

# 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 14, 1983

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

Prayer by Father Thomas Joyce of St. Mary's Catholic Church, Augusta.

The members stood at attention for the Pledge of Allegiance to the Flag.

The journal of the previous session was read and approved.

The following Communication:  
State of Maine  
Office of the Governor  
Augusta, Maine

TO: The Honorable Members of the Senate and the House of Representatives of the 111th Legislature

I am returning, without my signature of approval, HP 1263, L.D. 1673, "AN ACT to Amend the State Employees Labor Relations Act."

While I share the desire to speed up the fact-finding process, this bill does far more than that by limiting the issues which may be considered in fact-finding.

I must object to this restriction on the jurisdiction of fact-finding panels for the following reasons:

1) The process of public sector collective bargaining is a difficult one at best.

Our brief history of such bargaining in Maine suggests that fact-finding has been helpful in resolving disputes. For example, two of the three contracts which have been settled with the largest state employee union were achieved shortly after fact-finding, and in both cases many of the fact-finders' recommendations on non-cost items were incorporated verbatim into the final contracts. So I am extremely reluctant to give up the availability of a mechanism that may help, and indeed has helped, in resolving impasses in collective bargaining.

2) It also appears that the very existence of the fact-finding process is useful in weeding out frivolous and non-meritorious demands.

For any party, in the course of the preparation and presentation of evidence to the fact-finding panel, insubstantiated or unimportant demands lose their vitality. Naturally, reduction in the number of demands vigorously pressed brings the day of final settlement closer, to the mutual advantage of public employees and the taxpayers and service beneficiaries in our State.

3) In addition to these virtues, fact-finding on the whole range of issues presented can provide a useful forum for reporting to the people of Maine on the status of labor negotiations.

There are pitifully few opportunities for the citizens of our State to learn what is happening in the critical area of their own labor negotiations. Modest an opening though it is, the final fact-finders' report constitutes a window through which the public may glimpse the conduct of public sector negotiations. I would not deprive Maine people of this insight.

4) Even in the absence of these larger policy questions, this would be unacceptable in view of the absence of any definition of what constitutes a non-cost item.

The fact of the matter is that virtually every demand with which the State has ever been confronted would have cost money to satisfy.

Just a few examples illustrate the scope of the problem. In recent negotiations, subcontracting, work loads, hours and work schedules and lay offs have all been issues.

All of these issues have budgetary implications, but are they cost or non-cost items?

As much time could be spent jousting over that issue as on resolving the differences themselves.

So by failing to define "cost", this bill serves to inject yet another category of argument into the process — thus not narrowing, but rather,

enlarging, the number of issues that must be resolved before settlement.

5) Another drafting problem renders meaningless any effort in the bill to limit the time before a final decision by the fact-finding panel.

For while the bill would limit the time for hearings, it imposes no deadline on the time for decision following the hearing.

6) Finally, I can not fail to observe that reducing the ways and means currently available for resolving public sector labor disputes can only serve to increase the pressure for some form of binding arbitration.

I will endorse no legislation that directly or indirectly leads to measures which remove the final decision-making or any public issue from the elected officials of the Executive and Legislative branches of the peoples' government.

For as George Meany, one of America's greatest labor leaders observed, "Collective bargaining is a two-handed tool that won't work unless both parties want it to work, and that goes for arbitration as well."

In conclusion, I want to assure you we have no illusions that the current fact-finding process is a panacea for public sector labor disputes.

It is not.

But I also think it would be short-sighted and counter-productive to strip away any of the procedures now available for resolving disputes for the reasons I have outlined above.

I respectfully request that you sustain my veto of this measure.

Sincerely,  
S/JOSEPH E. BRENNAN  
Governor of Maine

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall Bill "An Act to Amend the State Employees Labor Relations Act" (H.P. 1263) (L.D. 1673) become law notwithstanding the objections of the Governor?

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: It is very difficult and probably my first experience in speaking on a gubernatorial veto, especially when it is a bill that concerns the Labor Committee. L.D. 1673 was a modest attempt to speed up the fact-finding process under the State Employee Labor Relations Act. I ask all of you to remember that unlike municipal collective bargaining, the state employees' bargaining is most difficult and it is partially due to the large number of divisions, large number of issues and the sheer numbers of people involved.

The Labor Committee sought to speed up the settlement process in two ways. The first was to limit the number of issues to be decided to those involved costs and, two, to place a 90-day time limit on the fact-finding panel hearings. Both previous fact-finding procedures lasted at least 6 months, but aiming for cost items at that level, we felt that the pressure would then be on both sides to resolve the remaining differences as soon as possible.

The Governor's position on this bill is and has been that he would accept a time limitation on one end but not a limitation on issues, and we, the majority of the committee, rejected this approach because simply limiting the hearing process by the factfinders without limiting the number of issues could not work. Most factfinders are people with regular occupations and they must take the time from their schedules to participate on these panels. You can't limit on one end without doing it at the other end, and this approach, while it was short of binding arbitration, was deemed to be appropriate.

This bill was debated a little on the floor of this House, it was explained to you, it was voted in the majority for passage. It passed both bodies and on the 10th day, a few hours before it was to become law, the sponsors were

notified that the Executive had concerns about the bill. The chairs, who were notified by the sponsors, invited or had to ask permission to attend the meeting.

The Governor's veto message calls for some rebuttal, if nothing else for the Record. Example: No one but no one is giving up the availability of the fact-finding mechanism. We are opting to fine tune it and that is all that is called for, not for the elimination.

The weeding out of frivolous and non-meritorious demands by either side should be done before impasse and at the mediation level, not at the fact-finding level, in a good faith bargaining and those involved know that.

He states clearly that the reduction in the number of demands vigorously pressed brings final settlement closer. Is the Governor indeed admitting that in fact these are all the more reasons for limiting the issues?

He raises the issue of the definition of what constitutes a non-cost item. This bill leaves it up to the fact-finding panel, as it is done now.

The issue of subcontracting work, workloads, hours and schedules, plus layoffs have all been dealt with either before or prior to or at the fact-finding level in the past; nothing is going to change, so I don't understand his concern.

The question of what is now cost or non-cost items is moot because the state never has gone to arbitration on any issues, thus we claim that the position of nothing will change posture is indeed valid.

He uses the argument of limiting the time before a final decision by the fact-finding panel as a drafting problem. I think he has raised in his veto message a false problem. There is nothing in the current law that puts such a limit anyways, so it is not a drafting problem, we adopted current law.

I also remind all of you that the language used to limit the panel's hearing processes came straight from the Governor's Office. He is also using this veto to speak to the issue of binding arbitration, an unconscionable action since this bill speaks to fact-finding and binding arbitration is now current law on all matters but wages, insurance and pensions.

As for the George Meany quote, the Governor and others using that line tend to forget that in Mr. Meany's time and now in the private sector there is a right to strike. I am sure, and I agree with our Governor, that the best collective bargaining is when both sides bargain or arbitrate a resolve together, but it is and was never meant to mean that one side has to be held hostage by the other. I believe that Mr. Meany also supported impasse resolution efforts.

In the Governor's last statement, I take issue with the words "to strip away any of the procedures." We are not advocating a stripping away of anything. We are saying that while the system is not broken, that doesn't mean that we don't need to review and amend it whenever and wherever possible.

This bill, in fact, was a compromise. Several unions' requests were to do away with fact-finding. The Governor's Office position was to limit only the time spent by fact-finders. We told the unions not to eliminate fact-finding and we adopted the Governor's language into it.

I intend to vote to pass this bill, I have not lobbied anyone so you may all do what you wish, but I ask, Mr. Speaker, that when the vote is taken, that it be taken by the yeas and nays.

The SPEAKER: The Chair would advise the gentlewoman that pursuant to the Constitution, a roll call will be taken.

The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: While the gentlewoman from Portland began her remarks by saying that it was difficult for her to speak against the veto, I must say that it might be a little out of

character for me to be supporting the Governor on this issue, but in fact I think he was correct in vetoing this bill.

This bill, as the Representative from Portland told you, does two things, it limits fact-finding to 90 days and everyone on the committee agreed to that, but it also states that fact-finding can only be on non-money issues. What, in effect, this bill does, therefore, is say that all non-money issues that are not agreed on originally would go straight to binding arbitration.

This is not a good bill the way it was passed and I hope that you will vote with the Governor on this very important issue.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: As I understand the stated purpose of L.D. 1673, it is to shorten the fact-finding process and I find it hard to accept that, that you can shorten the process by leaving out some issues that are still in dispute. The whole bargaining process revolves around both side's ability to compromise, give and take, trade and swap, something that we all know in this House and something we certainly are learning today down in the Appropriations Committee. If there is no mechanism to allow someone else to pose some fresh ideas on the issues, how would it help to speed things up?

I know from past contract negotiations on non-economic issues like seniority, management rights, hours of work and the like issues don't fall by the wayside without some very difficult bargaining. The fact-finders can help sort out the wheat from the chaff.

I say, let's leave the process alone and vote to sustain the Governor's veto.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Although L.D. 1673 may speed up the fact-finding process, I honestly don't see how limiting the process to cost items is going to speed up the settlement. Without any recommendations from the fact-finders, the state and the union will go back to square one on non-cost items. There could still be a lengthy negotiation on those non-cost issues, even if the parties agree to the economic package, but it is unlikely that a fact-finding report on selected items is going to be a basis for a contract agreement.

The fact-finding report on cost items could be sitting on someone's desk collecting dust while the parties are still trying to bargain over seniority and discipline. You don't settle contracts without trying to resolve all of the dispute problems.

The SPEAKER: The pending question is, shall Bill "An Act to Amend the State Employees Labor Relations Act" (H.P. 1263) (L.D. 1673) become law notwithstanding the objections of the Governor. Pursuant to the Constitution, a two-thirds vote is necessary to override the objections of the Governor, and the vote will be taken by the yeas and nays. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Beaulieu, Clark, Connolly, Handy, Hayden, Higgins, H.C.; Jackson, Matthews, Z.E.; McHenry, Michael, Michaud, Reeves, P.; Rotondi, Sproul, Webster.

NAY—Anderson, Armstrong, Bell, Benoit, Bonney, Bost Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Conary, Connors, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Hickey, Higgins, L.M.; Hobbins, Holloway, Ingraham, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz,

Lehoux, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Maybury, Mayo, McCollister, McGowan, McSweeney, Melendy, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Perry, Pines, Pouliot, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Roderick, Rolde, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Stevens, Stevenson, Stover, Strout, Swazey, Tammara, Telow, Theriault, Thompson, Vose, Walker, Weymouth, Willey, Zirkilton, The Speaker.

ABSENT—Baker, Curtis, Jalbert, Mahany, McPherson, Nelson, Paul, Racine, Seavey, Tuttle, Wentworth.

Yes, 18; No, 122; Absent, 11.

The SPEAKER: Eighteen having voted in the affirmative and one hundred twenty-two in the negative, with eleven being absent, the Governor's veto is sustained.

Sent up for concurrence.

At this point, the rules were suspended to permit members to remove their jackets for the remainder of the session.

The following Communication: (S. P. 619)

State of Maine  
Senate Chamber  
President's Office  
Augusta, Maine 04333

June 7, 1983

Honorable Joy J. O'Brien  
Secretary of the Senate  
State House  
Augusta, Maine 04333  
Dear Madam Secretary:

This is to inform you that pursuant to Chapter 176 of the Public Laws of 1983, I am today appointing Senator Frank P. Wood to serve as the Senate member of the Community Services Board.

This appointment will be effective beginning July 1, 1983 for a term of four years.

Sincerely,  
S/GERARD P. CONLEY  
President of the Senate

Came from the Senate read and ordered placed on file.

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

The following Communication:

State of Maine  
One Hundred and Eleventh Legislature  
Committee on Labor

June 10, 1983

The Honorable John Martin  
Speaker of the House  
State House  
Augusta, Maine 04333  
Dear Speaker Martin:

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

Total number of bills received — 99

Unanimous reports — 73

Leave to Withdraw — 45

Ought Not to Pass — 6

Ought to Pass — 5

Ought to Pass as Amended — 6

Ought to Pass in New Draft — 9

Referred to another Committee — 2

Divided Reports — 24

Carry-over Bills — 2

Respectfully submitted,  
S/EDITH BEAULIEU

House Chairman  
Was read and ordered placed on file.

The following Communication:

State of Maine  
One Hundred and Eleventh Legislature  
Committee on Agriculture

June 10, 1983

The Honorable John L. Martin  
Speaker of the House  
House of Representatives  
State House  
Augusta, Maine 04333  
Dear Mr. Speaker:

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

Total number of bills received: — 46

Unanimous reports: — 36

Leave to Withdraw — 12

Ought to Pass — 3

Ought Not to Pass — 2

Ought to Pass as Amended — 13

Ought to Pass in New Draft — 6

Divided reports: — 10

Respectfully submitted,

S/JOHN MICHAEL

House Chairman (Acting)

Was read and ordered placed on file.

The following Communication:

State of Maine

One Hundred and Eleventh Legislature  
Joint Select Committee on Alcoholism Services  
June 9, 1983

The Honorable John L. Martin  
Speaker of the House  
House of Representatives  
State House  
Augusta, Maine 04333  
Dear Mr. Speaker:

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

Total number of bills received: — 3

Unanimous reports — 3

Ought to Pass — 1

Ought to Pass in New Draft — 2

Respectfully submitted,

S/NEIL ROLDE

House Chairman

Was read and ordered placed on file.

The following Communication:

State of Maine

One Hundred and Eleventh Legislature  
Joint Select Committee on Jobs Training  
June 9, 1983

The Honorable John L. Martin  
Speaker of the House  
House of Representatives  
State House  
Augusta, Maine 04333  
Dear Mr. Speaker:

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

Total number of bills received: — 1

Unanimous reports: — 1

Ought to Pass in New Draft — 1

Respectfully submitted,

S/STEPHANIE LOCKE

House Chair

Was read and ordered placed on file.

The following Communication:

State of Maine

One Hundred and Eleventh Legislature  
Committee on Transportation

The Honorable John L. Martin  
Speaker of the House  
State House  
Augusta, Maine  
Dear Speaker Martin:

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

Total number of bills received — 107

Unanimous reports — 96

Leave to Withdraw — 22

Ought Not to Pass — 36

Ought to Pass — 13  
 Ought to Pass as Amended — 11  
 Ought to Pass in New Draft — 12  
 Referred to Another Committee — 2  
 Divided Reports — 11  
 Respectfully submitted,  
 S/GEORGE A. CARROLL  
 House Chairman  
 Was read and ordered placed on file.

#### Orders

On motion of Representative McSweeney of Old Orchard Beach, it was  
 ORDERED, that Representative Orland G. McPherson of Eliot be excused June 14 and 15 for personal reasons.

