

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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HOUSE

Thursday, March 22, 1984

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

Prayer by Father James Morgan, St. John's Catholic Church, Bangor.

The Journal of Tuesday, March 20, 1984, was read and approved.

Papers from the Senate

Bill "An Act to Authorize County Commissioners to Establish Separate Voting Places in Unorganized Townships" (S. P. 858) (L. D. 2331)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(Committee on Reference of Bills had suggested reference to the Committee on Election Laws)

Under suspension of the rules and without reference to a Committee, the Bill was read twice and passed to be engrossed in concurrence.

Bill "An Act to Require an Inventory, Permitting and Monitoring of Underground Tanks Containing Gasoline, Oil and Toxic Materials" (Emergency) (S. P. 857) (L. D. 2324)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Was referred to the Committee on Energy and Natural Resources in concurrence.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act Providing for Maintenance of Certain Roads in Baxter State Park" (Emergency) (S. P. 805) (L. D. 2153)

Signed:

Senators:

DIAMOND of Cumberland
EMERSON of Penobscot
DANTON of York

Representatives:

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

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

Signed:

Representative:

MOHOLLAND of Princeton

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-326)

Reports were read.

On motion of Representative Carroll of Limerick, the Majority "Ought to Pass" Report was accepted in the concurrence and the Bill read once.

Senate Amendment "A" (S-326) was read by the Clerk and adopted in concurrence.

Senate Amendment "A" (S-326) was read by the Clerk and adopted in concurrence.

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

Petitions, Bills and Resolves Requiring Reference

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Business Legislation

Bill "An Act to Establish a Maine Life and

Health Insurance Guaranty Association" (H. P. 1767) (L. D. 2333) (Presented by Representative Brannigan of Portland) (Cosponsors: Representatives Murray of Bangor, Stevens of Bangor and Perkins of Brooksville) (Submitted by the Department of Business, Occupational and Professional Regulation pursuant to Joint Rule 24)

Ordered Printed

Sent up for concurrence.

Legal Affairs

Bill "An Act to Establish Age 21 as the Legal Age to Purchase or Consume Alcoholic Beverages and to Deter Drinking and Driving by Minors" (H. P. 1768) (L. D. 2334) (Presented by Representative Joyce of Portland) (Cosponsors: Representative Crowley of Stockton Springs and Senator Hichens of York) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

Ordered Printed.

Sent up for concurrence.

Taxation

Bill "An Act to Establish an Excise Tax on Nuclear Fuel Assemblies" (H. P. 1771) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: Senator PRAY of Penobscot) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for concurrence.

House Reports of Committees Unanimous Leave to Withdraw

Representative Murray from the Committee on Business Legislation on Bill "An Act to Increase the Minimum Limits for Uninsured Motorists' Coverage in Automobile Insurance Policies" (H. P. 1635) (L. D. 2158) reporting "Leave to Withdraw"

Representative Smith from the Committee on Fisheries and Wildlife on Bill "An Act to Limit the Speed of Motor Vehicles Operating on Maine Bodies of Water to 15 Miles Per Hour" (H. P. 1605) (L. D. 2130) reporting "Leave to Withdraw"

Representative Cox from the Committee on Legal Affairs on RESOLVE, Reimbursing Jeffrey Bellmore of Waldoboro for Damages Caused by the Actions of a State Ward (H. P. 1681) (L. D. 2226) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative Matthews from the Committee on Public Utilities on Bill "An Act to Clarify Utility Financing of Energy Conservation" (H. P. 1406) (L. D. 1828) reporting "Ought to Pass" in New Draft (H. P. 1760) (L. D. 2323)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft

Representative Cox from the Committee on Legal Affairs on Bill "An Act to Prohibit any Type of Gambling Machine" (H. P. 1432) (L. D. 1877) reporting "Ought to Pass" in New Draft (H. P. 1761) (L. D. 2325)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in Second New Draft

Representative Vose from the Committee on Public Utilities on Bill "An Act Creating the Wiscasset Water District" (H. P. 1328) (L. D. 1765) reporting "Ought to Pass" in Second New Draft (H. P. 1764) (L. D. 2326)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft

Representative Murphy from the Committee on Education on Bill "An Act to Revise the School Finance Act" (H. P. 1275) (L. D. 1688) reporting "Ought to Pass" in New Draft (H. P. 1765) (L. D. 2327)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass Pursuant to Joint Order (H. P. 1572)

Representative McHenry from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1984 (Emergency) (H. P. 1757) (L. D. 2322) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1572)

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

Ought to Pass Pursuant to Joint Order (H. P. 1572)

Representative Walker from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1984 (Emergency) (H. P. 1766) (L. D. 2328) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1572)

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

Ought to Pass Pursuant to Joint Order (H. P. 1756)

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act to Improve Cash Flow in the Department of Inland Fisheries and Wildlife" (H. P. 1759) (L. D. 2321) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1756)

Report was read.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I believe that I should explain what this bill does.

Traditionally, during the months of September and October and November, the department has a shortfall in their cash flow. This year it is projected to mean a deficit in their cash flow within the department. This bill provides that the department can sell 1985 hunting and fishing licenses during the months of September, October and November of 1984 at the rate that they would pay for a 1984 license. This will inject quite a lot of money into the department's cash flow and hopefully will prevent a shortfall during those months. The incentive for the early purchase is the fact that there will be an increase next year and whoever buys an early license will save the amount of that increase.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading later in today's session.

Ought to Pass Pursuant to Joint Order (H. P. 1756)

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Funding of the Department of Inland Fisheries and Wildlife" (Emergency) (H. P. 1769) (L. D. 2336) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1756)

Report was read.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: There is an amendment being prepared to this bill and I would appreciate it if someone would table it until later in today's session.

The SPEAKER: The Chair would suggest that we give it its first reading and then we would simply assign it for second reading later today.

Thereupon, the Report was accepted and the Bill read once and assigned for second reading later in today's session.

Divided Report

Later Today Assigned

Majority Report of the Committee on Fisheries and Wildlife reporting pursuant to Joint Order (H. P. 1586) on Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Duties Performed which are Mandatory Nonfish and Nongame Related" (Emergency) (H. P. 1758) (L. D. 2320) that the same "Ought to Pass"

Signed:

Senators:

USHER of Cumberland
DOW of Kennebec
REDMOND of Somerset

Representatives:

MacEACHERN of Lincoln
GREENLAW of Standish
RODERICK of Oxford
PAUL of Sanford
CONNERS of Franklin
ERWIN of Rumford
JACQUES of Waterville
CLARK of Millinocket
SMITH of Island Falls

Minority Report of the same Committee reporting "Ought Not to Pass" on the same bill.
Signed:

Representative:

KELLY of Camden

Reports were read.

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

Mr. MacEACHERN: Mr. Speaker, I move that this bill be referred to the Committee on Appropriations and Financial Affairs.

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 ironic twice this morning, I am a little surprised at this. I was not made aware, nor were any of my committee members, I guess, that this particular bill was going to be attempted and probably be sent to the Committee on Appropriations and Financial Affairs, and I wonder if the gentleman might explain to this House why we need to be doing such a thing when your committee has been working very diligently on this legislation for the past few days. My understanding was that we were going to try to resolve this issue in a rather timely manner, and if we are going to refer this bill to another committee, it seems to me that we are just simply delaying the entire process.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: The main reason for the referral of this particular bill to that committee is the fact that there is an appropriation involved in it. The bill hadn't had a hearing, and there seemed to be quite a lot of feeling among the House members, and particularly the members of the Appropriations Committee, that the bill should have a public hearing and should be reviewed by them. We discussed it in my committee and we unanimously agreed to send the bill to that committee.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I trust that we are on Item 6-12. Is that not the budget bill for the department, line item budget bill?

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

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, no it isn't. This is the bill that reimburses the department for \$461,000 for extra curricular activities.

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

Mr. HIGGINS: Mr. Speaker and Members of the House: I understand now. My understanding was that there were two bills coming out with a divided report, and I presumed that this was the budget bill since it appeared last on the calendar. I am sorry, I did not have that bill in front of me.

I will, however, still make the same point, that while this \$461,000 is for extracurricular activities, I still feel that it is important that it be dealt with in conjunction with the line item budget that is apparently in one of these previous bills, and I feel that to have a public hearing on this, while it might be great to have two or three hundred sportsmen here to attend the public hearing and tell us why they need the money in the department, I still think that it is going to delay the timely action of resolving the entire issue.

No one here is surprised at the fact that the department needs money, nor are they going to be surprised that the general fund is a place in which they could get it. The issue of reimbursing the Fish and Game Department for search and rescue and enforcement of the DEP laws and whatever is not a new issue. I think most everyone in this House, if not everyone, knows right now how they intend to vote on that.

I am not opposed to having a public hearing and letting people come and have their say, but I think the issues are clear and I think the people that are going to appear there are certainly are going to be in support of this particular piece of legislation.

My only concern, and I am being totally honest and sincere, is that we want to resolve this problem as soon as possible, and I see an attempt to send this to another committee and to have a public hearing on it as simply a way of putting on the back burner for another week or ten days. I think it is unfortunate and I think we ought to try to resolve this issue as soon as we can and this is not going to expedite the issue, and I would ask for a division, Mr. Speaker.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I disagree with my colleague in the House from the other party. I can remember very well when we both served on the Appropriations Committee together. I can remember quite well his interest in all issues that were to be paid for from the general fund. I can also remember equally well that when there was reimbursement bills in before from the Fish and Game Department, Mr. Higgins, like the rest of us, had an interest in what we owed and what we should pay.

I am somewhat surprised that he is taking this position this morning. I agree with him, this matter should be dealt with and should be dealt with quickly. But I also think that the Committee on Appropriations should have an opportunity to look at a bill that is costing \$461,000, and I would urge this House to support Mr. MacEachern's motion to send that bill to this committee.

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

Mr. MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: It is with hesitation that I rise to disagree with the gentleman from Bangor, but this issue with \$461,000 for reimbursement for nongame activities is not new information. It is information that has been before this body for the last 60 days and it is one of the major reasons for the shortfall within that department, one of the major reasons for the layoff that occurred and the pro-

jected layoff that will take place in August or September.

Time is running out in terms of the time frame with which we have to operate. I would agree with the gentleman from Scarborough, that we should act upon this now and not delay it further by sending it to Appropriations.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am quite surprised at the reaction from the left-hand corner. My good friend from Scarborough, Representative Higgins, knows full well that any bill calling for a general fund appropriation deserves and merits a public hearing. And if the good gentleman will be patient, we will resolve it as quickly as possible.

The bill has already been scheduled for a public hearing on Monday and it is being advertised.

After the statements that this has been before us for 60 days I disagree with.

We on Appropriations have been told time and time again that the general fund is responsible for certain nongame activities conducted by the Fish and Wildlife Department. We have never been presented with any facts. This is an opportunity to clear the air, and I would urge you to support the motion to refer this to Appropriations and Financial Affairs so that we can solve this problem quickly.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am not surprised that I have arisen, and I am not surprised that other people in the House might question the motives behind my rising.

I will state this, however. I am a little disturbed that members of this body are presumptuous enough to schedule public hearings before this body has taken action on it. I object to that strenuously. I realize that we are in a certain time frame here but I think it is extremely important that we deal with things in the proper manner and that public hearings not be scheduled presumptuously.

I think the issue is clear, it has been debated in this House, and if the gentleman from Winslow and the gentleman from Bangor are not informed and knowledgeable of the issue on whether or not the Appropriations Committee and the General Fund should be reimbursing the Fish and Game Committee for duties that they are performing, they have not been putting in a full day here at the legislature for the last few months.

I just think that continual delay of a resolution to this problem is an unfortunate step towards not creating any reasonable solution to the problems of the Fish and Game Department.

As far as the issue of whether or not the General Fund revenues have public hearings or not, I would remind this House that we have already enacted a piece of legislation that appropriated \$70,000 or \$80,000 to the Public Advocate to deal with the Workers' Compensation case. Now as I recall, that money was not looked at by the Appropriations Committee in public hearing. If I am incorrect, I would like someone to stand up and say so. This is not setting any kind of a precedent here and I object to those remarks.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I have the highest regard for the Minority Floor Leader in this House and always did. Apparently his party did because they took him off the Appropriations Committee and made him their floor leader. However, when they made him floor leader, I hope he did not leave some part of good common sense and judgment down in 228 just because he went over to the other side

of the House down there in the corner.

