

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)

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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HOUSE

Tuesday, April 3, 1984

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

Prayer by Reverend Winifred Reynolds, Windsor Memorial Baptist Church.

The members stood for the Pledge of Allegiance.

The Journal of Friday, March 30, 1984, was read and approved.

**Papers from the Senate
Divided Report
Later Today Assigned**

Majority Report of the Joint Select Committee on Alcoholism Services on Bill "An Act Relating to Alcohol-related Birth Defects" (S. P. 830) (L. D. 2225) reporting "Ought to Pass" in New Draft (S. P. 880) (L. D. 2384)

Signed:

Senators:

BUSTIN of Kennebec
HAYES of Penobscot
PERKINS of Hancock
GILL of Cumberland

Representatives:

MASTERMAN of Milo
BRODEUR of Auburn
CHONKO of Topsham
ROLDE of York
REEVES of Pittston

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

Signed:

Representatives:

ERWIN of Rumford
DAY of Westbrook
MATTHEWS of Caribou

Came from the Senate with the Majority "Ought to Pass" in New Draft report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "B" (S-362)

Reports were read.

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

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act to Increase the Minimum Wage to \$3.55" (S. P. 835) (L. D. 2236) on which the Bill was indefinitely postponed in the House on March 29, 1984.

Came from the Senate with that Body having adhered to its former action whereby the Bill was referred to the Committee on Labor in non-concurrence.

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned.

**Petitions, Bills and Resolves
Requiring Reference**

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

Taxation

Bill "An Act to Equalize Taxation of Leased Aircraft used in Interstate Commerce" (Emergency) (H. P. 1823) (Presented by Speaker Martin of Eagle Lake) (Cosponsors: Representatives Salisbury of Bar Harbor, Kane of South Portland and Senator Perkins of Hancock) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

ORDERS

On motion of Representative McSweeney of Old Orchard Beach, the following Order:

ORDERED, that Representative Zachary Matthews of Winslow be excused March 6th through 9th due to illness.

Was read and passed.

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

Representative Murray from the Committee on Business Legislation on 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) (L. D. 2353) reporting "Leave to Withdraw"

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

Passed to Be Engrossed

Representative Gwadosky from the Committee on State Government on Bill "An Act to Establish Standards and a Policy for the Compensation of Members of Boards, Commissions and Similar Organizations" (H. P. 1571) (L. D. 2081) reporting "Ought to Pass" in New Draft (H. P. 1807) (L. D. 2389)

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

Ought to Pass in New Draft

Representative Mahany from the Committee on Agriculture on Bill "An Act to Provide Funding from the Blueberry Industry Tax to Promote Market Development for the Blueberry Industry" (H. P. 1646) (L. D. 2180) reporting "Ought to Pass" in New Draft (H. P. 1816) (L. D. 2406)

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

Passed to Be Engrossed

Representative Andrews from the Committee on Taxation on Bill "An Act to Provide a Sales Tax Exemption for Certain Residential Facilities" (H. P. 1441) (L. D. 1886) reporting "Ought to Pass" in New Draft (H. P. 1817) (L. D. 2407)

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

Representative Michaud from the Committee on Energy and Natural Resources on Bill "An Act to Amend the Air Emission License Law" (H. P. 1465) (L. D. 1917) reporting "Ought to Pass" in New Draft (H. P. 1818) (L. D. 2410)

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

Passed to Be Engrossed

Representative McHenry from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1984 (Emergency) (H. P. 1821) (L. D. 2413) 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.

Representative Bost from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1984 (Emergency) (H. P. 1822) (L. D. 2414) 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.

**Divided Report
Later Today Assigned**

Majority Report of the Committee on Transportation on Bill "An Act to Amend Certain Motor Vehicle Laws" (H. P. 1444) (L. D. 1889) reporting "Ought to Pass" in New Draft (Emergency) (H. P. 1819) (L. D. 2411)

Signed:

Senators:

DIAMOND of Cumberland
EMERSON of Penobscot
DANTON of York

Representatives:

MACOMBER of South Portland
CARROLL of Limerick
REEVES of Pittston
NADEAU of Lewiston

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (Emergency) (H. P. 1820) (L. D. 2412) on same Bill.

Signed:

Representatives:

MCPHERSON of Eliot
MOHOLLAND of Princeton
THERIAULT of Fort Kent
CAHILL of Woolwich
STROUT of Corinth
CALLAHAN of Mechanic Falls

Reports were read.

Representative Carroll of Limerick moved that the Majority "Ought to Pass" Report be accepted.

On motion of Representative Diamond of Bangor, tabled pending the motion of Representative Carroll of Limerick to accept the Majority Report and later today assigned.

**Passed to Be Engrossed
As Amended**

Bill "An Act to Clarify the Disciplinary Procedure of the Nurse Practice Laws" (S. P. 839) (L. D. 2263) C. "A" S-361)

Was reported by the Committee on Bills in the Second Reading, read the second time and Passed to be Engrossed as amended in concurrence.

**Passed to Be Enacted
Emergency Measure**

An Act Relating to the Issuance of Registered Bonds (S. P. 885) (L. D. 2402)

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

Emergency Measure

An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1985 (H. P. 1668) (L. D. 2208) (C "A" H-595)

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

Emergency Measure

An Act to Clarify the Licensure of Administrators of Medical Care Facilities Other than Hospitals (H. P. 1790) (L. D. 2365)

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. 104 voted in favor of the same and none 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 Sagadahoc County for the Year 1984 (H. P. 1733) (L. D. 2286) (H. "A" H-607)

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. 105 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.

Enactors

Later Today Assigned

An Act to Encourage the Use of Wood and Solid Waste as a Source of Energy in State-owned Buildings (S. P. 879) (L. D. 2383)

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

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

Later Today Assigned

An Act to Provide Limitations on Fishing by Weirs, Purse and Stop Seines and to Provide Notice for the Location of Weirs and their Maintenance (H. P. 1516) (L. D. 1991) (H. "A" H-542 and H. "B" H-585 to C. "A" H-527)

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

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

Passed to Be Enacted

An Act to Increase the Fee for the Alcohol Education Program Conducted by the Department of Human Services (H. P. 1658) (L. D. 2188) (C. "A" H-593)

An Act to Amend the Potato Price Stabilization Program (H. P. 1774) (L. D. 2352) (S. "A" S-347)

An Act to Increase Capital and Surplus Requirements of Insurers in Order to Hold a Certificate of Authority to Write Insurance (H. P. 1803) (L. D. 2377)

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.

Finally Passed

RESOLVE, to Inventory all State Real Property and to Create a Commission to Develop a Policy for the Disposition of State Surplus Real Property (S. P. 865) (L. D. 2349) (H. "A" H-608)

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

Bills Held

Bill "An Act to Require Downstream Public Notification of Release of Water Impoundments" (H. P. 1808) (L. D. 2390)

In House, Passed to be Engrossed on March 30, 1984.

Held at the Request of Representative Vose of Eastport.

On motion of Representative Vose of Eastport, the House reconsidered its action whereby the Bill was passed to be engrossed.

On motion of the same gentleman, tabled pending passage to be engrossed and later today assigned.

An Act to Create the Maine Uniform Accounting and Auditing Practices Act for Community Agencies (H. P. 1798) (L. D. 2375).

In House, Passed to be Enacted on March 30, 1984.

Held at the request of Representative Diamond of Bangor.

Representative Diamond of Bangor moved that the House reconsider its action whereby the Bill was passed to be enacted.

On motion of the same gentleman, tabled

pending his motion to reconsider and later today assigned.

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

—In Senate, Passed to be engrossed as amended by House Amendments "E" (H-577, "F" (H-581), "H" (H-599) and Senate Amendment "B" (S-360) in non-concurrence.

—In House, House Adhered to Passage to be engrossed as amended by House Amendments "E" (H-577), "F" (H-581), "H" (H-599) and "M" (H-612) in non-concurrence.

Held at the request of Representative Carter of Winslow.

Representative Carter of Winslow moved that the House reconsider its action whereby it voted to adhere and further moved that this be tabled until later in today's session.

Whereupon, Representative Masterton of Cape Elizabeth requested a vote.

The SPEAKER: The pending question is on the motion of Representative Carter of Winslow that this matter to tabled until later in today's session pending his motion to reconsider whereby the House voted to adhere. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

57 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

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, the House recessed until four o'clock in the afternoon.

After Recess

4:00 pm

The House was called to order by the Speaker.

The SPEAKER: The Chair would call your attention to the matter we were dealing with at the time of the recess, bill held.

Bill "An Act Concerning the Funding of the Department of Inland Fisheries and Wildlife" (H. P. 1796) (L. D. 2336)—In Senate, passed to be engrossed as amended by House Amendments "E" (H-577), "F" (H-581), "H" (H-599) and Senate Amendment "B" (S-360)—In House, Passed to be engrossed as amended by House Amendments "E" (H-577), "F" (H-581), "H" (H-599) and "M" (H-612).

The SPEAKER: The pending question is on the motion of Representative Carter of Winslow that the House reconsider its action whereby it voted to adhere.

Representative MacEachern of Lincoln requested a roll call vote.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I hate to take your time again to discuss a bill that has been discussed several times already, but the reason I beg your indulgence is because I don't think we have dealt with the real nitty-gritty contained in the document presented to us by the Fisheries and Wildlife Committee. There is no question that they did a lot of work, and I have no axe to grind, I am simply concerned that my children's children, or my grandchildren, have the same opportunity that I had when I was a youngster.

I told you before that the department is not managing but is really running a program of systematically harvesting a resource to meet its payroll obligations. That is a far cry from man-

agement of the species.

For those of you who don't quite agree with me, I would like for you to listen to this little story that I am going to tell you, it happens to be the truth. When I was a youngster, my father used to take me ice fishing and this was usually on Thanksgiving Day, quite early in the season to go ice fishing, but this happened to be a warm water pond that contained an abundance of pickerel and perch. I had many wonderful days fishing on that particular pond. When my youngsters were old enough to go ice fishing, I took them to that same pond and many times on Thanksgiving afternoon we enjoyed an afternoon of ice fishing.

Several years ago I returned to that same pond with my two sons, we got out of the car, it was after Thanksgiving, there was snow on the ground, I took a look across the pond and I had an eerie feeling about the place, but I paid no attention to it. We took the snowmobile off the trailer and we ambled on down to the pond. We set out the traps, and usually when you set out an ice trap on that particular pond, it wouldn't take very long before you got a strike. That particular day we had been there for an hour and no strike and I thought it was kind of strange that we were not getting any results. I told my son, why don't you go back to the car and get the lunch and we will have lunch and maybe things will change. He went back to the car on the snowmobile and one of the local farmers came out and asked him, what are you people doing down there? Don't you know that pond has been rotenoned? I couldn't believe it. The department killed every fish in that pond for the simple reason that they wanted to stock it with trout. This is a warm water pond. They stocked the pond with trout and members of the committee will tell you why they don't run a put and take program anymore—well, I beg to disagree with them. They most certainly do run a put and take program. The department stocks these trout all over the state and they publicize a list which they sell for a fee. The reason they do this is so they can sell licenses to meet their payroll obligations. Now, that is not a very good way to operate a program. This is not an isolated case.

You take, for example, the successful fight on the moose referendum. They gave it a real good fight, but the reason they fought so hard was not because they were trying to manage the biggest animal in the food chain, it was because they needed some funds to operate the department. Never once in the debates, and I watched a lot of them, did I see any explanation for the word management, they glossed over it—management purposes.

I used to speak to people who were against opening the moose season, and after I got done explaining to them the competition that the moose was giving the deer herd, that they had to be managed, they agreed. A very simple explanation, the moose and the deer browse on the same material. When the snows come, the moose browse higher, but with the deer the browse is gone. People will tell you, well, deer and moose don't mix. Of course they don't mix because the moose eats all the feed and they have to be managed, but that never entered the debate. They were more concerned with revenues than they were in managing that species.

I held this bill over the weekend because I wanted to touch bases with my people back home. I took the bill and I looked at it and I did some simple arithmetic. I looked at the proposed license fee increase. This year we are faced with a license fee increase. Take, for example, the combination hunting and fishing license. It went from \$16 last year to \$20 this year; that is a 25 percent increase. Next year it goes from \$20 to \$24; that is a 20 percent increase. The following year it goes up 8 percent, the year after 7.5. Ladies and gentlemen, that is a 60 percent increase in four years, and what does it accomplish, just what does this accomplish—absolutely nothing except create a slush fund for the department

to continue to run it so they can meet their payroll obligation, not to manage the species.

When I tell you I am really concerned about my grandchildren, I sincerely mean this. I've got no axe to grind, I've got nothing to gain from getting up here and debating these issues with you, but I think it is my duty to do exactly what I am doing.

If you people choose to reconsider, then I will offer an amendment, and I tried to find a way to satisfy everybody, I have an amendment that I will offer if you allow me to reconsider which will strip the license fee increases off the bill, strip the General Fund money, which is actually peanuts, \$358,000 means nothing, and strip the migratory waterfowl stamp, which also means nothing, there are no black ducks left anyway, and then, if successful, I will offer another order calling for a study by a special committee, six members from the House and three from the Senate, appointed by the Speaker and the President, to look into the particular ways that the department is managing the species. I have written it out in the order. I think it is very clear and to the point.

The committee should also look at whether the department should be restructured. As a solution to some members of the committee, they keep telling me and I keep hearing that they don't trust people in the department, well, I suggested to them that maybe the solution is to restructure the department based on the number of regions that we have in the state, be it five regions or seven regions, and they will act as a group of commissioners with a manager to administer the department, and also find means of funding the department on a long-term basis, which would be looking into the idea of undedicating, and report their findings to the 112th. I think this is the sensible and only thing that ought to be done. If we don't do anything other than this, then we are in fact denying our grandchildren the same rights and privileges that many of us have enjoyed in the past.

I would hope that you would support the motion to reconsider.

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 Carter of Winslow that the House reconsider its action whereby it voted to adhere. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 432

YEA—Ainsworth, Andrews, Baker, Benoit, Bost, Brodeur, Carroll, G. A.; Carter, Conary, Connolly, Crowley, Gauvreau, Hall, Hickey, Kane, Kelleher, Kelly, Kilcoyne, Livesay, McCollister, Mitchell, J.; Paradis, P. E.; Perry, Pouliot, Ridley, Soule, Stevens, Theriault.