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

Representative McCollister from the Committee on Taxation on Bill "An Act to Provide a Sales Tax, Trade-in Credit for Loaders and Chain Saws Used to Harvest Lumber" (H. P. 103) (L. D. 110) reporting "Leave to Withdraw"  
 Representative Kane from the Committee on Taxation on Bill "An Act to Amend the Formula on Transfer Tax Payments on Real Estate" (H. P. 131) (L. D. 139) reporting "Leave to Withdraw"

Representative McCollister from the Committee on Taxation on Bill "An Act to Amend the Sales Tax Law to Allow Credit to be Given on Any Sales Tax Due on New or Rebuilt Parts When Used Parts are Traded in for Credit" (H. P. 229) (L. D. 227) reporting "Leave to Withdraw"

Representative McCollister from the Committee on Taxation on Bill "An Act to Equalize the Tax Burden of Dental Health Centers" (H. P. 639) (L. D. 790) reporting "Leave to Withdraw"

Representative McCollister from the Committee on Taxation on Bill "An Act to Exempt Nursery Schools under the Sales Tax Laws" (H. P. 837) (L. D. 1073) reporting "Leave to Withdraw"

Representative McCollister from the Committee on Taxation on Bill "An Act to Provide a Sales Tax Rebate on Materials Used in the Construction of Fish Passage Facilities" (H. P. 1283) (L. D. 1700) reporting "Leave to Withdraw"

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

#### Ought to Pass in New Draft

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Deter Drinking and Driving by Teenagers" (Emergency) (H. P. 1280) (L. D. 1697) reporting "Ought to Pass" in New Draft (Emergency) (H. P. 1326) (L. D. 1761)

Representative Pouliot from the Committee on Business Legislation on Bill "An Act to Clarify the Rate Filing Procedures and Standards for Workers' Compensation Insurance" (H. P. 1239) (L. D. 1648) reporting "Ought to Pass" in New Draft (H. P. 1325) (L. D. 1758)

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

#### Divided Report Later Today Assigned

Majority Report of the Committee on Agriculture reporting "Ought Not to Pass" on Bill "An Act Creating a Maine Milk Pool" (H. P. 1099) (L. D. 1450)

Report was signed by the following members:

Senator:  
 HICHENS of York — of the Senate.  
 Representatives:  
 SMITH of Island Falls

SHERBURNE of Dexter  
 CROUSE of Washburn  
 LOCKE of Sebec  
 PARENT of Benton  
 ANDERSON of Stockholm  
 STOVER of West Bath

— of the House.  
 Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1323) (L. D. 1754) on same Bill.

Report was signed by the following members:

Senators:  
 ERWIN of Oxford  
 WOOD of York — of the Senate.

Representatives:  
 McCOLLISTER of Canton  
 MICHAEL of Auburn — of the House.

Reports were read.

Mr. Michael of Auburn moved that the Minority "Ought to Pass" Report be accepted.

On motion of the same gentleman, tabled pending his motion to accept the Minority Report and later today assigned.

#### Consent Calendar First Day

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

(H. P. 514) (L. D. 639) Bill "An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-387)

(H. P. 904) (L. D. 1183) Bill "An Act to Establish the Medical Radiation Health and Safety Act" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-389)

(H. P. 1251) (L. D. 1664) RESOLVE, to Establish a Maine Commission to Examine the Availability, Quality and Delivery of Mental Health Services for Children (Emergency) — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-388)

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

#### Passed to Be Enacted Emergency Measure

An Act to Strengthen the Maine Milk Industry (H. P. 1260) (L. D. 1681) (H. "A" H-367 to C. "A" H-323)

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

#### Emergency Measure

An Act to Clarify the Education Laws (H. P. 1310) (L. D. 1739)

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. 125 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act to Reassign Responsibilities Within the Department of Environmental Protection (S. P. 470) (L. D. 1434) (H. "A" H-369)  
 An Act Relating to the Financing of Services

in the Unorganized Territory (S. P. 611) (L. D. 1743)

An Act to Require Legislative Approval of Low-Level Radioactive Waste Facilities (S. P. 609) (L. D. 1738)

An Act to Provide for an Analysis of the Future of Maine's Forest Resources (H. P. 460) (L. D. 562) (S. "A" S-194 to C. "A" H-351)

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

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

An Act to Create a Boothbay Region Waterfowl Sanctuary (H. P. 713) (L. D. 904) (C. "A" H-284)

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

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This bill is no better now than it was the first day we saw it, and then it was terrible. I move the indefinite postponement of this bill and all its accompanying papers.

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

The Chair recognizes the gentlewoman from Edgecomb, Mrs. Holloway.

Mrs. HOLLOWAY: Mr. Speaker and Members of the House: I have been waiting for over a week for this bill to waddle down from the other body. It has been debated here three times and I feel it unnecessary to say anything more and I certainly hope that you will continue to support me at this critical stage of enactment.

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

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

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I was in hopes that we wouldn't have to debate this bill today. We have gone over it three or four times.

This bill was radically opposed by the department, it is radically opposed by the Sportsmen's Alliance of Maine. The bill doesn't do anything toward conservation. The biologists have told us that there is no biological reason for this bill to be in existence.

It does set a precedent. Next year somebody will come along and want Penobscot Bay to become one, and the first thing you know, the whole coast of Maine is going to be a sanctuary and I don't think anybody in Maine wants that.

I would be the first one to support this if it had any basis at all for its existence, but it just doesn't have, and I urge you to support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentlewoman from Edgecomb, Mrs. Holloway.

Mrs. HOLLOWAY: Mr. Speaker and Members of the House: I have to take issue with the Sportsmen's Alliance because they were the ones that amended the bill to the stage where it is right now, so it is in support of this.

I would like the Clerk to please read the committee report so we may refresh every-

body's mind as to the majority "ought to pass" report.

Thereupon, the Report was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I have signed this bill out two or three times on one or two votes. It was a good bill the first time I signed it out and I hope you will support it today.

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

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

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

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Portland, Mrs. Nelson. If she were here and voting, she would be voting yes; if I were voting, I would be voting no.

#### ROLL CALL

YE—Ainsworth, Allen, Andrews, Armstrong, Beaulieu, Benoit, Bost, Brannigan, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Clark, Connolly, Cote, Cox, Diamond, Erwin, Gauvreau, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jackson, Jalbert, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, Lehoux, Lisnik, MacEachern, Manning, Masterman, Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Moholland, Murray, Nadeau, Norton, Perry, Pouliot, Reeves, J.W.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammaro, Theriault, Thompson, Vose, The Speaker.

NAY—Anderson, Bell, Bonney, Bott, Brodeur, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Chonko, Conary, Connors, Cooper, Crouse, Crowley, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Handy, Higgins, L.M.; Holloway, Ingraham, Jacques, LaPlante, Lebowitz, Lewis, Livesay, Locke, MacBride, Macomber, Martin, A.C.; Martin, H.C.; Masterton, Matthews, K.L.; Maybury, Michaud, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, P.; Roderick, Rotondi, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Telow, Walker, Webster, Weymouth, Willey, Zirkilton.

ABSENT—Baker, Joseph, Mahany, McPherson, Paul, Racine, Seavey, Tuttle, Wentworth.

PAIRED—Curtis-Paradis, P.E.; Mitchell, J.; Nelson.

Yes, 69; No, 69; Absent, 9; Paired, 4.

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

Mr. MacEachern of Lincoln requested a roll call vote on passage to be enacted.

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

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

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

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

Mr. PARADIS: Mr. Speaker, I would like to pair my vote with the gentleman from Waldoboro, Mr. Curtis. If he were here, he would be voting yes; if I were voting, I would be voting nay.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker, I would like to pair my vote with the gentlewoman from Portland, Mrs. Nelson. If she were here, she would be voting nay; if I were voting, I would be voting yea.

#### ROLL CALL

YE—Anderson, Beaulieu, Bell, Bonney, Bott, Brodeur, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Chonko, Conary, Connors, Cooper, Crouse, Crowley, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Gwadosky, Handy, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, LaPlante, Lebowitz, Lewis, Livesay, Locke, MacBride, Macomber, Martin, A.C.; Martin, H.C.; Masterton, Matthews, K.L.; Maybury, Michaud, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, P.; Roderick, Rotondi, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Telow, Walker, Webster, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Allen, Andrews, Armstrong, Benoit, Bost, Brannigan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Clark, Connolly, Cote, Cox, Diamond, Gauvreau, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jalbert, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, Lehoux, Lisnik, MacEachern, Manning, Masterman, Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Moholland, Murray, Nadeau, Norton, Perry, Pouliot, Reeves, J.W.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammaro, Theriault, Thompson, Vose, The Speaker.

PAIRED—Curtis-Paradis; Mitchell, J.-Nelson.

ABSENT—Baker, Joseph, Mahany, McPherson, Paul, Racine, Seavey, Tuttle, Wentworth.

Yes, 73; No, 65; Absent, 9; Paired, 4.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-five in the negative, with nine being absent and four paired, the motion does prevail.

Signed by the Speaker and sent to the Senate.

An Act to Encourage Competition in Workers' Compensation Insurance Rates (H. P. 1238) (L. D. 1647) (C. "A" H-366)

An Act Amending and Expanding the Home Winterization Program Statute (H. P. 1281) (L. D. 1698) (S. "A" S-192 to C. "A" H-322)

An Act to Debar from State Contracts Employers Guilty of Serious, Willful and Repeated Violations of Safety Standards (H. P. 1313) (L. D. 1742)

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

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

#### Later Today Assigned

Bill "An Act Creating the Wiscasset Water District" (H. P. 1328) (Presented by Representative Soule of Westport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Public Utilities was suggested. Under suspension of the rules, without reference to committee, the Bill was read twice.

On motion of Mr. Vose of Eastport, tabled pending passage to be engrossed and later today assigned.

#### Unanimous Leave to Withdraw

Representative Chonko from the Committee on Appropriations and Financial Affairs on

Bill "An Act to Establish a Program of Emergency Assistance to Needy Families with Children" (H. P. 880) (L. D. 1134) reporting "Leave to Withdraw"

Representative Masterman from the Committee on Taxation on Bill "An Act to Provide Sales Tax Equity for Lessees of Depreciable Machinery and Equipment" (H. P. 205) (L. D. 249) reporting "Leave to Withdraw"

Representative Masterman from the Committee on Taxation on Bill "An Act Concerning Sales Tax on the Rental of Camps and Cottages" (H. P. 739) (L. D. 948) reporting "Leave to Withdraw"

Were placed in the Legislative Files pursuant to Joint Rule 15 and sent up for concurrence.

#### Passed to Be Enacted Emergency Measure

An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984, and June 30, 1985 (S. P. 246) (L. D. 767)

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. 116 voted in favor of same and 9 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Create the Maine Conservation Corps (S. P. 496) (L. D. 1510) (C. "A" S-199)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of same and 9 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Appropriate Funds for the Removal of Certain Hazardous Waste from the McKin Site in Gray, Maine (S. P. 614) (L. D. 1750)

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. 124 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Adopt Federal Options in the Unemployment Compensation Extended Benefit Program (S. P. 615) (L. D. 1752)

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. 121 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Amend the Lucerne-in-Maine Village Corporation Charter (H. P. 1234) (L. D. 1641) (C. "A" H-380)

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. 133 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Enactor Reconsidered

An Act to Create a Maine Commission on Excellence in Education (H. P. 1279) (L. D. 1696) (C. "A" H-375)

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

On motion of Mrs. Mitchell of Vassalboro,

under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "B" (H. P. 391) was read by the Clerk.

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

Mrs. MITCHELL: Mr. Speaker, the purpose of this amendment is simply to change the fiscal year. There was a mistake. We listed 1982-83, which expires in two weeks. That is obviously not enough time to get this Commission's work done.

Thereupon, House Amendment "B" was adopted.

The SPEAKER: The Chair recognizes the gentlewoman from Gorham, Ms. Brown.

Ms. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I was the sole House member to sign this out "ought not to pass." This will be a hard nut to crack because the sponsors and cosponsors are the leadership but I will take a whack at it.

This bill creates the Maine Commission on Excellence in Education; it has a price tag of \$20,000 which will, in my opinion, be a waste of our taxpayers' money. We already know what would create excellence in education without forming a commission to study it.

We already have in place a survey committee on education that will be holding public hearings over the state, the same as this legislation will do. I worked on this many days during the past summer with other members of the Education Committee. We got input from the public on the survey questions and we have a pretty good idea how to achieve quality in education. The next step is to put it in place.

You know as well as I that it will take quite a bit of turning around. Why waste another \$20,000 to establish the fact that we want quality in education? We need to start first with quality teachers who are more interested in teaching than in their union contracts and put them on merit pay raises, and then give the teachers the right to discipline the students and try to convince the parents that they need to work closely with the teachers in the process. You know as well as I do that spending another \$20,000 will not make this happen.

I urge you to support the minority "ought not to pass" report and I ask for a roll call.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I concur a hundred percent with Ms. Brown from Westbrook and Gorham. Having had five children in school and having observed schools very closely, having served on the Maine Advisory Council for Vocational Education, the Post-secondary Commission of Maine, I think we know exactly what is wrong with our schools and we don't have to spend \$20,000 to find out what it is.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I am delighted that we are having an opportunity to discuss the commission that is before you. Yes, it is too bad to have to spend a little money to look very carefully at our system of education in Maine, but I think that we as public policymakers would be remiss if we failed to take advantage of the presidential report, the Commission on Excellence. This commission will certainly not reinvest the wheel, it will not duplicate the excellent work that the Education Committee has done and will continue to do, but rather it is charged exclusively with looking at this national report to see how Maine stacks up, how it fares on the national report card, so to speak. Obviously, in some areas we are going to get A plus, nothing needs to be done; in other areas we will be able to say, maybe this applies here and perhaps we could do it better.

It seems to me that when we are spending millions and millions of dollars on the local level and on the state level on probably the most important thing that we have to deal with, that it is a very modest amount of money to set up a short-term commission with a very strict purpose. I think we are sticking our heads in the sand if we ignore probably one of the most pressing national issues of the 80's.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am sure we don't need anymore commissions to study education. Some of us here know enough about it already but can't get anything done about it. We are doing it here every time we meet, we are creating more subjects, shortening the teachers' hours, we create a new subject that we want taught in school because some people think or some minority wants it taught. We do that, but in order to do that, we shorten the subject that they should be learning. Every time we mandate something from this House, this complex down here, we are ruining education further and I don't need anymore people to study it. As far as I am concerned, it has been studied to death but we don't do anything about it after we get the study.

What we need to do is go back and study basic education, how to read and write and not mandate any new programs and shorten the hours they are in school so that they don't get the subjects that they should be getting. We have come up with too many new subjects and there's lots of other things, but a commission will not help it one bit.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: Very frequently I would agree with Representative Dudley, but in this particular case, I do not.

At this time, we all know that our federal government has made a strong study on education and the excellence thereof, and I feel that we should definitely pursue this affair so that we may use that information and collate it with our own state findings.

I really hope that you will support this bill.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 Committee Amendment "A" (H-375) and House Amendment "B" (H-391) in non-concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Beaulieu, Bell, Benoit, Bost, Brannigan, Brodeur, Callahan, Carrier, Carroll, D.P.; Carter, Cashman, Chonko, Clark, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Davis, Dexter, Diamond, Erwin, Foster, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, L.M.; Jacques, Jalbert, Kane, Kelleher, Kelly, Ketter, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Norton, Paradis, E.J.; Paradis, P.E.; Pouliot, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Scarpino, Small, Smith, C.B.; Soucy, Soule, Stevens, Strout, Swazey, Tammaro, Telow, Theriault, Thompson, Vose, Walker, Webster, Weymouth, The Speaker.

NAY—Armstrong, Bonney, Brown, A.K.; Brown, D.N.; Cahill, Carroll, G.A.; Conary, Connors, Day, Dillenback, Drinkwater, Dudley, Greenlaw, Holloway, Ingraham, Joyce, Kiesman, Lebowitz, Lehoux, Lewis, MacBride, Martin, A.C.; Masterman, McSweeney, Parent, Perkins, Perry, Pines, Reeves, J.W.; Roderick, Salsbury, Sherburne, Smith, C.W.; Sproul, Stevenson, Stover, Willey, Zirnkilton.

ABSENT—Baker, Bott, Brown, K.L.; Connolly, Curtis, Higgins, H.C.; Hobbins, Jackson, Joseph, Livesay, Mahany, McPherson, Nelson, Paul, Racine, Seavey, Tuttle, Wentworth.

Yes, 95; No, 38; Absent, 18.