I think some of us do understand this bill, at least we are attempting to. I might remind the gentleman that I have looked at the bill and there are a number of new issues in regards to compensation from the Appropriations Committee to consider in terms of using General Fund money. If he hasn't looked at the bill and he hasn't recognized that fact, then I suggest he has not been putting in a full day here.

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: Just to bring a note, I hope, of calmness on this whole issue of whether or not this bill should go before the Appropriations Committee, I think we should all be well aware that at some point in the process the Appropriations Committee simply has to look at this piece of legislation. Whether you want to send it now or you want it to land on the table when it gets to the other end, the Appropriations Committee which deals with entire budget and where that money is coming from simply must look at this committee. I do not see it as a delay; frankly, I see it as expediting the process. You will have to make your own judgment on that.

But I do not think we should lose sight of what we are trying to do, which is to solve the problems of the Fish and Game Department and not caught up in a debate on when the Appropriations Committee looks at it. I think it is appropriate that they look at it now because they simply must, or otherwise you will look at it later when it is on the Appropriations Table in the Senate.

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

Mr. MACEachERN: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how this has all evolved here today but it appears to be developing into a partisan type thing and I cannot imagine why it should be. We took a vote on my committee and it was unanimous, including the four Republicans on our committee, that this would be referred to that committee, the Committee on Appropriations and I cannot understand why it is developing into something that is going to be a party line vote.

Mr. Higgins of Scarborough was granted permission to speak a third time.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: The issue that the gentleman from Lincoln, Mr. MacEachern, brought up relative to a partisan issue, I want to make it clear that I am not trying to create that. I know it appears that way and probably that is the way the vote would go down, but my concern is simply this. About three weeks ago now, we spent quite some time here debating an issue that the Governor eventually vetoed ten days later. More than a week ago now, that veto came up here and we were told at that time that by the middle of next week, which means yesterday in my book, Wednesday, we would be able to come up with a resolution to the problem dealing with the Fish and Game budget. That just doesn't seem to be happening and I had a feeling in my own mind that it was not going to. I am not being critical of the committee nor any member of the committee, it is just the legislative process. When you have a problem that is as big and as critical as theirs, it isn't going to be resolved in two or three days.

I just do not want to see this thing continually be put off and put off and put off. We were told that it was going to be resolved by the middle of this week. Now we are saying that we have to have a public hearing on next Monday. It just appears to me that that is another way of delaying action, and I am not saying that it is partisan action, I am just saying that it is a continual delay in resolving this problem.

We have the veto sitting on the table to be dealt with. I have made a commitment to the Speaker and other members of the House that we would not deal with that veto as long as we

felt like action was being taken to resolve the problem. Now I get the feeling that it is not and that is my objection.

This was dropped on me this morning. I apologize for being confused initially but there was a problem with the jackets being signed out of committee, but having said that, I just feel so strongly that this issue ought to be resolved as quickly as possible in order to eliminate this partisan problem that can and will come up eventually. That is my reason for rising, it is not to be critical of the committee, not to turn it into a partisan affair, but that is going to happen if we don't take prompt action. That is the reason for my remarks and I still am dedicated to solving this problem as soon as possible.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: A few moments ago, we had a little conference down front and the gentleman from Scarborough implied that there seemed to be a communications problem. He asked us if we would table this until later in the session so that we could get this communications problem solved, so he could talk to his members of the committee and we would talk to ours. That was not the case. His remarks, I think, were way out of line. I cannot believe that he could stand over there and claim that we are trying to slow down the process or what we are attempting to do is going to result in a slowing down of the attempt to resolve this mess.

I do not know where he has been for the last three weeks. The committee has been working day and night, both Democrats and Republicans, to resolve this. Where was he last Sunday when the committee was meeting here? Where has he been day and night down in that committee room?

This committee has been working as hard as any committee to resolve this problem. It is a complex thing. We are trying to put together a \$10 million a year operation. There are some serious problems there and this committee has gone above and beyond the call of duty.

I resent the implication that this is an attempt or that there are delays being brought into this simply to slow it down and to seek other alternatives because that is not the case. This committee has been working hard and I just cannot believe that the gentleman can stand there and imply that they have been delaying over the last three weeks and have not done their job properly. I hope that it is not what he meant to imply because that certainly has not been the case.

On motion of Mrs. Mitchell of Vassalboro, tabled pending the motion of Mr. MacEachern of Lincoln that this bill be referred to the Committee on Appropriations and Financial Affairs and later today assigned.

Consent Calendar

First Day

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

(H. P. 1602) (L. D. 2127) Bill "An Act to Amend the Waiting Period Between Recording Intentions of Marriage and Receipt of a Marriage License" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-553).

(H. P. 1660) (L. D. 2190) Bill "An Act to Amend the Early Payment Provision of the Workers' Compensation Act with Respect to Payments for Impairment and Medicals-Only Claims" (Emergency) Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-544).

No objections being noted, the above items were ordered to appear on the Consent Calendar later in today's session under listing of the Second Day.

Consent Calendar

Second Day

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

(S. P. 785) (L. D. 2111) Bill "An Act to Provide for Filling vacancies in the Office of Presidential Electors Nominated by Petition"

(S. P. 717) (L. D. 1963) Bill "An Act to Clarify Certain Provisions in the Recodification of the General Assistance Law" (C. "A" S-324)

(H. P. 1673) (L. D. 2218) Bill "An Act Authorizing an Adoption Assistance Compact and Procedures for Interstate Services Payments"

No objection having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed as amended in concurrence and the House Papers passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act Requiring Nonowner Spouses to Record Claims to Marital Property under Divorce Laws, and Clarifying the Need for the Nonowner Spouse to Sign Conveyances in General" (S. P. 855) (L. D. 2313)

Bill "An Act to Provide for Tuberculin Testing of Cattle to Insure Out-of-State Markets for Maine" (S. P. 854) (L. D. 2312)

Bill "An Act to Repeal the Law Requiring Adult Children to Care for Parents According to Ability" (H. P. 1752) (L. D. 2314)

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

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

Recognizing:

Members of the Maine Agricultural community on Maine Agriculture Day; (SLS 382)

Came from the Senate read and passed.

The Joint Order was read and passed in concurrence.

At this point, the Speaker appointed the following members to escort the Agricultural Queens to the Rostrum.

Representatives:

WALKER of Skowhegan
BROWN of Livermore Falls
PARENT of Benton
LISNIK of Presque Isle
PERKINS of Brooksville
DILLENBACK of Cumberland
PARADIS of Augusta
CURTIS of Waldoboro

The following Agricultural Queens were escorted to the rostrum amid the applause of the House:

Payton King, Egg Queen of Skowhegan
Lynne Kelley, Farm Bureau Queen of Leeds
Theresa Morrisette, State Grange Queen, of Sabattus

Becky Burgess, Sea Goddess of Stonington
Bonnie Lefebvre, Honey Queen of Cumberland Center

Pam Babcock, Junior Rodeo Queen of Augusta

Caroline Giustra, Blueberry Queen of North Waldoboro

The SPEAKER: We are very pleased to have with us today a number of persons who represent the agriculture community in Maine. This, of course, marks another Agriculture Day observance for the Maine House and it is one which has been tradition as long as I have been a member, and long before my time.

We are going to ask each of the queens to say a few words on behalf of the industry that they represent in the field of agriculture.

Miss PAYTON KING: Good morning, my name is Payton King and all I want to say is that this past summer I was selected out of seven girls to represent one of the finest products in Maine and very happy to be here today. Thank you. (Applause)

Miss LYNNE KELLEY: Good morning. My

name is Lynne Kelley and I am from Albion, Maine and I am representing the Farm Bureau, which represents all of agriculture. I am a Senior at the University of Maine at Orono majoring in agriculture and hope to pursue agriculture throughout the rest of my life. Thank you. (Applause)

Miss THERESA MORRISSETTE: Hi, my name is Theresa Morrisette and I am from Wales, Maine. I am the State Grange Agricultural Queen and I represent farm organization, which they said, but really anybody can be in the grange. I am glad to be here, I thank you very much. (Applause)

Miss BECKY BURGESS: I have prepared a little speech today. First of all, I am very honored to be representing one of the largest industries of Maine, the fishing industry. Having grown up on the Island of Deer Isle, Stonington, where most of the families rely on fishing as their main source of income, I feel a special sense of pride in wearing this crown.

Fishermen probably are the most driven and dedicated people to be found. I know this because my Dad has been a fisherman for nearly twenty-five years. He, as well as many other fishermen, have looked ahead to the future and have seen a need for change and are presently involved in a whole new aspect to fishing called Aquaculture.

The process of Aquaculture, better known as sea farming, which is being done on mussels in our area involves the gathering of mussel seed, replenishing non-productive coves and growing of mussels to a market size in one-third of the time it takes mother nature. This has proven successful not only in the quantity of harvest but the quality as well.

I feel strongly about bringing up this subject of Aquaculture because I feel that a change is needed in the industry at this time, not only to protect our seafoods and feeding the growing population, but to help assure the lifelong tradition of many in making a living from the sea. Thank you. (Applause)

Miss BONNIE LEFEBVRE: Good morning. My name is Bonnie Lefebvre, I am 17 and I am a Junior attending Greeley High School. On behalf of the Beekeepers Association, I would like to thank you for allowing me to speak here this morning.

Beekeeping has really grown in Maine in the past ten years. We now have 9,688 colonies of bees. I am very proud of the industry and very happy to be representing it. Thank you very much. (Applause)

Miss PAM BABCOCK: Hi, my name is Pam Babcock and I am from Augusta and I am a Senior at Cony High School. I am here representing the Rodeo Circuit in Maine and I would just like to thank you for having us here. Thank you. (Applause)

Miss CAROLINE GIUSTRA: Ladies and Gentlemen of the House: Maine's blueberry industry has entered a critical and challenging period. Growers produced a record of 44,653,000 pounds in 1983. That is a 24 percent increase over 1982 and more than double the 1981 crop. The average price paid to blueberry growers decreased from 53 cents per pound in 1982 to only 37 cents per pound in 1983. Additional marketing efforts are important to utilize expanding production of Maine's wild blueberries.

Senator William Cohen deserves credit for a pilot program in which 560,000 pounds of frozen blueberries have been purchased by the U. S. Department of Agriculture for school lunch programs. If the trial period is successful, the Department of Agriculture plans greatly to expand the purchase of blueberries. In addition, Senator Cohen has interested the Department of Defense in greater use of this healthy and nutritious product. As has been estimated, if the military food installments serve blueberry pancakes once a month, it would result in the purchase of more than 1,000,000 pounds of berries.

Growers have been able to increase their production through the assistance of the Cooperative Extension Service and Maine's former blueberry specialist, Amil Ishmal, but the increased production coupled with foreign competition has put pressure on the blueberry market. The industry is entering a new phase in which cooperative marketing efforts will make a big difference in the price paid to blueberry growers.

A bill coming before you during this legislative session will increase the blueberry tax paid by the growers and processors to promote market development for the blueberry industry.

In closing, I would like to invite you all to attend the 25th anniversary of the Maine Blueberry Festival held at Union Fair, August 24th. Thank you. (Applause)

The SPEAKER: There is one queen missing, if you will notice. Being from Aroostook County, I guess I have to mention that. The Potato Blossom Queen is not here. She will be in the Senate. We have problems getting here sometimes from Aroostook as you know, but she will be around in case you want to see her. She is Sheryl Vaillancourt who is from Presque Isle.

I would like to take this opportunity to thank them all for being with us today on behalf of the members of the House. I can assure you that this is the first mistake I have ever made — members of the House know that but the problem with the home towns were not my fault so I apologize for that. Thank you very much and we certainly hope you have an enjoyable day here in Augusta.

Thereupon, the Agricultural Queens were escorted from the Hall of the House.

Second Readers Continued

Bill "An Act to Increase the Number of Superior Court Justices and District Court Judges" (S. P. 842) (L. D. 2262)

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

Mr. Reeves of Newport offered House Amendment "B" (H-544) and moved its adoption.

House Amendment "B" was read by the Clerk.

Mr. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I offer this amendment to the bill that we voted on a couple of days ago. It is a bill to increase the number of judges and justices. I do not feel that there is any need for me to go into lengthy detail because we discussed the bill quite fairly. I would point out that my amendment would reduce the new judgeship appointments to one, one only. That would be a Superior Court judge.