NAY—Allen, Anderson, Armstrong, Beaulieu, Bell, Bonney, Bott, Brannigan, Brown, D. N.; Cahill, Callahan, Carroll, D. P.; Cashman, Chonko, Clark, Connors, Cooper, Cote, Cox, Crouse, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Gwadnosky, Handy, Hayden, Higgins, H. C.; Higgins, L. M.; Hobbins, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Joyce, Ketover, Kiesman, Laplante, Lebowitz, Lehoux, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A. C.; Martin, H. C.; Masterman, Masterton, Matthews, K. L.; Matthews, Z. E.; Maybury, Mayo, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, E. H.; Moholland, Murphy, E. M.; Murphy, T. W.; Murray, Nadeau, Nelson, Norton, Paradis, E. J.; Parent, Paul, Perkins, Pines, Racine, Randall, Reeves, J. W.; Reeves, P.; Richard, Roberts, Robinson, Roderick, Rolde, Rotondi, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C. B.; Smith, C. W.; Soucy, Stevenson, Stover, Strout, Swazey, Tammara, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Brown, A. K.; Carrier, McGowan,

Michael, Sproul, Telow, Thompson, The Speaker 28 having voted in the affirmative and 115 in the negative, with 8 being absent, the motion did not prevail.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT: Majority (9) "Ought to Pass" in New Draft (S. P. 880) (L. D. 2384)—Minority (3) "Ought Not to Pass"—Committee on Alcoholism Services on Bill "An Act Relating to Alcohol-related Birth Defects" (S. P. 830) (L. D. 2225) which was tabled and later today assigned pending the motion of Representative Diamond of Bangor to accept either Report. (In Senate, Majority "Ought to Pass" Report accepted and the New Draft passed to be engrossed as amended by Senate Amendment "B" S-362).

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

Mr. ROLDE: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report and I would speak to my motion.

The SPEAKER: The gentleman from York, Mr. Rolde, moves that the Majority Report be accepted in concurrence.

The gentleman may proceed.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Fetal alcohol syndrome, which this bill deals with, is the one form of mental retardation that is totally preventable. The thrust of this bill is to present a warning at the point of sale of alcoholic beverages that drinking can cause harmful effects to the child that a pregnant woman is carrying. A study that was done nationwide showed that fully one third of the adult population didn't know this. Among those who did, in another study a majority believed that the effects were temporary and reversible; that is not true.

There is an argument going on basically with the liquor industry over what is a safe level for a pregnant woman to drink during pregnancy. In a Portland, Oregon study, 25 percent of those queried believed that it was more than three drinks a day. Medical testimony given by doctors before our committee said that there is no safe level—no safe level.

What is the cost of mental retardation in Maine? It is estimated at about \$45,000 a year for a lifetime. Add that up.

How frequent is fetal alcohol syndrome? In a Seattle study, it was found that 11 percent out of a thousand childbearing women had some fetal alcohol effects. That may be somewhat high. Another study has shown that some 24 to 30 out of a thousand children suffered from this.

We have heard objections to this particular bill, that it is a nuisance, that women might be embarrassed or actually harassed because of it, that it should be done in doctors' offices or clinics and not in bars and grocery stores at the point of sale.

During the hearing, I asked the representative of the liquor industry whether this bill would affect their business, would sales go down? They answered no. I asked the same question of the innkeepers, and their answer again was no. The innkeepers further said they were afraid their bartenders and barmaids might be asked questions that they weren't prepared to answer.

I would point out that in this proposal the poster would carry a hotline number to which all questions could be put.

On the harassment issue, I suppose women have been harassed in some bars and liquor selling establishments since the beginning of time. In fact, I might say cynically that being in an obvious state of pregnancy would be the one thing that would make them immune from the usual type of harassment they receive.

Finally, I do have to report my thoughts on the objections raised by an innkeeper who said, well, we simply don't want any posters in our place. That seemed like a reasonable answer

until I began to realize that I often see posters in places where alcohol beverages are sold.

The other night at Greek night, I happened to look around the restaurant in which we were eating. In every booth was a poster advertising "Jumbo Glass of Wine" and another one saying "Drink Stroh's Beer." Those posters are somehow all right, they don't embarrass anyone. Exhorting people to drink through posters is certainly a socially acceptable activity. Why, then, can we not make one intrusion into this convivial atmosphere with a warning that might save one blighted life and a bill to the taxpayers that could amount to more than \$800,000 over a lifetime?

I urge you to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly for the record, I would like to explain why the three members of the committee signed the minority report on this bill.

While there is a great need for an awareness program concerning fetal alcohol syndrome as well as other problems caused by alcohol consumption, it was not our belief that this bill is the proper way to address the problem. There should be widespread education and support so that pregnant women know of all the dangers involved.

This bill requires the posting of signs in establishments which sell alcoholic beverages for consumption on or off the premises, such as retail liquor stores, lounges and restaurants. I personally object to the posting of signs in these establishments, particularly lounges and restaurants.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I looked this bill over and I can understand the intent of the committee to warn a pregnant woman that she shouldn't drink, and I admire that effort. However, I began to think about my own two daughters who don't drink, who were pregnant at one time—both of their husbands do occasionally take a drink, as a matter of fact I do when I go there—and they would go into a liquor store after doing some shopping to buy some liquor and there I could see the signs telling that pregnant women shouldn't drink. If they are pregnant, which they were, they are going to be looking at that sign and they are going to have a bottle in their hands walking up to a cash register and they are going to be buying that for home, not for them but for their husbands or for myself, and I think it would be very embarrassing for them because what are they going to do, turn around and say, no, no, not me, it's not for me, yet they are going to feel guilty as they are going through that thing just because the sign is there and here they are pregnant.

Also, as I understand this bill, it is supposed to be putting a sign on every shelf. I could be wrong on that, but on every shelf where there is liquor, it doesn't say one place in the store, you are going to have the place loaded with signs. I don't agree with that. I think that is absolutely ludicrous.

The Senate Amendment that was put on this bill also takes away any penalty for not doing it. All right, any person who says okay, here we have got a bill and it says that we have to put signs there and yet why bother because what are they going to do if we don't? I don't think it is a good bill and I hope you don't support the Majority "Ought to Pass" Report. I think this bill is a dog and ought to be killed.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: I rise on this issue as a cosponsor of the legislation and I urge you to support the recommendations of the committee on this.

The gentleman from Eastport, Mr. Vose, was wrong in explaining what this bill would do. There is a lot of confusion about the bill, there is a lot of confusion about the issue, and for that

reason this particular proposal came forth.

The bill itself does not require that signs be placed on every shelf. It requires that one sign be placed in the establishment posting that warning explaining the dangers that can result if a pregnant woman consumes alcohol.

Fetal alcohol syndrome is something that a lot of people are unaware of. In discussing this issue with people in the halls, I was amazed at just how few of us really understood the issue. It came to my attention from a constituent of mine in Bangor whose son was born with a birth defect. She consumed alcohol while pregnant, had no idea that there was a danger involved. In fact, she had been told by some friends that a little bit of alcohol was actually good for you, it relaxed you and it would ease the tension and burdens of being pregnant. She found out the hard way and now her son has to pay the price for the rest of his life.

It is a serious problem and so few people understand it. I think we have the opportunity to educate the public by simply placing this warning in places where liquor is consumed and sold in order to educate the public. It is a minor proposal, it is not anything that is going to be a burden to restaurant owners or store owners. I have a sister who is in the restaurant business and she supports this position because she understands the need to educate the public to the problem of fetal alcohol syndrome.

I ask for your support of the proposal today and ask that we move it along, because I think we do have an obligation to make the public more aware of the dangers of this disease, or the potential dangers of consuming alcohol while pregnant.

Unlike most birth defects, there is direct correlation between the consumption of alcohol and fetal alcohol syndrome. This is totally avoidable if the woman, when pregnant, avoids consuming alcohol or alcoholic beverages. I think if we make the public aware that it is a fallacy to believe that you can consume alcohol without risking any danger, I think if we can make the public better aware and help educate ourselves to the problem, then we can avoid some real tragedies among Maine people, so I would appreciate your support for this proposal.

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

Mr. VOSE: Mr. Speaker and Members of the House: Most women that become pregnant generally go to a doctor, at least those that I have known, and the doctor advises them on what they should or should not do. They don't need a sign in some liquor store to tell them that they shouldn't drink liquor. I would imagine their doctor would keep them well informed.

If a woman is a boozier, she is going to drink anyway, sign or no sign, but most women that are pregnant are going to follow their doctor's advice, at least my daughters did.

I still think it is a bad bill; therefore, I move that this Bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Eastport, Mr. Vose, moves that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence.

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

Mr. SCARPINO: Mr. Speaker, Men and Women of the House: First, let me say it gives me a great amount of pleasure for once to be speaking on the same side of an issue as the gentleman from Bangor, Mr. Diamond.

One thing that everyone has neglected to mention up to this point is that quite simply alcohol is a drug and it is the most abused and one of the least understood as far as the general public is concerned, drugs that we have available.

If you go to a store and you buy any patent medicine, if you look on the side of the package there is an area for counterindications, side effects of that drug. If you buy a prescription drug, in the box is a sheet of counterindications that tells you the side effects of that drug other than

its designed purpose.

Now, alcohol has been around a long time and it is grandfathered so it doesn't come under those drug laws, it doesn't have to have stamped on a bottle of alcohol "caution, alcohol may be hazardous to your health" or "caution, alcohol may cause damage to infants" like cigarettes do and like other drugs do. The simple fact of it is that this drug does have that potential.

As many of you know, I got married about two and a half months ago and not many of you know much about my wife, but prior to moving to Maine she was a counselor for the Massachusetts Parole and Probation Department and she primarily counseled young women, young female offenders, and a high percentage of the people she counseled either were pregnant or had been pregnant and a large number of them also used alcohol. When I mentioned this bill, FAS to her, her response was, what is it? Now this is a person who professionally counseled pregnant women with a Master's Degree in Rehabilitation Counseling and she did not have the proper information. When I supplied her with that information, her response to me was, you support this bill or you don't come home. Luckily, I didn't have any argument, I supported the bill before she told me that, but it just makes life that much easier.

The simple fact of it is, many women, especially in first trimester, when they are not sure if they are pregnant, when they don't want to admit that they are pregnant, don't go to a doctor early, they don't get that information early. The first trimester is one of the critical periods with Fetal Alcohol Syndrome. It is important that the woman have that information, if she thinks she may be pregnant, that she should not drink until she knows for sure what her particular condition is.

I would urge your support of this bill and your opposition of the motion to indefinitely postpone.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of brief points in response to the gentleman from Eastport. It is estimated that some 20 percent of the pregnant women in the country do not seek any type of prenatal care.

I would also like to make the point that I have four daughters, one of whom is married and has been pregnant and I think they could all handle the situation that the gentleman from Eastport described.

I would also ask for a roll call, Mr. Speaker.

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

Mr. PARADIS: Mr. Speaker, Men and Women of the House: Very briefly, I don't think anyone in this House wishes to see any child born with any birth defect as a result of alcohol abuse or intake or, for that matter, smoking abuse from heavy smokers, mothers who are heavy smokers and I realize we are not saying anything about that particular problem of carbon monoxide in the blood. But I have a problem with this bill in that it mandates one more thing that we have to do here in Maine, that we are mandating to the small businesses, especially the restaurants and some of the retail stores, that say they now have to post a sign next to their liquor license notifying every person that comes in there that if she is pregnant that she should be very careful.

I would hope without any sign or any advertisement that every would-be mother would be careful as to the amount of alcohol that they take.

I have a problem with this mandation once again. There are a lot of bills that come before us in the course of the legislature that perhaps we have to vote because of increasing revenues or a particular problem that we have that is statewide, but I think that this one area where the physicians of this state and of every state ought to take a prime role in educating and helping their patients. It should not be the retail owners, retail stores, the restaurants, the supermarkets that should take the brunt of the burden of

having to educate and warn the public about this particular problem.

I don't think in my most sincere imagination that any woman in any restaurant tonight or going into a retail store who is pregnant, were she to see this particular sign, would be discouraged from taking or abusing or anything having to do with alcohol. I don't think that this is effective. The only thing that it is going to do is going to make it more difficult, make the storeowners more angry at us, make some more problems that we really don't have to have today.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct the statement that was made twice that there will be one sign. If you read the bill, it says a six by nine sign with three-quarter inch letters saying: "Warning" and the sign placement shall be placed in an area easily and readily visible to the purchasing public.

In retail beer and wine stores, the sign shall be displayed over each display area such as an individual cooler or section of shelving. At retail liquor stores, the sign shall be displayed at each cash register, and in restaurants they shall be displayed below the liquor sign. So it is not just the case of one sign in Martin's Grocery Store, it is everywhere where there may be a display of any alcoholic beverage throughout the store. So it is, as the gentleman who just spoke said, it is asking people who run stores to get state signs printed and see to it that they are posted wherever there may be a display or spirituous liquor on sale.

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

Mr. BRODEUR: Mr. Speaker, Members of the House: I think the major issue here is what can we do to serve the public. The way that I look at this bill is if we can save one person from becoming mentally retarded, the bill would certainly be worth itself in human terms and also in financial terms.

I think that any woman who wants to have a child and is pregnant or thinks that she may be pregnant or possibly pregnant would look at that sign very carefully and would appreciate the fact that the State of Maine has concern for the health of that child. I think the most important thing to a woman who wants to have a child is that child be born healthy and that is what this bill helps to inform that woman, on how the child can be born healthy.

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

Mr. MATTHEWS: Mr. Speaker, Members of the House: I would like to pose a question through the Chair. A few of the other members of this House have mentioned physicians and pediatricians, I would like to know if there are any pediatricians or physicians on this bill as far as taking a stand in favor of the legislation?

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

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The answer is yes, we had testimony from doctors before our committee who are very heartily in favor of this bill. In fact, we had a physician who came all the way from Philadelphia to testify, a woman physician.

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

Mrs. BEAULIEU: Mr. Speaker, I would like to pose a question through the Chair. Is there a law currently prohibiting the posting of any such signs? For example, I want to know why couldn't an organization like Birthline and what not be able to put signs in these places? Is there a law prohibiting having signs put in those stores?

The SPEAKER: The gentlewoman from Portland, Mrs. Beaulieu, has posed a question through the Chair to anyone who may respond if they so

desire.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Not to my knowledge, just as there is no law to prevent them from posting many, many posters in their stores to exhort people to drink alcohol.

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

Mrs. BEAULIEU: Mr. Speaker, I would like to pose another question through the Chair. That question is, am I correct that there is no penalty for failure to follow this law?

The SPEAKER: The gentlewoman from Portland, Mrs. Beaulieu, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: That was not true of the original bill, there would have been a \$250.00 fine. Now it is my understanding in the other body that an amendment has removed that particular fine. I don't know if we have adopted that yet, Mr. Speaker, I don't know what parliamentary posture it is in.

The SPEAKER: The Chair would advise members of the House that Senate Amendment "B" is not before this body at this time. It will be if the Majority Report is accepted and the body will have an opportunity to deal with that amendment at that time.

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

Mr. VOSE: Mr. Speaker, is there a fiscal note on this bill?

Mr. SPEAKER: The Chair would advise the gentleman from Eastport, Mr. Vose, and members of the House that the original L. D. 2225, if enacted, would have required an additional appropriation from the General Fund of \$2,350. However, 2384 as redrafted, if enacted, there will be not further additional monies required from Appropriations.