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

Sent up for concurrence.

#### Later Today Assigned

An Act Relating to Involuntary Admission (Emergency) (H. P. 1321) (L. D. 1756)

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

On motion of Mr. Diamond of Bangor, tabled pending passage to be enacted and later today assigned.

#### Finally Passed Emergency Measure

RESOLVE, Authorizing the Streamline of Information Processing by Income Supplementation and Social Service Programs (S. P. 613) (L. D. 1748)

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. 120 voted in favor of same and none against, and accordingly the resolve was finally passed, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act to Provide for Local Option Voting on Bottle Clubs (S. P. 584) (L. D. 1694) (H. "A" H-364)

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.

An Act to Establish County Budget Committees (S. P. 592) (L. D. 1710) (H. "A" H-352 to H. "A" H-329 and H. "B" H-330)

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

Mr. Paradis of Augusta 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 passage to be enacted. All those in favor will vote yes; those opposed will vote no.

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

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

#### ROLL CALL

YEA—Ainsworth, Anderson, Armstrong, Bell, Benoit, Bonney, Bost, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Cashman, Chonko, Conary, Cooper, Cox, Crouse, Crowley, Daggett, Davis, Day, Diamond, Dillenback, Drinkwater, Erwin, Gauvreau, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kelly, Kiesman, Kilcoyne,



LaPlante, Lebowitz, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, McHenry, Michael, Murphy, E.M.; Murphy, T.W.; Murray, Paradis, E.J.; Parent, Perry, Pines, Randall, Richard, Roderick, Rondoni, Salisbury, Scarpino, Small, Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Swazey, Tammara, Thompson, Vose, Walker, Willey, Zirkilnton.

NAY—Andrews, Beaulieu, Brannigan, Brodeur, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Clark, Connors, Connolly, Cote, Dexter, Dudley, Foster, Gwadnosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kelleher, Ketover, Lehoux, Lewis, Lisnik, Locke, Martin, H.C.; Mayo, McCollister, McGowan, McSweeney, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Norton, Paradis, P.E.; Perkins, Pouliot, Reeves, J.W.; Reeves, P.; Ridley, Roberts, Rolde, Sherburne, Smith, C.B.; Smith, C.W.; Strout, Telow, Theriault, Webster, Weymouth, The Speaker.

ABSENT—Baker, Joseph, Livesay, Mahany, McPherson, Nelson, Paul, Racine, Seavey, Tuttle, Wentworth.

PAIRED—Allen-Curtis.

Yes, 77; No, 61; Absent, 11; Paired, 2.

The SPEAKER: Seventy-seven having voted in the affirmative and sixty-one in the negative, with eleven being absent and 2 paired, the motion does prevail.

Signed by the Speaker and sent to the Senate.

An Act Making Voting Places more Accessible to the Elderly and Handicapped (H. P. 728) (L. D. 937) (S. "A" S-195 and H. "A" H-320 to C. "A" H-298)

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.

An Act to Stabilize Maine Potato Prices (H. P. 1271) (L. D. 1685) (C. "A" H-377)

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

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I am going to support this bill today, but before it passes, I think the record should show that the potato industry is much divided over this bill. About half of those involved support it and the other half are opposed. I have talked to many farmers; some say that nothing else has worked and perhaps we should try this method of marketing and pricing. Others say the program cannot work. For every argument there is a counter argument, and you have good, knowledgeable farmers on each side.

I am much concerned about the potato industry and its effect on Aroostook County. Having been involved myself in that industry for a long time, I know and understand its many problems and because of that, I do find it difficult to vote on this bill with such a division in the industry. For a long time, I have felt that it is most unfortunate that those involved in the potato industry do not work better together for the good of all. Since they do not, I am voting for this bill today. I, too, think we should try something else. If it does not work, there is a two year sunset. I hope most sincerely that it will be a valuable step forward.

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

An Act Relating to Ethanol Production in the State (H. P. 1282) (L. D. 1699) (S. "A" S-185; C. "A" H-337)

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I don't think it is really necessary to go over this bill in any detail because I am sure that this House is familiar with it.

My few hours today down in 228 certainly crystalized the fact that we in state government are in a very serious financial crunch, to say the least. For us to want to spend \$30,000 to study something that, in my opinion, has been studied to death to satisfy a few fat cats in the state is beyond my vote in this House today. I sincerely mean it. You have a \$94 million project here, estimated cost somewhere around \$71.5 million to construct, and the United States Government, the people of this country, are going to guarantee \$66 million of it. The people of Maine, through MGA, is going to guarantee \$5.5 million. Now can you imagine the federal government willing to guarantee a \$66 million project without some minor interest in a study in regards to that money without us getting to this point here today for some face saving for a few people in this state that are so arrogant about trying to push through this House that it absolutely makes me sick?

We give them a \$5.5 million guarantee with the MGA and they are still trying to shove a \$30,000 study through this House. The First Boston Corporation, through the sale of limited partnership, is going to be \$17.2 million more invested and you are telling me that the people aren't going to invest unless we spend \$30,000 more of Maine's taxpayer dollars for this project? If this project is so sound, it should be able to stand on its own merits based on the guarantees that the federal government, the people of this country, are backing up, as well as the MGA here in the State of Maine.

We don't have any money downstairs and let's stop fooling around to take care of the Cianbro Corporation and a few other people.

It is a long afternoon, I am a little hot, not from arguments, just from heat, but I think this House would be doing the people of Maine a service, not by throwing \$30,000 out for a study to project whom and for what. Can you imagine it, the feds have gone for \$66 million, the MGA increased its ability over there by \$5.5 and now we are being asked to come up with \$30,000 to study what?

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: There is something going on with this bill and I can't quite put my finger on it. During the past five years that I have been down here, I have had the pleasure and enjoyment to observe the gentleman from Bangor, Mr. Kelleher, and I do say "pleasure" and it seems that he really shines at the end of each legislative session.

From my count, I think the good gentleman from Bangor has spoken seven, maybe eight times now on this issue during the various readings and I can't think of one issue in the five years since I have been down here that the gentleman from Bangor has spoken so many times on, so I know that he feels strongly about it, but I can't figure out exactly what it is. I felt for the most part, I kept thinking in my mind it must be the idea of the tax breaks, but I looked back into the legislative debate on March 16, 1977, and there was an act to exempt turbo jet fuel use for international flights from sales tax, an act to provide a sales tax for the Bangor Airport, and I read the debate and the good gentleman from Bangor was the leading proponent in getting that sales tax exemption for his city of Bangor, an exemption that cost the State of Maine \$300,000 in revenues. So I know that it is not the issue of sales tax because I think he believes in that exemption when it is necessary or appropriate, but there is something going on with this bill and I just

can't put my finger on it.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I didn't realize the ability my good friend from the other side of the House has in doing research and I certainly commend him for it, but had he been here and had he understood the issue, he might know there are two different things involved here. First, the exemption that we gave to the Bangor International Airport and the International Airport in Portland in regards to the jet fuel did not only take \$300,000 away from the General Fund, but it turned around and we sold in that one year, because of that exemption, we made my airport and the airport in Portland competitive and we went from something like 13 million in gasoline sales to 27 million gallons and we went from landing fees and an airport, by the way, that this House and the other body has somewhere around \$3.5 investment in and we turned around over 1,000 jobs out there that had something to do with the economy of this state. We turned around bringing airlines into use, not only the domestic airlines but, more importantly, the foreign airlines that came in, and I think that following year we processed something like 318,000 people through Bangor, which in effect had an effect on the economy of this state.

There are two different issues here, one with competitiveness, as he brought up in dealing with the airline industry—we are talking about how far this government of ours can go in going for a guarantee of an additional \$30,000 in study to chase somewhere around \$75 million?

There has been a lot of effort put into this bill. The only effort on my part is that I think it is a waste of time and a waste of money. The Taxation Committee, and I only wish your people had brought that bill out. I sincerely mean it, Eddie Kelleher wouldn't be the only one arguing on his feet today, you can be rest assured of that, against this \$30,000 study, but you didn't. You flipped a coin and you came out with a compromise, there is nothing wrong with that, except that I am going to spend through my vote \$30,000 needlessly.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen from the House: I didn't know that we were here today to note the gentleman from Bangor's voting record or to debate airport, I thought we were debating the ethanol study.

As you all know, this building is planned for my fair city of Auburn and, as I have told you before, many of my constituents in the city of Auburn, who are supposedly the people that are going to benefit from this plant, are very concerned. They are concerned that we are not only subsidizing big business with various guaranteed loans, but we are going to further discuss whether we should subsidize the gas tax there.

The people that I represent have been very active in calling me and writing to me to tell me that they are afraid that if this plant can't stand on its own two feet without this additional subsidy, that plant won't stand on its own two feet at all and it will become another pink elephant.

I hope that we will leave free enterprise alone, allow the people that are trying to push this plant the free enterprise way without further subsidies and let's also save all our taxpayers a little money, let's not pour \$30,000 down the drain to do a study that has already been done.

I urge you to vote against enactment.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: While I think some might take offense at some of the comments that have been spoken here this afternoon, I guess the approach that I take is somewhat different



here. I think a good many good-faith efforts have been made to kill this bill and I hope we make this the last call on ethanol here this afternoon for this session.

Once again, the \$30,000 price tag is a maximum. In talking with the Office of Energy Resources, the budget that they are preparing for the Appropriations Committee, which will be reviewing all of these bills that make it to the table, is \$15,000 but, then again, I think there are a good many men and women of great quality that are on the Appropriations Committee and I think they could make a very good decision on whether to fund this bill and if so in what amount.

I ask you to support enactment of this bill this afternoon.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I really do apologize for eating up your time on this hot afternoon when we would like to get out of here early but I really feel like I have to respond to the gentleman from Bangor, Mr. Kelleher.

Let me repeat that the \$30,000 was the absolute top limit of the recommendation on the part of the Committee on Taxation. As I said, this is nothing more than a plea from your colleagues on Taxation to you to say that we really can't make a just decision on this, we need some outside information.

Mr. Kelleher says, can you imagine the United States government going for this project to the tune of \$66 million? Well, can you imagine the United States government building a building in Boston to the tune of \$78 million? We should ask a former member of this body and a former federal employee, Porter Leighton.

He also wants to know if anyone here can imagine the Maine Guarantee Authority buying the farm on this thing to the tune of \$5.5? Can you imagine the Maine Guarantee Authority being the sole bidder for a half a million for what is left of Evergreen Valley?

The Committee on Taxation couldn't make a rational decision on this issue. It is true that there was a lot of very fancy testimony and it is true that there was much confusion, but it is not true that we flipped a coin. Maybe that is how they do things on Appropriations but that is not how we do things on Taxation.

My responsibility, and I think the responsibility of the other members of that committee, contrary to what Mr. Kelleher may lead you to believe, is not to D.W. Small or Cianbro or anybody else; our responsibility is to make sure that the people we represent and the funds that we have to disperse so carefully are not thrown away. I have serious questions in my own mind about this. As I said last week, I was one of the primary opponents to the project in and of itself, but I support wholeheartedly this study.

The gentlelady from Auburn referred to this as another pink elephant. I think there has been a lot of hallucinating about this bill on both sides, but it is not a white elephant.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I am not particularly worried about how my good seatmate, Mr. Kelleher, voted on rescinding the tax on gasoline in Bangor. Actually, I think that that was a good idea because it brought industry in there. By the same token, I am not concerned about this study here: \$30,000 could be peanuts or it could be a lot to us. When I see what somebody studied to bring the Bath Iron Works in and somebody studied to bring Pratt & Whitney in and many other industries have, I think there is a printing press down in Lewiston-Auburn somewhere, they lobbied here and it was a good idea, I voted for it.

I will tell you something else, folks, I am going to vote for the minimum wage and you know why? Because I want to see these people get

better wages and I want to see us get more and more industry in this state so these people will have a place to work in. If it takes \$30,000 or if it takes \$50,000 or 50 cents, that is not the issue. If the people on the Taxation Committee aren't satisfied or have problems, I would hope that I could extend them the same courtesy that they would me on the Energy and Natural Resources Committee. In the wisdom of the Appropriations Committee, if they think they don't have the money, that is their prerogative. As long as they don't cut that out just out of viciousness, I would hate that, I see no problem and no reason why we shouldn't go along with this today.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I know it is late and I know it is warm but it is all worth it if it is \$30,000, \$30,000 is very important. I will tell you this right now, \$30,000 is not going to make the difference whether that plant is built or not.

I am in favor of that plant. When they came to State Government Committee, I voted to put the MGA money, raise it up, so they could have their \$5.5 million. But one of the points that I raised was, do you need anything else? The answer was no, we have had all the studies, we know what we need, we are going to build this plant. We would like to have you personally invest in it if you so desire. There are probably plenty of people who would invest in it.

The thing that bothers me is that so many of my colleagues here said to me well, we are going to vote for this \$30,000 and I said, why? Well, because D. Small or somebody is in my area and I have to vote for it — that's ridiculous. Cianbros are good friends of mine too. I will wager you right now, if we had a bill on this floor to not have the tax on the ethanol, it would pass. The thing that bothers me is having a tax on the nine gallons of gasoline that is going to be mixed with it. For every gallon of ethanol, they are going to mix it with 10 gallons of gasoline, and I am opposed to the study and I am opposed to the \$30,000 and I think Mr. Kelleher is absolutely right. You shouldn't spend this money and the plant will be built regardless and there will probably be 200 jobs there. If they don't sell ethanol, they will make alcohol that we can all drink.

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

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Dillenback, I am not voting for this because Mr. Small is a constituent of mine but I tell you I have never been shortsighted on anything in this life, that I at least admit to. It is beyond me that three very fine businesses in the State of Maine that have made businesses — they have done it themselves, they have started with nothing and gone into the oil business and they started with nothing and they are in the construction business and they have started with nothing and they have worked all the way up. They are truly American. These are three American businesses doing well in America.

They don't have to go into the ethanol business, they have made it on their own somewhere else, but they are willing to try to make ethanol. They are willing to try something else in this country and our government is willing to subsidize them because we would like to get the Arabs off our backs. That is why I am supporting it. That is why you are supporting it with the MGA money and the federal government, because it would be nice to have some of the wheat grown closer, but we don't refine the oil in Saudi Arabia, we bring it across here and refine it.

For \$30,000 or less, this is getting to be a really long issue and I hope you vote to enact this today.

Mr. Kelleher of Bangor was granted permission to speak a third time.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Just in answer to the gentlelady's remarks from Ellsworth. These little small businesses that she is talking about, these benevolent individuals who started from nothing, and I am sure they did, but they are really after something. These little small businesses that she is talking about are willing, and you know it takes a lot of courage to throw \$3 million after \$94 million, it takes an awful lot of courage. They are willing to gamble \$3 million to buy off a \$94 million project. Two of them are going to be doing the building and the designing, these two benevolent little companies, which I believe will be contracting for \$71.5 million, that is a big, big risk, Mrs. Foster.

I would assume that these businessmen that have come from the bottom of the ladder up and have done well might be able to recover, they just might be able to recover their small investment of upwards of \$4 million on a \$71 million project and there is nothing wrong with that. Good luck to them. I would like to be in on the project myself, wish I had been around when the scheme was put together, but to have this House take your remarks and believe that they are really gambling it all and we should go one step further, you know, we should buy the study to be sure that they are safe with their money is unnecessary.

Mr. Dillenback is right, they will build it. They would be fools, complete fools, not to build it just for what they are going to get back on their investment. If anyone in this House ever thought that they aren't going to build this plant, then there is no business sense in any one of our minds if we can resort to that. They are going to build it, they are going to put their \$4 million in, they are going to gamble against that \$71.5 million and, you know, they are such good businessmen, I bet they make a profit.