As we told you the other day, the original bill called for approximately \$300,000. My amendment will cost \$51,000. I would urge your consideration in adopting this amendment.

As I pointed out the other day and I was backed up by others on this floor, there was no justification before our committee to warrant another district court judgeship. As I pointed out to you at that time, last year the district court had 215,000 filings, 215,000 dispositions. They admitted that they had no backlog in the district court. Therefore, I cannot honestly see any justification to increase the number of district court judges at large, and that is what the bill does in the redraft as it came out of committee.

This would be an increase of one, period, this year. The bill calls for one this year, one next year and one the year after, that is why the \$300,000.

I urge you to support this amendment.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I would hope that this body would reject the amendment offered by the good gentleman from Newport, Mr. Reeves. As

you probably know, during the past few years we have increased the penalties of many different laws. We have passed a comprehensive operating under the influence bill, we have increased the jurisdiction of the district court for bringing a case, we have increased overall what issues can be brought before this particular body.

The district court, as you all know, affects most people's lives one way or the other, either directly or indirectly. It might be anything from the unfortunate situation with a marital difference, a child custody case or it would be something as simple as a speeding case. Our district court system is the bread and butter system in the court system of the whole process.

We have found during the past few years that many individuals have a difficult time getting their day in court because of the overload in the process. We find that in some courts, especially in the crowded urban areas, for someone to get a simple civil matter dealing with a contract or whatever heard, sometimes it takes as much as six months to a year. We find situations in some courts where if there is a contested matter for a divorce or a child custody matter, it takes as much as six months again to have their day in court.

Originally, there was a consideration for six judges, three in the district court and three in the superior court immediately, but after much deliberation, the majority of the Judiciary Committee decided to stagger it over a three-year period and include, during this biennium anyway, one judge in the district court and one judge in the superior court.

Society dictates that we pass certain laws, whether it is passing laws in regards to domestic violence, which has been seen here in the Maine Legislature in the past few years, whether it means passing stricter OUI laws, laws dealing with the jurisdiction of increasing what the court can consider for cases because of changing circumstances.

The original bill allowing for one district court and one superior court acknowledges those change in circumstances in our society and the overload of our court system, and it is my hope that we can defeat this amendment, send this bill on and let it be considered on a priority basis with the other funding mechanisms and the other funding proposals that are before this session.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think this is as good a time as any to give at least the new members of this body just what happens.

Within a day or two you are going to have an avalanche of bills come up from the Appropriations Committee with "ought to pass" reports on them and I would warrant that by the time they get on the table and by the time that we get through with it, by the time that leadership, and I think even the captain of the ship will believe me on this, by the time the captain of the ship and leadership gets through with that list, I know he is going to know what the list is, I guarantee you, ahead of time, he is going to study it and he is going to know what he wants and two-thirds of those measures will go down the drain.

I can understand the gentleman from Saco, Mr. Hobbins, because if the bill called for 15 new judges, he would vote for it, why not, he is a member of the fraternity and money to them means nothing. They wouldn't care what they voted for. They wouldn't care how much taxes we voted upon. I am not criticizing them. I spoke to one of them last night on the high bracket and you would be amazed if I told you what I made him admit. It is one thing to talk to a body of 150 people but then when you lay it on the line, one on one, it is a different thing.

Many of you here have some good projects, and believe me, if you keep on voting for pro-

jects that we really and truly do not need to that extent, there are other sessions, we will be back here again by June or early July, in October or November, and then we will be back again around the first of December to start the new session and we will be back again for the next session. Many of you have projects and if you keep on voting for all of these projects, even though members of the Appropriations Committee are putting them out, just saying let's let it go so they can get on the Table, we will take care of it from there. Once we get through taking care of it on the Table, then we have two other hurdles to go by, we have the hurdle of the leadership and believe me, I have seen them operate. They will tell us, we are not going to bother you up to a point and I know of what I speak.

I am not telling you what to do. I am going to vote with Mr. Reeves because I don't think this thing is all that necessary. I am just warning you that on some projects that you strongly believe in, that I might believe in, that are strong and you really believe in them, you are putting them in jeopardy if you vote for everything. Just to use a common phrase, let's let it go on its way and be treated alike on the Table in the Appropriations Room.

I can take what is on the table now in the Appropriations Room and mark it off and have a 99 percent score when I get through and that is no lie. I have been around this committee long enough to know that, and I am sure even my good friend who graduated to the leadership on the other side of the aisle will bear me out because he served on the committee and he knows what I am talking about. Even the Speaker knows what I am talking about. He served on the committee, you know. As a matter of fact, he served on it while I was chairman of the committee, he has been serving on it since he has been here.

I am just warning you, I am just telling you, keep on voting for all of this stuff and your pet projects are going to go down the drain. They may get to the Table but they won't last long. I will guarantee you one thing right now, they will wind up under the Table like a crumb just as quick as we see them.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I have been privileged to be serving on a committee with the good judge from Camden, Judge O'Rourke, and one day about three weeks ago the good judge was saying to me, "I know that I served in the body of the House but I wish you would relay a message to those people that we definitely need new district court judges."

He relayed this story to me, this was on a Monday, we were on a committee up here in Augusta. Tuesday morning he had to be in Portland at eight o'clock, Tuesday night he had to be in Bangor at six o'clock and Wednesday morning he had to be back in Portland at eight o'clock. Now I know that the good judge is a traveling judge but that is a heck of a traveling show to go from Portland to Bangor and back again in 24 hours. I am sure the reason why he was there was because he needed to be there because of his judge duties.

I think that there is a definite need in this state, not only in the urban areas but probably in the rural areas, for additional district court judges.

I hope you will not go along with the amendment.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I have a tremendous amount of respect for young Manning but I would like to tell him one thing—at five thirty this morning I left Billerica in Massachusetts, I landed here this morning, I am here now. I am going to have one of the Pages get me a sandwich after we have a special session of the Ap-

propriations Committee when we get through here. I swallow that while I am using the telephone, then we will meet until about four o'clock, then we will come back here and lord only knows when we get out. I have been up since three this morning and I will be back tomorrow morning again for hearings. I will be in on Monday, there is talk about meeting on Saturday, so please don't tell me about any judge saying that they put in long days. We put in long days too, I put in long days—four hundred miles in one day, five meetings, telephone calls, that is a long day and I am not getting forty grand either.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: Unfortunately, I was not here Friday night when this bill was debated. I did sign this bill out "Ought not to pass" along with Mr. Reeves and Mr. Carrier. I did so primarily for the reasons that Mr. Jalbert has given. I was not convinced nor did I believe that we know at this time that we need six additional judges, three at the district court level and three at the superior court level. Next year maybe they can come back and convince me that we need a second district court or a second superior court, and maybe the third year they can come back and convince those that did not agree that those judges are needed.

When you are looking at the Appropriations Committee, you do have to consider all the bills that come before it and all the bills that need appropriations. There are a lot of good causes out there. I think that it would be sufficient for us to fund this year one district court judge and one superior court judge.

The amendment that Mr. Reeves is offering would give you one superior court judge. If you do not accept that, then I will offer my amendment which would give us one district court judge and one superior court judge, and then let the courts come back next year and if they still need more judges and convince us that they do, then we can vote to support them.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I haven't been convinced that we need extra judges. I support the gentleman from Newport, Mr. Reeves.

Let me tell you the thing I don't think we are looking into, the hours that they work. The old time judges work a few hours. Where I come from, people are accustomed to working an eight hour day and the farmers work twelve hours a day and don't squawk about it.

These people seem to be working less hours every day, and they are counting all the cases that they have got in there and a good percentage of them pay the clerk of courts, don't even see the judge but they are on their dockets as cases before the court. Actually, those people who go in and pay the clerk of courts, mainly speeding cases and a few others, the judge is not very much involved.

One man spoke in this House that this man had to be in Bangor at eight o'clock. Most of my people have to be to work at seven o'clock, so we don't look at that as a very serious matter, him having to be there at eight o'clock. We also know that they generally get done at two or three o'clock and sometimes sooner. This is the thing I think the Appropriations Committee should look at, the number of hours that they work. I don't think these people are beyond approach just because they are judges and I don't think there is any scarcity of people that want those jobs with the money they are getting. There are plenty of qualified people in the State of Maine, if you advertised that you needed judges, you would have plenty of qualified people wanting these jobs and would be tickled to death to get the pay they are getting and work a few hours for that price.

I think that each year they come here and get money out of this legislature that they

shouldn't be getting. Here I am trying to save a few jobs for people in Fish and Game that have a family, that need an appropriation, these people need the job and we need their services, and we are having a hard time to find that meager amount of money. These judges can come in here—I don't know if everybody in this House is afraid they are going to be before them tomorrow or the next day and they want to be on the good side of the judges or what, but for some reason or another every year that I have been here these judges come in and have gotten more judges and more pay, and I am fed up with it. I am fed up with it to the extent that we have got to look after the people that serve us in the state on the other end a little more carefully, the people that protect our fish and game, the people that protect on the other end. They are not being properly paid for the hours they work, I don't think, and we should look for money for these people rather than look for money for more judges and less hours for judges, and certainly there is no shortage of people who want those jobs. If they are not satisfied, let them go down the road and we will find another one to take their place, and for less money probably, and one that is willing to work a few hours.

This is my gripe. Visit one of these courts, see when he comes to work. Sure, he is probably going to tell you that they have got a few hours before court starts like we have in the morning reading our mail and so forth, we have that too, but coming to work at eight o'clock and starting court at ten, you can read quite a few letters and read quite a few documents. And don't forget, they have plenty of secretaries too and we are giving them more of them everytime we turn around.

I just wanted you to know how I feel. I feel very strongly that we shouldn't be giving any new judges until the ones we have got are put to work, and put to work like the people I represent, 8 hours a day, 12 hours a day, or something like that. The pay that they are getting warrants more hours than I know they are working, most of them.

I suspect it is like with any crew of them. You have probably got one or two working judges in the bunch, they are not all that way, but I am speaking in general terms, the average run of them. I suspect you will find one or two judges that do work the hours the oldtimers used to, but you won't find it in the whole of them.

If you have got any money to spend, and I know you haven't, and the Appropriations Committee also knows that, but if we are going to find any money, let's find it for these people on the other end, like for the Fish and Game people that are out there trying to save our game and trying to feed their families and so forth.

The SPEAKER: The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: I would urge you to adopt Representative Reeves' amendment, because when my questionnaires came back, all but one said "let the judges work more hours."

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

Mr. GAUVREAU: Mr. Speaker, Men and Women of the House: I just want to clarify a few points which have been raised during this morning's debate. I hadn't planned to speak on this bill but I feel compelled to do so.

I do think that the focus on this question is inappropriate. It seems to me that whenever we debate the judge bills, we tend more to direct personal diatribes at courts rather than take an objective look at whether or not there is a need for the additional judges.

Without question, the points that were raised by several speakers this morning are valid. We have to balance the need, if there is a need, if we find that to be the case, for additional judges against the other urgent spending needs of this state, and that is a

deliberation we all have to undertake.

My point is simply this, that from my experience, certainly, in the City of Lewiston there is a very drastic need for additional staffing at the district court level. You may recall last year there was an LD before you that would have provided a second district court judge for the City of Lewiston. This body defeated that measure at that time. Since last year, matters have gotten substantially worse in Lewiston. We had an active retired judge who was able to handle some uncontested matters; he now is being retired, he will be retired as of next month, and that will leave the load for the entire City of Lewiston to one judge.

I have heard several remarks about how judges are not going about their tasks properly. I feel compelled to point out that the active full-time judge we have in Lewiston was hospitalized two months ago for fatigue. He generally works from 8:00 a.m. to 7:00 p.m. and comes in on weekends as well.

Judges cannot engage in public debate. When they are attacked, they have to sit down. It is not appropriate for them to respond to attacks by those in public office. I feel compelled, certainly, at least with my knowledge of the City of Lewiston, to indicate to you today that there is a strong need for an additional district court judge in Lewiston. The LD before you would simply provide for at-large judges. That means that perhaps Lewiston might get some additional help somewhere down the road.

You must determine for yourselves whether or not we can justify additional expenditures for our courts. My point is simply the fact, at least with respect to the City of Lewiston, there is a distinct and a definite need for additional judges.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: We kick the judges around every year about this time. It probably would be well to set an open season on justices and judges, and we could limit it to one day. It seems as though it expands each year.