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

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I am proud to serve on the Alcoholic Services Committee, the special select committee, and it seems as though we are going through the same exercise today that we did with the premium bill. The liquor industry has a heavy lobby and I think that is what we are experiencing.

What we are attempting to do with this bill is so simple, education and prevention, and in Alcoholic Services that is the area that I am most interested in, education and prevention.

I am surprised that anyone would object to a little sign. If I am traveling down the road tonight and all at once I see a sign "bridge out," that is education and it is prevention and I am going to be happy to see that because it may save my life and that is what we are talking about.

We had a lovely lady here this morning that gave the payer and she said that she prayed that we had the wisdom and the will to do what is right and good and that is what I am going to attempt to do this afternoon.

Mr. Rolde of York requested a roll call.

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

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

ROLL CALL NO. 433

YEA—Ainsworth, Andrews, Armstrong, Baker, Beaulieu, Benoit, Bonney, Bott, Brown, D. N.; Carter, Conary, Connors, Cote, Day, Dillenback, Erwin, Foster, Gauvreau, Greenlaw, Hall, Jacques, Jalbert, Joseph, Kelleher, Kiesman, Lebowitz, MacEachern, Macomber, Mahany,

Martin, H. C.; Masterton, Matthews, K. L.; McPherson, Michaud, Moholland, Paradis, E. J.; Paradis, P. E.; Perkins, Racine, Reeves, J. W.; Ridley, Roberts, Robinson, Roderick, Rotondi, Salsbury, Smith, C. B.; Soule, Strout, Swazey, Tammaro, Theriault, Vose, Webster, Willey, Zirkilton.

NAY—Allen, Anderson, Bell, Bost, Brannigan, Brodeur, Cahill, Callahan, Carroll, D. P.; Carroll, G. A.; Cashman, Chonko, Clark, Connolly, Cooper, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Dexter, Diamond, Drinkwater, Gwadosky, Handy, Hayden, Hickey, Higgins, H. C.; Higgins, L. M.; Hobbins, Holloway, Ingraham, Jackson, Joyce, Kane, Kelly, Ketover, Kilcoyne, Laplante, Lehoux, Lisnik, Livesay, Locke, MacBride, Manning, Martin, A. C.; Masterman, Matthews, Z. E.; Maybury, Mayo, McCollister, McHenry, McSweeney, Melendy, Mills, Mitchell, E. H.; Mitchell, J.; Murphy, E. M.; Murphy, T. W.; Murray, Nadeau, Nelson, Norton, Parent, Perry, Pines, Pouliot, Randall, Reeves, P.; Richard, Rolde, Scarpino, Seavey, Sherburne, Small, Smith, C. W.; Soucy, Stevens, Stevenson, Stover, Tuttle, Walker, Wentworth, Weymouth, The Speaker.

ABSENT—Brown, A. K.; Carrier, Dudley, McGowan, Michael, Paul, Sproul, Telow, Thompson.

56 having voted in the affirmative and 86 in the negative, with 9 being absent, the motion did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Senate Amendment "B" (S-362) was read and adopted and the Bill assigned for Second Reading later in today's session.

The Chair laid before the House the following matter:

Bill "An Act to Increase the Minimum Wage to \$3.55 (S. P. 835) (L. D. 2236) which was tabled earlier and later today assigned pending further consideration. (In House, indefinitely postponed; in Senate, adhered to its former action whereby the Bill was referred to the Committee on Labor)

Mrs. Beaulieu of Portland moved that the House recede and concur.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I don't want to take a lot of time with debate but there are a few remarks I would like to make before we cast our vote on this issue.

Obviously, I am in support of the gentlewoman from Portland, Representative Beaulieu, and would hope that the House would recede and concur.

Last year, after the debate on the minimum wage issue that was before us during that session had been completed, I recall the discussion that I had with Representative Zirkilton about what had happened in this body on that particular piece of legislation. I commended and congratulated him, even though we were on opposite sides of the issue, on what I perceived to be the fine job that he did in carrying the debate for his position not to increase the minimum wage on the floor. I told him the perception that I had and some other people that I had talked to had, that he had been left hanging out to dry, so to speak, by his leadership in his corner and by other members of his party in debating that issue, because really it was he and to some degree Representative Robinson who carried the debate against increasing the minimum wage. I told him how I thought that that was unfortunate and probably should have gotten some help from some other people who believed in that issue and his position but that I thought he had done a good job. So it wasn't with any great deal of surprise that the other night when we voted on this issue that Representative Zirkilton did have some support for killing this bill. The thing that surprised me, however, was where that support came from. It was a member of my party, a member of the Democratic Party that stood on this floor and made the motion to kill the bill and that ended up being the vote of this body

that night.

We have a chance today to redeem ourselves from that position and to allow this bill to go to a public hearing. I am not sure whether the votes are there to allow that to be done or not. But the thing that bothers me, I guess, about this is how so many members of my party, on an issue that affects those folks at the lowest rung of the economic ladder, those folks for whom the principles of the Democratic Party have always said we stand up and we fight for you, how members of my party could stand up to a significant degree, I believe there were 25 or 27 people, I am not sure now, maybe I have the numbers wrong, but a significant number from my party that at least the other night voted to kill this bill.

We all, at one time or another, I have been here a long time and we all one time or another vote on an issue contrary to the way we believe and we vote that way sometimes to please a certain group of people back home or the issue doesn't mean a whole lot to us perhaps, and we do it because it is perhaps expedient. There comes a time, and it is different for each of us I suppose, but there comes a time when there is a dividing line between expediency and principle, and at least with the Democratic Party the minimum wage has always been one of those issues of principle and to say that we here would not at least allow this bill to go to a public hearing I think is a mistake.

Representative Gwadosky the other night in trying to justify his position gave really two arguments. He said that there were other issues that we ought to consider, we ought to consider those people who aren't covered by the minimum wage. Those other kinds of issues are extraneous to this discussion. In all the years that I have been in the legislature, whenever we have debated an increase in the minimum wage, it has just been that issue, whether we should include other people or not have been addressed in other bills, so that is a false argument.

The other argument that he made was that we only had I think at that time nine or ten days left in the session and that we really didn't have sufficient time to debate the issue, hold a public hearing and debate the issue. Well, ladies and gentlemen of the House, if we could get a two-thirds vote today, we could suspend the rules and we could forego the public hearing and we all know the arguments and we could debate the bill, we don't need to go through that if we don't want to. But at the very least, as a matter of principle, because there hasn't been an increase in the minimum wage since 1981, because the cost of living has increased more than 16 percent since 1981, and because those people who are paid minimum wage are the people the Democratic Party has always stood up and fought for, I would urge this House to support the motion to recede and concur.

Mr. Speaker, I would request a roll call.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I, too, would urge you to send this to committee. I don't mind the committee studying it, I may vote for the bill later or against it, but I resent one man or any man standing before this body and tell about what the Democrats have done and I am a Democrat. The Democrats I know have tried to help people as well as the other party has and the Independents have in this House.

I have voted for raising the minimum wage on several occasions in this House. If my memory serves me correctly, the last time around I voted against it because here is what I saw and why I did. When we raised the minimum wage by a few cents or a dime, we were raising the other end a dollar or two and this was making the poor people that I represent worse off.

If I hear from the hearing this time that the people can get a raise, I wouldn't mind going up to \$4.00 an hour on the minimum wage if they wouldn't raise the maximum to \$5.00. This is what has happened in the past and then every-

body was worse off, even the poor man that we were trying to help.

I am sure that the other party in this House wants to help working people as well as the mentioned Democratic Party, but they are also cautioned that this thing doesn't happen like it has in the past; when we raised the poor man 20 cents, we used him for a sucker. You would give him 15 or 20 cents and the other end they raised \$5.00 or \$3.00 so he is worse off. A loaf of bread goes up a lot more than his raise and this is what I want to be cautious about, I want the House to be cautious about this same matter.

However, I think the House in their good judgment should send this to committee and let's properly hear it and perhaps we will all gain some information that would help us.

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

Mr. HAYDEN: Mr. Speaker, Ladies and Gentlemen of the House: We have just heard two gentlemen speak in favor of allowing this bill to have its public hearing, one person evidently in favor of it or the substance of the bill; one person evidently opposed. I think that that should tell us something.

When this bill faced us several nights ago, it was late at night after a long day, and also provided a vehicle to dispose of something that may be distasteful to all of us. To the proponents of an increase in the minimum wage, I don't think there is any question that the winds are changing a little bit and the bill that with a large Democratic majority would have once steamrolled this place now certainly won't do that and it is because they are good people who differ, but that is what this process is all about.

We just finished a filing deadline for those of us who are coming back here to ask the people in our towns to give us something, to give us the right to work for them, to give us a chance to represent them here and to make sure that their voice is heard. I wager that there isn't a one of us that doesn't have in our districts people that are on both sides of this issue.

I think there is an illusion that by some slight of hand, some whip of the rules of this process, that somehow we have avoided taking a stand on a difficult issue. I think if we ask ourselves, and one of the things that I did coming into the end of this filing period where we announced our intention whether or not we were going to run again, one of the thoughts that went through my head was, why is it that so many of our neighbors, maybe they like me but they don't like politicians, they will vote for me because they like me but they sort of shake their heads and say—I wonder why he wants to take up his time doing that sort of thing? Cynicism in this business runs rampant and I think every single time that we try to gag this process, that we try to cover up a tough issue, that we try to guard that box with the green and red lights on it thinking that maybe we won't have to show our true opinions so people back home can say that they agree or disagree with us, every time we do that, we make a truth out of the proposition that I always hoped was not true, and that is that we really don't represent anybody but ourselves up here.

We have a job to do and my job is not taking care of me and your job is not taking care of you and part of your job is standing up and doing what is right and giving this process a chance to work. In the end, you know, you talk about all these freedoms and rights we have in this country, they are all processed, they are all procedure, that is the way this system works so people have a right to differ, people have a right to fight things out. In my humble opinion, we made sure that that process didn't work last week. We have a chance to undo that and let a very controversial, very uncomfortable bill have its day and have the people who have strong feelings on both sides tell what their opinion is. It is beyond me how any of us can tonight close our eyes when we are going to sleep and say that we have done our job if we help that process

stay halted by not giving this bill a chance to go to hearing. Any reason that I have heard is just eye wash or mouth wash and I suggest that we ought to spit it out and do our job.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I guess I would urge you to oppose the motion to recede and concur and would urge you to help defeat that motion so we can then move to adhere to the former position this House took Thursday evening.

I think it is very difficult for us to be objective today about minimum wage because it is an issue that we are all concerned about and concerned about the people that it affects. I think we are making a mistake today if we simply focus our attention to the issue of minimum wage, because what we are talking about today is not just minimum wage, we are talking about a much broader issue. We are talking about Joint Rule 37.

I have had the opportunity to read the ruling of the Speaker on Joint Rule 37 and I have done it at least three times word for word, and there is no doubt in my mind that given the language in the little book that you have there of Joint Rule 37, that the Speaker had no choice but to let that legislation in and I agree entirely with the ruling.

In the past, Joint Rule 37 has been very narrowly construed to allow for the greatest consideration of legislation. Whenever there has been a close call, the Speaker has ruled that a block in the form of a ruling shouldn't be the determining factor for not allowing the legislation. In other words, the will of the chamber by majority vote should determine what should be allowed in, what shouldn't be allowed in, so we have every right in the world today to be discussing whether or not we want to discuss this issue this year or not. In other words, even though this bill doesn't violate the letter of Joint Rule 37, perhaps it violates the spirit of Joint Rule 37.

I think we want to be very careful in our actions today because we could be setting a precedent by allowing this bill in.

For example, let's say this wasn't minimum wage, let's say that this was a bill to reestablish the death penalty by electrocution and that bill was defeated—if we go ahead and allow minimum wage in this year, there is nothing to say that we couldn't allow the death penalty, to reestablish it, by lethal injection, different bill, different method, same purpose, same end, same result, so what could occur is that each and every session we could find ourselves dealing with not only minimum wage but each and every session we could find ourselves dealing with the death penalty, abortion, gay rights, school prayer and if the political numbers happened to be reversed in here, the right to work. The second session could become as long as the first session.

There is a reason for Joint Rule 37, it is because the people of the State of Maine don't, for the most part, need to have us addressing these issues every single year. The people of the State of Maine can't afford to have us become a full-time legislature and address these issues every single year. Goodness knows, they barely can afford us now.

Allowing this minimum wage bill in today can lead and will lead to a greater proliferation of bills. Do you really think that this bill is different from the bill that we had in last year? I know that it takes a lot of courage to vote against a bill like this particularly in an election year and that is probably why it is before us, but I have faith in the members of this body to make the right decision and I would urge you to vote against the pending motion to recede and concur so that we may vote to adhere.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Fairfield, Mr. Gwadosky, has raised some interesting questions but questions I believe have

no bearing on the issue before us. Mr. Gwadosky is concerned that the intent and spirit of Joint Rule 37 has been violated and would be violated if we allow this bill to go off to a public hearing. But what he is not discussing is the fact that the Speaker has made the ruling and that that becomes the determining factor, that the Speaker has said that this bill is properly before the body, that it does not violate Joint Rule 37.

There was some concern before the Speaker's decision came down as to whether or not that was, indeed, the case, whether or not it did, indeed, violated that rule. We, as individuals, have the ability to debate that but the fact of the matter is, in the determination of the presiding officer of this body, this particular piece of legislation is properly before us and is proper under the rules that this House and this legislature have adopted. So I don't think we should debate this issue based on whether or not we believe that Joint Rule 37 applies.

That being said, I think it is important to reiterate what Representative Hayden said, that we have an obligation here to do something for the people of Maine, address a problem that has not been addressed adequately in the last few years and obviously it is a problem and a concern of the people of this state.

We have, as a legislature, an obligation to decide whether or not the public is going to be allowed to debate an issue that is, indeed, before this body, it is before us, yet we are trying to pass judgment on it before giving the public an opportunity to debate it.

There have been similar issues debated in previous sessions, there will always be similar issues and we have gone to great lengths this session to try to limit what we have been able to debate and offer to the people of this particular chamber and the other one. But the fact of the matter is, the question is not whether or not we like the rules, not whether or not rules have been violated because that determination has been made. I don't want to see this becoming a symbolic effort on the part of some to try a rules reform because this is not the type of legislation, this is not the arena in which to do it. We will have the opportunity if you are dissatisfied with the rules to deal with them later on.

The issue before us is one issue and that issue is, should the minimum wage bill go to a public hearing? I believe that it should and I ask for your support.

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

Mr. BAKER: Mr. Speaker, Members of the House: There are only three issues that I intended to speak on for this session, Fort Gorges, county budget and the minimum wage. I think now is the time to speak.

