

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

Friday, June 24, 1983

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

Prayer by the Reverend Howell Lind of the Winthrop Street Universalist Church, Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

June 23, 1983

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

In reference to the action of the Senate on Wednesday, June 22, 1983, whereby it Insisted and Joined in a Committee of Conference on Resolve, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells for \$10,000 (H. P. 1024) (L. D. 1325):

The Chair appointed as conferees on the part of the Senate:

The Senator from Aroostook—
Senator Violette
Cumberland—
Senator Clark
Penobscot—
Senator Pray
Sincerely,
S/ JOY J. O'BRIEN
Secretary of the Senate

The Communication was read and ordered placed on file.

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act to Amend the Time During which Municipal Caucuses may be Held" (H. P. 1348) (L. D. 1790) which was passed to be engrossed in the House on June 23, 1983.

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

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

Non-Concurrent Matter

Bill "An Act Providing for Conformity with the United States Internal Revenue Code" (H. P. 359) (L. D. 417) on which the Majority "Ought to Pass" in New Draft (H. P. 1353) (L. D. 1788) Report of the Committee on Taxation was read and accepted and the New Draft passed to be engrossed in the House on June 23, 1983.

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on Taxation in non-concurrence.

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

Passed to Be Enacted

An Act to Improve Access to Small Claims Court (H. P. 480) (L. D. 577) (H. "A" H-227, H. "B" H-273, and S. "A" S-262)

An Act to Establish a Special Acquisitions Fund at the State Library (S. P. 573) (L. D. 1651) (S. "A" S-263 to S. "A" S-148)

An Act to Provide Cost-of-Living Adjustments to Retired State Employees, Teachers and Beneficiaries (H. P. 1142) (L. D. 1507) (S. "A" S-265 to H. "A" H-169)

An Act Relating to Ethanol Production in the State (H. P. 1282) (L. D. 1699) (S. "A" S-185, S. "B" S-264, and C. "A" H-337)

Finally Passed

RESOLVE, Directing the Department of Marine Resources to Erect a Fishway on the Orange River in Whiting, Washington County

(H. P. 420) (L. D. 503) (S. "A" S-258)

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

By unanimous consent, the preceding Enactors were ordered sent forthwith to the Senate.

The following paper was taken up out of order by unanimous consent:

**Bill Recalled from Governor
(Pursuant to Joint Order House Paper 1356)**
An Act to Revise the Truancy Laws (H. P. 877) (L. D. 1131) (C. "A" H-213; H. "C" H-264; H. "A" H-385 to S. "A" S-191)

—In House, Passed to be Enacted on June 15, 1983.

—In Senate, Passed to be Enacted on June 15, 1983.

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

The Bill was recommitted to the Committee on Education in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

**Passed to Be Enacted
Emergency Measure**

An Act Relating to Services of a Municipal Character in the Unorganized Territory (H. P. 1344) (L. D. 1783) (H. "A" H-429)

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

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

Mr. RICHARD: Mr. Speaker, I have been well aware that most communities have municipal characters, this is the first time I was aware of the services and I would pose a question to anyone who may care to answer—what services are performed by the municipal characters?

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

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

Mr. DAY: Mr. Speaker, Representative Higgins not being here, I will try to substitute. This is the cost of running elections by the Secretary of State, it is the running of the schools in the unorganized territories by the Department of Educational and Cultural Services, public assistance and one other besides forest fire fighting. Those are the services that a municipality normally provides and we provide for that big town up north called UT, unorganized territories.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

102 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.

At this point, the rules were suspended for the purpose of allowing members to remove their jackets for the remainder of today's session.

Failed of Enactment

An Act to Establish Funding for Programs of Preventive Intervention and Family Support (H. P. 1268) (L. D. 1682) (S. "A" S-261)

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

The SPEAKER: The Chair recognizes the

gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, I would like to pose a question through the Chair. Could someone please remind me of what the funding is and what these programs are?

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

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

Mr. BRODEUR: Mr. Speaker, I believe this item is for services to prevent child abuse and neglect and the funds are to be determined by the interdepartmental subcommittee for children from birth to the age of three. This committee will put out proposals, requests for proposals, and they will go through the normal process of applying for grants. There will be grants given to the best proposals which will deal with preventing future child abuse and neglect.

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

Miss LEWIS: Mr. Speaker, I would like to thank Representative Brodeur for his brief explanation, but what I am still unclear about is whether this bill still calls for an increase in the marriage license tax?

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

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Does Miss Lewis have a conflict of interest here? If so, she should be excused from voting. Yes, indeed, there is an increase.

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

Miss LEWIS: Mr. Speaker, because this does not have an emergency enactor on it, I don't feel that I do have any conflict whatsoever on this bill and I will be coming in under the wire. However, I would request a division on enactment.

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

Mr. BRODEUR: Mr. Speaker, although I may be one who will have a conflict, I think this is a good program and the program is for the division of parental services to meet one of the major priorities of the state.

Mr. Handy of Lewiston requested a roll call vote.

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

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

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I just wanted to remind you, since we did debate this bill and it has had a very strong and affirmative vote quite a few weeks ago, this bill is a result of the Robbins case. You remember, this was the sad gentleman who grew up in Maine and was subject to many serious and unkind things that society had done to him and in return he killed and assaulted many other people in response to this. When the Committee on Health and Institutional Services invited the three commissioners to the committee and asked the committee, could this indeed happen again, their answer was, of course it could always happen again, there are no guarantees, but if there had been preventive measures in place in this state, indeed this might not have happened. We told the commissioners of this piece of legislation and they commended us, saying that if this had been in place, perhaps that might not have happened to this young man.

I ask for your continued support in the pas-

sage of this legislation.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that every single member of this body would be concerned about child abuse, I know that I certainly am. However, the premise of the funding mechanism for this bill is that the only people that abuse their children are the people that are going to be getting married 90 days after the session ends or into the future. In other words, this bill is going to expect those people who happen to be getting married to bear the burden of these programs even though many of these children are the products of unwed mothers.

I would hope that we would vote against this bill because it is a very unfair tax, and then, perhaps in the second session of the 111th, we can do something about the very real problem of child abuse but do something in a fair manner.

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

Mr. KIESMAN: Mr. Speaker and Members of the House: I think the statement of the lady from Auburn is accurate, that nobody is interested in not taking care of the children that have been abused and have problems. I am concerned with this bill because of the background under which it was produced. We were told in debate here that this mechanism for raising the money for this program, we should all support it because the money had been created, if you will, by innovative financing techniques that this bill was produced.

You might notice that the Senate Amendment does correct one of the very major problems and something that I had great trouble with, that we would have the town clerks sending money directly to the spending agency. The Senate Amendment does correct that problem, which was probably unconstitutional at the start, and sends it to the Treasury and then there is an appropriation from the Treasurer of State to the spending agency. That does correct my problem in that area, but I am concerned with the bill that has its origin that first they went out and looked for the place to tax to get the money so they could have the money to spend in a particular agency. That is a dangerous precedent, a very bad precedent and if we pass this bill, I can see it coming back again and again and again as a technique. If you have a particular program you want to spend some money on, go out and find some place you can tax for it and then sell it on the basis that we have found the money by a brand new special tax, so therefore you should pass this program.

I don't have any problem with appropriating money from the General Fund that gets into the General Fund by whatever means, but I don't like a technique where you go out and find a taxing source and then sell the program on that basis, so I hope we do defeat this.

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, Beaulieu, Bost, Brannigan, Brodeur, Carroll, D.P.; Carter, Chonko, Clark, Cooper, Cote, Cox, Crouse, Diamond, Erwin, Foster, Hall, Handy, Hayden, Hickey, Hobbins, Jacques, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; Maybury, Mayo, McGowan, McSweeney, Melendy, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, Pouliot, Richard, Roberts, Seavey, Smith, C.B.; Stevens, Swazey, Tammaro, Theriault, Thompson, Tuttle.

NAY—Allen, Anderson, Armstrong, Bell, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, G.A.; Conary, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Greenlaw, Gwadosky,

Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lehoux, Lewis, Livesay, MacBride, Martin, A.C.; Masterman, Masterton, McColister, McHenry, McPherson, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Paul, Perry, Pines, Racine, Randall, Reeves, J.W.; Ridley, Roderick, Salisbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stevenson, Strout, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Baker, Benoit, Bonney, Cashman, Conners, Connolly, Dudley, Gauvreau, Higgins, H.C.; Jackson, Jalbert, Kane, Mahany, Matthews, K.L.; Michael, Murray, Paradis, P.E.; Perkins, Reeves, P.; Rolde, Rotondi, Soule, Stover, The Speaker.

Yes, 57; No, 70; Absent, 24.

The SPEAKER: Fifty-seven having voted in the affirmative and seventy in the negative, with twenty-four being absent, this Bill fails of passage to be enacted.

Sent to the Senate.

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

JOINT ORDER — Relative to Joint Rule 15 — Reports of Bills from Committees (S. P. 418) — In Senate, read and passed.

Tabled — March 21, 1983 by Representative Mitchell of Vassalboro.

Pending — Passage in concurrence.

On motion of Mrs. Mitchell of Vassalboro, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

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

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

Tabled — June 9, 1983 by Representative Diamond of Bangor.

Pending — Acceptance of Either Report.

On motion of Mr. Diamond of Bangor, the Bill was recommitted to the Committee on Labor and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Time During which Municipal Caucuses may be Held (H. P. 1348) (L. D. 1790) which was tabled and later today assigned pending further consideration. (In House, passed to be engrossed; In Senate, Bill and accompanying papers indefinitely postponed in non-concurrence)

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

Mrs. MITCHELL: Mr. Speaker, I move that the House recede and concur.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I urge the House to reject the pending motion so that we may insist on our previous action.

Current law requires that democratic municipal caucuses be held no later than the first Sunday after the last day of February. This statute was enacted earlier this session. I presented testimony at the hearing outlining my opposition to this legislation. I stated at that time that passage of this bill would cause problems for the Democratic State Committee, which is the body responsible for organizing Democratic Caucuses and Conventions and the day-to-day operation and administration of party activities.

I would have spoken in opposition to this bill, however, as many of you know, my father

underwent serious by-pass surgery which kept me away from the legislative session on several days when this bill was before this body for consideration.

On June 16, 1983, in a ruling by the Compliance Review Commission of the Democratic National Committee, the Democratic National Committee's Compliance Review Commission disapproved the delegate selection plan submitted by the Democratic State Committee based upon that law.