I hope that many of you are not familiar with the courts, that you have never stepped over that threshold and got in there. I see so many fine people here, they are different than the people I dealt with for 27 years in the criminal justice system.

I am proud to be a member of this body, as I am also proud to rise here and speak in favor of the judges. There is much that can be said, but the problems are real out there, the problems that they are trying to decide.

This mill, as we are often referred to because of the number of new bills that we pass out and the majority of them affect the volume of the workload in the courts, we could go through here today and I am sure make a strong case for the judges. But I think in fairness to this body, and with only 11 days remaining for adjournment, I should pause here and ask the Speaker — what is the question before us right now, what is the motion?

The SPEAKER: The motion before this body is the motion to accept House Amendment "B".

Mr. JOYCE: Mr. Speaker, I move the indefinite postponement of House Amendment "B".

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

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: L. D. 2262 was in Judiciary for quite some time. I was sort of wandering around myself on this piece of legislation. It appeared that they felt they needed six judges, needed them right away, needed them this year. I think everybody on the committee realized that that money wasn't available. I felt from the testimony that I heard and things that I have been able to find out by asking police officers and so forth that are appearing in

the courts today, I felt that sort of a compromise, I guess you would call it, we would phase in two judges this year and two judges each of the next two years.

I asked a question in committee and I was assured by some of our legal minds on the committee that if we gave the courts two extra judges this year, even though this was phased in to be two extra judges another year down the road and the following year two more, that this really and truly wasn't locked in. We would be locked in for this year but we wouldn't be locked in for next year for those two judges if we found that we didn't need them. In other words, we wouldn't have to fund them. I assume we would have to act on it, but I was assured that was not going to be locked in for the next two years, just if the need is there.

Mr. Speaker, I do favor this bill today and I go along with the gentleman from Portland, Mr. Joyce.

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

Mr. HAYDEN: Mr. Speaker, I request the yeas and nays.

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

Mr. CARRIER: Mr. Speaker and Members of the House: As I said yesterday, one of the things we have to do is divide the judges into two categories—the ones that do the work and the ones that don't. Let's give credit to the ones that do, and I am willing to do that.

For one thing, many things have been said here this morning, and I think I can justify what I say because of the material that I have. It is very easy to come here this morning and say that we have an overload in our courts. Well, I have the reports that we don't have an overload in the courts. The ones that say that, let them get up and show as this bill suggests. There is a little lag in the superior court, and that is what Mr. Reeves' amendment tries to tackle, giving them one judge.

I am not softening on the fact that I still believe and I am convinced from the evidence that there is no need for any judges at this time, any additional judges at this time.

I try to steer away from names, but when some people say that Judge O'Rourke, and I have taken in shorthand exactly what was said, please help us, we need some more judges, well I have to be convinced differently. I know Judge O'Rourke and I place him on a high pedestal, he is one of our best judges even though he hasn't been on there too long. I think he has better judgment and I don't believe he would say such a thing. In order to get something done, in order to kill this particular amendment, some people will resort to any kind of statement which they cannot back up.

I say to you that we did right last year. This group did well last year when somebody put in a bill for a new judge in Lewiston, and correctly the people of this House, the majority voted, and we did not give them a judge. Yet today they have to get up and say that they got by just the same. I do realize that Judge Scales from Lewiston does put in long hours and they are not the judges that criticize. The judges that are unhappy are the ones that were unhappy when they were in private practice.

I submit to you, ladies and gentlemen, we can talk a lot about this, but bring out the facts. I can bring out facts that I am sure you don't want to hear, but I am not here for that purpose, I am here for the same purpose as the members of this House, to try to pass laws, whether it is for judges or anything else, laws that are for the benefit of the public, laws that give consideration to the poor and those that need help, laws that will not give a 70 percent increase in judges' pay in three years' time. You take that just for a situation and I will give you something to think about. That particular suggestion, which is part of the issue and will be part of the issue because we will have some bills on compensation, but before we do, you think

and check who made that recommendation and who was the legal counsel for the people that were appointed to that commission and you will find out some very interesting facts.

I don't think that we need any new judges. I think when you put a new judge on, you have to consider this, there is new staff, each one has their own staff and they need them, you can't get away from it.

The proposition that we have before us today is a fair one. It is not what I desire altogether but I think it is 500 percent better than what we have been forced with. Truly, what they say here, \$51,000 for this particular bill, this is not totally true. This is \$51,000 and add on another \$11,000 in goodies, add on another \$3,000 for them to go to school, add their vacation pay on top of that and add on \$3,000 worth of insurance premiums, and you will find, ladies and gentlemen, that this bill here will cost you about \$70,000 to \$80,000. If you want to spend that kind of money, give it to the judges' help that hardly makes a living.

I also want you to consider a bill that doesn't hit my fancy right off but a bill that is going to come and have a big effect on the judges, and that is the one that is proposed by Representative Foster about mediators in divorce cases. If for some reason or other her bill should pass, this would take an awful lot of cases, I couldn't find the percent but an awful lot of cases, away from the present judges.

They get along down our way. I recall we had a nominee up here, we had more than one, but we had a nominee up there and this is the exact question—I said, what is the caseload up in Aroostook County and he said, "the backload—nothing." Another confirmation came up there for another gentleman and I asked him the same thing about Penobscot—nothing. They are right up to snuff. If you are going to get up here and say there is a backlog, where is it?

As far as cases go, the lawyers know that you can put a case in there, and as I said yesterday, the guy takes off and that case will stay on file for a long time. So you can use that all you want, but that is a dead issue.

I suggest that if they want to speed up the system, they should spend more time—who checks on the time of these people? Without naming any individuals, especially the lawyers, they know but they won't tell you who puts in the time and they know the ones that don't put in the time. If they don't know, come and see me and I will tell you if you are interested. I will tell you where to find them at two o'clock this afternoon, and they are not working on cases either.

At the same time, you have to realize that the lawyers in this House especially, they are officers of the court. Naturally you have an interest in the court. I have an interest, I am not a lawyer but I have an interest and other people should have an interest in all these kinds of things. I only suggest that they could come back next year or the year after, whatever it is, but I am going to tell you, I am going to give you something to think about because if I decide to come back here, I am going to put a bill in so they will have to pay for their insurance, which is part of this whole package and has an impact on the public dollars. I am not sure that I will not put a bill in here to also elect the judges instead of having them appointed.

I suggest to you that I am not running away from anything. If you consider it very seriously and you feel that today one judge would do it in the superior court, and I believe it will, you vote against the present motion of indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The good gentleman from Westbrook, Mr. Carrier, mentioned that there was a bill put in for another judge in Lewiston last year. I was the culprit that put that bill in and I

was not coming that day. The report was overwhelmingly in favor of the bill.

Of course, I am really amazed, and I realize what experience amounts to when I listen to my good friend from Portland, Representative Joyce, who got up and moved the indefinite postponement of the Reeves' amendment which would put the bill right back to where it was when it came out of committee, a judge for the superior and supreme now, next year and the year after. I am amazed at that kind of a maneuver because it was Mr. Carrier who spoke four times that day against my bill, and one who would qualify as a judge who was a good man on the Portland Police Department and would really qualify as a good judge who spoke about his dear friend "J. Robert Carrier of Westbrook" and you could hear him in Lewiston. He spoke three times against my bill. I didn't want to come but I was told by members of the Judiciary Committee, you are falling down, they gave you a vote for your Lewiston bill, I said, I can't make it, I have tried three times to make it. I have gotten ready, went back, sat down, I got back in bed, I got up again—what the two of them didn't do after they got through with it. I left there, asked the Speaker for his key, he was kind enough to get one of his men to drive me home—not home but my second home, St. Mary's Hospital. I was there for three weeks and I am not going to go back again.

I am going to go along with Mr. Reeves. Next year if we need another judge, we will have them. If we don't, we won't. I am going to repeat again—just look out and think of a possible project that might be important to you.

A roll call has been requested.

More than one fifth of the members present expressed a desire for a roll call, which was ordered.

The SPEAKER: The pending question is on the motion of Representative Joyce of Portland that House Amendment "B" (H-544) be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 395

YEA—Ainsworth, Allen, Andrews, Armstrong, Baker, Benoit, Bott, Brannigan, Brodeur, Carroll, D.P.; Cashman, Cooper, Cote, Cox, Crouse, Crowley, Diamond, Dillenback, Drinkwater, Gauvreau, Gwadosky, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Livesay, Locke, Macomber, Mahany, Manning, Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Mayo, McGowan, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Paradis, E.J.; Paradis, P.E.; Pines, Pouliot, Richard, Rolde, Rotondi, Soule, Stevens, Telow.

NAY—Anderson, Beaulieu, Bell, Bonney, Bost, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, G.A.; Carter, Chonko, Clark, Conary, Conners, Connolly, Curtis, Daggett, Davis, Day, Dexter, Dudley, Erwin, Greenlaw, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Kiesman, Lebowitz, Lisnik, MacBride, MacEachern, Martin, A.C.; Masterman, Maybury, McCollister, McHenry, McPherson, Michaud, Mills, Moholland, Murphy, E.M.; Murphy, T.W.; Nelson, Norton, Parent, Paul, Perkins, Perry, Racine, Randall, Reeves, J.W.; Reeves, P.; Ridley, Roberts, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Swazey, Tammara, Theriault, Thompson, Tuttle, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Foster, Hall, Kane, Vose, The Speaker.

62 having voted in the affirmative and 84 in the negative, with 5 being absent, the motion did not prevail.

Thereupon, House Amendment "B" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "B" in non-

concurrence and sent up for concurrence.

Second Reader Later Today Assigned

Bill "An Act Concerning Benefits Under the Unemployment Compensation Act" (H. P. 1755) (L. D. 2315)

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

On motion of Representative Beaulieu of Portland, tabled pending passage to be engrossed and later today assigned.

Bill "An Act to Amend the Maine Lemon Law to Include Vehicles Such as Tractor Trailers" (H. P. 1490) (L. D. 1965)

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

Mr. McHenry of Madawaska offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-558) was read by the Clerk.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This was the bill we had yesterday that had two problems that were brought up by the gentleman from Bangor, Representative Murray, and with this amendment, I believe I have taken care of those two problems where there is more than one manufacturer warranting the huge vehicles, the tractor trailers, and also the part where they have to return to the same dealer. What I did with the amendment is I took care of that problem by saying that the vehicles that weigh 8,500 pounds do not have to return to the same dealer. Therefore, we leave the present Lemon Law in place, it is not affected, and it takes care of these huge trucks.

Thereupon, House Amendment "A" was adopted.

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

Passed to Be Engrossed Amended Bill

Bill "An Act to Assure Greater Independence to the Certificate of Need Advisory Committee and for Other Purposes" (H. P. 1481) (L. D. 1944) (C. "A" H-539)

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

Later Today Assigned

Bill "An Act to Clarify the Negotiability of Pay Rates Under the State Employees Labor Relations Act" (S. P. 170) (L. D. 525) (C. "A" S-312).

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

On motion of Representative Kelleher of Bangor, tabled pending passage to be engrossed and later today assigned.

Passed to Be Enacted Emergency Measure

An Act to Provide for Equal Treatment of Special Fuel Used for Heating Purposes. (S. P. 747) (L. D. 2050) (C. "A" S-311)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1984. (H. P. 1676) (L. D. 2205)

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Provide a Sales Tax Exemption for Community Action Agencies. (S. P. 698) (L. D. 1938) (C. "A" S-316)

An Act to Increase the Dollar Limitation for Cases which may be Brought in Small Claims Court. (S. P. 741) (L. D. 2044) (C. "A" S-317)

An Act Requiring Insulation Contractors to Make Certain Disclosures when Installing Urea Formaldehyde Insulation. (S. P. 758) (L. D. 2067)

An Act to Establish a Commercial Tag for Atlantic Salmon. (H. P. 1533) (L. D. 2016) (H. "A" H-524; C. "A" H-521)

An Act to Clarify the Licensing Authority of the Board of Registration in Medicine. (H. P. 1665) (L. D. 2197) (S. "A" S-309 to H. "A" H-512; H. "B" H-535)

An Act to Require Mortgagees to Pay Interest on Escrow Accounts. (H. P. 1711) (L. D. 2241)

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

The following papers were taken up out of order by unanimous consent:

The following Joint Order: (S. P. 863)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, March 27, 1984 at 9:00 a.m. in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Petitions, Bills and Resolves Requiring Reference

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

Appropriations and Financial Affairs

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,735,000 to Plan, Construct and Equip Pollution Abatement Facilities and to Abate, Clean Up and Mitigate Threats to Public Health and the Environment from Uncontrolled Hazardous Substance Sites" (Emergency) (H. P. 1772) (Presented by Representative Carroll of Gray) (Cosponsors: Senators Twitchell of Oxford and Dow of Kennebec)

(Ordered Printed)

Sent up for concurrence.