I was somewhat reminded when I found out about the vote last week of an incident that took place many years ago in Ireland and the Representative from Bangor, Representative Kelleher, probably is very much aware of this story, when at a performance at the Abbey Theater, the crowd had rioted over a performance of an O'Casey play. William Butler Yates stepped out to address the angry crowd, looked them straight in the eye and said: "Well, you have disgraced yourselves again." That is the way I think I feel when the issue of the minimum wage is not let to a hearing and the political party which I have belonged to for the past 14 years kills that bill.

The spectacle of legislators considering raising the compensation for the next legislature and judges while defeating the minimum wage for the least organized and represented people in this state is sickening. The very least we can do is recede and concur and let the bill go to a hearing.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address myself to the Assistant Majority Floor Leader of my party when he talked about the issue concerning this bill. The issue concerning this bill, Mr. Dia-

mond, is fairness, that is the issue. I put in a bill, and you remember the Council voted on it, the same time that my friend, the Representative from Portland, Mr. Connolly, put his bill in that there would be no more bills put in if they didn't tolerate one another, the \$40 million bill that was defeated by the people in a referendum. This has no referendum on it but it was defeated.

I had a bill drafted to the effect that that would not happen again. The bill was turned down by the Council of which you are a member. I wrote a letter asking you to reconsider because what is sauce for the goose is sauce for the gander and that is my point, fairness.

I am voting for this bill, I am voting to reconsider because I feel that I want them to have a hearing, that also is fairness, but not for the reason that you gave. The next time a certain bill comes up in another bill that is much more important, particularly in view of the fact that it has been defeated by the people, I would suggest that you give it a second thought instead of taking it to one side. It didn't take you one second to toss that bill to one side. I know because I had somebody there because I couldn't be there, I had to be at work.

I am voting for this bill, the labor movement is behind it, 20 cents isn't all the money in the world anyway and I wouldn't want Representative Beaulieu not to talk to me anymore so I am going to vote for it but let's not go into any other reasons but fairness, that is the reason why this bill should go to committee, fairness.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: When I first came to this body in 1969 I can remember the older members of the House and two of them are still here, Representative Jalbert of Lewiston and Representative Dudley of Enfield, and they used to tell or try to instill in us new members that were there in the class of 1969 that we repeatedly delegate the authority of the people of Maine to the department heads of this state. What they were saying was that we really were taking the control out of the hands of the citizens of this state and giving it to the department heads. Then the legislature in its wisdom had a number of reforms, most of them I voted against because I had the naive idea that this was the people's body, that the citizens of this state still had an opportunity to present its case whether I agreed with it or not on any given day. So we reformed the legislature and we redrafted the rules in the description of expedience to make things work quicker and faster. But you know, all we ever did and what we continually do here is take the rights of the people of Maine away from them.

The only conduit that the 120,000 people that are on minimum wage have in this state to get an increase is through you and I as legislators.

Mr. Gwadnosky, I have to say, should get the award for 1984 for giving the weakest argument that I have ever heard in regards to rules. You know something, ladies and gentlemen, I know something about the rules, not as much as most of you, and certainly not as much as the Speaker knows, but I do understand them to a minor degree which makes me dangerous.

If anyone wants to question the authority of the Speaker, I say all you have to do is have the moxie to do it. If you want to defeat a bill, all you have to have is the moxie to do it and you can do it on its arguments and on its merits but not circumventing our own intelligence by such a weak, weak argument on what we were doing with Joint Rule 37.

If you are for the minimum wage bill, fine; if you are against it, that is all right too, but give it a chance to be heard, give those people a chance to be heard.

This is a very, very hot political issue. The easiest thing would be, I would say, is to duck it, to duck the issue of letting it be heard because what happens then if it goes to a committee? Then you have to vote on it. You can talk around it if you don't allow it to go to a committee but

you have to ultimately vote on it when it comes back. I would urge the House to send it to the Committee on Labor or whatever it is going to go and not continually take the rights of people away from them without us having an opportunity to hear it.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I really hadn't intended to get up twice on this bill. I find myself looking in my rearview mirror as it is when I go home. Let it be known that nobody enjoys the gentleman from Bangor, Mr. Kelleher, more than I, and he certainly is a master at injecting emotionalism and intimidation into his speeches whenever he has the opportunity. When that doesn't work, it is always good to discredit the person who is speaking in opposition to you.

Let me just address a point that was made. We are hearing a lot of talk today about the sacredness of the political process, the sacredness of the democratic process, and no one is more surprised than I am to hear my Assistant Majority Leader give up the rights of the individual members of this body to one person on any given day and I am amazed that he would say such a thing but he certainly has the right to say that.

We have heard time and time again that the democratic process is sacred and that our actions should be consistent with that, but our actions of late have been far from consistent and our actions of late have been far from representativeness. For example, last Thursday, you might remember, we got out of session, went over lunch a little bit, we were going back in at four o'clock and the Committee on Taxation had a bill in the afternoon, they had a couple of bills, meals and lodging and a bill for tax exemption for churches, I believe, a room packed full of people, 50 or 60 people, and they limited testimony to a half an hour for each side. Obviously, a lot of them didn't get to speak.

There was one guy there that traveled 120 miles and wasn't allowed the opportunity to speak. Is that the democratic process we are talking about? Whose fault is that? Obviously, it is not the Taxation Committee's fault, it is not the Chairmen's fault. We know them, they work here, they work about as hard as any other committee here, it is the fault of the process. Towards the end of the session, we are going in and out, we just don't have the time that we do at the beginning of the session.

This bill you are talking about, that is before us now, was originally introduced and was approved by Legislative Council December 14, 1983. We know that the first bill had a technical problem and we had to get another bill, which was approved December 14th, took 12 weeks to actually get involved into the legislative process particularly a bill that only changes one or two digits. There is a reason why these bills are put in at the end of the session and you and I know exactly what the reason is. If you listen to those folks today who will tell you that it is important to give and fair to give equal consideration to every single legislation, I don't think they are fooling everybody. The reason these bills are in at the end of the session is obvious and I don't have to spell it out but I would be happy to if somebody asks.

I want to address one other point. Last week, you people were aware we had no public hearings on a lot of bills. We engrossed a lot of bills without public hearing, we did one today. The Senate sponsor of this bill, last week when asked to explain the actions of the other body in killing the 21 year old drinking bill, it was in the Lewiston Sun and I will quote it, when asked to explain their actions of indefinitely postponing the 21 year old drinking bill without reference to a hearing, he said: "There is not a mood out there right now to do anything to delay the end of the session. Taking up a bill which would require a hearing would add three days to the session." It appears that that bill is scheduled for public hear-

ing now, and whether this bill had anything to do with it, we will never know.

Regardless of the situation, we are still faced—regardless of the facts that led to it, we are still faced with a tremendously important piece of legislation at the waning days of a legislative session, and I have to believe that it could have been avoided. If you really want to show some respect for the process, let's send a message today to ensure that these important matters will in the future be brought to us in a more timely fashion so that we can give them the fair and just treatment that these bills deserve.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, if I led the gentleman from Fairfield to believe that I was advocating the abandonment of our individual rights to speak out on the issues or to vote anyway that we would like, that is not the case, I certainly did not mean to imply that. What I was saying is that I hate to see this issue, which to some is a disagreement over the interpretation of Joint Rule 37, become a symbolic gesture of frustration on the part of the gentleman from Fairfield and others because it is too significant an issue to allow that to happen.

There are men and women out there, a hundred thousand people who receive minimum wage for their employment, and I would hate to see us abandon our responsibility and justify that action by saying, well I didn't like the fact that the presiding officer, the person who is in a position to interpret the rules and the rules that we have to play under, I didn't like what he had done and the way he interpreted it so I made a symbolic vote against the issue, not because I disagree with the consideration of minimum wage, oh, I like it, it is great, but I don't like the idea that we have to take it up this session. I disagree with that.

The fact of the matter is, the issue is before the body, we are down to debating one issue and that is whether or not this bill goes to a public hearing. This legislature has taken action on a couple of bills earlier this session, a few weeks ago as a matter of fact, dealing with political action committees where we first defeated the bill and then brought it back because we knew better than to deny the public the opportunity to speak out on the issue. We did so on the drinking age bill, the 21 year old drinking age bill; again we reconsidered our action and regardless of how you feel about the issue, I think everyone who voted to allow that bill to be heard did the right thing.

Regardless of how you feel about the minimum wage issue, I think each and every one of us has an obligation to allow the public to speak out on that issue, to respect the interpretation of the rules of this body and of this legislature, and if you don't like it, then there are other avenues that you can take in order to change it, but the fact of the matter is, you have that one question that has been said time and time again during this debate, the question of whether or not this bill will go to a public hearing, considering the interpretation of the presiding officer, considering the fact that this is the only issue we are to vote on, then I think it is incumbent upon us to express our desire to allow that to be heard. No other issue should be before this body, no other issue should be debated.

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 the gentleman from Portland, Mrs. Beaulieu, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 434

YEA—Ainsworth, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Brown, A. K.; Carroll, D. P.; Carroll, G. A.; Carter, Cashman, Chonko, Clark, Connolly, Cox, Crouse, Crowley,

Diamond, Dudley, Erwin, Hall, Handy, Hayden, Hickey, Higgins, H. C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A. C.; Martin, H. C.; Matthews, Z. E.; Mayo, McCollister, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, E. H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P. E.; Paul, Reeves, P.; Richard, Rolde, Rotondi, Smith, C. B.; Stevens, Swazey, Tammaro, Theriault, Tuttle, The Speaker.

NA Y—Allen, Anderson, Armstrong, Bell, Bonney, Bott, Brown, D. N.; Cahill, Callahan, Conary, Connors, Cooper, Cote, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Gwadodsky, Higgins, L. M.; Holloway, Ingraham, Jackson, Joseph, Kiesman, Laplante, Lebowitz, Livesay, MacBride, Masterman, Masterton, Matthews, K. L.; Maybury, McPherson, Murphy, E. M.; Murphy, T. W.; Paradis, E. J.; Parent, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J. W.; Ridley, Roberts, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C. W.; Soucy, Soule, Stevenson, Stover, Strout, Vose, Walker, Webster, Wentworth, Weymouth, Wiley, Zirkilton.

ABSENT—Carrier, Gauvreau, McGowan, Michael, Sproul, Telow, Thompson.

73 having voted in the affirmative and 71 in the negative, with 7 being absent, the motion did prevail.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT: Majority (7) "Ought to Pass" in New Draft (Emergency) (H. P. 1819) (L. D. 2411)—Minority (6) "Ought to Pass" in New Draft (Emergency) (H. P. 1820) (L. D. 2412)—Committee on Transportation on Bill "An Act to Amend Certain Motor Vehicle Laws" (H. P. 1444) (L. D. 1889) which was tabled and later today assigned pending the motion of the gentleman from Limerick, Mr. Carroll, that the House accept the Majority "Ought to Pass" Report.

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

Mr. CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you not to vote for the Majority Report and I will try briefly to explain why.

The Majority Report includes a bill that will allow a 10 percent tolerance on all trucking and for many years the trucks have had that 10 percent tolerance to haul forest products, road salt, building materials, transit mix concrete, farm products, concrete products, highway material and products requiring refrigeration and there has never been a charge for this tolerance. Effective this year, March 1st, the truckers must buy a special commodity permit and the cost can be up to \$360. This is also on top of a higher registration fee.

For example, a five axle truck in 1983 cost \$816 to register and put it on the road; now it costs \$1,048 including the commodity permit.

Prior to this year, if a vehicle exceeded the 10 percent, the weight reverted back to the basic road limit and this was okay because there was no pay by the owner for this tolerance. A five axle truck, for example, with the commodity permit can be registered for 80,000 pounds and the 10 percent would make it 88,000. If he was caught overloading 2500 pounds, a total of 90,500 pounds, then it would revert back to 80,000 which is 38 percent in violation or a \$460 fine. If he got credit for what he had paid for, the violation would go back to 88,000 or 2 percent or a \$45 fine.

A triaxle dump truck, so-called, is registered today for \$625, it is just \$100 more in fees than it was last year. His special commodity permit cost \$362; it cost nothing last year. But if he is caught overloaded, he can be legally licensed for 64,000 pounds, but if he is caught 2500 pounds over, he drops back to 48,000, which is a 30 percent violation or a \$700 fine. If this amend-

ment passes, it would only be a 3 percent violation or a fine of around \$30.

There are other problems with this bill, especially hauling gravel, sand and stone. The specific gravity of different materials can vary 6 or 7 percent, and when you have absolutely no tolerance, which this law says, we had 10 percent years and years before and it was easy to stay within the limit, now no one dares to come anywhere near that limit because if you went over even a thousand pounds it reverts back to the original limit without the commodity permit. I think it is very unfair, it is unjust.

I realize that trucks do more damage than automobiles to roads, but I would like to remind you that the trucks pay dearly for fuel tax, gas tax, they have an increase in their fees, and this was not specifically in the Speaker's amendment of the gas tax last year nor was it in any bill that I saw. This is a regulation that has been made without mention in any bill that I could find.

I think there is no question that the trucks need to pay more money and that is exactly what we are doing, but I feel this is a little too restrictive. I would ask you to defeat the motion on the floor so that we can accept the minority report, which will do away with this bill.

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

Mr. JALBERT: Mr. Speaker, I would like to be excused from voting on account of the conflict of interest Rule 19.

The SPEAKER: The Chair would grant the request of the gentleman from Lewiston, Mr. Jalbert.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I rise in a certain amount of reluctance today because I am well acquainted with the problems of the trucking industry, but I am also well acquainted with the problems of maintaining the highways of this state. Over the years I have heard many many times, those Canadians keep coming over here and traveling on our roads with a Canadian registration which we have a reciprocal agreement with, and this particular commodity permit is the only way we can get back at those Canadian trucks that are coming over here. That is one instance right there of one of the reasons why I would like to see us keep this commodity special permit.

Also, ladies and gentlemen, if we do away with the cost of this commodity permit, we are telling them, go ahead, overload, we are going to give you the privilege of overloading without being assessed an additional penalty. The commodity permit gives you the privilege on an 80,000 registration to go to 88,000 and then when you are in violation of the law because you have overloaded, you have exceeded the 88,000, then you drop back 8,000.

In the past, we always gave this commodity permit without charging any fee for it, but when we changed the law last year, we decided that we would have to have a fee for a commodity permit. One of the big reasons behind it was, we had a severe problem with continual overloading on our highways, we had a severe revenue problem, and we just had to make the fine system a system that would make people think twice before he violated the law.

I have people in my district that have trucks and they have complained to me about the truck weight bills and the penalties they pay in court. I recall very clearly one young man standing in my driveway and complaining and I said, just what can you haul legally on this truck? He said, six and a half cords of pulp. I said, at quarter of four yesterday morning you woke me up going by; how many cords did you have on? He said eleven and a half.

Ladies and gentlemen, the shoulders on the road in front of my house are practically caved in because of overweights. They know when to haul, they haul in the wee hours of the morning and they haul late at night and they know full well they are violating the law and destroying

the roads because they are overloaded. They overload deliberately knowing that they can win enough time so they will have money enough left over to pay their fine and continue to operate that way and beat the system.