The purpose of this bill is to revise Maine law to make it consistent with the decision reached by the commission. This bill is necessary to conform Maine practice to the Democratic National Party Rules creating a window for delegate selection between the second Tuesday in March and the second Tuesday in June. Failure to conform could jeopardize the ability of Maine to send a delegation to the next Democratic National Convention. If the Convention refuses to seat the Maine delegation, then Maine Democrats would be effectively disenfranchised in the critically important business of choosing our candidates for presidents and vice presidents.

It should be noted that passage of this bill will only eliminate part of the conflict between Maine law and the Democratic National Party Rules. It is the opinion of the Maine Democratic Party's legal counsel that there still is a conflict which arises from the fact that Maine Democrats have a 120 year tradition of holding its municipal caucuses in February, prior to Maine town meetings.

Legislation was presented earlier this session which would have removed this conflict; unfortunately, the legislation was rejected by the Legislative Council. Therefore, it is our opinion that although there will be this conflict, the Maine Democratic Party is willing to work out somehow this inconsistency with the Democratic National Committee.

It is the intention of the Democratic State Committee to continue to work for an early caucus date so as to insure the tradition of municipal caucus input at the town meetings. However, in Maine we believe in playing by the rules. When we disagree with the interpretation of the rules, we properly appeal to the Compliance Review Commission, but on June 16, they rejected our position. Thus, to be fair to the process, we must conform our law to this decision.

Although the Governor and Senator Mitchell and our legal counsel made a convincing argument based upon the facts in the law, the Compliance Review Commission rejected our appeal. I am extremely disappointed with the decision of the Compliance Review Commission, but putting this disappointment aside, I urge you not to recede and concur in order that we may insist to insure that Maine will be adequately represented in the Democratic 1984 National Convention to select nominees for president and vice president.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: Frankly, I am quite surprised at the apparent complacency of my Democratic Chairman. I can only hope that it is due to the heat and the long hours that we have put in that he has taken the position of laying down and dying on this issue.

The State of Maine is one of long tradition and I think the fact that we have been holding our caucuses, both the Democrats and the Republicans, for a longer period of time than the great state of California has been a state should tell us something. And I don't particularly like the idea of somebody in Washington, or wherever he comes from, making a decision that the State of Maine is less of a state than Iowa and New Hampshire. It seems that Iowa and New Hampshire apparently have stronger leaders or more forceful people arguing their cause because their dates were accepted and

ours were not.

I had a friend who came from Long Island, New York, who went to Thomas College in Waterville and he fell in love with the State of Maine and decided to move here. When he told his Dad he was moving to Maine, his father said — Maine! That's the armpit of the nation. Well, this is one guy that doesn't consider Maine the armpit of the nation, I think that we have always led the nation and I think we should continue to lead the nation.

I am a little disappointed with my good chairman but I will take care of him later, and I hope that this body will vote to recede and concur.

The State of Maine has a million people and we are probably considered insignificant to the big wigs in Washington, but with this early caucus date, we have seen some of the big wigs take a little of their time to come to Maine and visit and I don't think there is anything wrong with that. We can tell them what is going on here in the State of Maine and they seem to be interested, at least for the time being, and if we go along and let these so-called big wigs tell us what we are going to do, I think we are going to be pushed way back in the path and we are not going to amount to anything in the overall picture when you compare us with the other states.

I don't really believe that the Democrats and Republicans in this House are going to sit back and let Iowa and New Hampshire have the privilege of having early caucuses when we have been doing it longer. And as I said before, the State of Maine is one of long time tradition, long standing tradition, and I think the fact that we can get the Republicans and Democrats looking to become president up here to woo the Democrats and Republicans during our caucuses is very important to us.

I hope we give this bill an awful good send-off and send a message to those guys loud and clear that us little old people here in the State of Maine, the one million of us, don't like being told what to do, and I think we should tell both our leaders, both the Democrats and Republicans, to go down there and fight like the devil to make sure that we continue that tradition, and the good gentleman from Saco, Mr. Hobbins, I will take care of you later. I hope we will go along and recede and concur.

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

Mr. HAYDEN: Mr. Speaker, Men and Women of the House: I am a little surprised myself at Chairman Hobbins. I think that he has done a fine job for the people in this body and across the state who call themselves Democrats, but the issue that he is asking us to vote on would affect us whether we are Democrats or Republicans, and what it basically comes down to is whether a national body is going to have us in Maine sit by with our hats in our hands in doing what they bid, even though it is in conflict with every tradition and desire that we have already expressed as a state here.

I would urge you to vote in the direction that the good gentleman from Waterville has asked you to, to recede and concur, and send a message to Washington, send a message to the chairmen of both our parties that we rule our own ship here and we don't wait for direction from anybody from out of state.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I rise to fulfill a strange role today defending my party chairman and colleague, Representative Hobbins. As House Chairman of the Election Laws Committee and a member of the Democratic State Committee under Chairman Hobbins, I can sympathize with his position. He has been put in a very difficult situation serving both as legislator and party chairman. As party chairman, he is obligated, under party rules, to do exactly what he is doing today, and he has made an honest ef-

fort to comply with the rules of the Democratic National Committee, as required by them, particularly after the hearing that was held last week with the Compliance Review Commission that Senator Mitchell and Governor Brennan testified at. Obviously, it is no fun to come up against Governor Brennan and Senator Mitchell at this point. They are very adamant in terms of the need for this early caucus in Maine and there is certainly not a great deal we can do about that, but as party officials, it is incumbent upon us to fulfill our obligations and our responsibility.

We have tried throughout this session, I tried earlier, as Representative Hobbins mentioned, to get a bill in here to correct this in another way. The Legislative Council rejected that. Representative Hobbins is making another attempt today to comply with those party rules, and that is something, of course, that this body will have to make a determination on. I am going to support Representative Hobbins today as a State Committee member, as the Representative from Lewiston, because I think it is our responsibility and our duty, and, ladies and gentlemen, I know you will vote your conscience and I ask for a roll call.

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

Mr. MATTHEWS: Mr. Speaker and Members of the House: I will be very brief. I hope that you will recede and concur. Mr. Jacques from Waterville mentioned some of the traditions, I remember one — "As Maine goes, so goes the nation."

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

Mr. HIGGINS: Mr. Speaker, I would like to pose two questions to the gentleman from Saco, Mr. Hobbins. The first one is, does this include Republicans or is it just Democrats? My understanding was that the rhetoric we have been hearing, or the debate here, rather, is indicating that Republicans and Democrats are involved in this bill. My understanding is that this pertains to only the Democratic Party. If that is true, I would like him to say so.

My next question is, what happens if this bill dies, if this House recedes and concurs and the bill is dead? It seems to me that the State Chairman may have a problem and I would like to know what the outcome is or what he intends to do as a result of this bill being killed?

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to the gentleman from Saco, Mr. Hobbins, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: This bill would repeal and replace the present law, changing the timing of the caucus with the following language:

"The municipal caucuses of any party shall be held biennially during the General Election year for the purpose of electing delegates to a State Convention and for any other business that may come before a State Convention. Those caucuses shall be held no later than the second Tuesday in March."

To answer the second question, Maine would be placed in a situation, ladies and gentlemen of the House, of having to go back to the Compliance Review Commission, resubmit our plan which states that our caucuses will be held on March 4, and if the Compliance Review Commission rejected our plan, we could find ourselves in non-compliance with the Democratic National Party Rules, and as a consequence, as resulted on one previous occasion, our delegation could be jeopardized in not being seated at the Democratic National Convention.

As I mentioned earlier, it is our hope that even though there are two conflicts in present law, one dealing with the date but the other dealing with the party tradition of early caucuses, that if this bill was passed, we could hopefully work out some type of arrangement with the Democratic National Committee.

It should be noted that there are two other states who are also in a similar situation, Iowa and New Hampshire. Both Iowa and New Hampshire were given automatic exemptions by the Hunt Commission which was established two years ago to review the rules of the party relating to the selection, delegate selection, of our president and vice president nominee.

What we hope to do is resubmit our plan and demonstrate that we have taken all the steps necessary in order to comply our law with the party rules. However, the final decision will rest with the Compliance Review Commission, which is made up of 17 members, and in essence if that particular situation is not resolved, then the Democratic National Convention would then have the ability to seat our delegation or not seat our delegation, but it is our hope that this matter can be resolved prior to that.

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

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

The SPEAKER: The pending question is on the motion of Representative Mitchell of Vassalboro that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Armstrong, Beau-lieu, Bost, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Conary, Cooper, Cote, Cox, Crouse, Curtis, Dexter, Erwin, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Jacques, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Matthews, Z.E.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Nelson, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Reeves, J.W.; Richard, Ridley, Roberts, Rolde, Rotondi, Sherburne, Small, Smith, C.B.; Soucy, Sproul, Stevens, Stevenson, Strout, Tammara, Theriault, Thompson, Tuttle, Vose, Webster, Wentworth.

NAY—Anderson, Andrews, Bell, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Clark, Daggett, Davis, Day, Diamond, Dillenback, Drinkwater, Foster, Greenlaw, Handy, Higgins, L.M.; Hobbins, Holloway, Ingraham, Kilcoyne, Lebowitz, Lewis, Livesay, MacBride, Martin, H.C.; Masterman, Masterton, Maybury, McCollister, McPherson, Nadeau, Paradis, E.J.; Parent, Pines, Racine, Randall, Roderick, Salsbury, Scarpino, Seavey, Smith, C.W.; Swazey, Telow, Walker, Weymouth, Willey, Zirkilton, The Speaker.

ABSENT—Baker, Benoit, Bonney, Cashman, Connors, Connolly, Crowley, Dudley, Gauvreau, Jackson, Jalbert, Kane, Mahany, Matthews, K.L.; Murray, Perkins, Reeves, P.; Soule, Stover.

Yes, 80; No, 52; Absent, 19.

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

House at Ease

Called to order by the Speaker.

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

Non-Concurrent Matter

RESOLVE, Authorizing and Directing the Commissioner of Agriculture, Food and Rural Resources to Promote Regional and International Cooperation in the Development of Agricultural Programs Designed to Encourage

Greater Food Production, Marketing and Food Self-sufficiency Among the States of New England and Quebec and the Maritimes (S. P. 324) (L. D. 969) which was Finally Passed in the House on May 17, 1983 (Having previously been Passed to be Engrossed as amended by House Amendment "A" (H-234) and Committee Amendment "A" (S-82))

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. (Later Reconsidered)

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

Non-Concurrent Matter

An Act Relating to the Labeling of Milk Containers (H. P. 1132) (L. D. 1498) on which the Bill and accompanying papers were indefinitely postponed in the House on June 23, 1983.