Orders of the Day

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

HOUSE DIVIDED REPORT—Majority (9) "Ought Not to Pass"—Minority (2) "Ought to Pass"—Committee on Judiciary on RESOLVE, to Reimburse David James McDaniel for Damages Suffered as a Result of Wrongful Imprisonment. (H. P. 761) (L. D. 992)

Tabled—March 19, 1984 by Representative Hobbins of Saco.

Pending—Acceptance of Either Report.

On motion of Representative Hobbins of Saco, retabled pending acceptance of either Report and assigned for Tuesday, March 27.

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

An Act to Amend the Provisions for Clam Regulation in the Unorganized Territories. (Emergency) (H. P. 1604) (L. D. 2129)

Tabled—March 20, 1984 by Representative Crowley of Stockton Springs.

Pending—Passage to Be Enacted.

On motion of Representative Crowley of Stockton Springs, under suspension of the Rules the House reconsidered its action where-

by the Bill was passed to be engrossed.

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

House Amendment "A" (H-556) was read by the Clerk and adopted.

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

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

An Act Concerning the Open Burning of Leaves and Brush. (H. P. 1422) (L. D. 1867) (S. "A" S-302; H. "A" H-508)

Tabled—March 20, 1984 by Representative Diamond of Bangor.

Pending—Passage to be Enacted.

On motion of Representative Ridley of Shapleigh, under suspension of the Rules the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the Rules the House reconsidered its action whereby Senate Amendment "A" (S-302) was adopted.

The same gentleman offered House Amendment "A" to Senate Amendment "A" (H-555) and moved its adoption.

House Amendment "A" to Senate Amendment "A" was read by the Clerk and adopted.

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

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

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

An Act Concerning Hazardous Materials Control. (H. P. 1666) (L. D. 2198) (H. "A" H-515)

Tabled—March 20, 1984 by Representative Diamond of Bangor.

Pending—Passage to be Enacted.

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

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

An Act to Give the Department of Marine Resources the Authority to Charge Fees for Lobster Trap Tags. (H. P. 1709) (L. D. 2237)

Tabled—March 20, 1984 by Representative Crowley of Stockton Springs.

Pending—Passage to be Enacted.

On motion of Representative Crowley of Stockton Springs, under suspension of the Rules the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-557) was read by the Clerk and adopted.

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

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

An Act to Replace References to Regional Presiding Justice with Chief Justice of the Superior Court. (S. P. 812) (L. D. 2162) (S. "A" S-307)

Tabled—March 20, 1984 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

On motion of Representative Soule of Westport, under suspension of the Rules the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-540) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "A" and

House Amendment "A" in non-concurrence and sent up for concurrence.

Bill Held

Bill "An Act to Permit Public Service in Lieu of Fines for indigent Offenders Under the Drunk Driving Law" (H. P. 1427) (L. D. 1872)

In House, Bill and accompanying papers indefinitely postponed on March 20, 1984.

Held at the request of Representative Melendy of Rockland.

Representative Melendy of Rockland moved that the House reconsider its action whereby the Bill and all its accompanying papers were indefinitely postponed.

On motion of the same gentlewoman, tabled pending her motion to reconsider and later today assigned.

(Off Record Remarks)

The following papers were taken up out of order by unanimous consent:

Ought to Pass in New Draft/New Title

Representative Brown from the Committee on Education on Bill "An Act to Authorize the Commissioner of Educational and Cultural Services to Adopt Comprehensive Rules for the Regulation of Schools of Barbering and Schools of Hairdressing and Beauty Culture" (Emergency) (H. P. 1545) (L. D. 2035) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Clarify the Laws Relating to Private Business, Trade and Technical Schools" (Emergency) (H. P. 1770) (L. D. 2337)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Tuesday, March 27, 1984.

Consent Calendar

First Day

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

(H. P. 1608) (L. D. 2124) Bill "An Act to Provide More Venture Capital to Maine Business" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-560).

(H. P. 1645) (L. D. 2179) Bill "An Act to Increase the Potato Tax" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-561).

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 27, 1984 under the listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 1602) (L. D. 2127) Bill "An Act to Amend the Waiting Period Between Recording Intentions of Marriage and Receipt of a Marriage License" (C. "A" H-553)

(H. P. 1660) (L. D. 2190) Bill "An Act to Amend the Early Payment Provision of the Workers' Compensation Act with Respect to Payments for Impairment and Medicals-only Claims" (Emergency) (C. "A" H-554)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, 30 minutes after the House recessed and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to

reconsider would be allowed.

At this point, Speaker Martin appointed Representative Gwadosky of Fairfield to act as Speaker pro tem for the afternoon session.

On motion of Representative Roberts of Buxton,

Recessed until four o'clock in the afternoon.

After Recess

4:00 p.m.

The House was called to order by the Speaker pro tem, Representative Gwadosky of Fairfield.

The Chair laid before the House the following matter:

Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Duties Performed which are Mandatory Nonfish and Nongame Related" (Emergency) (H. P. 1758) (L. D. 2320) which was tabled earlier and later assigned pending the motion of Mr. MacEachern of Lincoln to refer the Bill to the Committee on Appropriations and Financial Affairs.

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill, "An Act Concerning Benefits Under the Unemployment Compensation Act" (H. P. 1755) (L. D. 2315) which was tabled earlier and later assigned pending passage to be engrossed.

On motion of Mrs. Beaulieu of Portland, retabled pending passage to be engrossed and assigned for Tuesday, March 27.

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Negotiability of Pay Rates Under the State Employees Labor Relations Act" (S. P. 170) (L. D. 525) (C. "A" S-312) which was tabled earlier and later assigned pending passage to be engrossed.

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

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

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

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you not to follow the gentleman's motion. I would ask for a roll call.

This bill was debated the other evening, well debated, and I am asking you to hang in there with us with your votes.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I was a member of this House when we created collective bargaining for state employees. I thought it was a good idea then and I still believe in it today but there are some things in this world of ours that we should at least allow the employer of this state to have control over.

I believe everybody understands what L. D. 525 is about and it is not merely just a bill to clarify the state employees' bargaining law. In reality, this bill would completely turn around the way the state runs its personnel system. I object to that.

L. D. 525 would give away one of the few management rights that are left here in state government, the right to decide what jobs we want and how much each job is worth com-

pared to others, and that is the heart of the civil service system as I understand it to be, and we should not in this House give it away.

As I said before, I believe in collective bargaining and I stood on the floor of this House along with some of the other members that are still here fighting to get the collective bargaining system across in this state, but believe me, they are robbing the wrong house this time. I do not believe that we should give this instrument away at all as a bargaining tool or a systems tool in regards to the employer of this state.

Unions have had the right to negotiate wages and benefits and working conditions just like any other union in this country but I do not think it is right for them to take over the personnel system and that is exactly what we are doing here if we allow this bill to pass.

I urge this House to kill this bill this afternoon.

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

MR. PARADIS: Mr. Speaker, Men and Women of the House: It is not easy to follow the good gentleman from Bangor, especially when one has to oppose his motion, but I would urge you this afternoon at this late hour, after having debated the issue the other night quite extensively, to consider very seriously what the good gentleman has said. Number one, I don't think that the State of Maine and the taxpayers have to fear the state employees' union at the bargaining table. I think that both sides are well represented and both sides have experts that are doing their jobs both responsibly and financially responsibly—as Governor Longley used to like to say, fiscally responsible.

What this bill does, and I am persuaded on the merits of the bill that it is a good bill, it restores the right of state employees to get what the Hay Plan promised them a long time ago, in 1976. It gives to the state employees no more than what other employees have had for years.

Most other states that have collective bargaining give these rights to their state employees and I don't know why Maine should be any different in this case here. I think it is time that the State of Maine got into the 20th Century and not bargain in the 18th Century.

I would also like to say that I would rather have these matters go before the bargaining table because I have faith that that is where the process ought to be decided. For many years the State of Maine, the legislature, had to debate items of pay raises and other minute items that took hours and hours of time, hours like we are spending on this bill here, instead of deciding at the bargaining table. I would like to see those issues there, management and the union, debating the issues and not here in the legislature.

This is a good bill and I would urge you to vote for it, vote against the indefinite postponement so we can pass this legislation and give to our state employees rights that they deserve for working for the State of Maine in the 20th Century.

The SPEAKER pro tem: The Chair recognizes the gentleman from Mt. Desert, Mr. Zirnkilton.

MR. ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: This is a day that I thought might never come. Today the Representative from Bangor, Mr. Kelleher, stands before you and tries to defend what he calls one of the last rights of the employers of state government and I stand before you today trying to do what I believe is in the best interest of the employees and to the people of the State of Maine.

Let's very briefly discuss some of the concerns that have been raised about this bill. The only thing that I have heard so far that has been mentioned over any reasons as to why this piece of legislation should fail is, one, they believe the unions would bring up all kinds of different positions for negotiation, therefore

making the process much more cumbersome and practically impossible. First of all, that is not true. We raised a lot of questions about this and there was an amendment added into the bill which stated that they could not even bring it up to consider the possibility of negotiating unless there was a difference of at least two pay classifications between the public and private sector based on various different studies and information available.

Second, the basic philosophy which the gentleman from Bangor has told you about, the last right of the employer to maintain some control over what is happening here — well I will tell you that in the private sector this is a mandatory subject of bargaining in the private sector, reclassification.

So, let's talk about fairness. If it is a mandatory subject of bargaining and we expect the employers of our state to live with this, then we have got to stop living in a double standard and we ought to give the same right to our state employees.

Third, they say it is going to cost more money. You know, I think it might cost more money if we don't do it and you know how? It might cost a little more money in the beginning because obviously some of these positions which are underpaid in comparison to the private sector are going to require more money but the way you are going to save money is, number one, if these people are actually being paid less than the same positions in the private sector, what incentive is there for anyone to go to work for state government? That means we are going to get the bottom of the barrel, the people the private sector are rejecting. It seems to me that it is definitely more financially advisable to hire the best possible people you can get for the job, not what the private sector is going to cast off.

So, let's look at it again, briefly go over the points. One, the reasons to vote against the bill—philosophy, okay? That is shot down because it is mandatory in the private sector so let's not live in a double standard. Two, it might cost more money. I don't think it will and I have told you why. Three, they are going to bring up all kinds of jobs that is going to make it practically impossible to settle this whole thing. That is taken care of by the part that says you cannot bring it up unless there is a difference of two pay classes.

Reasons to vote for the bill—one, the fairness issue. Two, potential for more cost if you do not by having people that just are not up to par as far as the private sector is concerned. Three, because if there is a difference of two pay classifications, then those people are underpaid and they deserve to have more money. So I would urge you to reject the motion for indefinite postponement and go with what I believe is a good bill and a bill that is going to give us better people and enable us to compete for the good people with the private sector.

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

MR. PERKINS: Mr. Chairman, is there a fiscal note on this bill?

The SPEAKER pro tem: The Chair would respond to the inquiry by the gentleman from Brooksville, Mr. Perkins, by informing the gentleman that the bill presently does not have a fiscal note attached to it. Information available at this time from the Department of Personnel indicates that the legislation, if enacted, could have a cost to state government at some time.

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

MRS. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: This afternoon I would like to applaud the statements of Representative Kelleher from Bangor. I agree completely in what he had to say.

Furthermore, I would like to make some comment on a fact sheet that came across our

desks yesterday or the day before from the Maine Women's Lobby concerning comparable work for pay equity, particularly for women. They have embraced this bill, I believe, mistakenly. They feel that it is a means to their end. I approve of their end but I disagree with this bill as a vehicle for achieving the end.