I would urge you today to vote against the motion and to accept the majority report. I think we have tried to be fair. I went over to the Attorney General's Office last Friday afternoon and spent two hours going over this commodity legislation because I had been told it was not fair. After it was explained to me how the law operates, I was satisfied and I came back and I supported the majority report.

I certainly hope that you remember the people out there that have to travel our highways back and forth to work in an automobile. We know we need the trucking industry, we know everytime we make them pay an additional cost that it costs more for that particular product, but we have to bear that cost in order to maintain our highways and that, ladies and gentlemen, is the problem that your Department of Transportation is faced with today. You gave us a 5 cent increase in the gas tax and what happened—we have got so many claims for the money that we meet over and over again trying to decide just where this money has to go. Give us a chance to catch up. I hope we don't have to continue to play the game of catch-up, catch-up, catch-up, because it is really discouraging to have someone call you and say, do you know there are ruts four inches deep on the road up here and they can't even plow this road because the heavy weights have destroyed the surface?

Give us the opportunity to address the problem and we will try our best to see that for every gallon of gas you buy, you will get something in return besides a broken up highway.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: The people that Representative Carroll referred to that legally can haul six cord and are hauling eleven, I don't think there is anything we can do other than stricter and stricter enforcement to get to these people. It is the fellow or firm out there, we are taking his money whether it is for 54,000 or 88,000, and in fairness, all we are asking is to start the fine at 54,000 or 88,000. If he is hauling construction material such as gravel and what not, he has no way of knowing the water content of this. We are going to nail him at 54,000 and start his fines back at 48,000. It just isn't fair.

Those that signed the minority report, that is all they are asking for. Let's just use them fairly. We are taking their money, so let's give them a little bit of a break.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I heard Representative Carroll here this evening mention that there is going to be a loss of the commodity permits. I hope that is not correct because it was not my intention to sign out a report that had any dealing with any loss of revenue as far as permits or registration fees. The only thing that I could see is there might be a loss of the fines.

I guess the best way that I was able to cope with this and the easiest way to explain it to you is to use one type of vehicle, so I am going to use the largest type of vehicle and give you an illustration of the old law as I saw it before we passed the allocation last year.

Previous to last year, an 80,000 vehicle was allowed a 10 percent tolerance free, which allowed him to haul 88,000 pounds. What happened last year in the L. D. that we passed, we gave them a 10 percent tolerance but now we are charging for it. We are charging those people who go from the 80,000 and other vehicles would be under the same proportion but those people who go from 80,000, now to 88,000, have to pay for that tolerance. What is happening out there is, if you are hauling more than the 88,000, you get picked up, the fine goes back to the 80,000. This

has not changed. When we had the free tolerance and you hauled 92,000, they went back to the 80,000, and that is what they are doing now.

Basically what the industry and the truckers out there are saying is, if we are going to pay for that 10 percent tolerance and you get caught with 92,000 or 94,000 today, the fine should go back to the 88,000 instead of the 80,000. That is the way I understand it, and that is all the difference is in the two reports. Everything else in these two reports is the same except for that one provision. I ask you to give some consideration to those people out there, if they are paying the tolerance fee, let's not go back to the base of the 80,000, let's go back to the 88,000.

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

Mr. MOHOLLAND: Mr. Speaker and Members of the House: We have sat down in that committee, we have sat there for days and days and days, and we brought out a report. I guess they even brought up the price of the hubcap on a truck. We paid for everything you could mention. They offered us the moon. A little small dump truck that has 26,000 pounds on it or a potato truck with a single axle, they are making them pay for 6,000 pounds to haul a load of potatoes to the processors. If he is a hundred pounds over that, they are going to drop him back 26,000 and fine him \$200. I think it is ridiculous.

All you people are going to say that Moholland has got 20 trucks. This is not going to help Moholland's 20 trucks because I haul paper over the highways. I break up your roads because I am hauling the road limit over the highway and up the turnpike. This is only going to involve two trucks that I own.

Why did they give us 100,000 pounds to haul and take our money? We only had 80,000 pounds plus the 10 percent they gave us free of charge. The commissioner came down and he baby-talked us into \$15 more for the decal, raised it from ten to fifteen, we are going to give you another axle, you can haul 90,000 plus 10 free free, 99,000 pounds. They give us that, but still we are staving the roads all to heaven.

I would like to say that when we were hauling 80,000 pounds, we got 8,000 free, we got 10 percent on every vehicle. I hope you can understand this. Then they said, well, put another axle under your trailer. We're not afraid of breaking up the highways, we will give you another axle under your trailer for another \$362 for the 10 percent, which lets you haul 99,000 pounds. But if you weigh 100,000 pounds, they drop you back to 90,000 pounds, take \$450 more away from you plus the \$362 that you already paid. Where are we going to get the money? Sooner or later it is going come out of the consumers' pockets.

I urge you to today to vote for the minority report and I request a roll call.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I was very reluctant to have to speak to you this afternoon a second time but this is very close to the people that I represent here and I think it is really a shame to take away something people have had for years. There is no possible way that they can haul a load of wood today and weigh it and tomorrow it never weighs the same. We just had a bad snow storm and the reason that tolerance was put on there was on account of rain storms, snow storms. A piece of hardwood, rock maple, cut on one part of a ridge weighs one thing and if it is cut in a swamp it weighs something else. These people that are hauling this wood can absolutely not have a set of scales in their dooryard. They are doing well if they can come within the 10 percent.

They get caught when they are overloaded. We have several weigh trucks on the road, and of course there are dishonest people, there are dishonest people everywhere, but they catch those people and they pay. I am here representing what I think are honest people that are trying to live within the law. I can remember many years ago when we were anxious to give them

the 10 percent and did, and now I don't feel like we should take it away. Like we used to say back in the hol days, I think it is Indian givers.

We have taxed these people 5 percent extra on fuel. Like Representative Moholland has tried to tell you, they have paid and paid every time we have come here, and now we are taking away something that they really need. There is no way that they can tell what they have got on for a load, gravel, sand, logs, pulp, all this stuff, and that is why it is on there.

I hope this House sees fit eventually to accept the minority report and just be honest with the people that we represent.

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 Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I just want to remind this House once again, we are not taking anything away from them. We used to give it to them free, they are paying for it now. It is only when they violate the law that we take it away from them.

The SPEAKER: The pending question is on the motion of Mr. Carroll of Limerick and the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 435

YEA—Andrews, Benoit, Brodeur, Carroll, D. P.; Carroll, G. A.; Connolly, Cox, Diamond, Hall, Handy, Hickey, Kelly, Kilcoyne, Macomber, Matthews, Z. E.; McCollister, Mitchell, E. H.; Mitchell, J.; Nadeau, Nelson, Paradis, P. E.; Perry, Reeves, P.; Tuttle.

NAY—Ainsworth, Allen, Anderson, Armstrong, Beaulieu, Bell, Bonney, Bost, Bott, Brannigan, Brown, A. K.; Brown, D. N.; Cahill, Callahan, Carter, Cashman, Chonko, Clark, Conary, Conners, Cooper, Cote, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hayden, Higgins, L. M.; Hobbins, Holloway, Ingraham, Jackson, Jacques, Joyce, Kane, Kelleher, Kiesman, LaPlante, Lebowitz, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Mahany, Manning, Martin, A. C.; Masterman, Masterton, Matthews, K. L.; Maybury, Mayo, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Moholland, Murphy, E. M.; Murphy, T. W.; Murray, Norton, Paradis, E. J.; Parent, Paul, Perkins, Pines, Pouliot, Racine, Randall, Reeves, J. W.; Richard, Ridley, Roberts, Robinson, Roderick, Rolde, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C. B.; Smith, C. W.; Soucy, Soule, Stevenson, Stover, Strout, Swazey, Tammaro, Theriault, Vose, Walker, Webster, Weymouth, Willey, Zirkilton, The Speaker.

ABSENT—Baker, Carrier, Higgins, H. C.; Joseph, Ketover, Martin, H. C.; McGowan, Michael, Sproul, Stevens, Telow, Thompson, Wentworth.

EXCUSED—Jalbert.

24 having voted in the affirmative and 113 in the negative, with 13 being absent and one excused, the motion did not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted and the New Draft read once.

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

The Chair laid before the House the following matter:

An Act to Encourage the Use of Wood and Solid Waste as a Source of Energy in State-owned Buildings (S. P. 879) (L. D. 2383) which was tabled and later today assigned pending passage to be enacted.

On motion of Representative Carter of Winslow, under suspension of the rules the House reconsidered its action whereby the Bill was passed to be engrossed in concurrence.

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

House Amendment "A" (H-631) was read by the Clerk.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, what this amendment does is remove the underlined paragraph on Page 2 of the L. D. which, in effect, suspends the provisions that are now in effect which requires that any lease-purchase agreement be approved by the Appropriations Committee. By including this in the bill, it circumvents the intentions of the committee and the amendment simply removes that language.

Thereupon, House Amendment "A" was adopted.

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

The Chair laid before the House the following matter:

An Act to Provide Limitations on Fishing by Weirs, Purse and Stop Seines and to Provide Notice for the Location of Weirs and their Maintenance (H. P. 1516) (L. D. 1991) (H. "A" H-542 and H. "B" H-585 to C. "A" H. 527) which was tabled and later today assigned pending passage to be enacted.

Representative Connors of Franklin moved that this be retabled until later in today's session.

Whereupon, Representative Vose of Eastport requested a division.

The SPEAKER: The pending question is on the motion of Representative Connors of Franklin that this be retabled pending passage to be enacted and later today assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative and 29 having voted in the negative, the motion did prevail.

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

Passed to Be Engrossed

Bill "An Act to Provide Funding from the Blueberry Industry Tax to Promote Market Development for the Blueberry Industry" (H. P. 1816) (L. D. 2406)

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

Passed to Be Enacted Emergency Measure

An Act to Ensure Medical Coverage of Residents in Cost Reimbursement Boarding Homes (S. P. 843) (L. D. 2266) (S. "A" S-349)

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

Emergency Measure

An Act Amending the Charter of the Boothbay-Boothbay Harbor Community School District (S. P. 849) (L. D. 2307)

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

Emergency Measure

An Act to Establish a Poultry Disease Control Fund (H. P. 1741) (L. D. 2295)

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 neces-

sary, a total was taken. 111 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, Extending the Life of the Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs (H. P. 1739) (L. D. 2304) (C. "A" H-613)

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. 112 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 Concerning the Counting of Absentee Ballots in Towns with Voting Machines (S. P. 708) (L. D. 1954)

An Act to Amend the Maine Consumer Credit Code (S. P. 762) (L. D. 2070) (H. "A" H-617; C. "A" S-319)

An Act Concerning Maine Farm Wineries (S. P. 787) (L. D. 2113) (S. "B" S-350 to C. "A" S-319)

An Act to License Occupational Therapists (S. P. 837) (L. D. 2243) (H. "B" H-611; S. "A" S-311)

An Act to Increase the Number of Superior Court Justices and District Court Judges (S. P. 842) (L. D. 2262) (S. "A" S-338 to H. "B" H-544)

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) (S. "A" S-351)

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

An Act to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums (S. P. 878) (L. D. 2379)

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

Representative Cox of Brewer requested a roll call vote.

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 passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 436

YEA—Ainsworth, Anderson, Andrews, Armstrong, Baker, Beaulieu, Benoit, Bott, Branigan, Brown, D. N.; Cahill, Callahan, Carroll, D. P.; Carroll, G. A.; Carter, Cashman, Chonko, Connolly, Cooper, Cote, Crouse, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H. C.; Higgins, L. M.; Holloway, Jackson, Jacques, Jalbert, Joyce, Kane, Kelleher, Kelly, Kiesman, Kilcoyne, Laplante, Lebowitz, Lehoux, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H. C.; Masterton, McCollister, McPherson, McSweeney, Melendy, Mills, Mitchell, E. H.; Mitchell, J.; Moholland, Murphy, E. M.; Murphy, T. W.; Murray, Nadeau, Nelson, Norton, Paradis, E. J.; Paradis, P. E.; Paul, Perkins, Perry, Pouliot, Racine, Reeves, J. W.; Richard, Ridley, Roberts, Roderick, Rolde, Rotondi, Salisbury, Seavey, Soucy, Soule, Stevens, Swazey, Tammara, Theriault, Tuttle, Vose, Weymouth, Willey, Zirkilton.

NAY—Allen, Bell, Bost, Bredeur, Brown, A. K.; Clark, Conary, Conners, Cox, Curtis, Daggett, Davis, Day, Foster, Ingraham, Livesay, MacBride, Masterman, Matthews, K. L.; Matthews, Z. E.; Maybury, Mayo, McHenry, Michaud, Parent, Pines, Randall, Reeves, P.; Robinson, Scarpino, Sherburne, Small, Smith, C. B.; Smith, C. W.; Stevenson, Stover, Strout, Walker, Webster.

ABSENT—Bonney, Carrier, Crowley, Dexter,

Hobbins, Joseph, Ketover, Martin, A. C.; McGowan, Michael, Sproul, Telow, Thompson, Wentworth, The Speaker.

97 having voted in the affirmative and 39 in the negative, with 15 being absent, the motion did prevail.

Signed by the Speaker and sent to the Senate.

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

Enactor

Later Today Assigned

An Act Amending the Child and Family Services and Child Protection Act (S. P. 881) (L. D. 2386)

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

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

An Act to Assure Appropriate Placement and Service Provision to Assisted Residents of Boarding Homes and Adult Foster Homes (S. P. 883) (L. D. 2388)

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.

By unanimous consent, ordered sent forthwith.

Enactor

Tabled and Assigned

An Act to Clarify Responsibility Under the Maine Potato Quality Control Law (H. P. 1686) (L. D. 2244) (C. "A" H-614)

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

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted and assigned for Friday, April 6, 1984.

Finally Passed

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (H. P. 1710) (L. D. 2258)

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

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

The following Communication:
The Senate of Maine

April 3, 1984

Honorable Edwin H. Pert

Clerk of the House

111th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

In reference to the action of the Senate on Tuesday, April 3, 1984, whereby it Insisted and Joined in a Committee of Conference on Bill "An Act to Allow the State, Counties and Municipalities to Buy Employee Deferred Compensation Plans from Financial Institutions" (H. P. 1412) (L. D. 1834):

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

The Senator from Aroostook - Senator Violette
Penobscot - Senator Baldacci
York - Senator Hichens

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Reported Pursuant to the Statutes

Report of The Review Committee on Tax Conformity, pursuant to P. L. 1983, Chapter 590 ask leave to submit its findings and report that the accompanying Bill "An Act to Provide for Conformity with the United States Internal Revenue Code" (S. P. 893) (L. D. 2409) be referred to the Joint Standing Committee on Taxation for public

hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Taxation and ordered printed.

Report was read and accepted and the Bill referred to the Committee on Taxation in concurrence.