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

In the House:

Mr. Michael of Auburn moved that the House adhere.

Mr. Webster of Farmington moved that the House recede and concur.

Whereupon, Mrs. Mitchell of Vassalboro 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 Chair recognizes the gentleman from Dexter, Mr. Sherburne.

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: When this bill first came out, I didn't think it was of much consequence, maybe it still isn't, but I think it is a little more important now than it was a few weeks ago. What this bill does is require companies that are bottling milk for other dealers or stores to put the name and address of that plant that is bottling the milk on the container. This is done in most instances at the present time, but one very large company that is active in the State of Maine that is bottling large amounts of milk for supermarkets and so forth has plants in other states, and I think it is to some advantage to Maine consumers to know that that milk is bottled in the State of Maine or wherever it is bottled. This is all this would do, it would require that that plant and its address be on the bottle or container. Now it is simply a number which can be looked up if anybody wants to, but if it was on the container plainly that milk was bottled by a plant in Massachusetts and put in our stores, we would know about it.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: Along towards the end of the session it is very easy to get bills confused. The previous speaker is confused on this issue.

If you bottle milk for another plant, you have to put your name and address on that container. If you bottle milk for yourself, you do not under the present law, and that is one of the reasons why I moved for the indefinite postponement of this, because I did not feel that it was necessary at this time.

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

ROLL CALL

YEA—Anderson, Armstrong, Bonney, Bott,

Brown, K.L.; Cahill, Callahan, Crowley, Curtis, Davis, Day, Dexter, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Ingraham, Jackson, Kiesman, Lewis, Livesay, Masterman, Masterton, Matthews, Z.E.; McPherson, Murphy, E.M.; Murphy, T.W.; Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Walker, Webster, Weymouth.

NAY—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bell, Bost, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Clark, Cooper, Cote, Cox, Crouse, Daggett, Diamond, Dillenback, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Holloway, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Maybury, Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Rondoni, Smith, C.B.; Soucy, Strout, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Wentworth, Willey, Zirkilton, The Speaker.

ABSENT—Benoit, Cashman, Conary, Connors, Connolly, Dudley, Hobbins, Jacques, Jalbert, Mahany, Martin, H.C.; Matthews, K.L.; Murray, Nelson, Perkins, Reeves, P.; Soule, Stevens, Stover.

Yes, 42; No, 90; Absent, 19.

The SPEAKER: Forty-two having voted in the affirmative and ninety in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. Michael of Auburn, the House voted to adhere.

House at Ease

Called to order by the Speaker.

The following papers appearing on Supplement No. 4 were taken up out of order by unanimous consent:

Non-Concurrent Matters

An Act Appropriating Funds for Independent Living Services for the Disabled (S. P. 316) (L. D. 952) (H. "A" H-336 to C. "A" S-150; S. "A" S-232) which was passed to be enacted in the House on June 23, 1983.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-150) as amended by House Amendment "A" (H-336) and Senate Amendment "A" (S-268) thereto in non-concurrence.

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

An Act to Revise the Markup Percentage for Maine Produced Products Under the Liquor Law (H. P. 1084) (L. D. 1432) which was Passed to be Enacted in the House on May 16, 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.

An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services (Emergency) (H. P. 1342) (L. D. 1781) which was Passed to be Enacted in the House on June 22, 1983.

Came from the Senate Failing of Passage to be Enacted in non-concurrence.

In the House: Mr. Higgins of Portland moved that the House adhere.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat disturbed to find out that this failed in the Senate. It was a difficult bill for us and the Taxation Committee, at one point, went around the room and came up

with 12 different versions of how to solve this problem, so that gives you an idea of the amount of work and time we put in on it. The version that we finally passed the other day is the one that I felt was the best bill we could have if we should have a bill. Unfortunately, I got tied up elsewhere and was not here to speak on it, but I do believe that we need this bill. It has many problems with it but we have set up in the bill an advisory council to come back to us next January with recommendations for further improvement in how we are going to tax our woodlands. On that basis, I feel that I will support this and I urge you to support this bill, that we should enact it and we should adhere.

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

Miss BROWN: Mr. Speaker and Members of the House: I request a division.

To refresh your memory, I am the one person that signed the minority report on this tax increase. I feel that the bill probably, at the eleventh hour, is the best that can be done to provide a fire control policy for this year. I am not happy with it and I am very uncomfortable with it. I feel that for a one-year policy the tax is too high, the 25 cent per acre tax on parcels of land that have 100 acres or more. I feel that everyone is going to participate in the program, hopefully next year we will expand it to do that, so that the tax will come more in line and will be more reasonable.

I have problems with the fact that private landowners, only a few private landowners, are going to be paying for the entire tax burden of one million acres of state-owned land plus all the town-owned land, private land and all the other forest land in the state, there will be just a handful of private landowners that will be paying for that forest fire protection.

I ask for a division and everybody can vote their conscience.

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

Mrs. INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: As the saying goes, this must be a good bill, because 13 of us aren't particularly happy with this bill, it isn't exactly what any of us wanted. Therefore, it must be a good bill, it is the best we can do, and hopefully we correct the errors next year.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I hadn't intended to speak on this, I didn't think it was necessary. Out of the thirteen members on the committee, as Mr. Day suggested, we might have had twelve different reports. Certainly the people in my party didn't come out of this in a very happy mood, but we all know that politics is the art of compromise and we don't have the numbers.

I want to tell you that I believe everyone in this room, regardless of their party, really has a feeling that we should tax everybody fairly, and if we did that, of course we would come to a zero threshold. We discussed that at some length, we finally compromised at 100 acres, so those under a hundred acres will not be paying.

If you would consider for a minute that you could vote for this zero threshold and go to what was established as a tree farm or tree growth in Australia, which was 10 acres, tree farms were established at 10 acres and our tree growth law was established at 10 acres, so probably 10 acres would have been much better than what we have got, but finally, in order to correct a bad situation, we came out with this bill and I hope you will stay in the same position that you were in before it went down to the other body.

Mr. Kiesman of Fryeburg requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one

fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Cahill, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Davis, Day, Diamond, Drinkwater, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, Z.E.; Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, T.W.; Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perry, Pouliot, Racine, Randall, Richard, Ridley, Rolde, Rotondi, Seavey, Smith, C.B.; Soucy, Soule, Tammaro, Telow, Thompson, Tuttle, Vose, Walker, Wentworth, Willey, Zirkilton.

NAY—Anderson, Bell, Brown, D.N.; Brown, K.L.; Callahan, Dexter, Dillenback, Foster, Jackson, Kiesman, Lebowitz, Lewis, Livesay, Maybury, McPherson, Murphy, E.M.; Parent, Pines, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Smith, C.B.; Sproul, Stevenson, Strout, Webster, Weymouth.

ABSENT—Benoit, Connors, Curtis, Dudley, Greenlaw, Hayden, Mahany, Matthews, K.L.; Murray, Perkins, Reeves, P.; Roberts, Small, Stevens, Stover, Swazey, Theriault, The Speaker.

Yes, 104; No, 29; Absent, 18.

The SPEAKER: One hundred and four having voted in the affirmative and twenty-nine in the negative, with eighteen being absent, the motion does prevail.

The following paper appearing on Supplement No. 5 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Joint Order (H. P. 1297) relative to amending Joint Rule 21 and Joint Rule 21-A which was read and passed as amended by House Amendment "A" (H-321) in the House on June 3, 1983.

Came from the Senate with the Joint Order and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: Mr. Higgins of Scarborough moved that the House insist.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I had a discussion with the Majority Floor Leader at the other end of the chambers. It was our decision that these rule changes were extremely complicated, we had not spent any time on them this session because we have all been preoccupied with the budgets and other issues before this legislative body and it would be more appropriate if the leadership of both parties sat down and looked at these rule changes over the summer and dealt with them in a more leisurely fashion than at the last hour of this session, so I hope you will not insist and I moved that we recede and concur.

Thereupon, the House voted to recede and concur.

The following paper appearing on Supplement No. 8 was taken up out of order by unanimous consent:

Passed to Be Enacted

An Act Appropriating Funds for Independent Living Services for the Disabled (S. P. 316) (L. D. 952) (H. "A" H-336 and S. "A" S-268 to C. "A" S-150)

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.

On motion of Mr. Carter of Winslow, the House reconsidered its action of earlier in the day whereby it voted to recede and concur on Resolve, Authorizing and Directing the Commissioner of Agriculture, Food and Rural Resources to Promote Regional and International Cooperation in the Development of Agricultural Programs Designed to Encourage Greater Food Production, Marketing and Food Self-sufficiency Among the States of New England and Quebec and the Maritimes (S. P. 324) (L. D. 969).

On motion of the same gentleman, the House voted to recede.

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

House Amendment "B" (H-433) was read by the Clerk.

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

Mr. CARTER: Mr. Speaker, this eliminates the appropriation. It can be done without it.

Thereupon, House Amendment "B" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-234) and House Amendment "B" (H-433) and Committee Amendment "A" (S-82) in non-concurrence and sent up for concurrence.

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

(Off Record Remarks)

House at Ease

Called to order by the Speaker.

The following paper appearing on Supplement No. 10 was taken up out of order by unanimous consent:

Ought to Pass

Pursuant to Joint Order S. P. 628

Report of the Committee on Judiciary reporting "Ought to Pass" Pursuant to Joint Order (S. P. 628) on Bill "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 635) (L. D. 1792)

Came from the Senate with the Report read and accepted and under suspension of the rules the Bill read twice and 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 Bill was read the second time and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

The following paper appearing on Supplement No. 9 was taken up out of order by unanimous consent:

Finally Passed

RESOLVE, Authorizing and Directing the Commissioner of Agriculture, Food and Rural Resources to Promote Regional and International Cooperation in the Development of Agricultural Programs Designed to Encourage Greater Food Production, Marketing and Food Self-sufficiency Among the States of New England and Quebec and the Maritimes (S. P. 324) (L. D. 969) (H. "A" H-234, C. "A" S-82, and H. "B" H-433)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Resolve finally passed, signed by the

Speaker and sent to the Senate.

The following paper appearing on Supplement No. 11 was taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine (S. P. 635) (L. D. 1792)

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. 110 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.