I have done a little research on what the unions have done for the female-dominated classes of workers here in state government. Before the Supreme Court decision came down outlawing the negotiation of classification matters, MSEA handed over many classification issues at the bargaining table last year. Let me tell you a little bit about what happened.

First, the overwhelming number of their demands affected male dominated classifications; that is, jobs handled mostly by men—chemists, engineers, foresters, foremen, mechanics, carpenters, boiler operators, etc. For instance, the MSEA proposals would have raised the pay of more than half the workers in the operations bargaining unit, an almost totally male group. So what did the MSEA propose for the administrative unit, an almost all female group? You will not believe this, their proposal would have raised the pay of only one percent of the workers in that unit. Just compare those two groups, 56 percent of the male dominated unit versus one percent of the female dominated unit.

So if the good women of the Women's Lobby, and I have been a member of it, I have had a 100 percent rating from them one year and I have had an 80 percent rating another year and I am with them almost 99 percent of the time, but if they think that this reclass bill is going to achieve their goal of comparable work or pay equity, which I am 100 percent behind, it is not going to do it. So I would urge you to support the motion made by Representative Kelleher today.

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

MRS. MITCHELL: Mr. Speaker, Men and Women of the House: Though I applaud and agree with the gentlewoman from Cape Elizabeth that comparable worth is extremely important, that I also back it, I do think that this bill has some bearing on the subject. Clearly, that is not the number one issue in this bill, we are talking about negotiation of pay classifications as a labor-management issue. But I think it is important to note that the unions have negotiated with the management of the state a comparable work study. They paid \$100,000 for a consultant to look at the pay grades that women are in to see if women who are doing the same work as men are getting the same kind of financial compensation as their male counterparts. That study is not complete, it will be complete by this Fall. At that time, with a comprehensive study before them, someone has to put something into place because the study is useless without implementation.

Forty percent of the work force of the state is women and I think if I were a member of that work force that I would not want to depend on management's paternalism but I would rather prefer to have the bargaining table behind me as I attempted as a woman working for state government to have comparable pay for my work. I think it is an important issue, maybe a side issue of this bill, but I think it is extremely important and I would urge you to vote against the motion to indefinitely postpone.

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

MR. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: We debated this quite seriously the other night, I thought, and quite extensively, and many of the technical parts of it were discussed rather well. We did not bring up the \$100,000 study that is presently going on in the interest of discrimination and I think

that shows the interest of the state, the fact they are spending \$100,000 to see if, indeed, there is discrimination in the work force. When that study comes out, yes, the state is going to have to do something about it; there will be a bill before this House, I would imagine, to do something about it.

Is the union then going to get into that act? I would presume that they would for the simple reason of the pay scales that will be made so they will not be discriminatory.

Mention has been made that they are not going to negotiate anything unless there is a difference of two pay rates. We talked about that the other night and that is a very difficult part for a lot of people to understand. How is it going to cost very much? Because it has a domino effect. If somebody is in pay scale 7 and they get bumped up to pay scale 10, what is going to happen to 8 and 9? Are they going to sit there and be fat and happy? Of course they are not, they are going to want to get an increase too.

There should be a fantastic fiscal note on this thing. It cannot help but cost a fantastic amount of money. Why on earth do you think the union would want to do it if it is not going to get some more money for the workers? Of course it is true.

I sincerely hope that you will make this motion stick, accept this motion to indefinitely postpone. It is not worth our effort.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: As I stated in this debate the other day, in 1976, by a vote of 135 to 7, this body voted in reclassification in collective bargaining, and so did the other body. That was on the books from 1976 to 1982 when the Supreme Court threw it out because of a technicality. So what I would ask is, where are the statistics to show that in that period, there were problems? Where are the figures to show that there were tremendous costs and problems while that was in force and where are the figures to show tremendous decrease in problems and cost since 1982? In other words—where's the beef?

I hope you stick with your vote of yesterday and defeat the motion to indefinitely postpone.

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

Mr. RACINE: Mr. Speaker, would the Clerk read the Committee Report on this?

Whereupon, the Committee Report was read by the Clerk.

A roll call has been requested.

More than one fifth of the members present expressed a desire for a roll call, which was ordered.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I am a little troubled by the way this bill ran through here the other night. I used to be an employee of the Personnel Department for the State of Maine so I am a little more familiar than most with the idea of the civil service merit system, which is what we are supposed to have here in state government. There is supposed to be a correlation between what one does for a living and the tasks he or she performs and the classification in which he or she is put. I think it is very, very unwise in the long run in order to make that classification procedure subject to collective bargaining.

It seems to me that whoever that person is who is negotiating for management, whether it is Governor Brennan or whether it turns out to be any of the other flotilla people who are currently around here running for Governor, whoever that person is, is going to have to negotiate for management.

Everyone here knows to a degree how negotiations go. If one side of the table has got

almost everything it wants and you have say a Clerk III here that really is doing the work of an assistant director, then there is going to be agreement that they are going to switch that out, I think I would not want that to be a bargaining chip that is going to be traded for something else. If that Clerk III is really doing the work of an assistant director, I would rather have that decision made by someone who was not involved in the negotiations and is not trading chip for chip and this for that in order to reach an overall agreement. I think it is very unwise to put the classification system of everyone in state government in the position where it is as likely as not to be traded away for something completely unrelated. You may trade a classification for 15 cents an hour on the next step. I think it is an incredibly bad idea.

I think when Representative Mitchell said she would rather depend on the state employees union rather than the paternalism of management to look after women in the work force and whatever comes out of this study, I think the gentlelady from Vassalboro really missed the point.

The civil service systems here and across the country and in the federal government were set up in order to protect people from those sort of political pressures that do come up in negotiations. I think people who say that political pressures are not going to come up within those negotiations is just simply naive. The practical effect, I think, of letting this thing in is to really gut the whole civil service merit system that the State of Maine has had for these years.

With regard to the remarks of the gentleman from York, Mr. Rolde, he says that the Supreme Court threw this out on a technicality. Well we all hear about courts and we all hear about technicalities and you assume that it is a statute limitation to something like that.

The West Publishing Company synthesizes cases and reports all the cases of the Maine Supreme Court and in their synopsis of this case, they mentioned that it went to the Maine Labor Relations Board and then it went to the Supreme Court in Kennebec County and then it says: "The Supreme Judicial Court held that request for reclassifications and reallocations of groups of employment positions at state service are not mandatory subjects for collective bargaining within the meaning of the State Employees Relations Act. Since to require resolution of particular requests for reclassification and reallocation through collective bargaining process would be in derogation of, will controvert the spirit and the intent of the personnel law." I really could not say it better myself.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The committee, too, has read the Supreme Court decision and we simply say that if we do not return to what was, I do not understand the administration's opposition when, in fact, for quite a number of years classifications were indeed negotiated.

Several years ago, there was an additional increase that was negotiated for engineers in DOT because their salaries had fallen behind the market and DOT was indeed having difficulty in hiring and retaining employees.

Several years ago, they negotiated increases for a series of trade classifications, plumbers, electricians, carpenters and some of those people's wages were 50 percent behind the private sector. Then all of a sudden, because of a court decision, everything must stop, we cannot go back to it.

When the collective bargaining bill was passed in this legislature, the record will show that it was never intended not to have these issues negotiated, and we contend right now that if we do not enact this bill, we simply tell employees in one job or another that the only

way their pay can be raised is with a general wage increase applicable to all other employees no matter what the nature of their job is. I don't think that is a good result for the employees or the state.

The job of the administration is to negotiate; the job of the union is to negotiate. I contend that there is a basic right, one they had before and one that needs to be restored so that the parties can settle their differences on pay ranges for employees in state government.

I implore you again to vote the way you did the other day and certainly against the pending motion.

The SPEAKER pro tem: The pending question before the House is the motion of the gentleman from Bangor, Mr. Kelleher, that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Bucksport, Mr. Swazey.

Mr. SWAZEY: Mr. Speaker, I request leave of the House to pair my vote with the gentleman from Portland, Mr. Andrews. If Mr. Andrews were here and voting, he would be voting no; I would be voting yes.

The SPEAKER pro tem: The gentleman from Bucksport, Mr. Swazey, wishes to pair his vote with the gentleman from Portland, Mr. Andrews. If Mr. Andrews were here and voting, he would be voting no and Mr. Swazey would be voting yes.

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

Mr. DAY: Mr. Speaker, I request leave of the House to pair my vote with the gentlewoman from South Portland, Mrs. Thompson. If Mrs. Thompson were here and voting, she would be voting no; I would be voting yes.

The SPEAKER pro tem: The gentleman from Westbrook, Mr. Day, wishes to pair his vote with the gentlewoman from South Portland, Ms. Thompson. If Ms. Thompson were here and voting, she would be voting no and Mr. Day would be voting yes.

The pending question before the House is the motion of the gentleman from Bangor, Mr. Kelleher, that this bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

Roll Call No. 396

YEA—Anderson, Bonney, Brown, A.K.; Brown, D.N.; Carrier, Carroll, G.A.; Carter, Cashman, Crowley, Dillenback, Drinkwater, Hickey, Higgins, L.M.; Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Kiesman, Lebowitz, Lehoux, Livesay, MacBride, MacEachern, Manning, Martin, H.C.; Masterton, Matthews, K.L.; McGowan, McPherson, McSweeney, Nadeau, Nelson, Norton, Parent, Perkins, Pines, Pouliot, Racine, Reeves, J.W.; Ridley, Roberts, Salisbury, Small, Smith, C.W.; Soucy, Soule, Stevenson, Stover, Telow, Willey.

NAY—Ainsworth, Allen, Armstrong, Baker, Beaulieu, Bell, Benoit, Bott, Brannigan, Brodeur, Cahill, Callahan, Carroll, D.P.; Chonko, Clark, Conary, Connors, Connolly, Cote, Cox, Crouse, Curtis, Davis, Dexter, Diamond, Erwin, Foster, Gauvreau, Greenlaw, Handy, Hayden, Higgins, H.C.; Hobbins, Holloway, Ingraham, Jackson, Jalbert, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, Macomber, Mahany, Masterman, Matthews, Z.E.; Maybury, Mayo, McCollister, McHenry, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Murray, Paradis, E.J.; Paradis, P.E.; Paul, Perry, Randall, Reeves, P.; Richard, Robinson, Roderick, Rolde, Rotondi, Scarpino, Seavey, Smith, C.B.; Stevens, Strout, Tammaro, Theriault, Tuttle, Vose, Webster, Wentworth, Weymouth, Zirkilton.

ABSENT—Bost, Cooper, Daggett, Dudley, Gwadosky, Hall, Martin, A. C.; Moholland, Sherburne, Sproul, Walker, The Speaker.

PAIRED—Andrews-Swazey, Day-Thompson.

52 having voted in the affirmative and 83 in the negative, with 12 being absent and four

paired, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" in concurrence.

The Chair laid before the House the following matter:

An Act Concerning Hazardous Materials Control (H. P. 1666) (L. D. 2198) (H. "A" H-515) which was tabled earlier and later assigned pending passage to be enacted.

On motion of Mr. Diamond of Bangor, retabled pending passage to be enacted and assigned for Tuesday, March 27th.

The Chair laid before the House the following matter:

Bill "An Act to Permit Public Service in Lieu of Fines for Indigent Offenders Under the Drunk Driving Law" (H. P. 1427) (L. D. 1872) which was tabled earlier and later assigned pending the motion of the gentlewoman from Rockland, Mrs. Melendy, that the House reconsider its action whereby the Bill and all its accompanying papers were indefinitely postponed.

On motion of Mr. Gauvreau of Lewiston, retabled pending the motion of the gentlewoman from Rockland, Mrs. Melendy, that the House reconsider its action whereby the Bill and all its accompanying papers were indefinitely postponed and assigned for Tuesday, March 27th.

The following papers were taken up out of order by unanimous consent:

Bill "An Act to Clarify Utility Financing of Energy Conservation" (H. P. 1760) (L. D. 2323)

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

Bill "An Act to Prohibit any Type of Gambling Machine" (H. P. 1761) (L. D. 2325)

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

Mr. Handy of Lewiston offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-567) was read by the Clerk.

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

Mr. HANDY: Mr. Speaker, Ladies and Gentlemen of the House: This is an amendment that clarifies a drafting error in Section I of the bill which defines electronic video machines. The Legal Affairs Committee intended a narrow exception permitting non-profit groups to operate electronic video games featuring electronically simulated games on video screens which may give a player a free game or replay. These machines will be tightly regulated under this bill.