Ought to Pass in New Draft/New Title

Report of the Committee on Judiciary on Bill "An Act Requiring Proof of Financial Responsibility for Persons Who Have Been Convicted under the Drunk Driving Laws" (S. P. 786) (L. D. 2112) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Requiring Proof of Financial Responsibility for 2nd and Subsequent Offenders Under the Drunk Driving Laws" (S. P. 892) (L. D. 2408).

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

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

Communications

The following Communication: (S. P. 897)

111th Maine Legislature

March 30, 1984

The Honorable Paul E. Violette

The Honorable Dan A. Gwadosky

Chairpersons, Committee on State Government

111th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Annalee Z. Rosenblatt of Scarborough for appointment to the State Personnel Board.

Pursuant to Title 5 MRSA Section 591, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Sincerely,

S/GERARD P. CONLEY

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate, Read and Referred to the Committee on State Government.

Was Read and Referred to the Committee on State Government in concurrence.

The following Communication: (S. P. 896)

111th Maine Legislature

March 30, 1984

The Honorable Richard L. Trafton

The Honorable Barry J. Hobbins

Chairpersons, Committee on Judiciary

111th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Edward F. Gaulin of Saco for appointment as a District Court Judge.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/GERARD P. CONLEY

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate, Read and Referred to the Committee on Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

The following Communication: (S. P. 895)

March 30, 1984

The Honorable Richard L. Trafton

The Honorable Barry J. Hobbins

Committee on Judiciary

111th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated G. Arthur Brennan of York for appointment as a Superior Court Justice.

Pursuant to Title 4 MRSA Section 152, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/GERARD P. CONLEY
President of the Senate
S/JOHN L. MARTIN
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

ORDERS

On motion of Representative Erwin of Rumford, the following Joint Order: (H. P. 1824)

ORDERED, the Senate concurring, subject to the Legislature Council's review and determination as provided, that the Joint Standing Committee on Inland Fisheries and Wildlife shall study all nonfish and nongame related duties performed by the Department of Inland Fisheries and Wildlife and their financial impact upon that department; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the First Regular Session of the 112th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further ORDERED, upon passage in concurrence, that a suitable copy of this order shall be forwarded to members of the committee.

Under suspension of the rules, the Order was read and passed 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. 1683) (L. D. 2228) Bill "An Act to Protect Tenants from Lack of Heat" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-628)

No objections having been noted, under suspension of the rules the above item was given Consent Calendar notification, passed to be engrossed as amended and sent up for concurrence.

(S. P. 857) (L. D. 2324) Bill "An Act to Require an Inventory, Permitting and Monitoring of Underground Tanks Containing Gasoline, Oil and Toxic Materials" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-363)

On the request of Representative Hall of Sangerville, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-363) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

Bill "An Act to Appropriate Funds to the University of Maine to Implement Collective Bargaining Agreements" (Emergency) (H. P. 1825) (Presented by Representative BOST of Orono) (Cosponsors: Representative Mitchell of Vassalboro, Senators Collins of Knox and Clark of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint

Rule 27)

Was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Bill "An Act to Fairly Apportion the Cost of Canceled Electric Generating Facilities" (H. P. 1826) (Presented by Representative Vose of Eastport) (Cosponsors: Senators Danton of York and Collins of Knox and Representative McGowan of Pittsfield)

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

ORDERS

On Motion of Representative Carter of Winslow, the following Joint Order: (H. P. 1827)

WHEREAS, current operation of the Department of Inland Fisheries and Wildlife has given rise to serious questions regarding the organization, structure and fiscal operation of that department; and

WHEREAS, there is growing concern that sound conservation of several species of wildlife in the State is being forsaken to the goal of raising revenues; and

WHEREAS, the possibility of restructuring the department in its organization and structure, including its fiscal structure, may alleviate current operational problems; now, therefore, be it

ORDERED, the Senate concurring that the Speaker of the House of Representatives and the President of the Senate appoint a Joint Select Committee consisting of 6 members of the House, appointed by the Speaker of the House of Representatives and 3 members of the Senate, appointed by the President of the Senate; and be it further

ORDERED, that the committee is directed to undertake a comprehensive study of the structure and organization of the Department of Inland Fisheries and Wildlife to determine whether the restructuring of the department will provide an effective remedy to current operational problems and whether a system of undedicated revenues would alleviate financial burdens of the department; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the First Regular Session of the 112th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further ORDERED, upon passage in concurrence, that a suitable copy of this Joint Order shall be forwarded to members of the committee.

Under suspension of the rules, the Order was read.

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

Mr. MacEachern: Mr. Speaker, this Order is very similar to the one that we just passed and I am wondering if it is necessary.

On motion of Representative MacEachern of Lincoln, tabled pending passage and later today assigned.

House Reports of Committees Unanimous Leave to Withdraw

Representative Locke from the Committee on Education on Bill "An Act to Initiate Programs to Improve the Quality of Education in Maine Schools" (H. P. 1641) (L. D. 2174) reporting "Leave to Withdraw"

Representative Bott from the Committee on Education on Bill "An Act to Limit the Increase in Secondary School Tuition Rates" (H. P. 1763) (L. D. 2330) 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. 1638) (L. D. 2167) Bill "An Act to Update and Clarify Certain Provisions of the Mining Excise Tax" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-633)

There being no objections, under suspension of the rules the above item was given Consent Calendar second day notification, passed to be engrossed as amended and sent up for concurrence.

The following Joint Order: (S. P. 902)

ORDERED, the House concurring that when the House and Senate adjourn, they adjourn to Friday, April 6, 1984 at 9:00 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Reference was made to (H. P. 1412) (L. D. 1834) Bill "An Act to Allow the State, Counties and Municipalities to Buy Employee Deferred Compensation Plans from Financial Institutions"

In reference to the action of the House on Friday, March 30, 1984, whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representatives:
GWADOSKY of Fairfield
COOPER of Windham
DILLENBACK of Cumberland

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

In reference to the action of the House on Thursday, March 29, 1984, whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representatives:
CARRIER of Westbrook
JACQUES of Waterville
REEVES of Newport

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

Bill "An Act to Amend the State Income Tax Credit for the Installation of Renewable Energy Systems" (H. P. 1831) (Presented by Representative Mitchell of Freeport)

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

Mr. DAY: Mr. Speaker, I thought that we turned that down in the first session, this particular one.

The SPEAKER: The Chair would advise the gentleman that he is correct, it was L. D. 57. However, House Paper 1831 has been designated by the Chief Executive as a Governor's Bill.

Thereupon, the Bill was referred to the Committee on Taxation, ordered printed 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. 1778) (L. D. 2356) 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" Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 1800) (L. D. 2393) Bill "An Act to Amend the Judicial Commitment Statute" (Emergency)

Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 1753) (L. D. 2317) Bill "An Act to Amend the Charter of the Winthrop Water District" (Emergency) Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-634)

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

House Reports of Committees Unanimous Leave to Withdraw

Representative Masterman from the Committee on Taxation on Bill "An Act to Repeal the Sales Tax on Meals and Lodging and to Establish a Meals and Lodging Tax for the Purpose of Stabilizing the Property Tax" (H. P. 1188) (L. D. 1584) reporting "Leave to Withdraw"

Was 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. 1777) (L. D. 2355) RESOLVE, Establishing a Task Force on Head Injuries Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-635)

(H. P. 1716) (L. D. 2275) Bill "An Act to Allow for a Uniform Citation Form to be Used for Fish and Wildlife Violations" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-364)

(S. P. 848) (L. D. 2306) Bill "An Act to Amend the Act to Protect the Public from Unsafe Pesticide Use" (Emergency) Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-364)

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

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

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

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Abolish the Catastrophic Illness Program" (Emergency) (S. P. 851) (L. D. 2309)

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Clarify the Sand Dunes Law" (S. P. 840) (L. D. 2264)

Were 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 State Government on Bill "An Act Relating to Major Policy-influencing Positions in the Department of Human Services, Department of Mental Health and Mental Retardation, Department of Corrections and the Public Utilities Commission" (S. P. 800) (L. D. 2141) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Change the Titles of 3 Policy-influencing Positions and to Establish New Policy-Influencing Positions within the Department of Corrections and the Department of Mental Health and Mental Retardation" (S. P. 898) (L. D. 2415)

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

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

Divided Report Later Today Assigned

Report of the Committee on Education on Bill "An Act Concerning the Teaching of Certain Subjects" (S. P. 769) (L. D. 2089) reporting "Ought to Pass" in New Draft (S. P. 869) (L. D. 2359)

Signed:

Senators:

HAYES of Penobscot
CLARK of Cumberland

Representatives:

THOMPSON of South Portland
SOUCY of Kittery
BOTT of Orono
MATTHEWS of Caribou
BROWN of Gorham
CROUSE of Washburn
SMALL of Bath
LOCKE of Sebec

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (S. P. 870) (L. D. 2360) on same Bill.

Signed:

Senator:

HICHENS of York

Representatives:

MURPHY of Kennebunk
RANDALL of East Machias

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft (S. P. 869) (L. D. 2359) passed to be engrossed.

Reports were read.

Representative Locke of Sebec moved that the Majority "Ought to Pass" Report be accepted in concurrence.

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

Communications

The following Communication: (H. P. 1836)
111th Maine Legislature

April 2, 1984

Members of the Senate

Members of the House of

Representatives

State Capitol

Augusta, Maine 04333

Dear Members:

Pursuant to the provisions of Joint Rule 13, all bills must be reported out of all Committees by 5:00 P.M. Thursday, April 5, 1984 except the Joint Standing Committee on Appropriations and Financial Affairs.

Very Truly Yours,
S/GERARD P. CONLEY

President

S/JOHN L. MARTIN

Speaker

Was read and ordered placed on file 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. 1702) (L. D. 2240) Bill "An Act to Extend the Reporting Date for the Select Workers' Compensation Study Commission" (Emergency) Committee on State Government reporting "Ought to Pass"

(H. P. 1039) (L. D. 1364) Bill "An Act to Amend the Law Relating to Tax Increment Financing" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-643)

There being no objections, under suspension of the rules the above items were given Consent

Calendar Second Day notification, the House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

Passed to Be Engrossed Amended Bill

Bill "An Act Relating to Alcohol-related Birth Defects" (S. P. 880) (L. D. 2384) (S. "B" S-362)

Was reported by the Committee on Bills in the Second Reading, read the second time and Passed to be Engrossed as amended in concurrence.

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

Orders of the Day

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

SENATE DIVIDED REPORT—Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-345)—Minority (3) "Ought Not to Pass"—Committee on Energy and Natural Resources on Bill "An Act Encouraging an Alternative to Landfill Disposal of Solid Waste" (Emergency) (S. P. 833) (L. D. 2234).

In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-345).

Tabled—March 29, 1984 by Representative Michaud of East Millinocket.

Pending—Acceptance of either Report.

On motion of Representative Hall of Sangerville, tabled pending acceptance of either Report and assigned for Friday, April 6.

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

Bill "An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (H. P. 1782) (L. D. 2347)

Tabled—March 30, 1984 by Representative Diamond of Bangor

Pending—Passage to be Engrossed.

On motion of Representative Diamond of Bangor, retabled pending passage to be engrossed and assigned for Friday, April 6.

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

RESOLVE, Directing the Department of Human Services to Prepare Draft Regulations on the Licensing of Birthing Centers (Emergency) (H. P. 1788) (L. D. 2361)

Tabled—March 30, 1984 by Representative Nelson of Portland.

Pending—Final Passage.

On motion of Representative Nelson of Portland, retabled pending final passage and assigned for Friday, April 6.

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

An Act to Amend the Statutes Relating to Handicapping Conditions Under the Human Service Law (H. P. 1589) (L. D. 2099) (C. "A" H-565 and H. "A" H-576).

Tabled—March 30, 1984 by Representative Nelson of Portland.

Pending—Passage to be Enacted.

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

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

House Amendment "B" (H-629) was read by the Clerk and adopted.

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

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

RESOLVE, to Establish a Select Committee

Concerning Forest Practices in the State (H. P. 1776) (L. D. 2354) (S. "A" S-343).

Tabled—March 30, 1984 by Representative Diamond of Bangor.

Pending—Final Passage.

Representative Cahill of Woolwich requested a roll call vote.

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 final passage. The being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 437

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Brown, A. K.; Carroll, D. P.; Carroll, G. A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dudley, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H. C.; Hobbins, Jacques, Joyce, Kane, Kelleher, Kelly, Kilcoyne, Laplante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H. C.; Masterton, Matthews, Z. E.; Mayo, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, E. H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P. E.; Perry, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Smith, C. B.; Soucy, Soule, Stevens, Strout, Swazey, Tammaro, Theriault, Tuttle, Vose, The Speaker.

NAY—Anderson, Bell, Bonney, Bott, Brown, D. N.; Cahill, Callahan, Conary, Connors, Curtis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L. M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Livesay, MacBride, Masterman, Matthews, K. L.; Maybury, McCollister, McPherson, Murphy, E. M.; Murphy, T. W.; Paradis, E. J.; Parent, Paul, Perkins, Pines, Randall, Reeves, J. W.; Robinson, Roderick, Scarpino, Seavey, Sherburne, Small, Smith, C. W.; Stevenson, Stover, Walker, Webster, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Carrier, Davis, Hayden, Jalbert, Joseph, Ketover, Martin, A. C.; McGowan, Michael, Pouliot, Salsbury, Sproul, Telow, Thompson, Wentworth.

83 having voted in the affirmative and 52 in the negative, with 16 being absent, the Resolve failed of final passage.

Sent to the Senate.

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

SENATE DIVIDED REPORT—Majority (10) "Ought to Pass" in New Draft (Emergency) (S. P. 884) (L. D. 2392)—Minority (3) "Ought Not to Pass"—Committee on Transportation on Bill "An Act to Allow the Department of Transportation to Assume Responsibility for 100% of the Maintenance and Operation Costs of the Carleton Bridge Between Bath and Woolwich and to Allocate and Appropriate the Funds Necessary to Assume this Additional Responsibility" (Emergency) (S. P. 811) (L. D. 2160)

In Senate—Majority "Ought to Pass" Report read and accepted and the New Draft passed to be engrossed.

Tabled—March 30, 1984 by Representative Carroll of Limerick.

Pending—Acceptance of either report.

On motion of Representative Carroll of Limerick, retabled pending acceptance of either Report and assigned for Friday, April 6.

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

Bill "An Act Concerning the Tri-state Lotto Compact" (S. P. 823) (L. D. 2203) (C. "A" S-353).

Tabled—March 30, 1984 by Representative Higgins of Portland.

Pending—Passage to be engrossed.

The Bill was passed to be engrossed as amended in concurrence.

The Chair laid before the House the eighth

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 30, 1984 by Representative Diamond of Bangor.

Pending—Acceptance of either report.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I now move that we accept the Minority "Ought to Pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman from South Portland, Ms. Benoit, moves that the House accept the Minority "Ought to Pass" Report.