The question I believe was raised in the Taxation Committee to one of the investors, what do you think your profit is going to be? Couldn't give an answer. I wouldn't have given an answer. I bet the fellow that asked the question didn't expect an answer but he asked an awful good question.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Bangor says that he wishes he had been around when this deal was put together because he would have liked to been in on it. Well, I would just like to point out to him, whether he likes it or not, we are all in on it right now. We are in it to the tune of \$5.5 million.

Let me just say and urge you to remember the issue before us today is not Cianbro's rate of return or whether or not D.W. Small was a company handed down generation to generation, I urge you to remember that all it is is whether or not this legislature, as the state's supreme policymaking body, is going to have a knee-jerk reaction to this far-reaching question of oil independence and our taxation policy or whether or not we are going to be calm and reasonable and look into this. The state is in this to a degree that alarms me so far. I would like us to be able to step back and take a nice long look at it and I would ask for your support in that effort.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I will be truthful and admit that I don't know too much about this whole thing other than what has been told to me by some of my friends but a lot of money is being talked back and forth here and I would like to make you an offer right here and now. We have a building in the City of Waterville that I think would be a very fine place for you to build this ethanol plant and it is another building that we got involved in with the Maine Guarantee Authority, where a very good reputable outfit that cared about the people in Maine

provided jobs and not too long after they bled all the money they could get out of us, out of the state and out of the Guarantee Authority, they blew town. They stuck all my people in my district for back pay, severance pay, vacation pay, sick pay and that was Wyandotte and I will offer that building to anybody who wants it in the City of Waterville. It has been empty for a year and a half, beautiful building, and I think you can get it for a lot less than this \$70 million that Mr. Kelleher is talking about because the taxpayers of Maine put a lot of money into that building and we are still waiting to get some of it back. I think they owe the City of Waterville probably \$150,000 in back taxes but that is a modest investment when you look at the building you will be getting to build your ethanol plant. That is another one of those Maine Guarantee Authority deals that we made out so well in.

Mr. Kelleher of Bangor requested a roll call.

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

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

The SPEAKER: The pending question before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Allen, Anderson, Andrews, Armstrong, Brannigan, Brodeur, Brown, K.L.; Callahan, Carrier, Carroll, D.P.; Cashman, Connors, Cooper, Cote, Cox, Crouse, Crowley, Dexter, Diamond, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Gwadosky, Hall, Handy, Higgins, H.C.; Hobbins, Ingraham, Jackson, Jalbert, Joyce, Kane, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Masterman, Mayo, McCollister, McGowan, McHenry, Melendy, Michael, Mitchell, E.H.; Moholland, Murray, Nadeau, Paradis, P.E.; Perkins, Perry, Pouliot, Randall, Reeves, P.; Richard, Roberts, Rolde, Salsbury, Smith, C.B.; Smith, C.W.; Stevens, Stevenson, Tammaro, Telow, Theriault, Thompson, Vose, Webster, Zirkilton, The Speaker.

NAY—Ainsworth, Baker, Beaulieu, Bell, Bonney, Bost, Bott, Brown, A.K.; Brown, D.N.; Cahill, Carroll, G.A.; Carter, Chonko, Clark, Conary, Connolly, Daggett, Davis, Day, Dillenback, Greenlaw, Hayden, Hickey, Higgins, L.M.; Holloway, Jacques, Kelleher, Kelly, Kiesman, Lebowitz, Lewis, MacBride, Martin, A.C.; Matthews, K.L.; Matthews, Z.E.; Maybury, McSweeney, Michaud, Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Pines, Reeves, J.W.; Ridley, Roderick, Rotondi, Scarpino, Sherburne, Small, Soucy, Soule, Sproul, Stover, Strout, Swazey, Walker, Weymouth, Willey.

ABSENT—Benoit, Curtis, Joseph, Livesay, Mahany, Masterton, McPherson, Nelson, Paul, Racine, Seavey, Tuttle, Wentworth.

Yes, 77; No, 61; Absent, 13.

The SPEAKER: Seventy-seven having voted in the affirmative and sixty-one in the negative, with thirteen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act Relating to Major Policy-Influencing Positions in Various State Agencies (H. P. 1311) (L. D. 1740) (S. "A" S-193)

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

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Salsbury.

Mr. SALSBUURY: Mr. Speaker, Ladies and Gentlemen of the House: I am certainly aware of the sponsors of this bill and I certainly am aware of the political makeup of this legislature, and I am also aware of the 12 to 1 report

against me. I have the highest regards for my committee chairmen and all members of the committee, but the subject matter of this bill and the speed with which we were forced to report it out of the committee, I cannot in good conscience support it and I hope that some of you feel the same way and will go along with me.

Mr. Speaker, I request a roll call.

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

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

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: The State Government Committee received, during the end of the session this year, two bills, L.D. 1553 and L.D. 1583, which proposed to categorize some of the positions presently in state government as major policy positions and to make these various positions unclassified positions to which people would be appointed and then would serve at the pleasure of the appointing authority.

As I said, we received two different bills which attempted to unclassify 102 positions dealing with, I guess, something like 13 departments. The premise of these two bills was based in part on a study that was conducted by the Joint Standing Committee on State Government during the 107th Maine Legislature in 1976. In 1976, during that study, the State Government Committee defined major policy-influencing positions as positions which could exercise substantial influence over the programs which these positions administer. The conclusion to that report is that a commissioner of a particular department needs sufficient authority to implement the commissioner's programs and policies in accordance with the resources, authorities and restrictions provided by the legislature, and if a subordinate employee in a major policy influencing position is able to thwart a commissioner's programs or policies, then there is no need for a commissioner. The result would be inconsistent programs or policies and considerable confusion.

So, the State Government Committee received two bills which attempted to unclassify and make appointed positions, 102 positions. We broke down into two subcommittees. The gentlelady from Portland, Representative Ketover, chaired one subcommittee, and the gentleman from Augusta, Mr. Paradis, chaired the other subcommittee. We went through each position one by one, we had job descriptions available for these positions, then the two subcommittees met, reported back to the full committee with their recommendations. Of those 102 positions, we have made the decision and recommendation, it was a 12 to 1 "ought to pass" report, that for the time being we felt comfortable with unclassifying 31 of those 102 positions.

It is also important to remember that of these 31 positions, perhaps three quarters of these positions do not presently fill their titles which could be filled at some time.

Finally, we saw fit to grandfather those people who are presently in positions. So for those of you who may know of friends or colleagues or whomever who are in these particular positions which are not being designed to be appointed positions by this bill, they will be grandfathered so that they won't be affected but the next person to fill that job would be.

I would urge you to support this bill and vote for its enactment.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I have got a couple of questions on this bill. First of all, how far down the ladder does this go in the state police and in the warden service? Also, how is it going to affect the morale of the troops out there that might want to aspire to some of these politically appointed positions?

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, has posed a couple of questions through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Fairfield, Mr. Gadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: To answer the first question, for the most part we are dealing with different commissioners and assistant commissioners and assistant to the commissioner for public information type of positions in the various departments. His first question dealt with, I believe, the state police. This bill would unclassify the assistant to the commissioner for public information, it would unclassify the assistant to the commissioner and I believe that the subcommittee — I wasn't on that particular subcommittee but the subcommittee that dealt with that also received information from Commissioner Stiphen indicating a desire to have two deputy chiefs basically because of the size of the department; however, it is important to remember that these deputy chiefs, and it is written into the bill, have to come from the ranks currently of the department, and I don't believe I caught the second question.

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

Mr. MacEACHERN: Mr. Speaker, I asked how the morale of both the warden service and the state police would be affected. They can only be promoted so high up the ladder and then they are frozen right there. It would seem to me that there wouldn't be much incentive for anybody within the department to try to get up higher when it is a political appointment that two years down the road we might have a new governor and he wouldn't have a job. I don't think anybody wants to do that to either of these departments.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: To respond to the concerns of the gentleman from Lincoln, Mr. MacEachern, once again, the positions of the two deputy chiefs, and it is in the bill and it also applies to the game warden colonel from Marine Resources, the appointment that will be made for those particular positions, they have to come from within the ranks of the department already, so it would seem to me that there is every chance already for these particular people to be appointed, because it would have to come from within the ranks.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I still don't think that solves my concern. As I understand it, the deputy chief can be selected from among any of the commissioned officers within the department, that includes lieutenants, and I can see a danger if they are selected politically rather than on ability. There would be no incentive to go beyond lieutenant unless you have a political in. That is the point I am trying to make.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Salsbury.

Mr. SALSBUURY: Mr. Speaker and Members of the House: I just want to mention one point and I want to thank my committee chairman for bringing it up, and that is not only with the state police but other departments. Many of these positions that now become political appointees are not even positions today. This is another expansion of state government. Is

that what you want?

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Andrews, Baker, Benoit, Bonney, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Day, Diamond, Dillenback, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Locke, Macomber, Manning, Martin, H.C.; Matthews, K.L.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Paradis, P.E.; Parent, Perkins, Perry, Pouliot, Richard, Ridley, Roberts, Rolde, Smith, C.B.; Smith, C.W.; Soule, Sproul, Stevens, Swazey, Telow, Theriault, Thompson, The Speaker.

NAY—Allen, Anderson, Armstrong, Beaulieu, Bell, Bost, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Cashman, Chonko, Clark, Conary, Connors, Daggett, Davis, Dexter, Drinkwater, Dudley, Foster, Greenlaw, Ingraham, Jackson, Jacques, Kiesman, Lewis, MacBride, MacEachern, Martin, A.C.; Masterman, Maybury, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Pines, Randall, Reeves, J.W.; Reeves, P.; Roderick, Rotondi, Salisbury, Scarpino, Sherburne, Small, Soucy, Stevenson, Stover, Strout, Tammaro, Vose, Walker, Webster, Weymouth, Willey, Zirkilton.

ABSENT—Curtis, Jalbert, Joseph, Livesay, Mahany, Masterton, McPherson, Nelson, Paul, Racine, Seavey, Tuttle.

Yes, 77; No, 61; Absent, 13.

The SPEAKER: Seventy-seven having voted in the affirmative and sixty-one in the negative, with thirteen being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

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

#### Divided Report

Majority Report of the Committee on Energy and Natural Resources on Bill "An Act to Establish the Maine Environmental Protection Fund" (H. P. 1278) (L. D. 1695) reporting "Ought to Pass" in New Draft (H. P. 1327) (L. D. 1762)

Report was signed by the following members:

Senators:

McBREAIRTY of Aroostook  
KANY of Kennebec  
PEARSON of Penobscot

— of the Senate.

Representatives:

JACQUES of Waterville  
KIESMAN of Fryeburg  
MCGOWAN of Pittsfield  
MITCHELL of Freeport  
HALL of Sangerville  
DEXTER of Kingfield  
RIDLEY of Shapleigh  
MICHAEL of Auburn  
MICHAUD of East Millinocket

— of the House.

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

Report was signed by the following member:

Representative:

BROWN of Livermore Falls

— of the House.

Reports were read.

Mr. Hall of Sangerville moved that the Majority "Ought to Pass" Report be Accepted.

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

Mr. BROWN: Mr. Speaker, Ladies and Gent-

lemen of the House: I really don't have any illusions about what is going to happen to this bill, but I do think that you ought to at least take a look at it. It is titled "An Act to Establish the Maine Environmental Protection Fund." It could just as easily be called "An Act to Deal with the Funding of State Government."

In a nutshell, what this bill does is establish a system of fees that is going to be required of those individuals who make application before the Department of Environmental Protection. To me, this is a major change in how a department of state government is funded. To me, it is something that we should have been dealing with all session rather than the last two weeks of the session. Our committee didn't deal with this bill until two weeks ago. It is a department bill, it is one that I certainly didn't expect and I know several other members of the committee didn't expect it, and for the life of me I can't really understand why it came out with such a lopsided report. I know I am sometimes on the losing side, but not always that bad.

I would like you, really, if you have got a moment, and I don't intend to speak very long, but just look at the bill very quickly and look at some of the fees that we are talking about. On page 3, table 1, just to give you an example, I know a little company in Oxford County that had to apply for a waste discharge license last year, a very simple kind of license, a very simple kind of solution to a serious problem to a company that was having problems that I think many small companies are in trying to survive in this economy, just to make application and receive the license from the DEP would have cost that little company \$4,460. That is quite a lot of money for a small company.

Looking at Page 5, little towns, all of our municipalities have to deal with the question of finding seepage sites, again something that has been mandated by law. For a little town to receive approval to have a seepage site, which we require, it would cost them over \$1,000 just in fees to the state for the regulatory agency to review and issue a license on that seepage site.

Looking down, and again I am looking at the top of that page — landfills, again something that many of our smaller communities, or larger communities for that matter, have been wrestling with, to get a landfill approved, a little town would have to pay over \$3,000 just in fees to the regulatory agency that is going to be reviewing and approving these applications.

The bill before you is certainly watered down from what we saw two weeks ago. For example, the bill we saw two weeks ago, if someone was going to develop a 100 lot mobile home park, which is not that unthinkable, they would have paid \$10,000 in fees. That was the original bill, and I will admit that this one is watered down, but have no fear, this is the foot-in-the-door approach, and certainly these fees are going to be adjusted a year from now, as the bill spells out, which I think is a good idea.

I am not necessarily saying that the idea is not a good one, perhaps it is—perhaps. I am not convinced that it is, but perhaps it is, but I think to deal with this kind of major change in the waning days of the legislative session is wrong. Admittedly, the DEP has a problem financing its department just as every department has trouble, and it is always looking of new methods of funding, new sources of revenue. But you know, folks, I think that this again represents a major shift.

For the last 10 to 15 years, we have passed laws, we have passed the site location law, the minimum lot size law, the wetlands law, the air emission laws, solid waste laws, hazardous waste laws, all good laws, all laws which are intended to protect the general public, and in doing so we have made certain requests of individuals, corporations and companies, and those requirements are that they must receive approval through the regulatory agency. Now we are turning around and saying, not only do

you have to go through a lot of red tape, necessary red tape, I admit, but we are also asking you to pay a fee to have this done.

I really think the issue deserves a lot more study than it has been given. I think that to try to jam it through in the waning days of this session is wrong because I think it does represent a major shift in we are funding regulatory agencies and how we are asking our neighbors to fund those agencies.

I think the prevailing thought, the prevailing thinking is, why didn't BIW have to pay the state to review its plans for its waterfront expansion? Why shouldn't the major paper companies have to pay the state to review its plans for air emissions? But, you know, we are not always talking about the large companies, folks, sometimes we are talking about your neighbors and my neighbors who go to the DEP for a great ponds application, or sand dune application or a small waste discharge license, we are talking about our neighbors, we are talking about our municipalities and, yes, we are even talking about the larger companies. Again, it represents a major shift in policy, I think it is untimely at this point and I would hope that you would vote against the pending motion.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: If the good gentleman would say one other thing, it would be so helpful. I think basically what this really and truly boils down to is philosophical, really, and that one of the major points that will always be the difference with some people versus others.

I think the fee structure is not new to the State of Maine. Many of the different departments have had this on the books for years. As far as coming in late, I venture to say, in the nine days we have left, many major issues are yet to come before us, that is why I said to you people, this is not something that has been pushed through at the last minute.

When we first looked at it, I admit, it was a big deal. We formed a subcommittee made up with three people on the committee that worked three or four hours and they revised the numbers because at this time the DEP does not have any rationale for some of the figures that they put before us. But really and truly, ladies and gentlemen, if we want to have government continue, and we are the ones that voted these laws in, we have got to have some way of paying for the licenses and the studies that they perform. I hope you will go along with this bill.

