gentlemen of the House: Representative Michael's question is a good one. That would be through a petition process brought up by the people of that particular town or municipality.

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

Mr. **MICHAEL**: Mr. Speaker, Ladies and Gentlemen of the House: There is one concern that I have about this bill. If a bottle club were to be prohibited from operating in a town, and I think that would happen because two factions would get together; one faction would be the dry people who simply don't like drinking and they vote a certain way and that is fine and they would be the type of people that would vote against licensed taverns as well.

The other factor that I am concerned with is that people who own licensed taverns would also like to see the bottle clubs be done away with, and that is a problem we have here. If you had a referendum process where bottle clubs and licensed taverns were both voted on at the same time, I think you would have a fair representation, but the danger I see with this bill is that you would have the interests who own the licensed taverns ganging up on the bottle clubs along with the people who would like to do away with all drinking anyway, and I respect those groups but not when they get together. I think it is a dangerous bill for bottle clubs and I would like to see some kind of amendment put on this where it could be made more equitable. I think it is a very dangerous piece of legislation right now.

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

Mr. **MCCOLLISTER**: Mr. Speaker, Ladies and Gentlemen of the House: I want to share a few comments from some mill workers at the gate last week. They consider that there are two levels of society, those that belong to the country club and those that do the same thing at the bottle clubs. The working people of this state consider bottle clubs their country club because they can't afford the country club. I think we ought to bear that in mind before we attack the local bottle clubs too hard.

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

Mr. **COX**: Mr. Speaker and Members of the

House: In response to the remarks of the gentleman from Auburn, Mr. Michael, I don't think it should be our concern as to how the interest groups in the local communities work out their differences. This will be a vote at a regular election at which all the people of a community will have an opportunity to vote. This is simply a local control issue that will enable those towns that have had real problems with their bottle clubs to have on the ballot, the same as the other liquor questions, whether or not that town will have these bottle clubs.

I think this is a local control amendment that should address the problems that certain communities are having.

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

Mr. MICHAEL: Mr. Speaker, I would like to pose a question through the Chair. Does any language such as this exist on the books for purposes of removing licensed liquor establishments, prohibiting them from operating?

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

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: There are several local option questions in the statutes, but to my knowledge none of them ask the question in the manner in this bill which is the word 'use' — the opposite of the word 'use' is 'prohibit'. Most of those, if I remember correctly, are worded in the positive. I may be mistaken, but I think you can rest assured that this is going aside with the normal way that questions are worded.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to see this law either become equitable or kill it, and I am asking that if a proponent of the bill is interested in that, that they table it until later in today's session or until tomorrow.

On motion of Mr. Smith of Mars Hill, tabled pending passage to be enacted and tomorrow assigned.

An Act Amending and Expanding the Home Winterization Program Statute (H. P. 1281) (L. D. 1698) (C. "A" H-322)

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

The Chair laid before the House the following matter:

An Act to Provide Workers' Compensation Coverage to Emergency Medical Services' Persons (S. P. 563) (L. D. 1637) (C. "A" S-160) which was tabled and later today assigned pending passage to be enacted.

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

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

House Amendment "A" (H-354) was read by the Clerk and adopted.

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

Mr. MCCOLLISTER: Mr. Speaker, I would request a division.

The SPEAKER: The pending question is on passage to be engrossed as amended by Committee Amendment "A" S-160 and House Amendment "A" (H-354) in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirmative and 10 having voted in the negative, the motion did prevail.

Sent up for concurrence.

(Off Record Remarks)

The Chair laid before the House the follow-

ing matter:

Bill "An Act to Amend the Motor Vehicle Salvage Laws of the State" (H. P. 910) (L. D. 1189) (C. "A" H-318) which was tabled and later today assigned pending passage to be engrossed.

Mr. Hickey of Augusta offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-355) was read by the Clerk.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is offered to hopefully alleviate a serious problem in Augusta. Due to the lack of zoning in our city, for which I apologize to Representative Carroll, our city government recently issued a permit for a sales, repair and salvage yard abutting the Maine Veterans Cemetery.