As drafted, the definition also includes machines operated purely for amusement and which do not award the player with something of value, not even free plays. These machines should not fall under the games of chance laws because the player is not gambling money to win something and the player is just playing a game for entertainment. These are more similar to pinball machines which also are not regulated under State Games of Chance Laws and this amendment corrects that error.

Thereupon, House Amendment "A" was adopted.

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

Bill "An Act Creating the Wiscasset Water District" (H. P. 1764) (L. D. 2326)

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

Bill "An Act to Revise the School Finance Act" (H. P. 1765) (L. D. 2327)

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

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: As the members of this chamber are very much aware that since the School Finance Act was revised in 1978, there are certain defects within that act that have created an unreasonable burden for your units, your local school units. The Education Committee is in the process of putting together a synopsis of this bill that is before us and also putting together the financial information as it would affect your local unit back home and I would hope that someone could table this bill for one legislative day.

On motion of Mrs. Locke of Sebec, tabled pending passage to be engrossed and assigned for Tuesday, March 27th.

Bill "An Act to Improve Cash Flow in the Department of Inland Fisheries and Wildlife" (H. P. 1759) (L. D. 2321)

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

Representative Carter of Winslow offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-570) was read by the Clerk.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I offer this amendment in the hopes of solving a long existing problem with the Fisheries and Wildlife Department.

I have sat in this seat for quite a few years, I have watched the revenues dwindle from the department, I have watched the license fee increases continue year after year; as a matter of fact, I participated in some of them, but ironically, whenever there is a license increase, there is a fewer number of licensees and the facts will bear this out.

What my amendment proposes to do is very simple. The Department of Fisheries and Wildlife experiences periods of shortfall due to cash flow problems. For example, during the months when the licenses are sold, there is an abundance of cash floating around. During the months they do not sell licenses, there is a deficit. What my amendment would do is simply undedicate the Fisheries and Wildlife Department, require that all funds received by the department would be turned over to the General Fund and the General Fund in turn would replace those dollars. What that will do is eliminate the need for the department to have to borrow from quarter to quarter because the department would be just like any other department that is on the General Fund. The General Fund, as you all know, amounts to roughly three quarters of a billion dollars of state monies and another three quarters of a billion dollars of federal money. With that kind of money floating around, there is no cash flow problem.

Another reason I offer this amendment is one that I have seen time and time again. In my opinion, the Fisheries and Wildlife Department is caught in a vicious circle. They are charged by law to manage and enhance the species of fish and wildlife. However, under the current setup, whenever they have to make a decision to help a particular species, they may very well lose revenues if they have to close the season, which is what takes place. It is a vicious circle, it is one that is not a good position to be in and it is a heck of a way to run a department.

This bill has been drafted so that no federal funds will be jeopardized. We will simply undedicate the department, put them on the same footing as every other department, and they will no longer have a cash flow problem. We will not have to advance them any money at all.

I would hope that you would support this amendment. It is not a bandaid type of approach, it is an approach that will solve a long existing problem and I hope it will be the end of it. I hope you will support the amendment.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I would first like to move for the indefinite postponement of House Amendment "A."

The SPEAKER pro tem: The gentleman from Waterville, Mr. Jacques, moves the indefinite postponement of House Amendment "A."

The gentleman may proceed.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Winslow, Mr. Carter, has told you about 99 and 9/10ths the truth. I will not dispute anything he said here. Unfortunately, this move to undedicate the Fish and Wildlife Department will not solve one bit of the problems that the department has.

Number one, we will still have a cash flow problem coming in October or September or the last part of August no matter if we undedicate or not. We still have a group of employees who will not be working unless we address the issue of getting some money up front right away. That is another issue.

One of the biggest problems with this bill is, if you look at it, it says that all monies brought in from license fees and permits will be turned over to the General Fund and at least that amount will be turned back to Fisheries and Wildlife to operate. What about the fines that we get? What about the sale of timber on the lands that Fisheries and Wildlife owns? What about the sale of vehicles that the department retires? What about sales of confiscated sporting goods, guns or whatever the case may be? What about the sale of some of the warden camps and property that the committee has been looking at? What about the sale of the three planes that the committee has been looking at?

In an attempt to try to reorganize a department as suggested by Audit and Program Review's long-term evaluation of the department, all these factors were worked into what we hoped will be some kind of a solution.

I know that although everytime Fisheries and Wildlife has got into some problems, somebody comes out with the solution of undedicating the department, I would like to have it explained to me how the Fisheries and Wildlife will benefit in any way, shape or form by undedicating their resources? One of the problems is still going to be that any services that the Fisheries and Wildlife performs above those related to fish and wildlife issues will still not be paid and not be reimbursed to the Fisheries and Wildlife Department, because all this would allow is for the exact money that is taken in by the sale of permits and licenses, that is all, and that is about \$8 million, to run a department that needs about \$10 million. So right off, if you pass this the way it is now, we are going to be over \$2 million in the hole before we even start.

The committee has looked long and hard; if none of you believe that, all you have to do is come up close and look in my eyeballs and you will find out different. We were even here Sunday and we think we have come up with a good overall solution that will alleviate the long-term problem of financing Fisheries and Wildlife. This will not do that, this will not even alleviate the short-term problem in Fisheries and Wildlife.

Mr. Carter is correct—as long as you base this on fees and fee increases alone, you are going to have that cash flow problem.

One other thing, Mr. Carter was very instrumental in getting us a line item budget for the first time in my three terms in the legislature. For the first time in six years, that mechanism is about to be used and I think it is a super

mechanism for creating very good financial operations in the department, because the very problems that Mr. Carter addressed are going to be addressed in this line item.

The good gentleman from Scarborough, Mr. Higgins, will be offering an amendment at a later time on another bill that will even further tighten that to alleviate that cash flow problem. I believe that is the way to go. I don't think that undedicating will do anything and I can just see a very short time down the line, if revenues are not there, Fisheries and Wildlife and the resources in this state having to go in direct competition with Human Services, programs for the elderly, retarded children, corrections, education and countless others, and who do you think is going to win out there?

We have been fighting for six years to get the legislature to have at least a little concern about the fish and wildlife in this state and it took the department to go almost right to the bottom of the hole before people started looking around and saying, what are we doing wrong? Can you imagine what is going to happen if we have to go in there and start competing for that money? I will tell you that the white tailed deer, the atlantic salmon and landlock salmon are going to come out on the short end of the deal.

I don't pay for my hunting and fishing licenses to help finance every other department in the State of Maine, I pay to take care of what we are supposed to take care of. I am going to support an increase in those fees in another bill because I believe that that is the way we should go, that will be part of a package but I really do not believe that undedication is going to solve one of the problems that my good friend from Winslow, Mr. Carter, has mentioned, I really don't, and I think you should think about that.

I would urge you to vote to indefinitely postpone this amendment.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I know that I am not supposed to be told everything but I have been on this committee for over three decades and just about fifteen minutes ago I asked my good friend with whom I spent all day with, the Chairman of the Committee who replaced me as the Chairman when I resigned voluntarily and happily as Chairman of the Appropriations Committee—do you intend to have an amendment to present to undedicate the Fisheries and Wildlife Department? The answer was yes; I was stunned. His comment was that this would prevent them, the Fisheries and Wildlife Department, from borrowing from one quarter to another — not so. Any department can borrow from one quarter to another and departments do borrow.

Further comment that this would almost eliminate dedicated revenues, the Highway Department is dedicated revenue and that is exactly where I want it to stay. As far as the Fisheries and Wildlife is concerned, I have never voted against them on any single issue but I want them to be part of the Appropriations Committee and underneath us like I want a triple dose of leprosy. If there are seventeen of them together, they will start nineteen arguments and they are all friends of mine. I vote for them. I will vote for any kind of fees.

A year ago last November, three days after the election, I ran in to see the Governor, had lunch with him, I said, you know what you ought to do now? Call us in and pass a penny on the sales tax and you would be out of trouble. We will wind up with about \$80 million or \$90 million and then we will be home free. Whatever fees I vote for and whatever fees Representative Jacques, a real young friend of mine, proposes, I will vote for them.

Go over to Canada and see just how much you have to pay. Find out how much you have to pay for a moose license, a deer license. People don't stop hunting because of the \$5.00 or

\$10.00 on their licenses. When we raise fees, anybody that says that stops them from going, I question that statement. When they started the pool on the moose thing, has it stopped? It has been going higher every year. People like to take a chance, they like to take a gamble and I am sure — I am not a hunter, I am not a fisherman, but I am sure if I wanted to go hunting or fishing, the \$5.00 or \$10.00 extra that it might cost me in fees would not stop me.

In any event, they can still borrow from one department within a department and then when that goes, they can borrow from one quarter to another and then if that does not pass by them, they will find ways to do it, because that committee can find ways to do anything. I consider myself an amateur when I talk to the rat's nest in the back row. They are experts. They will straighten the thing out and if they come up with a few extra fees, so what? I will be delighted to pay for them but I do not want any part of the Fisheries and Wildlife Department to be undedicated. I want no part of it any more than I would want Representative Carroll, who is a friend of mine for many years, to be within our department. We have enough troubles now.

We only have ten more days to go, we have no budget, we have a barrel of bills downstairs, we have a barrel of bills flying around here and now we are waiting for this thing. Why don't we do the right thing? Do what we should do tonight, go as far as we should go, let's not wait until seven or eight o'clock, we have been at it all day long, some of us have been up since before daylight. Let's do what we can do, let's come back Tuesday morning and do it and do it right, not do it at twenty minutes to six when everybody is dead tired and cannot think that right.

You should have been down in 228 this afternoon and listened for three or four hours to what we had to listen to. I am sure you people have all been busy. All of you should be commended for your work. When you see 125, 130 or 135 people here at this hour of the night, I have never seen this before. I have seen us chase around to get a quorum around this time. This body of men and women should be commended for their dedication to work. But let's keep on going and work in the proper direction and do what we can now and when we run out of what we can do, stop, adjourn until Tuesday, come back fresh, come back with different thoughts. I am sure the Fisheries and Wildlife Committee is going to work, I know the Appropriations Committee is going to work.

I am not criticizing Representative Carter, he has been a friend of mine too long for me to take issue with him. I think, as a matter of fact, this is one of the very few times that I have opposed him and I do not like to do it. I do not like to kill bills and I do not like to oppose people.

I opposed one man awhile back when the session first started and it took me about a month to get him back in business with me and I like him. If somebody doesn't like me that I like, I am going to work like heck to find a way for him to like me.

Let's do what we can now, let's go home, let's come back fresh and let's see what they have got to offer, but not this monstrosity.

I go along with the indefinite postponement and I ask for a roll call.

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

Mr. MacEACHERN: Mr. Speaker, is this amendment germane to the bill?

Subsequently, Representative MacEachern withdrew his request for a ruling from the Chair.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It is not very often that I have to oppose two good friends, but in this case I feel that the amendment that I am proposing is the only way to go.

First of all, let me clear the air. I am only interested at this point in talking about the budget. This is a subject, when you talk about fish and wildlife, that people get pretty emotional about in the State of Maine, because anybody who has ever held a license is an expert and it makes it rather controversial. But if we can restrict our comments to the budget, I will try to stick to the budget also.

What I am trying to show you that we ought to do is change the method of budgeting that the Fish and Wildlife Department is currently operating under. In my opinion, they are operating under a system that is not conducive to sound conservation measures and management of the species that they are charged to manage, because whenever they are forced to make a decision, at times they have to consider the monetary value of their decision because their paychecks depend on the sale of licenses, it is that simple.

If my good friend from Lewiston had asked me about the amendment when we discussed it at one of the committee session that we had, or at the caucus, I would have been glad to explain it to him. I wasn't aware that he wasn't knowledgeable about it. It is not my intention to slight anybody, especially my good friend from Lewiston.

Now, my good friend from Waterville, Representative Jacques, indicates that the amendment is not quite what it appears to be. Let me assure him that the way the amendment is written, it states that all funds—all funds—will go to the general fund. When that takes place, the Fish and Wildlife Department is on the general fund and its needs will be just like any other budget. They will get their money from the general fund.