The following paper appearing on Supplement No. 13 was taken up out of order by unanimous consent:

Unanimous Leave to Withdraw

Representative Thompson from the Committee on Education on Bill "An Act to Revise the Truancy Law" (H. P. 877) (L. D. 1131) reporting "Leave to Withdraw"

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

The following item appearing on Supplement No. 14 was taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act to Provide for Reapportionment of County Commissioner Districts (H. P. 689) (L. D. 869) (H. "C" H-432 to H. "A" H-411)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of same and 11 against, and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following paper appearing on Supplement No. 12 was taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Establish Funding for Programs of Preventive Intervention and Family Support (H. P. 1268) (L. D. 1682) (S. "A" S-261) which Failed of Passage to be Enacted in the House on June 24, 1983.

Came from the Senate Passed to be Enacted in non-concurrence.

In the House:

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

Miss LEWIS: Mr. Speaker, I move that the House adhere.

The SPEAKER: The gentleman from Auburn, Miss Lewis, moves that the House adhere.

The Chair recognizes the gentleman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I move that we recede and concur.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I request a division on the motion to recede and concur.

As you recall from this morning's brief debate, this bill not only doubles the fee on the marriage license but also taxes people unfairly by assuming that those who get married are those that will abuse their children. Unfortunately, many children are abused in the State of Maine, but they are not necessarily the children from homes where their parents are married. We must do something about child abuse, but we should not unfairly double the marriage tax as a means to support those pro-

grams.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: The monies from the marriage license have traditionally been funds that have gone to the municipalities where the license is sold. This doubling of the marriage license cost was an effort to raise the money for a particular program and I submit, as I did this morning, that it is the wrong way to pass a program, to go out and find something to tax and then sell it as the method of raising the monies so to make it painless so the bill will be passed. I don't have any trouble with raising money, as I said this morning, for child abuse programs but this is a bad precedent, it is something that will come back and haunt us again and again and again.

The programs that people want to fund at a new level or a higher level will first go out and find something to tax and once we put this doubling of the marriage license tax on, that precludes the municipalities from ever getting anymore increase and funding from this source and I hope you do not pass this.

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

Mrs. KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I know it is very difficult to put a fee on at this time of the year. This is a difficult time to do this kind of a piece of legislation but unfortunately it was held up this long. I hope you would take this bill with serious consideration, that this is not a human services bill, this is a bill related to the Office of Children's Services at the Department of Mental Retardation.

This bill is to keep families together and I want to say that again — to keep families together. Very often young parents have psychological stresses. These problems can develop from alcohol, abuse or whatever.

About a year and a half ago, Washington County, Brunswick and Portland put those programs together to help families with dissenting problems. This bill will help families and become a single family and help children with emotional problems. It will keep families off AFDC and out of other services. The funds will be distributed through a competitive grant program or agencies that provide prevention intervention of support to families that include infants or young children who are at risk. If this saves 25 families, just the money we would be saving in services would be quadrupled. I want to give you some examples.

During the fall of 1981, four Maine children died, allegedly at the hands of family members. These deaths drew much media attention and caused public concern. To learn more about the occurrence of child death, the Commissioner of the Human Services, Michael Petit, initiated a study of over 1700 children's deaths in Maine during the five years from 1976 through 1980. This study documents and looks at children's deaths and causes by age. He then examined these deaths from the perspective of their distribution by cause and by age among Maine's low income population. The study documented that the death rate for children from low income families is significantly higher for all major causes of death than children from non-poor families. Overall, a poor child is 3.1 times more likely to die during his or her youth than a non-poor child.

During the five year period from 1976 to 1980, 1,737 Maine children died. Disease related causes were responsible for the greatest number of deaths of 1,068, accidents was second with 578.

Let me tell you, I have friends who have gone through divorces and one of my friend's child, a very young child, because of his family breaking up, wanted to commit suicide. If there were shelters or agencies where this child could go, possibly he wouldn't have gone through the torment that he went through. Hopefully, you

will also consider that. I understand that it is very bad timing for this fee, but unfortunately this is the only way. I felt we had to go out and find some way to raise this money and this was the way that it is being done in other states. New York just passed a law to increase marriage licenses also. It also put a tax on birth certificates. This is not much to ask, \$10 for someone getting married. I know many people out there spend a lot more money on things that aren't this important.

I urge you to recede and concur.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: The lady from Portland just made a good speech and I agree with everything she said. I would not be on my feet disagreeing with the thrust of her speech if this was a speech made to receive money from the General Fund, but the way that this was done, to me it is the precedent establishing problem. This establishes a precedent that frightens me that when I look ahead into the future, this is going to be the way to do it if this one gets through — go out and find some place where you can tack on a tax, get it earmarked and get your program through. If this is the way we are going to run programs in state government and this is the way we are going to fund them, then I am concerned about state government in the future.

I hope you defeat this motion to recede and concur.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I don't know whether this bill will pass or not but I do know one or two things — it wasn't long ago that many of these same people here were looking for some way to fund an alcoholism program and we found it. We found it was primarily because of alcohol and it was easy to tax that. I see many ways that we have taxed cigarettes over the years. Surely, cigarettes aren't the cause of children being abused. I think we are fortunate here as I watched the babies down front this morning and they are in the majority, thank the Lord, because they have such good families, but I want to tell you that as I traveled around through my district, in the poor district and in the wealthy district, there are children that don't have that. Children have been abused, sexually and obscenely. There are some things I think you would probably cringe at in horror, and some of them you already know.

I guess when I receive a letter in the mail to join the Heart Fund and put in a few bucks for that, that goes for a good cause. I have yet to hear anybody say that this isn't a good program so if you are looking for a few bucks to fund something that is very, very decent, if it comes out of something like a marriage license — my wife and I have been married 41 years and I wouldn't mind putting in \$10 for that now. I think that is the way we ought to look at it. If the program has merit, it ought not to be that difficult to fund it.

I would hope that you would go along with this this afternoon.

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

Mrs. MASTERTON: Mr. Speaker, I would like to pose a question through the Chair. If my understanding is correct, the money coming in from this marriage tax is going to go into a separate dedicated fund?

The SPEAKER: The gentleman from Cape Elizabeth, Mrs. Masterton, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: That has been taken out of the bill by the Senate Amendment and it is

now going into the General Fund and there is a General Fund appropriation for services asked in the bill and the services that are provided are to provide prevention intervention for support services to families that include infants and young children who are at risk as a result of any or a combination of the following environmental factors — very young parental age; parental psychiatric or psychologic stress; a history of family violence or a history of child abuse and neglect. Those are conditions that are very prevalent among those who abuse children, so those are the areas we want to hit, the high risk group, and provide services to those groups.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: As I understand it, the marriage license fee currently goes into our cities and towns and it is used as part of the revenue to run city government. What this bill really does is say that \$10 will be spent into human services.

I would point out to you that when people get married, rich people get married and poor people get married — the marriage license tax is certainly not a progressive tax by any stretch of the imagination, so actually we could be taxing some of these poor people who, according to Representative Ketover's speech, are the ones who go out and abuse their children anyway, although I certainly don't believe that because I know many, many low income people that are the best parents in the world, yet they don't have extra money to spend \$20 on their marriage licenses.

I would also like to tell you that the previous speaker told us that divorce is the problem, that it is divorced parents that are abusing their children. Maybe what we should be doing is taxing divorces or maybe what we should be doing is taxing every single birth certificate because it is children that are born. What I am trying to say is just because you get married doesn't mean that you are going to have children and just because you have children doesn't mean that you are married, so it just seems to me that this is a very unfair tax. It is doubling a tax on poor people as well as on rich people to pay for a program that, indeed, is very worthwhile, but if this program is as worthwhile as I think most of us believe it is, it should be paid out of the General Fund in which most of the revenues are from progressive taxes and not a regressive fee such as this one.

I would urge you to vote against the motion so we can come up with an equitable method of funding and not this unfair means.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I haven't made any noise here for a long time but I have been making some observations. I observe that an awfully few people are getting married today and I don't want to discourage the few that are. I observe also that if you are going to have a tax it should be on divorces rather than on marriages, and so I think the tax is being put in the wrong place.

I don't think we should do anything to discourage marriages today where we are having such a few of them. I hope this House will see fit to defeat this bill and if we do find it necessary, and it sounds like it might be, to have a tax, it should be put someplace other than that. I prefer getting it from the General Fund but I see no reason why we couldn't charge for each divorce because that is where a lot of the trouble stems from. I think we are taxing the wrong end.

Mr. Webster of Farmington 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 of a roll call will vote yes; those opposed will vote no.

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

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

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Connolly, Cooper, Cote, Cox, Crouse, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Joseph, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Maybury, Mayo, McCollier, McGowan, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, Paradis, P.E.; Perry, Richard, Rolde, Rotondi, Seavey, Soule, Stevens, Swazey, Tammaro, Theriault, Tuttle, Vose.

NAY—Anderson, Armstrong, Bell, Bonney, Bost, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Callahan, Clark, Conary, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Jackson, Joyce, Kiesman, Lebowitz, Lehoux, Lewis, Livesay, MacBride, Masterman, Masterton, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Paul, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Roderick, Salisbury, Scarpino, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Strout, Telow, Thompson, Walker, Webster, Wentworth, Willey.

ABSENT—Benoit, Cahill, Carrier, Chonko, Connors, Greenlaw, Hobbins, Jalbert, Mahany, Matthews, K.L.; Murray, Perkins, Reeves, P.; Small, Stover, Weymouth, Zirnkilton, The Speaker.

Yes, 63; No, 70; Absent, 18.

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

The Chair recognizes the gentlewoman from South Portland, Ms. Thompson.

Ms. THOMPSON: Mr. Speaker, having voted on the prevailing side, I move that the House reconsider its action whereby the motion to recede and concur failed.

Last year, Representatives Nelson and Masterton and Benoit and I car pooled back and forth from South Portland, as we do this year. Quite often in an effort to help the time pass, we used to read the newspaper out loud. When we got to the last page of the first section, we often had to stop because that is the page, and you probably have all read it, that talks about the cases of child abuse, really horrendous terrifying situations that happen to helpless children.

We usually stopped the reading and stopped the discussion because we could not bear to visualize the suffering child. That is the issue before us today. We are talking about preventing, a program that will prevent further abuse of children. That is where the problem lies. We are looking for funds to fund a program that will help prevent the abuse of children. When you look at an issue like this, if you want to vote for it, you listen to your heart, you put names of children on the bill, you think about it in concrete, very plain, very realistic terms, think about the articles you have read on the last page of the first section of the newspaper.