For many years the State of Maine was unable to do anything constructive to recognize or honor Maine veterans of our many wars. However, in 1968, the legislature purchased 168 acres of land for a veterans' cemetery. Construction was started immediately and the cemetery was dedicated in 1970 by Governor Curtis. Since that time, many improvements have been made, like the beautiful granite chapel, the chimes. Today, as Maine citizens, we have to be proud of the beautiful scenic cemetery that has been provided for our veterans. Our cemetery has also served as a model for Connecticut, Rhode Island and Maryland, who in recent years have constructed cemeteries for their veterans.

In conjunction with all the veterans' organizations, it does seem tragic that this beautiful memorial to our veterans should be desecrated. The State of Maine, all of the veterans' organizations and hundreds of Maine citizens contribute thousands of dollars and countless volunteer hours to make this memorial a fitting tribute to the veterans who have served our country. I ask your support of this amendment so that we can continue to look with pride at the memorial provided by the people of Maine for our veterans.

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

Mr. ARMSTRONG: Mr. Speaker, the good Representative from Augusta said what the intent of the amendment was, but I haven't been able to locate it. Specifically what does it say? Does it say that no one can have any commercial endeavor around the veterans' cemetery, or does it say that there will be no junkyards around there?

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: It says:

"WHEREAS, the citizens of Maine and of the United States have determined that, in recognition of the services rendered to the State and the Nation by its veterans, provisions for suitable final resting places should be made for those who have served their country; and

"WHEREAS, 2 cemeteries have been established for such a purpose in the County of Kennebec, one owned by the State Government in the City of Augusta and one at the Veterans' Administration facility at Togus owned by the United States; and

"Whereas, the operation of recycling or scrap processing facilities in the immediate vicinity of these cemeteries is inimicable to their purpose in that it detracts from the visual and peaceful aspects of the cemeteries as they are currently constructed; and

"WHEREAS, the operation of a recycling or scrap processing facility is currently proposed immediately next to the state veterans' cemetery in Augusta; and

"WHEREAS, in the judgment of the Legislature,

these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety" now, therefore,

Does that answer your question, Mr. Armstrong?

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

Mr. ARMSTRONG: Mr. Speaker, I thank the good gentleman from Augusta. Really, the problem is this — I agree it would be tragic to have an automobile salvage yard next door to the cemetery, but, of course we have other cemeteries in every town, and the other thing is, there are many other types of commercial businesses besides automobile graveyards, so to speak, that still might be put in there, and I just don't know how far we want to go, to say no commercial enterprises or just automobile burial grounds or what. I think it is a case of almost a little bit of a restrictive trade, but I certainly agree with the intent of the gentleman because it certainly is a lovely asset to the State of Maine the people thereof.

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent, unless notice was given to the Clerk, all matters acted upon requiring Senate concurrence were ordered sent forthwith fifteen minutes after the House recessed for lunch.

On motion of Mr. Hickey of Augusta,
Recessed until four o'clock in the afternoon.

After Recess 4:00 p.m.

The House was called to order by the Speaker.

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

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

Pending — Passage to be engrossed.

Mrs. Locke of Sebec offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-335) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: It has been a while since this particular bill has been around and I did see the amendment, but I can't find it in front of me, and I wish somebody would tell us about the bill and the amendment.

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

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: The purpose of the bill itself is to establish a commission to review and evaluate the University of Maine system. The University system has not been evaluated since its inception 15 years ago, while we do require an evaluation of our public school systems every five years. That is the gist of the bill, it sets up a commission to do that.

I am going to read from the Statement of Fact on the amendment because I just got it also.

"The amendment changes the composition of and appointment procedure to the commission." There seemed to be some problems with that several weeks ago. "Five members shall be from the House of Representatives, 3 members from the Senate, one from the Board of Trustees of the University of Maine, 2 alumni of the University of Maine, 2 from the general public and 2 personnel of the University of Maine.

Members shall be appointed by the Speaker of the House and President of the Senate. The Speaker and President shall designate one member as chairman." That is one change.

"The amendment corrects a typographical error in section 3. It further eliminates the requirement to recodify the University of Maine statutes. It rewrites the section on compensation to include only expenses (eliminates the per diem). Finally, it changes the appropriation to \$20,000 for the first year and \$10,000 for the second year."

Thereupon, House Amendment "A" 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 Mrs. Mitchell of Vassalboro,
Recessed until the sound of the gong.

After Recess 5:00 p.m.

The House was called to order by the Speaker.