Mr. Brown of Livermore Falls 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 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 Sangerville, Mr. Hall, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Daggett, Dexter, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hobbins, Jacques, Jalbert, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.;

Moholland, Murphy, T.W.; Murray, Nadeau, Norton, Paradis, P.E.; Perry, Pouliot, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammaro, Telow, Thompson, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cooper, Davis, Day, Dillenback, Drinkwater, Dudley, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Lebowitz, Lewis, MacBride, Matthews, K.L.; Maybury, Murphy, Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Theriault, Walker, Webster, Weymouth, Willey, Zirkilton.

ABSENT—Curtis, Foster, Hickey, Higgins, H.C.; Joseph, Livesay, Mahany, Masterton, McPherson, Michaud, Nelson, Paul, Racine, Seavey, Sproul, Tuttle, Wentworth.

Yes, 83; No, 50; Absent, 18.

The SPEAKER: Eighty-three having voted in the affirmative and fifty in the negative, with eighteen being absent, the motion does prevail. Thereupon, the New Draft was read once. Under suspension of the rules, the New Draft was passed to be engrossed and sent up for concurrence.

An Act to Improve the Identification of Persons Trying to Evade State Taxes (H. P. 1318) (L. D. 1745)

An Act Relating to Training Penobscot Law Enforcement Officers (S. P. 81) (L. D. 192) (S. "A" S-186)

An Act to Recodify the Statutes Relating to Corrections and Mental Health and Mental Retardation (H. P. 583) (L. D. 832) (C. "A" H-346)

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

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

The following Joint Order (S. P. 624)

WHEREAS, the manufacture of various wood products is one of the state's most important industries, affecting the livelihood of thousands of factory workers and their families and thousands of wood suppliers and wood workers; and

WHEREAS, there is an urgent need to establish a comprehensive system of wood measurement law which is clear and concise; and

WHEREAS, the Department of Weights and Measures is charged with the responsibility of administering laws concerning wood measurement that are obscure and close to impossible to carry out; now, therefore, be it

ORDERED, the House concurring, that there be created a Joint Select Committee on Wood Measurement Law, pursuant to Joint Rule 16, to study any legislation carried over to the next regular session of the 111th Legislature affecting wood measurement law; and be it further

ORDERED, that the study shall be conducted with the ultimate goal of establishing a method of wood scaling or measurement used in the sale of wood which provides an accurate and verifiable count of the volume, quantity, dimension or weight measured, according to the standards established by the State Sealer of Weights and Measures, provided that those standards may be efficiently and conveniently applied in transactions in the State involving the sale of wood; and be it further

ORDERED, that the joint select committee shall submit a written report to the next regular session of the 111th Legislature of its findings and recommendations, including any recommended legislation it deems appropriate; and be it further

ORDERED, upon passage in concurrence, that a copy of this Order be transmitted forth-

with to the joint select committee.

Came from the Senate read and passed as amended by Senate Amendment "A" (S-206).

In the House, the Order was read.

Senate Amendment "A" (S-206) was read by the Clerk and adopted in concurrence.

The Order received passage as amended in concurrence.

#### Unanimous Leave to Withdraw

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Authorize and Fund a Medical Model of Congregate Housing (S. P. 572) (L. D. 1650)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Exempt Historical Societies and Museums from State Sales Tax" (S. P. 33) (L. D. 88)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Restructure State Involvement in Liquor Sales and Enforcement" (S. P. 526) (L. D. 1549)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Concerning Property Tax Exemptions for Veterans" (S. P. 259) (L. D. 804)

Pursuant to Joint Rule 15, were placed in the Legislative Files without further action in concurrence.

#### Ought to Pass in New Draft

##### Later Today Assigned

Report of the Committee on Judiciary on Bill "An Act Relating to the Period of License Suspension for Drivers Convicted or Adjudicated of Operating Under the Influence" (S. P. 587) (L. D. 1706) reporting "Ought to Pass" in New Draft (S. P. 618) (L. D. 1753)

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

In the House, the Report was read and accepted in concurrence and the New Draft read once. Under suspension of the rules, the New Draft was read the second time.

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

#### Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (S. P. 529) (L. D. 1552) reporting "Ought to Pass" in New Draft (Emergency) (S. P. 622) (L. D. 1760)

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.

#### Ought to Pass in New Draft

Report of the Committee on Transportation on Bill "An Act Relating to Transportation Facilities (S. P. 603) (L. D. 1730) reporting "Ought to Pass" in New Draft (S. P. 621) (L. D. 1759)

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

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

#### Ought to Pass

##### Pursuant to Joint Order S.P. 594

Report of the Committee on Judiciary reporting "Ought to Pass" Pursuant to Joint Order (S. P. 594) on Bill "An Act Relating to the Manner of Approval of Amendments to the Maine Indian Claims Settlement Act" (Emergency) (S. P. 600) (L. D. 1755)

Came from the Senate with the Report read

and accepted and the Bill passed to be engrossed.

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

#### Non-Concurrent Matter

##### Later Today Assigned

Bill "An Act to Establish and Amend the Air Emission and Open-burning Standards" (H. P. 1259) (L. D. 1680) which was passed to be engrossed as amended by Committee Amendment "A" (H-340) as amended by House Amendment "B" (H-368) thereto in the House on June 8, 1983.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-340) as amended by Senate Amendment "A" (S-196) thereto in non-concurrence.

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

#### Non-Concurrent Matter

An Act Concerning Public Easements for Access to Harvested Lands and Cemeteries (S. P. 326) (L. D. 971) which was passed to be enacted in the House on May 5, 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.

The Chair laid before the House the following matter:

Bill "An Act Relating to the Period of License Suspension for Drivers Convicted or Adjudicated of Operating Under the Influence" (S. P. 618) (L. D. 1753) which was tabled earlier and later today assigned pending passage to be engrossed.

Thereupon, the Bill was passed to be engrossed in concurrence.

The Chair laid before the House the following matter:

Majority "Ought Not to Pass" on Bill "An Act Creating a Maine Milk Pool" (H. P. 1099) (L. D. 1450) Minority Report "Ought to Pass" in New Draft (H. P. 1323) (L. D. 1754) which was tabled earlier in the day and later today assigned pending the motion of the gentleman from Auburn, Mr. Michael, that the House accept the Minority "Ought to Pass" in New Draft Report.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: For a decade the Maine Legislature has wrestled with the issue of whether to keep the Maine Milk Commission and its retail and wholesale price fixing mechanism. Last time that question was put to vote in a referendum, we voted in favor of keeping the Maine Milk Commission. Many of us who represent urban districts are familiar with some of the communications from our voters who said they wanted to vote whatever way supported the Maine farmer. Well, the Maine voters have spoken and they want to have the state continue to regulate the price of milk for the very reason that the Milk Commission was created in the first place, to help the dairy farmer.

The bill we have before us today is the bill to further and promote the popular will as expressed in the last election. In the past, we have debated whether or not the government would provide artificial support and stability to the price of milk. Today we move on from that basic issue that we have argued in the past and discuss exactly how the benefits that government does provide to the dairy industry should be distributed among our dairy

farmers.

The Maine House is being asked today to decide exactly what is fair. This is a matter of fairness. Is it fair that 475 dairy farmers enjoy the benefits of this government price fixing while 575 receive no benefits? In fact, they are somewhat hurt by the benefits that their neighbors receive. If you do not believe that this is fair, then you will join me and the other members of the Agriculture Committee who supported the "Ought to Pass" Report.

We are being asked today, what would do the most to preserve our Maine dairy farmers, as the voters indicated they want us to do. Is it to leave the benefits of the Maine Milk Commission so that just a small minority can receive the benefits, or should we spread this benefit around a little bit so that all men and women in this state who work on dairy farms share in the benefits? These are really the only issues facing us today. What is fair and what would do the most to help the Maine farmers? If the House does not lose sight of these issues in the heated debate that I am sure is about to follow, then I am confident that the House will accept the "Ought to Pass" Report, but I want to give you a word of caution.

The policy questions posed by this bill are essentially simple but the intricacies of milk pricing and milk regulation here in Maine and in New England is extremely complicated. The bill is opposed by roughly 25 percent of the Maine dairy farmers who are being asked to share the benefits that they are currently receiving. Therefore, people in this debate will probably proceed as they have in committee to raise minute loyal-like arguments to direct your attention away from the fundamental fairness of the bill, away from those basic issues.

As you listen to the debate, ask yourself, are the opponents really talking about the central issues and as you listen to them tick off all of what they may call technical problems, I assume there will be some technical confusion entering into the debate, keep in mind how this bill arrived here today. It was developed by our experts in the Department of Agriculture, the technical drafting and legal search was done by the Maine Attorney General's Office and his staff. The bill was then reviewed by farmers at meetings with the Commissioner and their input was accounted for. Then the bill was brought to the Agriculture Committee where it received hours and hours of work, some technical amendments were put onto the bill. I personally put hours and hours and hours of time looking at the bill, reviewing it, determining if it actually was fair. I have just a few dairy farmers in my district and they never formed the basis of anybody's victory in an election in my district and I wasn't particularly interested in their comments anyway, I came exactly from what was fair and what would benefit the entire state.

So as the debate pursues, I would like to keep as close to the basic issues as we can, and if there are technical questions that come up, Representative McCollister and the sponsors, Representative Hall and the other sponsors will keep track of those and will answer whatever technical questions come up before the debate is finished today. So the groundwork has been done, this issue has been studied, a good bill has been drafted, we on the Agriculture Committee have refined the proposal; now it is time for this House to make and create public policy for the State of Maine.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I understand that the gentleman is trying to do the job that he was asked to do in the committee and I certainly can understand his debating for the majority, against the minority and so on and who is getting the benefits of this bill. However, I would like to put it right in the true context what it is going to do

to the farmers in Washington County.

First off, I would like to tell you that we who live up there are well aware of the transportation costs. When I go down to the shopping center and I go to the grocery store and shop, I know that I am going to have to pay more for meat, I know that I am going to have to pay more for canned goods, that because of the geographic location. We are in an area where transportation is costly. For example, the farmers in Washington County are paying \$17 a ton more for their grain than anyone within the 50 mile radius of Augusta.

I would like to put it on a more personal basis. I happen to have a very good friend of mine who is a dairy farmer, his name is Dana Cox, he has five children. What I am asked to do today, if I voted for this bill, is that I am asked to go back there and tell Dana — don't worry Dana, this is a good bill, we are going to help a lot of people out. However, how we are going to do it is, we are going to take \$72 per week away from you to do it, but don't worry about it, that is all right. You are going to be helping these people that haven't been making any cry to say that if we don't get this bill we are going out of business. What they are doing is they are threatening to say "if we don't get this bill, we are going to get a federal ruling on this thing or get under the federal and in that way we will all take a loss and that means you will be penalized too so you had better go along with this."

This bill has been lobbied out in the hall and I have heard promises from our side, that was told to me, and I went out and questioned that and said, look, if you vote against this bill, this is Grant's now, and this is the side I am on, we will take some of you people in with us, we will protect you. That may very well be true, but that doesn't mean to me that it is going to take 8 people or farmers from Washington County. I can't buy any bill whatsoever that is going to take away people from my area and the farmers in my area. I am sorry, I don't care for this bill and I would like to move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Eastport, Mr. Vose, has moved that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Washburn, Mr. Crouse.

Mr. CROUSE: Mr. Speaker, Men and Women of the House: For nearly 50 years the price paid to farmers who supplied milk to Maine dairies for consumption of milk in Maine has been regulated by and established by the Maine Milk Commission. The philosophy behind tough regulation has been to set the price paid to farmers at a level intended to stabilize those farms and to protect the farmer as best the Maine milk consumer can from outside economic forces so these farmers can continue to supply Maine people with fresh milk.

The Milk Pool bill proposes to change all that. The Pool Bill will require money, which otherwise would be paid to Maine producers, be paid to the Department of Agriculture. The Department of Agriculture will expend some of the money received for administration and the promotion of milk products and then make assistance or subsidy payments to all Maine farmers.

Basically, I am opposed to enacting this legislation at this time because I am not prepared to ask to reduce the income of 250 to 270 Maine farmers by five to seven percent ranging from \$800 to \$12,000 per year. I am not convinced that the problem of inadequate compensations for Boston market farmers is the responsibility of Maine market farmers.

I met with a group of dairy farmers a couple of weeks ago to talk with them about the effect of this proposal of Maine Milk Pool legislation. The impression that the farmers left me was clear—Maine Market producers have lived

under a program for almost 50 years, they have worked hard and long to keep their dairy farms productive for those years. The farms have been passed from grandfather to father to son in some instances, and you are going to tell me today that the son is going to be penalized by the State of Maine for operating the farm in 1984 because he happens to be unlucky enough to be holding the title to this farm today.

You have to decide here today if you like the idea of taking away income from a group of farmers to give to another group of farmers. The farmers in my area, although they will not be affected as greatly as some other Maine market farmers, are against the concept, and that is the key. The concept of this bill is what they don't understand, they don't trust the idea and they are not for the concept of this bill.

The legislation is so complex that a good number of dairy farmers are not even aware of the impact of L.D. 1450. The bill is very lengthy, it establishes a great deal of legislation and some ideas that are just unacceptable to a lot of dairy farmers. They don't understand it and they have a real problem with the idea of this legislation.

I urge each of you today to put yourself into the Maine Market producer situation. Think of yourself today of losing \$10,000 to \$12,000 per year. What would you do to adjust to that situation? What would you do if you lost \$10,000 of your income in the next year? How would you adjust to that situation? I think that is a real decisive factor when you look at this piece of legislation today. How can the State of Maine take this amount of income from this particular group of farmers and then distribute it to other Boston market farmers that are under a different order, a federal marketing order? That is the key to this legislation and you look at it very closely and I can't see how you could support that particular idea.

The Statement of Fact says that the Maine market's higher revenue is to be shared with producers selling on the out-of-state markets. The bill does more than that, as you have seen. We must not be lulled by the notion that we are simply righting some horrible wrong by enacting this bill because we are doing far more. The Maine dairy industry functions, produces and is succeeding just as it is today. It may not be ideal or without certain inequities, but to enact bad legislation at this time is not the answer.

I urge you to accept the "Ought Not to Pass" Report, the Minority Report.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have a little fellow that stays with me, I call him Fluffy, I have a friend that calls him "His Highness." Every time she comes in and drives me home, he flexes his tail up and looks at her with great big eyes — "get away from here." Well, this little friend of mine gets up at three o'clock every morning. One morning this week he got me up and I could not get back to sleep, all I could think of was this milk bill and I got out of bed again and I made myself a sandwich and I had a glass, not milk, I had a glass of iced tea. I wouldn't drink this milk if they gave it to me on a silver platter. I drank milk when I was growing up and it was milk, not dishwater.

This bill troubles me to no end. I never have been lobbied so much in the nine years that I have been here. I hear so many conflicting remarks from both sides.

I do know that I am concerned over the turmoil among the dairy farmers. I am afraid that it is only the beginning of a long period of animosity.

First, I heard that the Boston market dairymen were getting cheaper prices for their milk. Then, I hear that if this bill goes through, the dairymen on the Maine market will be the ones left out in left field with lower prices and in-



come. I would like to know why we should take it from one to give to the other, if none of them are going to be treated equally.

It seems to me that the one who is going to benefit from all this turmoil is the big shot dealer, because I have one dairyman who says if this bill goes through, he will have to sell on the Boston market.

Well, it seems to me that after the Boston market stops the Maine market from receiving milk, then they will have things pretty much their way. Before too long, they will control the whole works and take over the dairy farmers and dictate to them what they can produce.

If the dairy farmers cannot produce enough to keep themselves solvent, you guessed it, they will all fall by the wayside and then, lo and behold, the outsiders will have gotten what they were after all the time. To me, it is another takeover deal by the so-called syndication.