The only reason that the next paragraph, line 6 on Page 2 is written the way it is to meet the requirements of the Pittman-Robinson funds, so that there is no misunderstanding by the federal government that all license revenues are being used. What we are simply doing is laundering the license revenues through the general fund in effect, but in the process we eliminate the cash flow problem. They will present a budget and the budget will be funded.

When I hear people say, gee, they are going to have to compete against Mental Health, they are going to have to compete against motherhood, let me assure you that the Fish and Wildlife Department is part of the second largest industry in the State of Maine, \$600 million a year, known as the tourist industry and fish and wildlife is part of it. I don't think they are going to have any problem at all getting what they ask for providing they justify what they need, like they have to do now with the Fisheries and Wildlife Committee in the other bill that has their budget. That system is not going to change.

And when I hear people say, gee, I don't want my funds to be spent in a general fund because I paid for a fishing license or a hunting license, let me remind these gentlemen and gentleladies that the resources that we are talking about belong to no individual group in this state, they belong to all the people of this state. Some hunt and some fish, and I agree they should pay more, and that is the way the system is set up. There are those who do not hunt and do not fish, they canoe, they backpack, they go hiking, they go cross-country skiing, they enjoy the same resource as the fisherman and the hunter, and there is no reason in this world why they should not be funded out of the general fund. And all my amendment does is make sure that we don't have to come up front and lend them a half a million dollars or a million dollars here, like they are going to be short \$800,000 in the month of September. This will guarantee that that will not happen because they will be on the general fund, and I hope that you defeat the motion and support this amendment.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I would just like to commend the good gentleman from Lewiston for his comments. I would like to commend the good gentleman from Waterville, Mr. Jacques. I hope you listened very intently because he told you like it is.

It is no secret to many people in this House that this is something that the good gentleman from Winslow has wanted to do for years. He got the line item budget through and we are very pleased about that because finally this committee can look at the expenses on a line item and hold the department right to that mark.

That good gentleman also wanted to have the general fund bill come to his committee, and it is going there and we are going to gladly go down there and defend it.

I hope you will go along with Representative Jacques' motion to indefinitely postpone and get on with the business.

A roll call has been requested.

More than one fifth of the members present expressed a desire for a roll call, which was ordered.

The SPEAKER pro tem: The pending question is on the motion of Representative Jacques of Waterville that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

Roll Call No. 397

YEA—Ainsworth, Allen, Armstrong, Bell, Bonney, Bost, Bott, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Conners, Cote, Cox, Crouse, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Handy, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, E.H.; Moholland, Murphy, E.M.; Murphy, T.W.; Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Roderick, Rolde, Rotondi, Salisbury, Scarpino, Small, Smith, C.B.; Soule, Sproul, Stevenson, Stover, Strout, Swazey, Tammara, Telow, Theriault, Tuttle, Vose, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Benoit, Brodeur, Carter, Conary, Cooper, Crowley, Hayden, Hickey, Joyce, Kane, Kelleher, Kelly, Livesay, Masterton, McCollister, Mitchell, J.; Murray, Perkins, Robinson, Seavey, Soucy, Stevens.

ABSENT—Anderson, Andrews, Baker, Beau-lieu, Carrier, Connolly, Gwadosky, Hall, Martin, A.C.; Michael, Sherburne, Smith, C.W.; Thompson, Walker, The Speaker.

114 having voted in the affirmative and 22 in the negative, with 15 being absent, the motion did prevail.

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

By unanimous consent, ordered sent forthwith to the Senate.

Bill "An Act Concerning the Funding of the Department of Inland Fisheries and Wildlife" (Emergency) (H. P. 1769) (L. D. 2336)

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

On motion of Representative Higgins of Scarborough, tabled pending passage to be engrossed and assigned for Tuesday, March 27.

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

An Act to Increase Legislative Oversight of

the Fiscal Affairs of the Department of Inland Fisheries and Wildlife (Emergency) (H. P. 1628) (L. D. 2143) (S. "A" S-296; S. "B" S-297)

Tabled—March 20, 1984 (under suspension of the rules) by Representative Diamond of Bangor.

Pending—Reconsideration. (Returned by the Governor without his Approval).

On motion of Representative Diamond of Bangor, retabled under suspension of the rules pending reconsideration and assigned for Tuesday, March 27.

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

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-548) on Bill "An Act to Recognize National Women's History Week" (H. P. 1597) (L. D. 2119)

Signed:

Senators:

CLARK of Cumberland

HAYES of Penobscot

Representatives:

BOTT of Orono

LOCKE of Sebec

THOMPSON of South Portland

CROUSE of Washburn

SMALL of Bath

RANDALL of East Machias

MATTHEWS of Caribou

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

Signed:

Senator:

HICHENS of York

Representatives:

MURPHY of Kennebunk

SOUICY of Kittery

BROWN of Gorham

Reports were read.

On motion of Representative Diamond of Bangor, tabled pending acceptance of either Report and assigned for Tuesday, March 27.

The following papers were taken up out of order by unanimous consent:

Passed to Be Enacted

An Act Relating to Penalties for Hunting without a License (H. P. 1547) (L. D. 2037) (H. "A" H-531)

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.

Bill Held

Bill "An Act to Authorize County Commissioners to Establish Separate Voting Places in Unorganized Townships" (S. P. 858) (L. D. 2331)

—In Senate, under suspension of the rules and without reference to a Committee, read twice and passed to be engrossed on March 20, 1984.

—In House, under suspension of the rules and without reference to a Committee, read twice and passed to be engrossed in concurrence on March 20, 1984.

Held at the request of Representative Nadeau of Lewiston.

On motion of Representative Nadeau of Lewiston, the House reconsidered its action of earlier in the day whereby this Bill was passed to be engrossed.

Mrs. Martin of Van Buren offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-573) was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, I wonder if somebody could explain this. It has been sailing right through and I don't seem to know what it is all about. As chairman of the Franklin County delegation with several organized

townships, I would appreciate a brief explanation from someone.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Van Buren, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment very simply puts on an emergency preamble so that this would be in effect before this year's election. It also establishes a number of ballot clerks and it especially specifies the number of ballot clerks required in unorganized townships. It is strictly to do with unorganized townships.

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

Mr. ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: I am unable to quickly locate this bill, but Representative Dexter and I had the same concern. Franklin County has a lot of unorganized townships, letter D, letter E, Jim Pond, you name it, on and on, and we are concerned about the expense to Franklin County if in fact this bill does what the title says and if in fact the county commissioners will be required to maintain polling places on election in each one of these unorganized townships.

Someone told me that the sponsor of this bill was Senator McBreairey, but possibly someone in the House knows a little bit more about the financial impact on the counties that have a lot of unorganized townships.

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

Mr. NADEAU: Mr. Speaker and Members of the House: This bill deals specifically with the following unorganized townships: Conner, Kingman, Rockwood Strip, Sinclair, T-17 R-4. What the bill does essentially is, it puts the jurisdiction under the county commissioners to organize the election process there simply because there was some confusion as to who administers what election. It simply provides a process for them to get together and provide a consistent election process, that is all.

Thereupon, House Amendment "A" was adopted.

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

The following papers were taken up out of order by unanimous consent:

Papers from the Senate

Bill "An Act to Provide for Public Notifications of the Intent to Apply Pesticides and for Monitoring Certain Pesticide Application Projects" (S. P. 860) (L. D. 2335)

Came from the Senate, referred to the Committee on Agriculture and Ordered Printed.

Was referred to the Committee on Agriculture in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Allow Certain Fish and Wildlife Offenses to be Treated as Civil Violations" (S. P. 806) (L. D. 2154)

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

Ought to Pass in New Draft/New Title

Report of the Committee on Education on Bill "An Act Relating to Exceptional Children" (Emergency) (S. P. 586) (L. D. 1703) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to the Definition of School Year for the Purpose of Defining School Eligibility" (S. P. 859) (L. D. 2332).

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

Report was read and accepted, the New Draft given its first reading and assigned for its second reading Tuesday, March 27, 1984.

Non-Concurrent Matter

Tabled and Assigned

Bill "An Act to Appropriate Funds for Payment of Attorneys' Fees Awarded Against the State" (H. P. 1762) (L. D. 2329) which was referred to the Committee on Appropriations and Financial Affairs in the House on March 20, 1984.

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed in non-concurrence.

On motion of Representative Higgins of Scarborough, tabled pending further consideration and assigned for Tuesday, March 27.

Bill "An Act to Amend the Potato Price Stabilization Program" (H. P. 1774) (Presented by Representative Lisnik of Presque Isle) (Cosponsors: Representatives Theriault of Fort Kent and Mahany of Easton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

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

Bill "An Act to Allow Persons Holding Occupational Licenses in the State who Enter the Armed Forces to Obtain Inactive Licenses for Reduced Fees" (H. P. 1775) (Presented by Representative Scarpino of St. George) (Cosponsors: Representatives Perkins of Brooksville and Racine of Biddeford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

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

RESOLVE, to Establish a Select Committee Concerning Forest Practices in the State (Emergency) (H. P. 1776) (Presented by Representative MacEachern of Lincoln) (Cosponsors: Representative McGowan of Pittsfield, and Senators Pearson of Penobscot and Carpenter of Aroostook) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

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

RESOLVE, Establishing a Task Force on Head Injuries (H. P. 1777) (Presented by Representative Andrews of Portland) (Cosponsors: Representatives Nelson of Portland, Ainsworth of Yarmouth and Senator Wood of York) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Authorize Hospital Administrative District No. 1 and Hospital Administrative District No. 4 to Engage in a Joint Venture for the Purpose of Owning and Operating a Regional Mobile Computerized Axial Tomography Scan Unit" (H. P. 1778) (Presented by Representative Locke of Sebec) (Cosponsors: Senators Pearson of Penobscot, Pray of Penobscot and Representative MacEachern of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Were referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

House Reports of Committees
Unanimous Ought Not to Pass

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Funding of Thomaston Schools for 1984-85" (H. P. 1648) (L. D. 2182) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative Beaulieu from the Commit-

tee on Labor on Bill "An Act Relating to Occupational Safety and Health of Agricultural Workers" (H. P. 1474) (L. D. 1935) reporting "Leave to Withdraw"

Representative Gauvreau from the Committee on Labor on Bill "An Act Providing for a Maine Labor Relations Law" (H. P. 1663) (L. D. 2196) reporting "Leave to Withdraw"

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds from the General Fund for Public Transportation" (H. P. 1525) (L. D. 2006) reporting "Leave to Withdraw"

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

Consent Calendar

First Day

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

(H. P. 1614) (L. D. 2136) Bill "An Act to Amend the Charter of the Passamaquoddy Water District" (Emergency) Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-564)

(H. P. 1559) (L. D. 2061) Bill "An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education of State Agency Clients" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-559)

(H. P. 1589) (L. D. 2099) Bill "An Act to Amend the Statutes Relating to Handicapping Conditions Under the Human Services Law" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-565)

(H. P. 1656) (L. D. 2186) Bill "An Act to Establish Farm Programs at Correctional Facilities" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-566)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 27, 1984 under the listing of Second Day.

Unanimous Leave to Withdraw

Representative Brannigan from the Committee on Business Legislation on Bill "An Act to Separate Seven Affiliated Boards from the Department of Business, Occupational and Professional Regulation" (H. P. 1621) (L. D. 2145) reporting "Leave to Withdraw"

Representative Day from the Committee on Taxation on Bill "An Act Providing for Conformity with the United States Internal Revenue Code" (H. P. 359) (L. D. 417) reporting "Leave to Withdraw"

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

Consent Calendar

First Day

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

(H. P. 1588) (L. D. 2095) Bill "An Act to Provide Voter Information on Ballot Questions" Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-568)

(H. P. 1651) (L. D. 2176) Bill "An Act to Amend the Political Action Committee Registration and Reporting Law" Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-569)

(H. P. 1703) (L. D. 2256) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Enable the Legislature to Establish the Extent of Insurance of Loans to Veterans

— Committee on State Government reporting "Ought to Pass".

(H. P. 1675) (L. D. 2220) RESOLVE, Authorizing the Commissioner of Mental Health and Mental Retardation to Enter into Agreements to Supply Water to Neighbors of Pineland Center Whose Wells are Contaminated (Emergency) Committee on State Government reporting "Ought to Pass".

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 27, 1984 under the listing of Second Day.

(Off Record Remarks)

On motion of Representative Macomber of South Portland,

Adjourned until Tuesday, March 27, 1984, at nine o'clock in the morning.