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

Unanimous Leave to Withdraw

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act to Conduct a Maine Labor Training Study" (S. P. 352) (L. D. 1026)

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

Ought to Pass in New Draft

Report of the Committee on Health and Institutional Services on Bill "An Act to Limit Future Increases in the Cost of Hospital Care in Maine" (S. P. 446) (L. D. 1353) reporting "Ought to Pass" in New Draft (S. P. 608) (L. D. 1737)

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

In the House, the Report was read and accepted in concurrence the New Draft read once and assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act to Authorize the Plantation of The Forks to Award Educational Scholarships" (Emergency) (H. P. 1300) (L. D. 1729) which was passed to be engrossed without reference to a committee in the House on June 2, 1983.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

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

Second Reader Tabled Unassigned

Bill "An Act to Provide for Reapportionment of County Commissioner Districts" (Emergency) (H. P. 1307) (L. D. 1736)

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

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

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

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Drinking in Public" (S. P. 420) (L. D. 1273) (C. "A" S-86 and H. "A" H-201) ask leave to report: that they are unable to agree.

(Signed)
Representatives:

HOBBINS of Saco
MacEACHERN of Lincoln
BOTT of Orono

— of the House.

Senators:

CHARETTE of Androscoggin
CARPENTER of Aroostook
SHUTE of Waldo

— of the Senate.

Report was read and accepted and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Establish and Amend the Air Emission and Open-burning Standards" (H. P. 1259) (L. D. 1680) (C. "A" H-340) which was tabled and later today assigned pending passage to be engrossed.

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

(Off Record Remarks)

The Chair laid before the House the following matter:

An Act to Encourage Prompt Resolution of Public Employee Labor Disputes (H. P. 1267) (L. D. 1678) which was tabled and later today assigned pending the motion of Mr. Murphy of Kennebunk to reconsider whereby the Bill failed of passage to be engrossed as amended by House Amendment "A". (Roll Call requested)

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Kennebunk, Mr. Murphy, that the House reconsider its action whereby this Bill failed of passage to be engrossed. All those in favor of reconsideration will vote yes; those opposed will vote no.

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

Mr. SMITH: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Pittston, Mrs. Reeves. If she were here, she would be voting yes; I would be voting no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brodeur, Carroll, D.P.; Cashman, Chonko, Clark, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Gauvreau, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, LaPlante, Lisnik, Locke, MacEachern, Macomber, Martin, H.C.; Matthews, Z.E.; Mayo, McColister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paul, Perry, Randall, Richard, Rolde, Rotondi, Soule, Sproul, Stevens, Tammaro, Theriault, Thompson, Vose, Weymouth, The Speaker.

NAY—Anderson, Armstrong, Bell, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Carter, Conary, Conners, Cooper, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Foster Greenlaw, Gwadosky, Hall, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lewis, Livesay, MacBride, Manning, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Melendy, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Pines, Pouliot, Racine, Reeves, J.W.; Ridley, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Stevenson, Stover, Strout, Swazey, Telow, Walker, Webster, Wentworth, Willey.

ABSENT—Borney, Brannigan, Carrier, Connolly, Dudley, J. Albert, Mahany, Roberts, Seavey, Tuttle, Zirkilton.

PAIRED—Reeves, P.; Smith, C.B.

Yes, 65; No, 73; Absent, 11; Paired, 2.

The SPEAKER: Sixty-five having voted in the affirmative and seventy-three in the negative, with eleven being absent and two paired, the motion does not prevail.

Sent to the Senate.

Bill Held

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 (Bond Issue) (S. P. 415) (L. D. 1262) (H. "B" H-326) — In House, Passed to be Enacted on June 7, 1983.

Held at the Request of Representative McGowan of Pittsfield.

Mr. McGowan of Pittsfield moved that the House reconsider its action of earlier in the day whereby the Bill was passed to be enacted.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I have a few questions that I wanted to ask about the proposed amendment to this bill, which was filing No. H-325, House Amendment "B".

Section 14 of the Maine Constitution concerns the credit of the state, and I would like to quote from that section: "For any bond authorization requiring ratification of the electors pursuant to this section, if no bonds have been issued within 5 years of the date of ratification, then no bonds have been issued within 5 years of the date of ratification, then no bonds may be issued after that date. The Legislature may, within 2 years after the expiration of that 5-year period, extend the 5-year period for an additional 5 years or may deauthorize the bonds. If the Legislature fails to take action within those 2 years, the bond issue shall be considered to be deauthorized and no bonds may be issued."