There is a saying and I don't know who wrote it, it says: "The better part of wisdom comes from the heart." Put names of children on this bill. If the program works, we will find that out; if it doesn't work, we will find that out as well, but I don't believe that we can afford to not try it.

I urge you to vote for reconsideration of the previous vote and I would ask for a roll call.

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

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

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: When we vote on this bill, you should put the names of young couples who would like to get married on this bill and some of these young couples are struggling, some of these young couples may not even have jobs in the present state of the economy and yet they want to try to start a new life together. They are trying to start a new life with a lot of bills. Do we want to double the tax on these people to pay for children that someone else is abusing?

I happen to believe in the General Fund, I happen to believe that we should have a series of progressive taxes so that those who are more able to pay will pay for the necessary services that government must offer.

I also happen to believe that abused children are a problem in our society. Those of you who served with my mother in this legislature know that she felt very strongly about this issue as well with her outrageous solution, which I am not advocating on the floor of the House today. What I am advocating is that when we fund the important programs, we don't fund them by doubling a regressive tax.

I urge you to vote against the motion to reconsider.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I am delighted that the gentlewoman from Auburn has come around to my way of thinking after all of these years on progressive taxation, but seriously, and I realize that the hour is late, the issue here is very important. I don't think we can afford to let this program go unfunded. Think for a moment, think very carefully, and please vote for this bill, I would like you to do it for me as a favor.

You know, four years ago today I got married and I would like to think perhaps you might pass this bill as sort of an anniversary present for myself and my wife.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that you give the gentleman from Portland his anniversary present and his wife. I just wanted to say that there is one argument we have been hearing on this bill that I think is quite ridiculous—the idea that the young couples cannot pay \$20 for a marriage fee. It is just so absurd to me. In fact, one of the problems is that young kids today jump into marriage without analyzing it seriously and in a year or two years, you know that story, they wind up getting divorced. Maybe we ought to raise the price to \$500, then they will take their marriages more seriously before they go into it. Certainly this whole notion of being an excessive burden on the young people getting married to charge them \$20 is absolutely foolish. I think we should go ahead and pass this bill, it is a good program, and at twenty minutes past three Friday afternoon, let's get on with it.

The SPEAKER: The Chair recognizes the gentlewoman from Brewer, Mrs. Maybury.

Mrs. MAYBURY: Mr. Speaker, Ladies and Gentlemen of the House: This bill is a very important bill. Just as those of you who are married realize the hard work it takes to make a

good marriage work, so does it take hard work to have a family and raise children and one of the provisions of this bill would allow for programs to be taught to high school age young people so that they will be able to make a better decision so that they will realize the importance of raising children and that they will think hard and long before they pay the \$20 to get married.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentlewoman from South Portland, Ms. Thompson, that the House reconsider its action whereby it failed to recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Clark, Connolly, Cooper, Cote, Cox, Crouse, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Joseph, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Maybury, Mayo, McCollier, McGowan, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, Paradis, P.E.; Perry, Richard, Rolde, Rotondi, Soule, Stevens, Swazey, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bost, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Callahan, Conary, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Higgins, L.M.; Holloway, Ingraham, Jackson, Joyce, Kane, Kiesman, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, MacBride, Masterman, Masterton, McHenry, McPherson, McSweeney, Michaud, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Paul, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Roderick, Salisbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Strout, Telow, Walker, Webster, Wentworth, Willey, Zirnkilton.

ABSENT—Benoit, Cahill, Carrier, Chonko, Connors, Greenlaw, Hobbins, Jalbert, Mahany, Matthews, K.L.; Murray, Perkins, Reeves, P.; Small, Stover, Weymouth.

Yes, 65; No, 70; Absent, 16.

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

Thereupon, the House voted to adhere.

The following paper appearing on Supplement No. 15 was taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Amend the Statutes Regarding Corrections (H. P. 1339) (L. D. 1779) (S. "A" S-224; S. "C" S-226)

Came from the Senate Passed to be Engrossed as amended by Senate Amendments "A" (S-224); "C" (S-226) and "F" (S-270) in concurrence.

In the House: On motion of Mr. Carter of Winslow, the House voted to recede.

Senate Amendment "F" (S-270) was read by the Clerk.

Mr. Carter of Winslow offered House Amendment "A" to Senate Amendment and moved its adoption.

House Amendment "A" to Senate Amendment "F" (H-434) was read by the Clerk.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like, first of all, to explain what my amendment does. What it does, it completes the agreement that we reached late yesterday evening between the Commissioner of Corrections and staff people and members of the Health and Institutional Services Committee, and what the agreement was is that we would clear up the language as it

was written. It had a fiscal note that could run as high as \$600,000. We agreed that we were going to delete this and dress up the bill and eliminate any section that required dedicated revenue. We have indicated time and time again that dedicated revenues are not the type of funding that we appreciate. This amendment merely completes the original agreement and I would hope that you would support it.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I would hope that this body would defeat that motion. We are talking about \$4,000, we are talking about an industry, we are talking about rehabilitation, we are not talking about people lining their pockets with extra money whether it be the inmates or whatever, we are talking about the money that is earned through an industry, it is for rehabilitation, to buy equipment and supplies so that this industry can continue.

Not only was it the unanimous decision of our committee to keep this in, but it was also the unanimous decision of another committee that reviewed this and that is the Performance Audit Committee. We believe that it is very, very important to what Representative Brodeur spoke about last night, his concern that in the transitional committee there wasn't enough done to rehabilitate the prisoners. This will help to do that. You take out this part and you weaken the program that is just beginning and what are we talking about? Less than \$4,000.

If you accept this amendment, it will go back to the other body in non-concurrence and the bill, no doubt, will die. We must leave the bill intact, the way it is. At this point without this amendment, it is unanimous from our committee, the Performance Audit Committee, the Transition Committee and all those people interested in the best interests of the Corrections Department and those people that they serve.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Callahan.

Mr. CALLAHAN: Mr. Speaker, I would like to pose a question through the Chair. Reading the bill, it says that Section D will be eliminated, Paragraph D, which says that the money taken in from sales from the prisoners will go towards a pool for new material. My question is, what will happen to this money if the paragraph is eliminated?

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

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The way that the amendment is prepared, it will do nothing to disrupt the functioning of the bill. It is my understanding that the revenues that they intend are undedicating are not needed as this portion or section of the bill does not become effective until the first of January in 1984, so the bill itself will not be affected. It will meet the objectives of the committee and it will satisfy the Appropriations Committee process and I would hope you would support the adoption of the amendments.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Portland said that the Audit Committee had also dealt with this situation and I would like to briefly explain what happened with the Audit Committee.

In our deliberations last year, the Department of Corrections was one of the departments that we went over. In our original deliberations, we had voted to do away with all dedicated accounts in the Department of Corrections; however, after the Health and Institutions Committee went over all the trans-

itional materials, they had made another decision that would restore this dedicated account and other dedicated accounts. The Audit Committee met again with members of the Health and Institutions Committee, with people from the Corrections Department, and we agreed that we would accept this particular dedicated account, not other dedicated accounts, we stuck by our decision there, but this particular one we would see how it worked.

This is a dedicated account at the Correctional Center in Windham, it would be used to replenish materials in the industries program down there. We were persuaded, finally, that it would be a good idea to try this and see how it works. We had a lot of discussions about sticking to agreements. I feel that our committee made an agreement on this with the Health and Institutional Services Committee that also spent many, many hours working on this and we stuck by our guns in doing away with all the other dedicated accounts, the Corrections Department went along with that, so I feel that we did reach an agreement.

I am going to urge you, too, to vote against this amendment.

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

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

The SPEAKER: The gentleman from Portland, Mrs. Nelson, moves the indefinite postponement of House Amendment "A" to Senate Amendment "F".

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: I am speaking in favor of the proposed amendment by the Chairman of the Appropriations Committee, not from the point of view, although I have other issues that I would address when other amendments are presented as someone who is concerned about issues at the prison, but I am addressing this amendment as a member of the Appropriations Committee.

Throughout this entire session when the Appropriations Committee, Democrats and Republicans, were reviewing the budget, we were presented with several recommendations from the Governor's Office and others about establishing dedicated revenue accounts. The position that we consistently took and we changed the bill whenever that issue came up, was that we should try to avoid at all costs the establishment of dedicated revenue accounts and that if a program or a project were worthwhile, it certainly could stand on its merits and be funded out of the General Fund.

If Representative Carter's amendment is accepted, the industries program will not die, it will continue to stand on its own merits. If the Legislature thinks it is appropriate, it will fund money out of the General Fund. We are only talking about \$4,000 at this point, but it has been the consistent policy of both Democrats and Republicans on the Appropriations Committee to try to get rid of dedicated revenue accounts wherever we can.

This issue arose and this amendment is before us because of the conference that was held last night when all of a sudden, we have been saying it for the last two or three days, but all of a sudden everybody agreed that this bill should have a revised fiscal note.

Senator Najarian and Representative Carter worked until about quarter of twelve last night on what was to be a compromise and that was somehow changed this morning. Representative Carter's amendment tries to restore that compromise and I would hope that this Legislature would support his amendment and vote against indefinite postponement.

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

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. I would like to

pose a question to Representative Carter—I hear a lot about the various committees that worked on this and I would like to know what the Corrections Department says about this?

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

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the good gentleman's question is that the Commissioner of Corrections was present when we agreed to the amendment that is being discussed. Everybody was in agreement.

While I am on my feet, I would like to call your attention to the title of this bill. The bill is supposed to be a very innocuous bill. It is "An Act to Amend the Statutes Regarding Corrections" and makes no reference to appropriating any money, but upon closer examination we discover that the bill needs a fiscal note to the tune of \$600,000 if it is going to meet the legislative requirements, as we require on any piece of legislation that requires funding.

We have agreed in good spirit not to disturb the objective of this bill, which is to primarily meet with the Pineland Court decree, and we were all in agreement last night, until the eleventh hour when somebody had decided that it should be different. I would hope that you would stand firm with the committee and accept this amendment.

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

Mr. MANNING: Mr. Speaker, I would like to pose a question through the Chair to Mr. Carter. If his amendment goes through, or if the amendment doesn't go through, is there still a \$600,000 appropriation on this bill?