The gentleman may proceed.

Ms. BENOIT: Mr. Speaker and Members of the House: Just by way of brief explanation, after this bill came out of committee an amendment was prepared as a compromise solution, and it is my understanding that this amendment, which will be offered at second reader, is acceptable to the majority members of the committee. So I hope that you will accept the Minority "Ought to Pass" Report.

Thereupon, the Minority "Ought to Pass" Report was accepted, the Resolve read once and assigned for second reading the next legislative day.

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

An Act to Increase the Potato Tax (H. P. 1645) (L. D. 2179) (C. "A" H-561)

—In House, Passed to be Enacted on March 27, 1984.

—In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-561) as amended by Senate Amendment "A" (S-348) thereto in non-concurrence.

Tabled—March 30, 1984 by Representative Diamond of Bangor.

Pending—Further consideration

On motion of Representative Lisnik of Presque Isle, the House voted to recede and concur.

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

Bill "An Act to Clarify Certain Portions of the Reapportionment Laws" (S. P. 862) (L. D. 2342)

Tabled—March 30, 1984 by Representative Diamond of Bangor.

Pending—Passage to be engrossed.

On motion of Representative Kelleher of Bangor, retabled pending passage to be engrossed and assigned for Friday, April 6.

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

Bill "An Act to Ensure Universal Telephone Service for Maine People" (S. P. 778) (L. D. 2097) (C. "A" S-340)

Tabled—March 30, 1984 by Representative Vose of Eastport.

Pending—Passage to be engrossed.

Mr. Vose of Eastport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-627) was read by the Clerk.

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

Mr. MATTHEWS: Mr. Speaker and Members of the House: I just rise very briefly to ask you to support this legislation and also just to let most of you know that I do support this amendment and the hard work of the Committee on Public Utilities and the Governor and everyone else to deal with an issue which I think all of us support.

Thereupon, House Amendment "A" was adopted.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentle-

men of the House: I have looked at this bill and I have some questions to ask. Specifically, the last paragraph of the bill indicates that a targeted subsidy will be established to meet any additional costs that may arise as a result of telephones being too expensive. Does this mean that the ratepayer will be subsidizing the installation of telephones for those that cannot afford it? If that is the case, what figures will be used to determine who can afford and who cannot afford a telephone?

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

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, this bill does nothing but establish the policy that has been existing for the past 50 years.

There is no subsidy, we are not asking for any subsidy at this time, we are just simply saying to the commissioners and we are asking the legislators to recognize this, that universal telephone service is an extremely important thing to the people of the State of Maine and they should keep this service available at the lowest possible cost. At this time we are not picking any particular group, we can't, because we simply don't know yet what is going to happen.

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

The Chair laid before the House the twelfth 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 30, 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, under suspension of the rules tabled pending reconsideration and assigned for Friday, April 6.

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

An Act to Provide Voter Information on Ballot Questions (H. P. 1588) (L. D. 2095) (C. "A" H-568)

Tabled—March 30, 1984 by Representative Diamond of Bangor.

Pending—Passage to be enacted.

On motion of Representative Nadeau of Lewiston, retabled pending passage to be enacted and assigned for Friday, April 6.

The Chair laid before the House the following matter:

An Act to Provide Limitations on Fishing by Weirs, Purse and Stop Seines and to Provide Notice for the Location of Weirs and their Maintenance (H. P. 1516) (L. D. 1991) (H. "A" H-542 and H. "B" H-585 to C. "A" H-527) which was tabled and later today assigned pending passage to be enacted.

On motion of Representative Connors of Franklin, 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-618) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: We have a 44 foot vessel owned by the Department of Marine Resources that is based in Northeast Harbor. This serves as the enforcement vessel for the department in the downeast area of Maine. With bills like allowing purse seining in Washington County, the two inch clam law, both taking effect and continuing gear conflicts, it is important to have this vessel

operational.

Currently, the vessel has no crew due to a lack of funding. I present this amendment with a fiscal note asking for \$200,000. This sum would be used to hire two crews of three and to handle the operating cost of those crews.

Also included would be money allotted for navigation devices to aid in the enforcement.

I appeal to you to pass this amendment. If we are to pass these uniform marine laws here in Maine, we need effective tools for enforcement. The crews and the electronics are desperately needed.

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Is there a fiscal note attached to L. D. 1991? If there is, would you please read it.

The SPEAKER: The Chair would advise the gentleman and members of the House that the fiscal note reads as follows: "The Department has indicated that this legislation would have no fiscal impact on the General Fund." The Chair is not speaking in reference to the amendment since the gentleman was asking about the bill itself.

The Chair would advise the gentleman that House Amendment "A" adds a fiscal note. The Chair would advise the gentleman that the department says no fiscal note is required.

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

Mr. CROWLEY: Mr. Speaker, where the department has said there is no fiscal impact with this bill and the Legislative Finance Office also says there is no fiscal impact, then I don't believe House Amendment "A" is in order.

I move the indefinite postponement of House Amendment "A".

Mr. Randall of East Machias requested a roll call vote.

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 Crowley of Stockton Springs that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 438

YEA—Ainsworth, Andrews, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Brown, A. K.; Cahill, Carroll, D. P.; Carroll, G. A.; Carter, Cashman, Chonko, Clark, Conary, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Diamond, Dudley, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H. C.; Holloway, Jacques, Joyce, Kane, Kelleher, Kelly, Kiesman, Kilcoyne, Laplante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H. C.; Matthews, K. L.; Matthews, Z. E.; Mayo, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, E. H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P. E.; Parent, Paul, Perry, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Scarpino, Soucy, Soule, Stevens, Strout, Swazey, Tammaro, Theriault, Tuttle, Vose.

NAY—Allen, Anderson, Bell, Bonney, Bott, Brown, D. N.; Callahan, Connors, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L. M.; Hobbins, Ingraham, Jackson, Lebowitz, Livesay, MacBride, Masterman, Masterton, Maybury, Murphy, E. M.; Murphy, T. W.; Paradis, E. J.; Perkins, Pines, Randall, Reeves, J. W.; Robinson, Roderick, Salisbury, Seavey, Sherburne, Small, Smith, C. B.; Smith, C. W.; Stevenson, Stover, Walker, Webster, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Baker, Carrier, Jalbert, Joseph, Ketover, Martin, A. C.; McCollister, McGowan, McPherson, Michael, Sproul, Telow, Thompson, Wentworth, The Speaker.

86 having voted in the affirmative and 49 in the negative, with 16 being absent, the motion did prevail.

Thereupon, the Bill was passed to be engros-

sed as amended.

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

The Chair laid before the House the following matter:

An Act to Create the Maine Uniform Accounting and Auditing Practices Act for Community Agencies (H. P. 1798) (L. D. 2375) which was tabled and later today assigned pending the motion of Representative Diamond of Bangor to reconsider whereby the Bill was passed to be enacted.

Representative Diamond of Bangor requested permission to withdraw his motion to reconsider, which was granted.

Sent to Senate.

The Chair laid before the House the following matter:

JOINT ORDER (H. P. 1827) relative to Study of the Structure and Organization of the Department of Inland Fisheries and Wildlife—which was tabled and later today assigned pending passage.

Representative Carter of Winslow withdrew his Joint Order.

On motion of Representative Erwin of Rumford, the House reconsidered its action of earlier in the day whereby JOINT ORDER (H. P. 1824) relative to study of Department of Inland Fisheries and Wildlife received passage earlier in the day.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: The motion to withdraw my Joint order is in no way a lack of commitment on my part for the need of this study. Instead, I will follow normal procedure and will submit the order to the Legislative Council. I stand firm in my commitment to have a study of all the nonfish and nongame related activities performed in the Inland Fisheries and Wildlife Department.

Thereupon, Mrs. Erwin of Rumford withdrew her Joint Order.

The Chair laid before the House the following matter:

Bill "An Act to Require Downstream Public Notification of Release of Water Impoundments" (H. P. 1808) (L. D. 2390) which was tabled and later today assigned pending passage to be engrossed.

Representative Vose of Eastport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-638) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT—Majority (10) "Ought to Pass" in New Draft (S. P. 869) (L. D. 2359)—Minority (3) "Ought to Pass" in New Draft (S. P. 870) (L. D. 2360)—Committee on Education on Bill "An Act Concerning the Teaching of Certain Subjects" (S. P. 769) (L. D. 2089) which was tabled and later today assigned pending motion of Representative Locke of Sebec to accept the Majority "Ought to Pass" Report in concurrence.

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

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: These reports are what is left of the so-called morality bill. This is the majority report and it addresses three parts of the law. The first section leaves intact most of the section containing the lovely words "concerning love of county, humanity and universal benevolence," the great principles of humanity as illustrated by kindness to birds and animals.

It removes the reference mandating teachers

to teach these concepts at least one half hour per week because there is just no way to measure that time. Some teachers may include these concepts one half hour or more but others, such as math teachers, may not incorporate them at all along with geometry or whatever.

It removes the next section requiring scripture reading since that is unconstitutional.

The third section of this report deals with that concerning release time for religious worship and instruction. The present law makes it permissible for children to be released for moral instruction but also says that the school must discontinue teaching the other children until they return from church.

The majority report states: "Public school students who participate in a course of moral instruction or religious observance at their place of worship or other suitable place may be granted release time for the period actually spent on that instruction or observance up to a maximum of one hour per week. The granting of release time shall be at the option of the local school unit and shall not result in any additional cost to the local school unit. Release time shall be granted in accordance with policies established by the local unit."

With these changes, these sections of the law that are presently contained in Title 20 will be moved into Title 20-A, which contain the bulk of the education statutes that were recently re-codified. We hope that these changes meet your approval. Nothing was added; a few things were taken away. We hope that you will support this report.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: As the gentelady from Sebec has said, both reports which appear before you are very much different from the so-called morality bill which was heard almost a month ago.

The sections in the original bill which would have repealed outright the virtue and morality section would have done away with basic curriculum requirements such as teaching U.S. History, state history, four years of English and so forth, and the release time or not in either of these two reports, so you should be assured that the original bill which was heard and caused so much controversy is not before and that you have a majority and a minority report.

In comparing the two, and we are talking about 2360, 2359, there are three differences between the majority and the minority report. The first takes the virtue and morality section, and what came across at the hearing was that there was a problem with the teaching of one half hour per week. And as we discussed the bill, we found out that there was a great deal of confusion out on the local level that the half hour per week applied only to the bottom half of that section but that the controversy had come because some of the school boards were looking at the sections that were above and attempting to apply the half hour. So out on the local level there was a misinterpretation of what the statute had to say.

The majority report makes major changes or revisions in terms of grammar or definitions or clauses, phrases and so forth and does some rearranging.

The minority report takes that section as it is in the law and deletes "devote not less than one half hour of each week of the school term to teaching"—that is stricken from the law and substituted "also teach." All the other language which had raised intact as it was written and as it has been sustained by legislators throughout the years.

Section 2, in terms of differences in terms of the bill, both reports are in agreement. The reading of religious scriptures had been in the statutes and it had asterisks saying that it had been declared unconstitutional and should not be done. Both reports agree with that second area.

The third area has to do with release time for religious observances. At no time during the hearing did they ever indicate that there was a

problem with this. It came across that there is a choice for parents with public school and private religious school that this release time, gave that parent an option to have that child receive religious moral instruction outside of the public school, and at no time did anyone indicate that there was a problem with the existing law; the law was working. I think that is probably the major reason why a small handful of us have reported this out. There was no problem, why correct it.

We are also concerned about the major revisions in terms of structure and language within the virtue and morality section, so we want to put you at ease that the original bill is not before you but there are substantial differences between the majority and minority report. I would hope that you would defeat this majority report so we could accept the minority report.

The SPEAKER: The Chair recognizes the gentleman from Bath, Ms. Small.

Ms. SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will support the Majority "Ought to Pass" Report. There are a few minor differences in the language, but I think that at least for me the real crux of the matter, the real difference in the minority report which we change in the majority is the paragraph "Any child who, for any reason, fails to receive the moral instruction shall remain in school during the period when such instruction is being given, but such child shall not receive any educational advantage over children receiving said instruction."

When I read this, it kind of seemed to me that any child who for any reason failed to receive moral instruction would be punished by having to stay in school during that period, no instruction could be given, that child was not to receive any educational advantage. That child was being punished for not going and receiving moral instruction. This doesn't mean that the child does not attend church or the child does not get Sunday school or religious instructions, it just means that his moral or religious instructions did not come during school time, but he would be punished or he would be forced to stay in school, remain in school, not receive any additional instruction. I think this maybe goes back to an earlier time when children were urged to go out to get their additional moral training and these children were being punished for remaining there.

The new language, which does allow children to go out, is much broader, it is permissive but it doesn't penalize the student that does not go out. It just says that students who participate in the course of moral instruction or religious observance may be granted release time for the period actually spent on that instruction, and the granting of release time shall be the option of the local school unit, and it goes on. It does not say that the children who do not go on release time, there is no mandate that they have to stay in school, that they have to not receive any instruction. To me, this was the big difference between the two bills. It is why I was supporting the Majority "Ought to Pass" Report, and I hope you will all stay with the Majority "Ought to Pass".

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

Mr. CROUSE: Mr. Speaker, Ladies and Gentlemen of the House: I think what the majority of the committee has done with this bill, they have looked at the bill very cautiously and very reasonably and looked at what changes needed to be made in the old 18th Century statute.

Both the majority and minority reports have looked at the needs, have looked at what changes should be made, and as a majority of the committee we looked at what changes needed to be made while we were looking at this particular statute.

The problem with the release time statute as written, as Representative Small has mentioned, part of it is out of date and not necessary.

Another part of that release time statute that

is outdated I will read to you. It says, "Survey of Religious Affiliation. The school committee or school directors of each administrative unit may authorize and complete a survey of the religious affiliations of all pupils attending the public schools within such administrative unit and ascertain those pupils who desire to have the consent of parent or guardian for moral instruction." This is just an example of some of the language that is outdated in this particular statute.

What the majority of the committee did on both sides of the aisle was look at what needed to be changed while we were looking at it, and it wasn't where we wanted to make any radical changes, it wasn't where we wanted to upset a majority of people in the communities, we wanted to look at what needed to be changed.

Even the person that brought up the issue, the school board member that brought up the issue in the initial argument says—he praises the Education Committee after learning that Section 1221 was left nearly intact in the majority report. That is work that was well done in Augusta, something that even the member that brought up the issue in the first place on the teaching morality is satisfied with the majority report.

I think you should look at that very closely and go along with what we have decided as a majority, particularly 10 out of the 13 on the committee, and accept the majority report.

Representative Locke of Sebec requested a roll call vote.