I dare to ask that this bill and all its accompanying papers be indefinitely postponed, and I ask for a roll call vote.

The SPEAKER: A roll call has been requested.

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

Mr. PERKINS: Mr. Speaker, I would like to pose a question through the Chair. On Page 6 of the bill, I would like to have somebody tell me what producer-dealer is, what effect it has in this bill, and on what farmers it would have an effect?

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

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I want to say that some of the technical questions that come up, I am going to save them for later on, as I said, because I want to stay with the philosophy of the bill. A producer-dealer would be someone who produces the milk himself and then sells it himself as opposed to producers that sell it to a dairy that he does not own. Somewhere in the bill it also mentioned producer-dealer cooperatives in which the farmers own the dairy, and that would also be considered a producer-dealer, and those groups of people are not currently under the Maine Milk Commission law, except I think in the promotional monies that is taken out for state promotion. They do not give their records to the Maine Milk Commission now and they would not come under the provisions of this bill.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I was a producer-dealer for many years, 32 to be exact. I am not a producer-dealer now and I haven't been farming for some length of time so I am not in conflict of interest, but there was never any question of how I would feel about this bill.

I was around when the Maine Milk Commission was first enacted. The reason that it was enacted was to set fair prices for the producer so that producer would have an incentive to produce milk so we, the consumers in the State of Maine, would have a fresh and adequate supply of milk. It was understood that he would get a little more money and the consumer would pay a little more for it and he was willing to do that. Another reason why he gets a little more money than those people on the Boston market is that he has a sort of cooperative effort with his dealer and a man on the Boston market can produce all the milk he wants to without any problems. He just goes ahead and adds on more cows but the farmer that is producing for a Maine dealer and decides that he wants to double his production, he can't do that because he has to go to his dealer and the dealer says, look, I just handle that amount of milk at this time, the market

doesn't support it, and when and if it does, I will go along with you. The result is that the Maine dealers utilize a percentage of their milk as bottled milk, usually about 80 percent, and the other point is, like all surplus they call it Class 2 milk, so the blended price for the Maine producer is more than it would be to the Boston producer because the Boston producer produces all he wants and the result is that there is about a 50 percent surplus down there which lowers the blended price. So actually what the Maine Milk Commission was created for is absolutely what it is doing.

I think my position is pretty clear on this, I have never been a great advocate of the Maine Milk Commission. In fact, I cosponsored a bill, I think with Representative Hobbins here, three or four years ago to do away with the Maine Milk Commission and one that the Governor vetoed, a bill that recreates the commission was found was not to be performing within the legal limits, a found by the Supreme Court. I was one of four Republicans in the House to support the Governor's veto. However, it was overridden and certainly not by members, a lot of them members of his own party but that is beside the point. What I am saying here though is that this went out for referendum, the people voted on it, the people voted that they wanted to keep the Maine Milk Commission. It was said that people didn't know what they were doing when they voted and they thought they were voting for something else, well I have heard that before this session too, and I think the people knew exactly what they were voting for, they were voting to retain the present program with the Maine Milk Commission regulating the prices of people on the Maine milk market for the very reasons that they were first established. I believe in Democracy, I believe in the will of the people and the people who voted. I am against this because I think it is a back door way of nullifying the will of the people. People said they want to keep it the way it was and this is a way of going against their will. Of course, I am against it philosophically too, as Representative Crouse says, I am against the concept of the bill. I call it "spread the wealth" a better form of socialism, anything you want to call it, but anyway, I feel that it is not a good bill. I hope you will go along with me and vote to indefinitely postpone this bill.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: There have been many objections to the Maine Milk Pool. Many of these objections are clouded in a smoke-screen of a supposedly complex issue. In fact, a few objections that have risen in our development of this package have been addressed. We have heard the objection to the proposal that it is unfair to Washington and Aroostook counties because of their greater costs. There is no doubt that to place Washington and Aroostook County in the same pool as the rest of the state would be unfair. The effect would be to place those counties at a clear disadvantage. The objective of the project is to provide a fair market price and they are in their own pool. Washington County and Aroostook County have their own pool so that their money remains in their counties.

It is said that the shippers on the Maine market have a higher production cost. Such a statement is unrealistic. It is true that their costs are minutely higher, but they do not reflect the discrepancy in the price. A study by the University of Maine shows that the cost per hundred weight for the Maine shipper is \$12.29 and the Boston shippers have a cost of \$12.17. The need for a pool is that the base payment for the Maine market is \$15.48 and the base price for the Boston shippers is \$14.34. This yields a \$3.19 margin of profit for Maine shippers and a \$1.17 margin for Boston shippers. The pool will bring milk price fairness

to the market.

The third contention is that the Maine shipper pays higher transportation fees than the Boston market producer. This is true, the cost is immeasurably higher. The Boston market producers collectively negotiate a price with the shippers. The Maine market producers are dictated as to what price they shall pay. For instance, my neighbor ships with Agri-mart and it costs him 46 cents a hundred weight. Prices to Maine market dairies run 88 cents and higher per hundred weight.

This bill gives the Commissioner of Agriculture the responsibility of setting transportation fees. The Commissioner recommends to the Milk Commission, who already has the power to regulate transportation fees for milk if they are asked. Presently, Maine producers do not ask the Commission to review their price because they know that their neighbor farmers who share the same market with them are ready and willing to expand their herds to take their Maine market away from them and this is what happens time and time again.

A dairy may have 15 producers, and to cut transportation costs they will drop the farthest haul and increase the production on a closer farm. Certainly, if a farmer was to object to the price being charged for his transportation, in a couple of months he would certainly be dropped from the route and he would go on the Boston market. He would not have two years to adjust to this change in price which this bill gives these farmers; he would have 24 hours to adjust to the new Boston price that he would be receiving.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: The previous gentleman is absolutely correct. The figures that were given to me is that the average shipping cost per hundred was 50 cents as opposed to his cost of 89 cents. I want to again reiterate, of all the previous speakers that got up, no one has denied the fact that this bill is going to cost the dairy farmer, who, as I say again, is working a dairy farm in Washington County, who is paying more for his groceries than most of you people are because of the shipping because of the geographical location, it is going to cost him \$72 a week. No matter which way you look at it, that is exactly what it is going to cost and that is based upon the two pool systems which, as explained to me Grant's is under, is 41 cents per hundred weight. He is going to lose 41 cents per hundred weight if this bill is passed. I don't think that any bill that takes away from a gentleman like this, who is a representative of farmers in Washington County, any bill that takes that money away from him is a bad bill. I hope, once again, you will support the motion to indefinitely postpone.

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

Mr. PERKINS: Mr. Speaker, I would like to pose a question through the Chair. Suppose I am a dairy farmer who deals with a producer-dealer, am I exempt from this bill or not?

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

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: No, you would not. Only the producer-dealer himself.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to share with you if I may some of the concerns that I have had over the past nine years in regard to an industry that has been very dear to me, farming.

Mr. Vose spoke about someone giving up something. Well, I would like to say to you, Mr. Vose, in my district alone I have 48 farmers who for the last umpteen years have been giv-



ing up. This is a concern that I have had because those kids of those farmers have gone to school in their Zayre clothes, none of them have the money to buy from anywhere else, they all buy from the same place, whether you sell on the Maine market or the Boston market. What it really and truly boils down to in my book is fairness. The voters of the state gave us loud and clear last time that they wanted to maintain the Maine Milk Commission, I have no problem with that. I have been opposed to that in the past because of the inequities I saw continuously hammering away at the Boston producers in my district.

At the same time that the referendum was going on, a good friend of mine who works for the Northeast Bank, Joe Williams, who used to be the Commissioner of Agriculture, was down to see me one day in regard to my thoughts about the Milk Pool, the philosophy behind the Milk Pool. He indicated to me that many other people have expressed their concerns and as this proposal began to unfold, it was intimated to my farmers that if they did not participate too loud in fighting and objecting to the Milk Commission referendum, that there would be something done, some program put together, they admitted that there was a problem there. This proceeded quite well, and for some reason or other, after the referendum was over, the interests began to cease. The problem hasn't gone away, the problem is still there. The milk that comes out of those udders from one cow or another is the same. The quality is the same regardless, so let's not be mistaken about that.

The taxes these people pay are the same. The grain, the land that they buy is the same. As long as we continue to allow this difference in price, as has been stated, it is as much as \$1.38 and we don't know whether it is going to stop there or whether it is that much, but the difference, ladies and gentlemen, is there and I would like to ask you, are you just giving up when 25 percent of the farmers on the Maine market already have differences of opinion on this? What about the other 800 dairymen, I would like to ask you, who have given this up and many of them in good faith that there would be something brought about in this to alleviate that problem. I know, you continue to say it is not right to rob Peter to pay Paul but that is because all the federal bureaus made that possible and what we would like to do is correct that somehow so that all farmers will be able to live in harmony.

I hope you would not support that indefinite postponement.

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to the Milk Pool Bill and I am always wary when legislation, regardless of who it is drafted by, pits two groups of farmers against one another. There is no more reason to shift income from one group of Maine dairy farmers to a second group of dairy farmers than there is to shift income among plumbers or perhaps Christmas tree growers.

The fact that milk prices are regulated by Maine and federal law is not a reason. This legislature and the Maine voters have supported the system where milk produced in Maine is sold on two different markets and under the different prices and constraints of those two markets. The only way it makes sense to have uniform prices is if we create a uniform market. Would this House ever consider requiring a union plumber to turn over to the state all of his wages above \$6 an hour because all the other plumbers earn only \$6 an hour? Would we ever consider collecting this money and then have the state make payments out of a pool to all the plumbers? If we would not do so for plumbers, then why would we even consider doing so for dairy farmers?

Proponents of this bill suggests that we should go beyond setting the minimum price

paid for milk used in Maine to regulating and reallocating revenues to be received by the farmers. Proponents say that we should do this because it is inherently bad, unfair to farmers selling under the federal order, that they all receive less for milk than those selling under the Maine order. Because of this inherent unfairness, proponents say that the state requires Maine market farmers to give up some of their income and give it to those selling under the federal order. I don't agree. Even if you do, you have to recognize this bill goes beyond that concept and takes money away from Maine market farmers and gives it to farmers who sell to Hood-Portland. Hood-Portland buys themselves under the regulations of the Maine Milk Commission. If it is not successful in marketing its milk in paying a competitive price to its farmers, why should farmers selling to Hood's competitors be required to subsidize Hood? If this legislature wishes to subsidize Boston market producers, then I suggest we introduce a bill to do just that and nothing more. This bill goes way beyond this and I request that you vote in favor of the indefinite postponement and I ask for the yeas and nays.

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

Mr. MATTHEWS: Mr. Speaker, I would like to pose a question through the Chair.

My question is to the sponsors of this bill. I was wondering how much the Department of Agriculture would stand to get from this bill in the Milk Pool? I understand that certain funds in the pool would be allocated to be used by the Department—could someone explain that?

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

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: It was first proposed that one cent per hundred weight would be retained by the Department to pay for the functioning. The suggestion has been made that because it will take time to set up the computer program and office routine, that possibly 60 days could expire between the collection and the first disbursement of the money. If this happens, it is our feeling that the Commissioner should adjust the time that he starts disbursing the money, whether it is 60, 70, or 90 days, with that money generating interest to run the program on, because when the program starts, three months later they start with the first disbursement so there will always be three months of money there generating the expense of the program.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Sangerville spoke at great length about the fact that on a farm, whether it be on the Boston market or the Maine market, everything was the same, the taxes, the grain, the equipment, food, the clothes that the children wear and so on. There is one thing he didn't tell you, and that is the price of milk is the same on both the Maine and the Boston markets. The price of Class I milk is the same on both the Boston and Maine markets. Price of Class II milk is the same on both the Boston and Maine markets. The difference is in the blend. The difference is in the percentage of how much of the milk that is produced on the farm is used for Class I or fluid milk and how much goes to be processed to make cheese or ice cream or something of that sort, that is where the difference is.

The Maine producer is restricted in the number of cattle that he can keep and how much milk he can produce. The dairies restrict him on that. On the Boston market, he can produce all he wants and have all the cattle he wants. Consequently, the blend runs about 80

percent on the Maine market and about 50, 52 or 53 percent on the Boston market.

That is what has caused the problem nationwide with the excess of milk produced in the whole United States and that is why we have these giveaway programs of milk products and cheese, that is why we have a million dollars a day for the cost of storing surplus products, dairy products, within the United States, and that is why there is a proposal in the works now that each dairy producer will pay a percentage or portion of the money he receives for his product into another pool, a federal pool, to assist in the cost that it is costing the federal government to subsidize this unrestricted production.

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

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: People in this body have been lobbied, both pro and con on this bill, probably more than any other bill that ever came in here. It has torn the farmers apart and I think probably this bill has created more problems with me than any other bill that was ever here. I think that up until now, any farmer in my district and probably most any farmer in the State of Maine, would have said that I was a friend, but today I have some on both sides, some wouldn't call me a friend when I get up here and oppose this bill, but there are a few things that I think need to be said that haven't been said as yet. One of those is, who mainly is financing the lobbying that is being done in this House in the last month?

We have a big cooperative that stretches from Maine way down through Connecticut. They have spent an awful lot of money for lobbyists, for attorneys and so forth, and they not only have collected money from Boston market producers but some of us that have been Maine market producers through the years also helped finance this, I believe.

I have always been a supporter of co-ops; in fact, in over the 40 years that I have been in the dairy industry, probably over 30 of those years I have been a member of co-op, and it is the co-op that has finally wound up to be this big one that is mainly supporting this bill and financing it.

A few years ago, we had a co-op that was called the Yankee Milk; before that it was NEMPA and NEMPA merged with others and formed Yankee Milk. I belonged to both of those, I have supported them, and I still believe in co-ops, but not too long ago, the H.P. Hood Company, which is the biggest producer of milk in the northeast, and it was a family-owned business, came up for sale. Those who were running this business, who had been interested in it, were getting elderly and decided that they couldn't handle it anymore and the young people in the family didn't want it, so it was going to be for sale. The Yankee Milk, with their membership, encouraged their membership to do something about buying this processor but it just wasn't to be that they could do it that way, so they got another co-op, Agway, interested, and Agway had some money that they would put into this purchase but Agway said if they were to put money into Hood Plants, the farmers also had to put money in there in equal amounts. So Yankee Milk urged their membership to invest in this plant and to also go out and get new members. I was one of those that did join, I was one of those that urged my neighbors to join, to help buy the Hood Plants so the farmers in the northeast would have a market for their milk.

In selling these memberships and getting people to join, one of the promises that Agri-Mart, or Yankee at that time, made was that they would take the surplus from the Maine market producers, from the Maine market dealers, if their producers were Agri-Mart members. If the Maine market dealers were short of milk, Agri-Mart would also furnish that shortage at reduced costs if those dealers

had Agri-Mart memberships. This was quite a difference, but it also required that those Agri-Mart members who are Maine market producers, along with Boston market producers, pay a fee on every one hundred pounds of milk they produced for the year. When this purchase was made, there were many millions of dollars required and it was figured out how much each farmer should put in according to his production, and I believe that they took one year's production and charged 94 cents for every hundred weight of milk in that year's production. This was the initial investment that the farmers had to make.

I think some things maybe went wrong between Agri-Mart and the dealers, because some of those dealers really weren't too happy with this arrangement because of extra charges and other things. Through these disagreements, Agri-Mart finally said to the dealers and to the membership, in fact I got a letter from Agri-Mart saying that as of a certain date they were going to start paying me for my milk although I was shipping it to a dairy in Bangor.