The SPEAKER: The gentleman from Portland, Mr. Manning, has posed a question through the Chair to the gentleman from Winslow, Mr. Carter, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: To answer the good gentleman's question, the answer is, there are no funds on the bill anymore; The amendment deletes all the funds. The amendment is very clear about its intent. Incidentally, the amendment that we agreed to last night was pre-engrossed and my amendment restores the bill to conform with the engrossment that we agreed to last night.

I would hope that you would support the amendment.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to indefinitely postpone this amendment. The Health and Institutional Services Committee worked a great deal for a long number of hours upstairs on this bill. The original bill has the industrial account there. That industrial account and the program that it is going to fund is one that is in its infant stage. We are asking to have this program there at Windham, at the correctional center, not at the prison, so the program can grow—two years, that is all. In two years, if the program is flying on its own, we will be all set, we won't need the "dedicated account" anymore.

To get the program flying and to get the program working well for rehabilitation purposes, we need that account.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Callahan.

Mr. CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: There must be a misunderstanding with Representative Carter who said they were in full agreement when the Commissioner was there. About five minutes before the bell rang, several of the legislators were talking with the Commissioner and he

said "he definitely is opposed to this amendment."

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would ask the House to heed the good gentleman from Winslow's remarks this afternoon because there is no question in my mind that he is not out to kill this bill, what he wants to do is to pass it. There is no question in my mind either that the Health and Institutional Services Committee put a great deal of work into it, but we on the Appropriations Committee also worked with Commissioner Allen and I am sure if he had his way he would like to be the 152nd member of this House voting here this afternoon but he isn't, thank the good Lord, there is only 151 of us here. It is a hot afternoon, there has been a lot of work done on this bill because of the Nelson Committee, the Health and Institutional Committee—there are good intentions on behalf of Mr. Carter, I am sure, seeing that this bill is passed. I don't think we should be throwing things out the window to the wind in regards to this issue. I think the Health and Institutional Services Committee understands there is some cooperation from other members of this House in regards to this most valuable document.

I would ask the House not to vote for indefinite postponement, put it on this bill, and I think we can finally enact it with no great harm to the bill at all.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Cooper.

Mr. COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I haven't talked with Mr. Allen but I have worked a little bit with the Corrections Center. I used to do a little work for the county when I was there and the people that I worked with, the ones below the Commissioner level, certainly feel that this type of program is necessary if they are to continue to improve their system there, and I would urge you to indefinitely postpone the amendment.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: I just want to correct what may be a misimpression about what the last speaker said. If Representative Carter's amendment is on the bill, the industries program is not going to die. If there is anyone who is identified with trying to set up rehabilitative type programs within the corrections system, it is certainly myself, and I would never do anything which I think could lead to having those programs thrown away. The industries program will not die if Representative Carter's amendment is put on the bill.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Perhaps that is true, but I think you have to be realistic and understand that if you were to put it into the General Fund, then the program, the industries program, that has to go before the Appropriations Committee, along with the Commissioner, on its knees to ask for more money and more help. What is wrong with having it self-sufficient? Some think there is nothing sacred about the Appropriations Committee, there are only 13 people, good people, well intentioned, they do a lot of good work. They worked hard and they cleared the Table and there are a lot of good things that is going to happen to the people in the State of Maine. We are simply saying in our committee and what the Performance Audit Committee was saying is that we want this program to exist. It should exist on its own merits and not have to come every year on its knees before the Appropriations Committee.

I would just like to explain that my understanding last night regarding the amendment deals with federal funds being undedicated, not the funds for the industries program at

Windham.

The SPEAKER: The pending question before the House is on the indefinite postponement of House Amendment "A" to Senate Amendment "F".

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

Mr. GAUVREAU: Mr. Speaker, pursuant to House Rule 19, I would declare a conflict of interest and request leave to be excused from voting on this or any other matter pertaining to L. D. 1779.

The SPEAKER: The Chair will grant that request to the gentleman from Lewiston, Mr. Gauvreau.

Mr. Carter of Winslow 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 of a roll call will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Portland, Mrs. Nelson, that House Amendment "A" to Senate Amendment "F" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Baker, Bell, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Cashman, Clark, Conary, Cooper, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Hayden, Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Jacques, Joseph, Joyce, Kelly, Ketover, Kiesman, LaPlante, Lewis, Livesay, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Masterman, Masterton, Maybury, Mayo, McCollister, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, T.W.; Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pines, Racine, Randall, Richard, Roderick, Rolde, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Stevens, Stevenson, Strout, Tamaro, Theriault, Thompson, Tuttle, Vose, Webster, Wentworth, Zirkilton.

NAY—Andrews, Armstrong, Beaulieu, Carroll, G.A.; Carter, Connolly, Cote, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Kane, Kelleher, Kilcoyne, Lebowitz, Lehoux, Lisnik, Locke, Martin, H.C.; Matthews, Z.E.; McGowan, McHenry, Murphy, E.M.; Paradis, E.J.; Parent, Pouliot, Reeves, J.W.; Ridley, Roberts, Soucy, Swazey, Telow, Walker, Willey.

ABSENT—Benoit, Brown, K.L.; Carrier, Chonko, Connors, Dudley, Greenlaw, Jalbert, Mahany, Matthews, K.L.; Murray, Perkins, Reeves, P.; Small, Soule, Sproul, Stover, Weymouth, The Speaker.

EXCUSED—Gauvreau.

Yes, 96; No, 35; Absent, 19; Excused, 1.

The SPEAKER: Ninety-six having voted in the affirmative and thirty-five in the negative with nineteen having been absent and one excused, the motion does prevail.

Thereupon, Senate Amendment "F" was adopted.

Mr. Brodeur of Auburn offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-419) was read by the Clerk.

Mr. BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: This amendment would require that the standards for county and municipal jails which the Commissioner wishes to lower to come before the Legislature prior to approval. The present Commissioner says that he has no intention of lowering life and safety standards but future commissioners could do so. Even though there are plenty of advisory groups to advise the Commissioner, the final

say is in the Commissioner's hands under this bill. This amendment would put the lowering of standards into the Legislature's hands, it would need legislative approval.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of House Amendment "B".

The SPEAKER: The gentleman from Portland, Mr. Manning, moves the indefinite postponement of House Amendment "B".

The gentleman may proceed.

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Apparently they are working on a standard of regulations that have been promulgated by the APA. They are in effect within the first year. If this legislation goes through and there is a piece there that does not come up to standard or up to what the Department of Corrections thinks it should and they want to abolish it, they will have to wait until we come back here next year. If they find that the standard is not right and we don't have this piece of legislation, they can get the APA process going a lot quicker and I am sure the gentleman from Auburn knows that the APA process can be put into effect very quickly. But if this statute goes through, to repeal the statute will be sometime next summer, not this summer.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Portland, Mr. Manning, that House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

88 having voted in the affirmative and 15 in the negative, the motion did prevail.

Mr. Brodeur of Auburn offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-421) was read by the Clerk.

Mr. BRODEUR: Mr. Speaker, Men and Women of the House: This amendment deals with a situation where a person is put into segregation. Presently, the law requires that if a physician states that it is harmful to the mental or physical health of the person, then that segregation shall be discontinued. In the case that was recently decided by the judge, the federal district court judge, the judge did say that there was one condition of cruel and unusual punishment, but I believe that if the superintendent of an institution would at any time in the future let somebody be in segregation when the physician states that it is harmful to the mental and physical health of the person, I believe that would be a condition under which there would be cruel and unusual punishment and for that reason I hope you will adopt this amendment.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I move indefinite postponement of House Amendment "D".

The SPEAKER: The gentleman from Portland, Mrs. Nelson, moves the indefinite postponement of House Amendment "D".

The gentleman may proceed.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: There are already safeguards for this to happen. If, indeed, a prisoner were put in that situation and was injured in any way, the Commissioner, the warden, and the State of Maine would be sued. No one wants to do that. They don't want to do that to begin with because this is a human being they are dealing with. Second of all, the state simply can't afford these kinds of litigation.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: This is the last debate, the last amendment to be offered on this particular legislation; I know that makes a lot of

you very happy. There were two or three other amendments that we had prepared that we wanted to offer—the key vote I think, however, in terms of the final outcome of this bill was determined when Representative Carter's amendment was offered.

I would like to speak to one issue that this particular amendment tries to address. Earlier in the session, there was a bill that was presented before the Health and Institutions Committee that said before the Department of Corrections could take an inmate from Thomaston or Windham and transfer them out of state to a federal penitentiary, that they would first have to give that inmate the opportunity for a hearing. The Health and Institutional Services Committee, on the recommendation of the Department of Corrections, killed that particular bill, but the good House Chairwoman of that committee held the bill in committee and asked the Department of Corrections to provide her and the committee with specific guidelines the department would follow before someone would be transferred out of state. The Department of Corrections did that and then the committee released the bill, it was given a "Leave to Withdraw" and that was the end of it.

One of the things that has happened with this legislation and that this amendment tries to correct is that all those guidelines that have been set up that were given to the Health and Institutional Services Committee two or three months ago would now be thrown out the door and the Commissioner of Corrections could, for any reason whatsoever, take an inmate at Thomaston or Windham and transfer them to a federal penitentiary. The whole thrust of this legislation, with this issue and all the other 52 or 60 sections of the bill, is to take away discretion from judges and other people and to put them in the hands of the Department of Corrections. I think that is a big mistake, but we have lost.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentlewoman from Portland, Mrs. Nelson, that House Amendment "D" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 14 in the negative, the motion did prevail.

Thereupon, the House voted to concur.

The following paper appearing on Supplement No. 16 was taken up out of order by unanimous consent:

Passed to Be Enacted

An Act to Amend the Statutes Regarding Corrections (H. P. 1339) (L. D. 1779) (S. "A" S-224; S. "C" S-226; S. "F" S-270)

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

The following paper appearing on Supplement No. 17 was taken up out of order by unanimous consent:

On Motion of Representative Mitchell of Vassalboro, the following Joint Order: (H. P. 1358)

ORDERED, The Senate concurring, that the following specified matter be held over to the next special or regular session of the 111th Legislature:

Committee Bill
Labor H. P. 1299 L. D. 1724

The Order was read and passed and sent up for concurrence.

The following paper appearing on Supplement No. 18 was taken up out of order by unanimous consent:

The following Communication:
State of Maine
Office of the Governor
Augusta, Maine 04333

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

I am returning, without my signature of approval, H. P. 713, L. D. 904, "AN ACT to Create Boothbay Region Waterfowl Sanctuary."