Having reviewed the Constitution and having reviewed this amendment, I would pose a question as to what is the effective difference between the Constitution, as approved by the people, and this statutory amendment?

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to answer the question of my counterpart from Portland, which I attempted to do the other day when I offered the amendment, perhaps he was not in his seat at the time.

Briefly, the constitutional amendment that he has just read to the House says that if no bonds are issued, then at the end of the 5-year period those bonds will lapse, deauthorize themselves. However, the Department of Treasury has construed that to mean in the literal sense "no bonds" so that in this case if a \$24 million bond issue was ratified by the people, if four years and eleven months from ratification the state issued \$500,000 worth of bonds, that was enough to keep that bond issue alive for another 5 years. My opinion is, and you may differ from that, but my opinion is that that was not the intent of the legislature when we asked the people to vote on that constitutional change. My feeling was that the legislature clearly meant, and it is purely my conjecture, but my intent was that if any of the bonds were still around at the end of a 5-year period, then they would be deauthorized if the legislature didn't take further action. You may wish to differ with me on that opinion, but this amendment makes it clear that if there are any bonds left from this issuance at the end of a 5-

year period, then the legislature must take further action in order for them to be on the books for an additional period of time.

I think the gentleman is going to ask another question, so I will sit down and wait.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I would like to pose a further question. Was it bond counsel that prepared the original wording of this constitutional amendment? Secondly, has this amendment been cleared through the bond counsel?

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think I missed the first part of the question, but I will try to finish it up with the second part.

I am not sure who drafted the original constitutional amendment — I don't know if that was the first question or not — but the amendment that I have offered and was accepted by the House was cleared through Mr. Howard in the Attorney General's Office, along with Mr. Smith down there, who felt that this amendment cleared up any problem that there might be in the legislative intent and that it addressed the situation in the Constitution and yet made a clear policy statement as to how this legislature felt about issuing bonds.

Earlier on in that constitutional section that he is reading from it says that the Legislature has the authority to issue bonds for any purpose in a time frame which it deems necessary. So I think the obvious constitutional prerogative is there and we do have the ability to put a time certain on when these bonds sunset. We could put two years on there if we wanted to. My understanding is that the department intends to issue these bonds certainly within the next two years, but without question in the next three years. My intent was simply to make sure that the language on this conformed with what I thought the constitutional amendment was that we passed a year or so ago, and my feeling is that the legislature ought to pass a similar amendment on any further bond issues that we might deem necessary to pass until we can get the constitutional language cleared up.

If I might continue on a more general note, I feel that we should be concerned about the number of bonds that are out there that have been voted for by this legislature and ratified by the people, the number of which has yet to be actually issued by the Treasury Department. A year ago, June, we had over a hundred million dollars worth of bonds outstanding that had not been actually issued. Bond counsel, I am sure, is concerned, Moody's and all those sorts of people that do credit ratings on the State of Maine are going to be concerned about that, because what can happen is, as long as those bonds are on the books, the people of the State of Maine could be subjected to having those bonds issued, which, in fact, did happen within the last six months when we saw about \$74 million worth of bonds issued from December through April of this year. Now our outstanding obligation is not a hundred million, it is down to around \$40 million, but the point here is that those are hanging over us like a black cloud and the constitutional amendment that we passed and this amendment I think are trying to address that serious problem of having a lot of bonds outstanding that have not been issued and yet they are there and the projects may or may not deserve funding at a later date. But as long as they are outstanding, the legislature, for whatever reason, doesn't have the authority, without an amendment like this, to look at the situation five years from now if those bonds have not been issued.

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

Mr. HIGGINS: Mr. Speaker, since the gentleman from Scarborough, the other Mr. Higgins, has made it clear that this is something that he feels should be included on future bond issues, I would propose that rather than trying to interpret the will of the people, which we are clearly trying to do here, trying to judge what they intended to vote on in the past, I would suggest that a constitutional amendment be proposed so that this could go out to the people and clarify that intent in the future.