It just so happens that some of these Maine market dealers have a pretty big investment, they are pretty independent businessmen, and they really didn't like having Agri-Mart pay their producers and then having to pay Agri-Mart and pay a fee. So some Agri-Mart Maine market producers were dropped in my area, 11 of them were dropped, and one thing that Mr. McCollister spoke about here a few minutes ago was that some Maine market shippers are given a 24-hour notice. They had about a 24-hour notice or less, but we did put a bill through here giving a 30-day notice to any Maine market dealer dropping producers at that time.

When these Grant producers that were Agri-Mart members were dropped they immediately started shipping into the Newport plant and selling to Agri-Mart. One of those gentlemen is Vice President of Agri-Mart, he lives in Newport. He called me about three weeks ago one Sunday afternoon, spent about half of the afternoon trying to convince him that this was a good bill, so finally I asked him, how much did you lose per hundred weight of milk when you made this change from the Maine market to the Boston market? After a little coaxing he said 75 cents per hundred weight, but I made \$25,000 more that year.

I have the figures here on one month's production for that man. In March of 1981, he made 213,351 pounds of milk; in March of 1983, he made 248,000 pounds or 35,000 pounds per month increase which is the way most any man has to do if he loses income.

He was at one of our work sessions, he was at more than one work session but at one work session I asked him the same question, how much did you lose per hundred weight? He said, Wes, I figured this out a lot closer, it is 77 cents. He didn't add that he had made a lot more money that time but later I asked him, if Benji Grant were to tell you you could go back on the Maine market, would you do it? He said, probably not.

One of the farmers in this group is probably as good a farmer as there is in the State of Maine, at least he has been recognized as that. He has been named Outstanding Farmer for the Year for the State of Maine two or three years ago, he has also been named Outstanding Dairyman for the State of Maine, he has been named Outstanding Conservationist for the State of Maine. It just so happens that his son and my son married sisters, so we have a little correspondence going back and forth between them. His son was at our place about two weeks ago one Friday afternoon and my boy was milking so I was talking with this young fellow and I asked him just what this change had done to them. He said, well, we lost some money but it is really our own fault because Grant's Dairy has asked us to come back

and we won't do it.

I had one young man in Dexter who is very adamantly for this bill, very adamant against my stand on it, who did sell to the same dairy that we have sold to — When I say my farm, I shouldn't be saying that, it is sort of a habit that I have gotten into, but I have two sons running the farm, they are in partnership, and for a long time they worked for me and I enjoyed that. From now on I will probably work for them and I think I can enjoy that, so it is our farm, not my farm. Anyway, this young man that is on the other farm that I was mentioning, the man has taken in two sons and a nephew as partners. They have increased their production, they had to increase their production and they could not increase it on the Maine market. They were threatened for about a year to be dropped all the time by Grants' Dairy because their production was increasing somewhat. Finally they were dropped, and now they wouldn't go back.

When my boy decided to go into partnership with me, we simply had to increase the size of our farm to accommodate him. This was in 1970. I had two sons going in so I said, we'll have to double our herd. We were milking about 50 cows and we will have to go to a hundred. We got the loan and built a barn to hold another 50 cows, and then I went to the dairy and told them what we would like to do. And he said, "Wes, you can't do it. I never can take that kind of milk. If you want to take five years to make the increase, we will try to go along with it." So we took five years to increase our herd. If we had done it the way the boys and I would like to have, we would have purchased cows and gone to producing milk with a barnful.

Since that time, since we once filled that barn, we haven't been able to increase a bit, so we're staying right at the same figure, and they say when you stand still, you're going backwards. We like it this way.

Some of the people that have been lobbying this bill — I would just like to mention a few of them. One of them is a man that has been in here for years and years. I won't mention his name, but he has been a firm believer in the Maine Milk Commission. He has been an officer of some sort in Agri-Mart, he is for this bill. When I was talking with him, I said, I think Agri-Mart has done some things wrong. They have upset Maine markets and this is why they're not doing the business with Maine markets now that they were. And he said, "Well, Wes, we have broken down some fences, but right now we're out mending fences."

Well, keeping cows for over 40 years, I've had some fences broken down but I never asked my neighbors to pay to fix them, and I think this is what Agri-Mart is doing today.

In southern Maine, in the Portland area, the dairy down there, it has been said that they dropped a lot of Agri-Mart producers. Well, they gave an option to those producers and said they could either be Agri-Mart or they could be Oakhurst. At that time the life of the Maine Milk Commission was somewhat in doubt because it was before the referendum, and many of those who had been Oakhurst producers decided that they would go with Agri-Mart and play it safe. They made the choice, they went with Agri-Mart, and now they want some of the benefits. Agri-Mart, for these producers, has dumped that milk onto the Hood Portland plant, reduced the utilization of that plant down to where it's about like the Boston market and now the other Hood Maine market producers are suffering from that reduced utilization, and this milk should have gone right into the Boston plant or to some other plant on a direct haul. But, Agri-Mart and Hood don't lose all of this. It's not quite as bad as it sounds for their producers.

Some of that surplus milk, some of that Class II milk, is shipped from the Portland plant into a plant in Vermont and is sold as Class II milk

so the farmers in Maine get a Class II price for it. This plant in Vermont buys it for Class II, but they can sell that as Class I. They change that into Class I and can sell it in an unregulated market as Class I, so the farmers that should be shipping into that plant in Vermont are losing some of their utilization at the same time.

Agri-Mart has said that they have been paying their producers 18 cents over the Boston blend price. I wonder if this pool were to go in, if this 18 cents per hundred weight shouldn't be figured into the pool as well as the premium that Maine market producers are supposed to be getting?

And I guess I had better shorten this up and say that if this pool goes through, if this bill goes through and this pool is formed, there is a farm in Dexter — there is more than one farm in Dexter that I believe will do it, but there is one that I know will do it — we will have to go onto the Boston market, because they have been telling me, "all you're going to lose is 92 cents". Well, of this \$1.38, 46 cents is going to stay in the pool for promotion and for administration. 46 cents is one third of \$1.38. What is left, the 92 cents, is going to be divided equally between Boston shippers and Maine shippers, 46 cents each way. So if there were a 77 cent difference in my area, this \$1.38 wouldn't be the right figure to use, it would be a somewhat lesser figure, but if there is a 72 cent difference, and we put in the money to make this up, we put in the 72 cents, for instance, 77 cents, whatever it is, one third of it stays in the pool for promotion. Some people will say that Boston market shippers will be paying for promotion just like Maine market but the first money that comes out of that pool is coming from Maine market and is going into promotion, and the rest is going to be divided equally.

What it would wind up with is that my market would be — if I had an advantage at all — it would be taken out by extra hauling charges, and with the loss in income, we would have to go onto the Boston market, increase our herd, in order to keep our cash flow up to where we could live. Now, if very many farmers feel this same way, and I think there would have to be many, take their milk out of the Maine market and put in into the Boston market, the Maine market would have problems getting their milk. The only place they could turn to is Agri-Mart or some other co-op that is buying some milk. So, ladies and gentlemen, I don't think it's a good bill, I think it's a bad attempt to try to straighten out our problem, and I hope that you will go along with this indefinite postponement motion.

Thank you.

The SPEAKER: The Chair recognizes the gentleman from Athens, Ms. Rotondi.

Ms. ROTONDI: Mr. Speaker, Ladies and Gentlemen of the House: I urge your support of L.D. 1450. This is a subject that I know about. My family has been involved in dairy farming for five generations, and I myself have worked in the dairy industry since I was nine years old, and I can assure you that farmers who ship milk to the Maine market do not work any harder than farmers who ship to the Boston market. I can also assure you that farmers that ship to the Boston market have the same expenses as those who ship to the Maine market. I cannot see why the few privileged farmers who ship on the Maine market should be paid a premium and have benefited over the years by the higher price received from the local Maine market. Maine market producers have always considered themselves elite farmers because of their fortunate situation, which I personally feel is an attitude encouraged by the difference in prices received for the product, which is no higher in quality than the product shipped to the Boston market. I ask you to vote against the motion to indefinitely postpone this bill.

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

Mrs. ALLEN: Thank you. Mr. Speaker, Men

and Women of the House: There is no doubt that the proposed creation of a Maine Milk Pool is one of the most complicated issues to have faced us this session. Having spoken to dairy farmers throughout my district and surrounding towns in an effort to understand both the intricate details of the bill and the long-range implications, I now firmly believe that L.D. 1754 is not only in the best interest of the milk producers in my area, but it is also in the best interest of the entire dairy industry in the state.

While researching this issue and speaking to area dairymen, I became deeply concerned about the inequities that exist in our current system of milk price setting. First, we have set up an unfair regulatory system that creates two classes of dairymen in this state, and although all farmers have the same milk standards and inspections, the same escalating operating expenses and the same high quality of milk, they have been politically divided into two groups — the haves and the have-nots.

Secondly, I found that our Maine Milk Commission sets prices that benefit fewer than 50 percent of Maine's milk producers, in effect creating the industry's elite.

And finally, I am most concerned that these policies are threatening the future of Maine's dairy industry, an industry as vital to Maine as it is to the dairymen in my district. The dairymen I have spoken with are honest, hard-working individuals who are an integral part of Maine's agricultural heritage. They are asking us for fair treatment, and they need and deserve our support.

It is our imperative duty as legislators to eliminate the unfairness of a regulatory system that grants one group of Maine's dairy farmers greater rewards than another group of equally competent producers. We are the ones responsible for these inequities. We are the ones regulating Maine's dairymen. Our problem today is that we are regulating them unfairly. Therefore, I urge you to vote against indefinite postponement so that we might accept the "ought to pass" report, that we might strengthen the future of Maine's dairy industry.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I want to rise here to speak to you. I am accused at times of getting angry, but I am not angry today, I'm sad. I am very sad because you have a Commissioner of Agriculture that has a chart. I happened to go downstairs when he was making his presentation to the press. I happened to walk in and the chart was up on the podium and after he went over it item by item, and the milk pool, he turned the page, and as he turned the page, it was just like sitting in a movie, you knew what was going on.

I ask every member of this body, when the gentleman, Representative Sherburne, was testifying, do you know what he was talking about? I ask you, answer me truthfully, do you understand the milk pool?

I've been in the dairy business thirty-four years. I didn't sell to my son, I gave him everything I owned to get out of it. He is struggling, running the family farm, working long hours, and he would like to have you people understand what you're going to vote on today. I'd like to have you people understand what the milk pool is all about, and if you vote here now, you're not going to know what the milk pool is all about because people are too proud to tell you that they don't understand the milk pool. Everybody understands the milk pool, but get them to tell you what they understand. I am not belittling you, my fellow legislators, far from it. I have great and deep respect for you.

I came here in 1965 when they were going to abolish the Maine Milk Commission. I opposed its abolishment then and helped to keep it. I was on a study committee where we subpoenaed the dairy's records and some of the dair-

ies laughed at me and said, "We'll never produce our records for you." The Attorney General said, they will either produce them or they will go to jail. They produced their records, and what an eye-opener those records were. Two brothers in Skowhegan made \$80,000 a year each running a dairy, buying milk off the Maine farmer. With that kind of profit, who do you think got ripped off? They ripped off the Maine people and the Maine farmers with high trucking rates, fooling them with the butterfat test. Let me tell you, ladies and gentlemen, I hope that you would ask the Speaker of the House and this body to ask the Commissioner of Agriculture to get up on that podium when you have the time, I ask you to take the time to understand the milk pool, because if you vote here tonight, you're not going to know what you're voting for, and I've been in the milk business — I'm no longer in it — for 34 years.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I know it is past milking, but I've got to have my little say here too. It seems that this bill has been around all session. We had a public hearing and a number of work sessions. We had more people attend our work sessions than attend our regular hearings. We have had offered amendments after amendments, and nothing has changed, it is still a bad bill.

I am opposed to this bill for reasons other than may have been given. I do represent farmers on both the Boston market and the Maine market, about equal. I also represent about 6,000 consumers. Yes, the forgotten consumer. There are farmers on the Maine market that are making a very good living, and there are some who are just making ends meet. It depends on the debt load and the management. There are farmers on the Boston market who are making very good money and others just getting by, again due to the debt load and management.

One thing that we did not hear at the public hearing was that anyone was making money. All those that testified were losing money whether they were on the Boston market or the Maine market. You can believe that or not, but I do not choose to. I do have written testimony and I quote: "A young, inexperienced, beginning and small farmers can start out and survive on the Boston market." So I say to you, if they can survive, why can't one with knowledge and experience make it? I've often been told that if the difference between the two market prices was lower, then the Boston market producers would not be asking for a share of the Maine market price.

I supported the Maine Milk Commission at the referendum because I believe we needed a guarantee that we would continue to see a good quality product at a fair price to all. I was also concerned about the loss of our farms in the county and places a distance away from 95 where transportation might pose a problem and make the difference if they stayed or not. The Maine Milk Commission is charged with a duty to give us a good quality product at a fair price, and I felt they would address my concerns.

There are farmers on the Boston market who left the Maine market so they could increase their production. On the Maine market they are on a quota. This is one of the reasons for the higher price for the Maine market producer.

Now, let's talk about the price of milk. Is the price of milk paid to the Maine market farmers too high? The Boston market producers must think so, or they wouldn't be after a share of it. One cannot give up what one does not have. The Maine Milk Commission has determined the price to be paid to the Maine milk producers as fair. This is now being questioned. If the price to the Maine market producers is re-

duced by 50 cents, or any other figure, can the Maine Milk Commission then ask for another increase to give the Maine milk producers what they have now determined as a fair price? If they lose what has been determined as fair, then why can't they ask for an increase.

I do believe the price difference between the two markets is too much, but I feel if the price is taken from the Maine market producers, it should be returned to the consumer, they are the ones that are paying. I have said some farmers called me expressing their concern over my proposal for doing this, and they feel it would be a fair way and there would be less division among the farmers.

This bill only complicates matters and adds another office to take in money and send it out to the farmers. How many people and how much is not stated. If this bill passes, there are some farmers on the Maine market that would go out of business and there are some on the Boston market that would be able to stay on a little longer. Which ones would you want to go?

If the bill passes, the farmers will be more divided than they are now. Milk is a surplus item now, and if this bill passes, the Boston market producers can and will produce more surplus milk and increase their earnings, and take more away from the Maine market producers. Should we be encouraging farmers to increase production of a surplus product? Will we be helping them, or will we be putting them out of business?

Maybe not all of you have farmers in your area but you all have consumers. If you were to poll your consumers and you told them the Maine milk producers are being paid too much and we are going to take away fifty or sixty or eighty cents, and ask, "Should that be returned to you or given to the Boston market producers," what do you think their reply would be?

There are problems with the bill, and I have asked the Attorney General for a ruling on some of the tax they are going to collect under it and I haven't got a reply at this time. We heard about a deal — was there a deal made? Well, who was in a position to make a deal? No one that I know of, and I guess that if anybody has been around very long, they shouldn't be listening to deals.

I hope you vote to defeat this bill, and if the Maine market producers are getting too much, have it returned to the consumer in a formula that the Maine Milk Commission can set up so that there will not be such a difference in the two markets. I hope you will vote to indefinitely postpone this measure.

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

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

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

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: Let's not get too far off center on this debate. We're talking about the Maine milk pool here and it's really not a real complex issue. I'm a co-sponsor of this bill, and I have an overwhelming majority of farmers in my district who, along with myself, think this bill should become law for a fairer and long-term solution to the milk pricing system in our state.

When I was younger, I had a hundred customer paper route in Pittsfield, and when I finished my paper route on the outskirts of town at a dairy farm, it never failed, when I walked up to the front door at 6:30, the farmer would say to me, "Where have you been, young fellow? I've got half of my day's work done."