Because I strongly support Maine's outstanding waterfowl sanctuary programs, I must object to this bill for the following reasons:

- 1) Since its inception, the waterfowl sanctuary program has been founded upon a firm base of scientific evidence and reasoning.

Sanctuaries are established only where there is demonstrated biological need for the protection they provide. There is a long standing and well-established policy, with clear administrative procedures to follow, for the designation of new sanctuaries. To establish a sanctuary without following these procedures, and without evidence of biological need, contravenes this policy, and undermines public confidence in the entire sanctuary program.

After the most careful consultation with the Commissioner of Inland Fisheries and Wildlife, it is clear to me that there exists no sound, scientific reason to establish this sanctuary. The Joint Standing Committee on Inland Fisheries and Wildlife issued a strong "ought not to pass" report on this bill precisely because of the non-scientific precedent it would set. To subvert the established process in this case would open the door for further misuse of this important program.

- 2) The proposed Boothbay Region Waterfowl Sanctuary will not promote black duck conservation, nor will it serve any other useful wildlife management purpose.

Black ducks, once abundant, have diminished seriously over the past 20 years. This problem is of international dimensions, and I have urged the federal government to continue its efforts to restore this important species to population levels of prior years. While we in Maine must take whatever steps are found necessary to promote conservation of the species, there is a danger that sincere but hasty actions will actually prove counterproductive.

Misunderstanding of L. D. 904 has led some well-meaning people to the invalid conclusion that it would help to protect black ducks. As amended, the effect of this bill is to prohibit the possession of firearms in the proposed sanctuary during the months of April through September. It is already a criminal offense to hunt ducks and almost every other species of beast or fowl at those times. Consequently, this bill would have no effect on hunting.

Furthermore, as the Commissioner of Inland Fisheries and Wildlife has shown, there is no evidence that this area suffers from too much hunting pressure, even during hunting season. This measure cannot, therefore, be regarded as a carefully considered method of wildlife management.

- 3) This is primarily an issue for local resolution.

It is evident from the report of the Committee and the investigation undertaken by the Department that the concerns in the Boothbay Region which led to this proposal are appropriately local in nature. Local police protection against vandalism and other abuses in the area is, ultimately, the only solution to these problems. It is not the proper role of the State to intervene in such matters, nor could the State provide protection more effectively than local government.

I respectfully request that in light of these facts and circumstances you sustain my veto of this measure.

Sincerely,
JOSEPH E. BRENNAN
Governor of Maine
The Communication was read and ordered

placed on file.

The SPEAKER: The pending question before the House is: Shall this bill become law notwithstanding the objections of the Governor?

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

Mrs. HOLLOWAY: Mr. Speaker, Members of the House: I just want to give a big thank you to all of my supporters who believed as I did, that conservation and wildlife management is important to preserve everything that Maine is all about.

Perhaps another session, another Governor, another time, we will allow legislation of this type to become law. Thank you to all.

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat astounded and I guess a little bit amused that this legislation has been vetoed today.

Earlier this year, I went down to the Governor's Office and I talked to him and I asked him to veto legislation that required annual automobile inspections and he chose not to. He chose not to veto legislation that has statewide safety implications and yet he chooses to veto the duck bill, a bill that turned into a personality contest because someone's ego was damaged a little—I suggest that our good Governor Brennan reassess his priorities. They seemed to be sorely adrift.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by a roll call. This requires a two-thirds vote of all those present and voting. All those in favor of this bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Anderson, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Crouse, Crowley, Curtis, Daggett, Davis, Dillenback, Drinkwater, Dudley, Foster, Higgins, L.M.; Holloway, Jackson, Lebowitz, Lewis, Livesay, MacBride, Macomber, Martin, A.C.; Masterman, Masterton, McPherson, Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Nelson, Paradis, E.J.; Parent, Pines, Randall, Roderick, Salsbury, Scarpino, Seavey, Smith, C.W.; Stevenson, Telow, Walker, Webster, Wentworth, Willey.

NAY—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Clark, Connolly, Cooper, Cote, Cox, Day, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, Lehoux, Lisnik, Locke, MacEachern, Manning, Martin, H.C.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Moholland, Nadeau, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Reeves, J.W.; Richard, Ridley, Roberts, Rolde, Rotondi, Sherburne, Smith, C.B.; Soucy, Stevens, Strout, Swazey, Tamaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT—Benoit, Carrier, Chonko, Conners, Dexter, Greenlaw, Ingraham, Jalbert, LaPlante, Mahany, Matthews, K.L.; Murray, Perkins, Racine, Reeves, P.; Small, Soule, Sproul, Stover, Weymouth, Zirkilton.

Yes, 50; No, 80; Absent, 21.

The SPEAKER: Fifty having voted in the affirmative and eighty in the negative with twenty-one being absent, the veto is sustained.

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

Ms. Thompson of South Portland moved that the House reconsider its action of earlier

in the day whereby it voted to adhere to its previous action whereby An Act to Establish Funding for Programs of Preventive Intervention and Family Support, House Paper 1268, L. D. 1682 (S. "A" S-261) failed of passage to be enacted. (In Senate, passed to be enacted)

Whereupon, Mr. Carroll of Gray requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from South Portland, Ms. Thompson, that the House reconsider its action whereby it voted to adhere. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Clark, Connolly, Cooper, Cote, Cox, Crouse, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Hobbins, Jacques, Joseph, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Matthews, Z.E.; Maybury, Mayo, McCollier, McGowan, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Richard, Rolde, Rotondi, Stevens, Tammam, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Crowley, Curtis, Daggett, Davis, Day, Dillenback, Drinkwater, Dudley, Foster, Higgins, L.M.; Holloway, Ingraham, Jackson, Joyce, Kiesman, Lebowitz, Lehoux, Lewis, Livesay, MacBride, Martin, H.C.; Masterman, Masterton, McHenry, McPherson, McSweeney, Michaud, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Stevenson, Strout, Swazey, Telow, Walker, Webster, Wentworth, Willey.

ABSENT—Benoit, Carrier, Chonko, Conners, Dexter, Greenlaw, Higgins, H.C.; Jalbert, Mahany, Matthews, K.L.; Murray, Perkins, Reeves, P.; Small, Soule, Sproul, Stover, Weymouth, Zirkilton.

Yes, 67; No, 65; Absent, 19.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-five in the negative, with nineteen being absent, the motion does prevail.

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

Mrs. MITCHELL: Mr. Speaker, I move that the House insist and ask for a Committee of Conference.

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, moves that the House insist and ask for a Committee of Conference.

The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I ask for a division on the motion to insist. The time is drawing late. If we ask for a Committee of Conference, we are going to be here all night. I think that is all I need to say.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I would join with Miss Lewis's request that we vote against this motion. I would like for us to defeat the motion and go back to the motion to recede and concur. So please vote against my motion to insist.

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that the House insist and ask for a Committee of Conference. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

4 having voted in the affirmative and 116 having voted in the negative, the motion did not prevail.

Mrs. Mitchell of Vassalboro moved that the House adhere.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that the House adhere. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

Whereupon, Mrs. Mitchell of Vassalboro moved that the House recede and concur.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I think it is appropriate at this time that I spend the next hour discussing this issue with you. It appears that some of you people think that this is a big game. Well, I happen to feel very strongly about this issue, I felt very strongly about this issue when I signed it out 11 to 2. All of a sudden it is game time. Well, I will tell you something about this issue—if you want to tax and tax and tax, you vote to recede and concur. I will tell you, I am getting sick of this.

Mr. Diamond of Bangor requested a roll call vote.

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

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

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: At first I was against this bill, I voted against it on principle, but when I start thinking about the children, they are more important than the money.

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Clark, Connolly, Cooper, Cote, Cox, Crouse, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Maybury, Mayo, McCollier, McGowan, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, Paradis, P.E.; Perry, Pouliot, Richard, Rolde, Rotondi, Stevens, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Higgins, L.M.; Holloway, Ingraham, Jackson, Joyce, Kiesman, Lebowitz, Lehoux, Lewis, Livesay, MacBride, Masterman, Masterton, McHenry, McPherson, McSweeney, Michaud, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Paul, Pines, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Stevenson, Strout,

Swazey, Tammam, Telow, Walker, Webster, Wentworth, Willey.

ABSENT—Benoit, Carrier, Chonko, Conners, Greenlaw, Jalbert, Mahany, Matthews, K.L.; Murray, Perkins, Reeves, P.; Small, Soule, Sproul, Stover, Weymouth, Zirkilton.

Yes, 67; No, 67; Absent, 17.

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

Miss Lewis of Auburn moved that the House adhere.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Auburn, Miss Lewis, that the House adhere to its action whereby the Bill failed of passage to be enacted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

69 having voted in the affirmative and 63 having voted in the negative, the motion did prevail.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on RESOLVE, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells for \$10,000 (H. P. 1024) (L. D. 1325) ask leave to report: that they are unable to agree.

(Signed)

Representatives:

GWADOSKY of Fairfield
ROLDE of York

— of the House.

Senators:

VIOLETTE of Aroostook
CLARK of Cumberland
PRAY of Penobscot

— of the Senate.

The Committee of Conference Report was read and accepted and sent up for concurrence.

Order Out of Order

On motion of Mrs. Mitchell of Vassalboro, the following Joint Order: (H. P. 1359)

ORDERED, the Senate concurring, that the following specified matter be held over to the next special or regular session of the 111th Legislature:

Committee

Bill

Taxation

H. P. 359 L. D. 417

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

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

The following paper appearing on Supplement No. 20 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 636)

ORDERED, the House concurring, that the departments and agencies of the State are directed to use any and all available means to avoid the layoff or break in service of present State employees, due solely to the 90-day waiting period for Public Law 1983, chapter 477, to become effective.

Came from the Senate read and passed.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: This is a rather unique occurrence, I think, that we see before us here. I am not sure if members of the House have copies of the order that is before us or not. My inclination is that this order is an attempt to circumvent the need for an emergency clause

to be on the Appropriations Act that was passed here a couple of evenings ago, and I object to that. I think that we as a party attempted to present a budget that was fair and reasonable, that had an emergency clause on it, that did not call for any layoffs whatsoever because it became effective immediately, and because the majority party in the House felt that they were unwilling to compromise with the minority party in an attempt to pass a budget through here on an emergency basis, that they had to remove the emergency preamble from their bill and to do it without us, to do it without a compromise, without some coordination. I object to that. In fact, if there is one thing that I get criticized the most for from members of my caucus is that I have a tendency to compromise too easily sometimes—whether the Speaker believes it or not, that is the truth.