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 Locke of Sebec that the Majority "Ought to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 439

YEA—Ainsworth, Allen, Andrews, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brodeur, Brown, A. K.; Brown, D. N.; Cahill, Callahan, Carroll, D. P.; Carroll, G. A.; Carter, Cashman, Chonko, Connolly, Cooper, Cox, Crouse, Crowley, Daggett, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H. C.; Higgins, L. M.; Hobbins, Ingraham, Jacques, Joyce, Kelleher, Kelly, Kiesman, Kilcoyne, Laplante, Lebowitz, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, H. C.; Masterton, Matthews, K. L.; Matthews, Z. E.; Maybury, Mayo, Melendy, Mills, Mitchell, E. H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Paradis, E. J.; Perry, Pines, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Scarpino, Sherburne, Small, Smith, C. B.; Soucy, Soule, Stevens, Stevenson, Stover, Swazey, Tammara, Theriault, Willey, The Speaker.

NAY—Anderson, Clark, Conary, Connors, Davis, Day, Dexter, Holloway, Jackson, Kane, Masterman, McHenry, McPherson, McSweeney, Michaud, Murphy, E. M.; Murphy, T. W.; Paradis, P. E.; Parent, Paul, Perkins, Randall, Reeves, J. W.; Robinson, Roderick, Salisbury, Seavey, Smith, C. W.; Strout, Tuttle, Walker, Webster, Weymouth, Zirkilston.

ABSENT—Armstrong, Baker, Brannigan, Carrier, Cote, Curtis, Dudley, Jalbert, Joseph, Ketover, Martin, A. C.; McCollister, McGowan, Michael, Norton, Sproul, Telow, Thompson, Vose, Wentworth.

97 having voted in the affirmative and 34 in the negative, with 20 being absent, the motion did prevail.

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

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

Passed to Be Engrossed Amended Bill

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) (C. "A" S-363)

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

On motion of Representative Hall of Sangerville, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" (H-641) to Committee Amendment "A" was read by the Clerk and adopted.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

Unanimous Leave to Withdraw

Representative Hayden from the Committee on Judiciary on Bill "An Act to Revise the Laws Pertaining to Bail in Criminal Cases" (H. P. 1467) (L. D. 1919) reporting "Leave to Withdraw"

Representative Hayden from the Committee on Judiciary on Bill "An Act Concerning Interviews of Accused Persons by Bail Commissioners or Judges" (H. P. 1429) (L. D. 1874) 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. 1748) (L. D. 2303) Bill "An Act Concerning Use of Computer Transcripts" Committee on Judiciary reporting "Ought to Pass"

(H. P. 1637) (L. D. 2166) Bill "An Act to Promote Family Permanency" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-647)

(H. P. 1697) (L. D. 2251) Bill "An Act to Amend the Restitution Provisions of the Victims' Bill of Rights" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-648)

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

Bill "An Act to Amend the Law Concerning Suspensions of Drivers' Licenses on Administrative Determination of Blood-alcohol Content" (Emergency) (H. P. 1838) (Presented by Representative Hayden of Durham) (Cosponsors: Representatives Foster of Ellsworth, Davis of Monmouth and Senator Trafton of Androscoggin)

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

By unanimous consent, ordered sent forthwith to the Senate.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Establish a Policy and Procedure for Law Enforcement Officers Engaged in the Pursuit of Fleeing or Speeding Vehicles" (H. P. 1746) (L. D. 2300)

Signed:

Senators:

COLLINS of Knox
VIOLETTE of Aroostook
TRAFTON of Androscoggin

Representatives:

DRINKWATER of Belfast

REEVES of Newport
BENOIT of South Portland
FOSTER of Ellsworth
CARRIER of Westbrook
HAYDEN of Durham
JOYCE of Portland
LIVESAY of Brunswick
SOULE of Westport

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Representative:

HOBBS of Saco

Reports were read.

Representative Soule of Westport moved acceptance of the Majority "Ought Not to Pass" Report.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask you to accept the minority report and I would like to tell you my reasoning behind this request.

A long while ago, way back in 1965, we had legislation before this body pertaining to high speed chases. At that time, we had a very prolonged discussion and debate and we did take some corrective action in regard to high speed chases. Over the years we have now developed a policy, so they tell me, in the Law Enforcement Division of the Maine State Police in regard to high speed chases and I have a problem with their policy because I just felt it was not a policy.

We had a misfortune, and a person who was very dear to my heart was involved in this incident, for three days and three nights I hardly closed my eyes because I had served almost 14 years in the Maine Legislature and I had never pursued this matter which had troubled me many times and that was the problem of high speed chases and how they were conducted. So I asked a legislative aide downstairs to do a lot of research and a lot of study to help me draft some legislation. He did this, and 11 states have adopted the policy which I submitted to the Committee on Judiciary. I felt this was a policy that could be adopted if we really wanted to try to do something in regards to trying to save lives of some people who by a hasty decision become involved in a high speed chase.

I really feel that once they recognize the person that is involved in the high speed chase, that the high speed chase should be terminated. There is time to catch him later on. There is another day, another time. You could even go to the home and wait for that individual to return.

In another high speed chase in my community, these two young people very foolishly outran a law enforcement officer, but he recognized them and because they got away from him he did go to the house and wait for them. When that young man came home, he parked his motorcycle, hid it, and he came walking into the yard and the trooper was sitting in the yard waiting for him. He said, young man, I may have a hard time to prove this case in court, but you know what you did today? He said, yes sir, I know what I did and I am prepared to go to court and pay my fine. That is what I am asking you people to put in this policy in regard to high speed chases.

I am asking for more control over them. I am asking for a limited number of people that can participate in this, and I am asking that the superior at all times be in command of this situation and that he will order a chase off when he sees that a situation has developed into a high speed chase which is not only dangerous to the officer in the car, it is dangerous to all who are in that area because you have a mad scramble of law enforcement people moving into that area. I know from whence I come and what I say here today.

The East Range Road crosses Route 5 just a mile out of Limerick. A siren was wide open, the dome light was turning, and they came to that intersection and went right on through a stop sign. A Canadian car had just gone through and there could have been seven people lying out

there in the road.

Route 160, another trooper came down the road and when he came around the corner on Route 160 he passed two cars on the corner endangering people. You have got a high speed chase that is a mile away from there and you have got all these law enforcement people moving in. There is something about a high speed chase that turns some people on and good judgment becomes poor judgment.

My problem, ladies and gentlemen, is that I ask you to examine the policies, to examine the situations very closely, because right down here in Gardiner just a short while ago they chased a man at half past one in the morning, and you know, in chasing this man, and the evidence came out in court, he even put out his lights while chasing him. Where was the good judgment that we are paying for and we expect?

What is happening when a high speed chase takes place? Sometimes a young person can become angry with their parents, get in the car and take off. He could immediately meet a law enforcement officer who would pursue. What has this young man done? What major crime has this young man committed? He is perhaps speeding a little on a street where the speed limit is 25 or 30 miles an hour. It is true that he has endangered some people by doing this and I don't say what he is doing is right, but what I am saying is, when this officer pursues this young man and he knows this young man, I ask him to break off that chase. We have modern communications, you can radio ahead and you can make some policy decisions which are very, very important and may save a life, but it seems to me that that is not the action that is taken.

We have a man out there that is violating the law, he is speeding at the time, and we are going to chase him and we are going to get him. Why? Why not wait? You know who he is—that is what it says in the legislation—if you know who that individual is, if you recognize him, break off the chase. No, we have got to get him. What happens? The speed increases, the danger increases, and somebody could pay and pay a very dear price. That, ladies and gentlemen, is what this particular piece of legislation is all about.

I am told that someone will rob a bank, someone will shoot somebody and they will be running away and they cannot pursue them. How come this law works in 11 states and it won't even be given a change to work in the State of Maine? This policy procedure has been adopted in 11 other areas throughout this country, and in the State of Maine, no, because somebody might rob a bank and he might get away.

Is it so important to get a criminal when he has a minor infraction, and I don't call him a criminal when it is just a speeding violation, it is a minor infraction. That is what my greatest concern is. If we can get our youth and young people by these few years in which they are not using their good, sound judgment we wish they would use, I have seen it in my community, they become outstanding citizens and they contribute to our society as good citizens.

I know of a young man who had a problem at home and he would get in his car, and I happen to know of a trooper that would follow him and finally when the boy slowed down he would get him and sit him in the car and talk with him and reason with him and tell him, you can't do this, somebody is going to pay an awful price. That young man would have paid a very dear price if that man had pursued him and increased his speed because that young man would be doing the same.

I do not condone or promote any people and I don't want to encourage anyone to break the laws of this state, but I ask you, is a stop sign violation enough reason for a high speed chase? Is going over the speed limit 5 or 10 miles an hour, is that justification for a high speed chase?

I ask you to measure this, measure it with good, sound, reasonable judgment. Is it good, sound, reasonable judgment to have a high speed chase where at the end of the chase you have

got somebody who has paid with their lives.

We had a man here who stood up and talked about an incident where they chased this man at high speed and he came right through an intersection and killed two people in a car. High speed chases are dangerous, they are not called for and are unnecessary. We have the modern means of communications, you can radio ahead and you can intercept these people, and if it is just a minor violation, so, we didn't catch him that time, there's another day coming, he will come home, we will reason with him. If he doesn't listen to reason, we will put him off the road, we know we can do it.

I would ask you today, and I know you are all weary and you want to leave, but I ask you to ask yourselves why is it 11 other states can adopt this policy and the State of Maine cannot. I ask you this and I ask you to ask yourselves this and then when you vote you will understand why at this late hour and this late date I stood before you and asked you to consider this policy. I believe it is good because 11 other states have adopted it, and that is why I am here requesting that you adopt this policy.

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

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: I hate to get up and have any remarks after my good friend finished, but I think there are a few things that I would like to bring into this and I will do it very briefly.

Back not too many years ago, the police officers were not trained, they were not trained in anything and today they are trained in just about everything. If fact, I think we have one of the better police academies in the country. They are trained for high speed chases, how to handle their vehicles, etc., and they are not trained on the road, they are trained on an old airport where it is set up and if they roll a car no one is going to get hurt but themselves, and they have taken care of that with seatbelts and roll bars, etc.

Another thing, some youngsters, not only youngsters but some older people, when they are aware that you are not going to chase them unless they are going 20 miles over the posted speed, if I understand this bill correctly, you cannot start pursuit unless the vehicle is traveling at a rate in excess of 20 miles over the posted speed. There is another thing about that. You can't start the pursuit until you have cleared it with the commanding officer. If you are going down the road and a car goes by you fast and you think that is more than 20 miles of the posted speed, you pick your radio up, don't go in pursuit, but you pick your radio up and you try to get hold of your commanding officer and get permission to start pursuit. By the time you get the permission, there won't be any pursuit, that will take care of everything because you have got to have it before you start.

Once you get the pursuit started, you get the commanding officer on the radio somewhere so you can talk to him, then he will tell you what to do and how to respond to things that you have to respond to in a split second when you are driving a vehicle at the rate of speed you might be going.

I appreciate what Representative Carroll is trying to do and I will be the first one to agree with him that we have got people who abuse the privilege and we have still got police officers that are overdriving their capacities like a lot of people that are on the road, but I am happy that we have got so many people today trained, unless here are a few that are grandfathered in that I don't know about, I think they all have been trained now at the academy and they have had training on this. If you have ever driven a car on a pursuit pad, you will know what I am talking about.

Ladies and Gentlemen of this House, with no disrespect to Representative Carroll, I hope you will go along with the majority report on this piece of legislation.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I would like to give you a brief explanation of why I supported the position of the good gentleman from Limerick, Mr. Carroll.

The absence of adequate safeguards has caused in the past some instances of tragedy here in the state, and one particular case I know very well. I don't think there is anything wrong with a legislative body reacting in order to put into statute some type of standards and guidelines which would be followed in case of a high speed chase.

I realize that the report is 12 to 1 "ought not to pass." As I have said many times here, reasonable people differ on this issue like any other issue, but in this particular case, I side in with the good gentleman from Limerick, Mr. Carroll.

Mr. Speaker, I request a roll call vote.

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 Soule of Westport that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 440

YEA—Ainsworth, Allen, Anderson, Andrews, Bell, Benoit, Bonney, Brown, A. K.; Brown, D. N.; Cahill, Callahan, Cooper, Crouse, Day, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Higgins, H. C.; Higgins, L. M.; Ingraham, Jackson, Joyce, Kiesman, Laplante, Lebowitz, Livesay, MacBride, MacEachern, Macomber, Manning, Masterman, Masterton, Maybury, McPherson, McSweeney, Michaud, Moholland, Murphy, T. W.; Nelson, Paradis, E. J.; Paradis, P. E.; Paul, Perkins, Pines, Randall, Reeves, J. W., Roberts, Robinson, Roderick, Salisbury, Seavey, Sherburne, Small, Smith, C. B.; Smith, C. W.; Soucy, Soule, Sproul, Stover, Strout, Swazey, Tammaro, Walker, Webster, Weymouth, Willey, Zirkilton.

NAY—Beaulieu, Bost, Bott, Brodeur, Carroll, D. P.; Carroll, G. A.; Carter, Cashman, Chonko, Clark, Conary, Connolly, Cox, Crowley, Daggett, Dexter, Diamond, Gwadosky, Hall, Handy, Hayden, Hickey, Hobbins, Jacques, Kane, Killoyne, Lehoux, Lisnik, Locke, Mahany, Martin, H. C.; Matthews, K. L.; Matthews, Z. E.; Mayo, McHenry, Melendy, Mills, Mitchell, E. H.; Mitchell, J.; Murphy, E. M.; Murray, Nadeau, Parent, Perry, Pouliot, Racine, Richard, Ridley, Rolde, Rotondi, Scarpino, Stevens, Stevenson, Theriault, Tuttle, Vose, The Speaker.

ABSENT—Armstrong, Baker, Brannigan, Carrier, Connors, Cote, Curtis, Davis, Dudley, Holloway, Jalbert, Joseph, Kelleher, Kelly, Ketover, Martin, A. C.; McCollister, McGowan, Michael, Norton, Reeves, P.; Telow, Thompson, Wentworth.

70 having voted in the affirmative and 57 in the negative, with 24 being absent, the motion did prevail.

Sent up for concurrence.

Representative Higgins of Scarborough was granted unanimous consent to address the House.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I would call your attention, for those of you who haven't thrown it away, to Supplement No. 3, Reports of Committees, under Unanimous Leave to Withdraw from Education regarding "An Act to Initiate Programs to Improve the Quality of Education in Maine Schools." I wanted to just briefly address the House on the record regarding this piece of legislation simply to say that it was a bill that I introduced this session to deal with education matters which I have spoken to the Speaker about as well as the House Chair of the Committee, and it is my understanding that the bill will be brought back in special session when the Governor calls us into special session.

I had anticipated that the bill was going to be carried over, but because of our rules, we have no method of carrying bills over to a session

similar to between the first and second regular session, so what we will have to do is withdraw the bill and when we come back in special session recall it from the legislative files. I wanted to simply have that on the record in case any of you had questions about it.

On motion of Representative Rolde of York,
Adjourned until Friday, April 6, 1984, at nine o'clock in the morning.