Well, with this comment, I would like to express to this House my sincere and heart-felt

feeling for the Maine dairymen. His work is as hard a job as anyone does in this state. Let's talk about all of the farmers in this state — all of the dairy farmers — which is what this bill addresses and what we as a legislature should address.

There are 1,050 dairy farmers in this state; 575 are receiving their milk price from the federal order; 475 are on the Maine market receiving the higher price guaranteed by the Maine Milk Commission and this legislature. If this bill is passed, it will benefit an additional 225 from the Maine market. So if you have any doubts about making a fair vote, then remember, this bill benefits 75 percent of the dairy farmers in this state.

And remember that guy that I told you about a little earlier — he is up at dawn, works his tail off until dusk. It will be a fair bill for him if it passes. But if you do not vote for this bill, remember that my former paper customer is wading through the same pile of cow manure, milking the same cows, dripping the same sweat on these hot days, and shivering just as much as you on those January mornings, but getting less money than a chosen few presently benefiting from our state's milk pricing system. I urge you to defeat the motion for indefinite postponement and to vote for a bill that is fair for all the farmers in this state.

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

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: The Speaker said "If anyone has anything to add" and I think I have, or at least I hope I have. I have been sitting here trying to make up my mind, because I have tried to keep an open mind, having 13 farms in Skowhegan, only two of whom happen to be on the Maine market. However, I am hearing these people referred to as some sort of plutocrat. Now, if one knew, and I admit to Mr. Carroll that there are some things that I don't know about milk pooling, probably a lot, but I can do a little simple arithmetic.

Now, if one will look at Commissioner Smith's own figures, he is claiming that there is 26,000 adjusted gross paid to the Maine milk producer. There's 15,000 paid to the producer on the Boston market.

I have looked over our real estate valuation in the town, and I would say that \$250,000 to \$300,000 is the average capital investment in that farm. Let's take \$250,000, at 8 percent, \$250,000 will produce \$20,000 a year just on the investment. That means our bloated plutocrat who is on the Maine market and who is sweating just as hard as his Boston producer counterpart is netting \$6,000 a year for their sweat and toil. Now, how would that go over with our Labor Committee. Admittedly, our Boston producer is losing five to six thousand dollars if you figure an 8 percent investment, but somebody making just \$6,000, should we balance it off his back? That is all I am asking.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I also have a farmer who is a good friend of mine who is up at dawn and has got his day's work done before I delivered papers when I was a youngster. This farmer, we are going to take \$72 a week away from him.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I want to try to put this issue into perspective because I think we have lost track in the last few minutes and have gotten carried away with a lot of information and figures that many people have pointed out and not many of us understand.

One thing I am sure you have figured out by now is that this issue boils down to two categories, those who have a lot of Maine market producers in their district are doing anything they can to kill the bill — very simple, I can understand that, and they say that they are going to

be losing a lot more than \$6,000 a year and the average figure, I guess, is about \$10,000. Well, that is in consideration of a two or three hundred thousand dollars we gross, by the way.

People with a lot of Boston producers in their district, they are doing whatever they can to pass the bill. I am just kidding a little bit, I actually don't care, I am not even speaking to most of you, I am speaking to that 30 or so people who haven't yet made up their minds, and most of those don't have dairy farmers breathing down their backs, so you are free to make up your own minds and vote the way you know you have to vote on this bill to support the entire State of Maine. That is what I am interested in. Aroostook and Washington county, they are under such pressure that no way in the world are they going to vote for this bill. I can understand that and I appreciate it. People that own dairy farms in this room that are on the Boston market, they are going to be voting for the bill out of survival; people on the Maine market are going to be voting against this bill just out of pure economic reason, it is as simple as that, remember that.

I am going to ask you this question and this is the basic issue here — why should this difference exist? Why should there be two standards of dairy farmers in the State of Maine? Nobody has really looked at that and addressed it and that is the issue that you have to look at here. You are the judges, you have to make good with this bill. There currently exists a \$1.38 difference per hundredweight between milk sold on the Maine market and the Boston market, and as good gentleman from Pittsfield pointed out, the farmers do the same kind of work to produce the same milk and they get a different price. We have studies that show that the cost of Maine market farms is not more than the cost of producing milk on Boston market farms, so the cost is essentially the same, the economists have made that clear.

You should know that there were deals made back during survival time, back when the referendum was up before the voters, back when the deals were made, when the Maine market people had their backs against the wall and they felt that they would lose and all it took was a few Boston shippers to stand up and say about the Milk Commission, I don't care if you vote it away, I will probably do better because some of my competition will be eliminated if you get rid of the milk commission and my Boston market farmer will be better off. Oakhurst Dairy was intricately involved in that matter and now you can't hear from the guy at all. I have all sorts of information and tapes. One of the lobbyists for Maine market producers said yes, we will pool after the referendum but you have to defeat the referendum so we can have the milk commission. Now we have retained the commission and all of a sudden these people have gotten selfish, that is what it is, selfishness and greed which ruins this whole bill.

Like I said, there are a few people in this room, quite a few actually, that are just looking at the issue out of pure sincerity, and I ask you to listen to them to get your information. And I am one of those people, by the way, that has no interest at all in terms of farmers being down my back, I have indicated that earlier.

The only way we can justify the milk commission is to pass this pooling bill so that that economic difference, which is an artificial difference set up by the government, can be justified, it is artificial, it is not real. I believe Mrs. Cahill said that we wouldn't create a pool for plumbers, I think that was the example she used, and the answer is, of course we wouldn't, unless there was some government commission that gave a different price for plumbing, for plumbers, that was higher for one group and lower for another, and then we would be talking plumbing pools.

I want you to know that there is a 45 cent dif-

ference between the pooling price that the Maine farmers will get and the Boston farmers. That is enough of an incentive to sell on the Maine market and I want you to know that what happens — this is the way that it happens. Maine market farms sell on the Maine market. Years ago, just about everybody was on the Maine market and then gradually, as the farms expanded, there were too many farms, more farms than we needed, and they started getting dropped off on to the Boston market and the dairies go with the big farms because if you can stop at one place and pick up 50,000 hundred weight or whatever, that makes a lot more sense than making five little stops to pick up the same amount, so the little farms are the ones that get dropped off onto the Boston market over the years and just five or eight years ago that price differential which is now up to \$1.38 used to be 50 cents or so, which it will be again after this pool, so this whole wide differential is only as a result of recent economic conditions. This pool will equalize all that.

Maine market farms have never had it so good. With this \$1.38, they are really doing quite well. They want to hold onto this for a while and keep rooking the Boston market farmers just out of sheer greed.

I just want to answer very quickly some of the statements that have been made and then I will sit down and don't plan to speak again.

I think Representative Crouse said that this system has existed for 50 years and it has worked fine. Well, I want you to know that just because a system has existed for a long time doesn't mean that it is fair. I want to reduce our arguments again to the sense of fairness that I know you have in your hearts, I know you have the capacity to make this fair. Why should we take away from one group, someone said, and give to another group. The answer to that is that we are now essentially taking away from one group and giving it to the Maine farm group as a function of government regulation, which is not justified. Right now farmers who live right across the street from one another get a higher price for their milk than the people that live across the street. Why should that occur?

There have been some accusations that the Boston dealers can produce all the milk they want to produce and therefore under the pooling system they will be able to expand and will have a healthier environment while the Maine market people will not be able to expand. The figures over the last several years indicate that the Maine market has expanded per farm at about the same rate as the Boston market. In fact, I think they are a little bit faster. The Maine market has expanded a little bit more.

The number of Maine markets has diminished over the past few years but their expansion has stayed the same or — excuse me, their production has increased a little bit, so the farms drop down in number but they get bigger and bigger and bigger all the time because they get dropped down onto the Boston market. When the Maine market farms get dropped down onto the Boston market, they are hit with a big bang. They don't get knocked down 45 cents like they will with this bill if they get dropped down to the Boston market, they get knocked down \$1.38, and they don't get two years to handle it. The bill will be phased in and won't be in full effect for two years, it is a gradual phase-in. Right now, if you get dropped off the Maine market, bang, you are out \$1.38 a hundred weight less and that is what you have to operate on and many of those farms have struggled and survived even though they have gotten dropped very quickly.

The question was asked about the Hood-Portland utilization. Currently, Hood-Portland has a low utilization rate. What this means is that they get less money for their milk currently, but that Hood-Portland utilization rate has been much higher. The activities that have

occurred in the milk industry over the last year with this Agri-Mart thing and the Oakhurst thing has had an excessive number of farmers dropped off to the Hood Boston market, you see, so that utilization is artificially low. Under pooling, some of those farmers will go and they will ship direct because there will be an incentive there, some of those farmers will go onto the Newport market and that will bring the utilization back up. We think that will handle that project. If it doesn't, the committee is ready to pass whatever bills they have to pass in the legislature. There is going to be an incentive to allow them that low Hood utilization to continue and allow them to draw off the pool, so that will certainly be adjusted.

As I said, the cost of production for both groups is the same. And I just want to say one last thing about the lobby. The gentleman from Dexter mentioned about the different lobbying that is going on here. I suppose Agri-Mart has put a lot of money into this bill and it makes sense because many, many of the Boston market shippers belong to Agri-Mart, that is their co-op and I don't know where the money would come from if it didn't come from that kind of organization. Of course, both sides have been lobbying this bill very intently. They have put a lot of money into it, they have worked on it for a long time. The only difference I can see between the Maine market lobby and the Boston lobby is that the Maine market lobby has not been willing to discuss this pool at all, they have not been willing to help this bill work and so we have to go along on our own and adjust it so that it works out.

Just one parting remark — it is a confusing issue, it is not easy to figure it out. I know that you people of integrity will vote the way that you have to vote and I just want to encourage you to settle this issue once and for all to make the Maine Milk Commission system fair to all the dairy farmers in a way that will unite the dairy industry. Without this pool, down the road you haven't got a prayer of holding onto the Milk Commission. Even guys like me won't support you down the road, and I am about the strongest supporter of the Commission in the entire state. It is vital that you unify the dairy industry and stop pitting neighbor against neighbor and vote this bill out. It is fair, it is a good bill, we have done our homework on this bill. Do what you have to do, please.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think most of us that haven't spoken on this issue would like to speak by voting. I think both sides of this issue have been covered well for over an hour, so I would respectfully ask all of you that have spoken to give us an opportunity to vote.

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

The Chair recognizes the gentlewoman from Limestone, Mrs. Pines.

Mrs. PINES: Mr. Speaker, I wish to pair my vote with the gentleman from Waldoboro, Mr. Curtis. If he were here and voting, he would be voting nay; if I were voting, I would be voting yea.

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

Mr. GAUVREAU: Mr. Speaker, I ask leave to pair my vote with the gentlewoman from Waterville, Mrs. Joseph. If she were present, she would be voting nay; if I were voting, I would be voting yea.

The SPEAKER: The Chair recognizes the gentleman from Oxford, Mr. Roderick.

Mr. RODERICK: Mr. Speaker, I ask leave of the House to pair my vote with the gentlewoman from Auburn, Miss Lewis. If she were here, she would be voting yea and I would be voting

nay.

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

Mr. ZIRNKILTON: Mr. Speaker, I request permission to pair my vote with Representative Higgins of Scarborough. If he were present, he would be voting yea; if I were voting, I would be voting nay.

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

Miss BROWN: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Wells, Mrs. Wentworth. If she were here, she would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker, I request permission to pair my vote with Representative Hobbins. If he were here, he would be voting yea; if I were voting, I would be voting nay.

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

Mr. MATTHEWS: Mr. Speaker, I wish permission to pair my vote with the gentleman from Waterville, Mr. Jacques. If he were present, he would be voting nay, I would be voting yea.

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

Mr. SOULE: Mr. Speaker, I request leave of the House to pair my vote with the gentlewoman from Portland, Mrs. Nelson. If she were present and voting, she would be voting nay; if I were voting, I would be voting yea.

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

Mr. CARROLL: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with the gentlewoman from Vassalboro, Mrs. Mitchell. If she were present and voting, she would be voting nay and I would be voting yea.

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

Ms. BENOIT: Mr. Speaker, pursuant to House Rule 7, I, too, wish to pair my vote with the gentleman from Brunswick, Mr. Livesay. If he were here, he would be voting yes; if I were voting, I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Stevenson.

Mr. STEVENSON: Mr. Speaker, I request permission to pair my vote with Representative Seavey. If he were here, he would be voting yes; if I were to vote, I would be voting nay.

The SPEAKER: The Chair recognizes the gentlewoman from Gorham, Ms. Brown.

Ms. BROWN: Mr. Speaker, I wish to pair my vote with Representative Racine of Biddeford. If he were here and voting, he would be voting nay; I would be voting yea.

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

#### ROLL CALL

YEA—Anderson, Armstrong, Bonney, Bost, Bott, Brown, D.N.; Cahill, Callahan, Carrier, Cashman, Chonko, Conary, Connors, Cooper, Cox, Crouse, Davis, Day, Dexter, Drinkwater, Foster, Hayden, Higgins, H.C.; Holloway, Ingraham, Jackson, Kiesman, LaPlante, Lebowitz, Lisnik, Locke, MacBride, Martin, A.C.; Martin, H.C.; Masterman, Matthews, K.L.; Maybury, McHenry, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Randall, Reeves, P.; Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevens, Stover, Strout, Tammara, Theriault, Thompson, Vose, Walker, Webster, Weymouth, Willey, Mr. Speaker.

NAY—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bell, Brannigan, Brodeur, Carroll, G.A.; Clark, Connolly, Cote, Crowley, Daggett, Diamond, Dillenback, Erwin, Greenlaw, Gwadnosky, Hall, Handy, Hickey, Jalbert, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, MacEachern, Macomber, Manning, Mayo, McCollister, McGowan, McSweeney, Me-

lenny, Michael, Mitchell, J.; Murray, Nadeau, Norton, Paradis, P.E.; Perry, Pouliot, Reeves, J.W.; Ridley, Roberts, Rolde, Rotondi, Salsbury, Soucy, Swazey, Telow.

ABSENT—Carter, Dudley, Mahany, Master-ton, McPherson, Paul, Sproul, Tuttle.

PAIRED: Pines-Curtis; Gauvreau-Joseph; Roderick-Lewis; Zirnkilton-L. Higgins; K. Brown-Wentworth; Richard-Hobbins; Z. Matthews-Jacques; Soule-Nelson; D. Carroll-E. Mitchell; Benoit-Livesay; Stevenson-Seavey; A. Brown-Racine.

Yes, 64; No, 55; Absent, 8; Paired, 24.

The SPEAKER: Sixty-four having voted in the affirmative and fifty-five in the negative, with eight being absent and twenty-four paired, the motion does prevail.

Sent up for concurrence.

Mr. Paradis of Old Town was granted unanimous consent to address the House.

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I know it is late, but tomorrow it would also be too late and I would like to take the opportunity to remind you that today is Flag Day. On June 14, 1777, the Continental Congress set aside this day as Flag Day and stipulated the directions which are still encompassed in our flag as we see it before us today. It is one of our oldest national holidays and it was so recognized at that time.

The flag, as you know, has served as inspiration for many throughout the generations both individually and on a national level. Those of us of World War II vintage will think of the flag raising on Iwo Jima, as to how it affected the morale of the Marines at that time, and also the national recognition that it acquired with that photograph which appeared in our papers.

I hope that today as you go home and you notice the flags before our residences, our commercial establishments and our industries, that you share with the occasion and be reminded of the many opportunities that are provided to us under this banner.

#### (Off Record Remarks)

By unanimous consent, all matters acted on were ordered sent forthwith to the Senate.

On motion of Mrs. Allen of Washington, Adjourned until nine o'clock tomorrow morning.