I think the fact that we need this order is a clear indication that the budget that was passed here earlier this week had some flaws in it, that it did in fact need a two-thirds majority vote to be passed, and I am not going to object to this order being passed through here because that is not going to do us any good. The Republican Party had stated way back, earlier along, that we were not in favor of laying off any people; in fact, we were the ones that had the emergency preamble in our budget, but I just view this as an attempt to subvert the process of trying to run a budget through here on a single majority vote and not taking into account the wishes of the minority party and then trying to make up for it in some other way. I think it is an extremely bad precedent to begin because you can pass all kinds of Joint Orders and pass all sorts of Resolutions but they don't have the effect of law. You have, in effect, eliminated from consideration well over a third of the members of this body and I think that is wrong. I have said it many times before and I will say it again—we were elected here to do a job, we attempted to do that job and we will continue to do that job.

Last night I was accused of a couple of actions relating to the so-called chainsaw bill and little did I know at that time that the amendment that was passed in the Senate to that bill, which we agreed to in leadership, contained a clause in it that we did not agree to in leadership, which in effect made the effective date of the corporate tax January of 1983, because it had been left out of the budget that we passed here two nights ago. Now, that is wrong. If you want to talk about deception and you want to talk about defiance, then I submit to you that that Senate Amendment meets those criteria. That portion of that amendment is not germane to the bill, has nothing to do whatsoever with it. The fact of the matter is that the budget, as I said that night, had been brought up here too soon, too fast, and it didn't have the opportunity for public scrutiny.

In less than 24 hours, we passed a budget that raised \$28 million in additional taxes, and I feel very strongly that that was inappropriate. I think it is clear now that perhaps I was at least a little bit right because it did have some flaws in it, and I object to the manner with which that flaw was addressed, attaching it in an amendment buried somewhere that no one was knowledgeable of, at least from this party, and I think that is wrong, that is a worst precedent than what we are doing here right now.

You talk about gentlemen's agreements and you talk about agreeing to do something that was funded off the table, that amendment is the absolute bottom of any tactic that I have seen in this body in the ten years that I have been here—total disregard for the legislative process, the minority party and the issue itself. There is no reason whatsoever that another bill could have been brought up here that included that language, and it would have been passed by this body. I don't have any belief that

it would not have, that is not the point. The point is, it was dealt with in a deceptive manner and I object. I object to the manner with which this has been handled, and I have objected all along to the manner in which the budget has been handled as well.

I am not opposed to the order, I am opposed to the process and the way in which the last 48 hours have transpired.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: Just a couple of points for the record before we adjourn on the 100th day.

First, in relation to the tax amendment that the gentleman is referring to—I think I would share his concern had there been anything substantive in that amendment. It was never any secret to the press, to the world, that the Democratic Party was passing a corporate tax with the effective date that was in that amendment. Our revenues were predicated with the corporate tax going into effect at that time, so I really don't think that anything was done in an effort to fool anybody. As Mr. Higgins has pointed out clearly, that amendment could have been passed on a separate bill, the issue would have been the same and it clearly would have passed because that was the intention originally. I am sorry if Mr. Higgins thinks that because ours came out too fast and had a mistake, his budget came out even before ours did. Legislation always has mistakes and has to be corrected. I think that is what we do with two-thirds of the things we are here for, sometimes correcting mistakes that we make, sometimes technical, sometimes we look at them later and go into them.

But the final thing in terms of why this order because I think that is important and I don't want it to get bogged down in partisan rhetoric—the order is here because I think it simply re-emphasizes, or underlines, if you will, what I attempted to state on the record before—we believe that the authorization is there already. Because of the federal fiscal year which ends in October, transfers can be made. We simply want to underscore our belief that there is legislative authorization. It has never been the intent of our party or yours to derail government services, and I simply want to make very sure that everyone knows that that is the intent of this order.

In terms of why the bill was not let in, I think the gentleman knows full well that even though the votes were there to let the bill in for you to look at as a piece of legislation, if you wish to do it that way, he and his assistant voted against that in council on a 7 to 3 vote, so that is why we chose the Order route. I hope you will pass the order and, again, I simply think it underlines what we already believe to be true.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: There is some confusion in this Representative's mind right now. Last night, we had two budgets before us—one was the minority budget which had an emergency in it because it was a Republican concern that people not be laid off. Because of that concern, a Republican Representative posed a question to the gentlelady last night concerning the non-emergency nature of the majority party's proposal, and the gentlelady from Vassalboro, in a very light-hearted mood, almost laughingly at times, read a letter and assured the members of this body before that most important vote that there would be no layoffs. Now we are here at the last hour of the last day and we have a Joint Resolution before us which appears to be very crucial in terms of preserving the jobs, and it just doesn't mesh with what we were told by the gentlelady last evening.

Thereupon, the Order received passage in concurrence.

(Off Record Remarks)

At this point, the Speaker appointed Representative Mitchell of Vassalboro on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

Subsequently, Representative Mitchell reported that she had delivered the message with which she was charged.

At this point, the Chair appointed the following members on the part of the House to wait upon His Excellency, Governor Joseph E. Brennan, and inform him that the House had transacted all business before it and is ready to receive any communication that he may be pleased to make:

Representatives:

BAKER of Portland
CARTER of Winslow
HIGGINS of Portland
COTE of Auburn
AINSWORTH of Yarmouth
CARROLL of Gray
SOUCY of Kittery
INGRAHAM of Houlton
STROUT of Corinth
CALLAHAN of Mechanic Falls

Subsequently, Mr. Baker reported that the Committee had delivered the message with which they were charged and that the Governor would forthwith be present in the House.

At this point, a message came from the Senate, borne by Senator Pray of Penobscot, informing the House that the Senate has transacted all business before it and was ready to adjourn without day.

His Excellency, Governor Joseph E. Brennan, entered the Hall of the House amid applause, the members rising, and delivered the following communication:

GOVERNOR BRENNAN: Mr. Speaker and Members of the House: Four months and two days ago, I stood before a Joint Convention of the Maine Legislature and offered my assessment of the State of our State. You will recall that it was an optimistic report. It spoke of how far Maine has come, it spoke of the great potential of our state, it spoke of the problems and challenges yet to be overcome.

That night I presented to you many recommendations to continue our progress, to enlarge our prospects and to address our problems. Today, I come before you again to express my congratulations and to pay my respects to you for the job that you have done to meet these concerns.

Today, as this session adjourns, you leave behind you what I believe is a very impressive list of accomplishments. It was this Legislature which agreed that enough is enough and put a lid on the runaway cost of health care, and I believe without the slightest compromise of the high quality medical care Maine people expect and deserve.

For many of you, to support that bill took courage.

It was this Legislature that recognized the potential of our rivers for both recreation and development and acted to give all Maine people an orderly and comprehensive plan to put these priceless resources to the best and most appropriate use. And that took foresight and an abiding concern for the future of this state and its environment.

It was this Legislature that strengthened our prospects for business growth and for jobs by improving the state's loan guarantee authority and giving new financial support for farmers. I think that took a belief in the future of our state.

Indeed, it can be said justly that this session devoted itself to looking ahead to an even better day for the State of Maine. You saw that our

economy depends on good roads and gave us the tools to build and to rebuild that vital link in our transportation system.

You saw that our resources are our future and you addressed the need to protect our farmland from erosion and groundwater from pollution, and you supported planning for the most essential of our resources, the forest.

You saw that business needs support to develop and grow, so you made the banking industry more competitive through interstate banking. You strengthened our housing program to generate another \$80 million in housing activity. And you adjusted our corporate taxes downward for many of our companies, and upward to a level more comparable with other New England States for some others.

You looked ahead to justice for all people through your support for a State Equal Rights Amendment.

You saw that the future you planned belongs to our children and so you supported more funding for education, you protected infants riding in cars, and you made it possible for us to do a better job with youthful offenders. And you took our drunk driving law, a law which is working and working well, and you strengthened it to discourage teenagers from making that fatal of a judgment.

You gave our second largest urban area something it needs and wants, and hopefully that will be a new branch of the University of Maine.

You supported dental health and mental health and education for the deaf. You addressed some of the problems of our overcrowded prison system. You gave financial help to communities with state buildings, and much more.

I have been observing the Legislature closely for nearly 20 years now as a participant, as Attorney General and as Governor, and I know well that no one, no Senator, no Representative, and certainly no Governor comes out of a session with one hundred percent of what he or she wants, and so there were some disappointments.

I would like to have seen a more substantial commitment to our tourist industry.

I continue to believe that the state should get out of the retail liquor business and let the private sector do the job, and I still think that policies which allow some workers to still retire at the grand old age of 41 must be changed, but I know that some ideas must be debated here over the course of several sessions, and I remain confident that in the future these policies, some of which use taxpayers' dollars unnecessarily and unwisely, will be changed.

And there remain matters of unfinished business which may require us to meet again before the next regular session, but I think that this was a good session. Perhaps that surprised some people, but it did not surprise me.

To Speaker Martin, to the Committee Chairs and every member of this House, you have the sincere thanks of the people of Maine for the conscientious way you have met your responsibilities, and you have my personal congratulations. For all that you have accomplished, this Legislature will be remembered for something beyond the bills it enacted, something that never appeared on a daily calendar. This Legislature functioned as capably and diligently as any in my memory. I think that reflects well on the abilities of the Speaker, the President, the Floor Leaders, the Clerk, the secretaries and all his staff.

You were chosen to be leadership, and I believe you gave that leadership, and all of you, from every corner of this state, you can return home knowing that what you did here for six months will affect the well-being of Maine, and I think very favorably, the well-being of Maine and her people for decades to come.

Again, I want to thank you and I hope you have an enjoyable summer; we hope to see you before too long.

Whereupon, the Governor withdrew from the hall of the House amid prolonged applause, the members rising.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am very honored to have been asked to perform a duty that has traditionally been that of Representative Luman Mahany of Easton. As pleased as I am to do this, I wish with all my heart that dear Mr. Mahany were here to do it himself. In all my years of service in this Legislature, I do not remember anyone else doing this.

Mr. Speaker, I now move that the House adjourn sine die.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Martin, now moves that the House adjourn sine die. Is this the pleasure of the House?

The motion prevailed and at 5:16 P.M., Eastern Daylight Saving Time, Friday, June 24, 1983, the Speaker declared the House adjourned without day.