While I recognize the importance of this bond issue and won't hold it up for that reason, I think that this might be a more prudent way to move in the future.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the concern of the gentleman from Portland. The problem here is one of time, and that is that in order to have a constitutional amendment drafted, passed through the legislature and voted on by the people, it is going to eliminate any chance of making that sort of a recommendation or amendment onto any bond issues that we pass in this session.

I agree with him; I think that at some point next session we should give some real serious thought to having the proper language drafted so that this can be addressed then, and if he wants to do it this session, I don't have any problem with that either. But time is of the essence for any bond issues that we intend to pass during this session. So I agree in generalities with what the gentleman is saying, but at the same time I think we need to address the more immediate problem of how do we deal with bond issues that are pending before us now?

If I might, Mr. Speaker, I would like to continue on a further note relative to this bond issue. I was sorry that I was not here this morning to discuss the matter. Had I known it was coming up for enactment I would have tried to have the issue delayed but the gentleman has done that for me, and that is the issue of bonding in general. It would be no surprise to anyone here that the Republican members of this House have been concerned for some time over the prospects of issuing \$80 million worth of new bonds while only retiring about \$60 million over the next two years. My understanding from talking with both the Speaker and other members is that the Governor intends not to send up anymore bond issues and this one is the only one that we will deal with during this session. We may, however, be called back at a later date to deal with some of the other issues.

I want to make it clear that we are concerned about incurring an additional \$20 million worth of debt over the next two years if the Governor and this House continues in its wishes to expand state bonding of \$80 million.

I am under the impression that since this is the one bond issue that is still around, that it is the most important, not only to the administration but to the members of the House and Senate, or else we would be putting this one on hold along with the other \$56 million worth of bonds that were initially thought to be of interest to this legislature and the Governor.

With that, I feel comfortable that we are making a first step here in making a policy statement that this is our number one priority and that this bond issue deserves passage and if we have future concerns and future monies need to be trimmed from bond issues, that we will not be told later on that this was not the number one priority and perhaps we should have cut back on the \$24.6 million rather than trying to cut back on some future bond proposals.

With that, I hope I have answered your questions and would hope that we would pass this bill.

Whereupon, Mr. McGowan of Pittsfield re-

quested permission to withdraw his motion to reconsider whereby the Bill was passed to be enacted, which was granted.

Sent to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Provide for an Analysis of the Future of Maine's Forest Resources" (H. P. 460) (L. D. 562) (C. "A" H-351) which was tabled and later today assigned pending acceptance of the Committee Report.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-351) was read by the Clerk.

Mr. Hall of Sangerville offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-362) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, I don't have a copy of this. Could we have an explanation, please?

The SPEAKER: The gentlewoman from Bethel, Miss Brown, has posed a question through the Chair to anyone who may care to answer.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: The statement of fact says what the amendment is about.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, along with Representative Hall and a member from the other body. In committee when we considered this bill, we did not define how many members in the House and Senate would be included in the study. We talked to the people who would be appointing the members and part of that was to pull together a group of people with expertise from both the college of forestry, the Conservation Department with a forestry background, as well as legislators. The people on this committee will be organizing a Blaine House Conference and establishing the outline for that conference and coming back with a report to the legislature on their priorities.

I question whether we need 8 members from the legislative body in this group where we are trying to tap people from the outside with an expertise in this field. That is why I did not define that this many members of the legislature be involved.

I would like to ask for a division on this.

The SPEAKER: The pending question is on the adoption of House Amendment "A" to Committee Amendment "A" (H-362). All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

69 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

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

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

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 562 calls for the analysis of forest resources and so forth and I imagine they are going to need some money. Should there be a fiscal note on this? I asked Mr. Diamond this morning, and I don't know.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker and Members of the House: There is going to be a registration fee for the Blaine House Conference. The registration fee will cover the expenses that this study is going to incur.

Thereupon, the Bill was passed to be en-

grossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Establish and Amend the Air Emission and Open-burning Standards" (H. P. 1259) (L. D. 1680) (C. "A" H-340) which was tabled and later today assigned pending passage to be engrossed.

On motion of Mr. Hall of Sangerville, 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-361) was read by the Clerk.

On motion of Mr. Kiesman of Fryeburg, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and tomorrow assigned.

(Off Record Remarks)

On motion of Mrs. Joseph of Waterville,
Adjourned until nine o'clock tomorrow morning.