

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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HOUSE

Tuesday, April 10, 1984

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

Prayer By Reverend Wilson L. Lyon, Retired U.S. Army Chaplain from Kennebunk.

The Journal of Tuesday, April 9, 1984, was read and approved.

Papers from the Senate

The following Communication:

April 9, 1984

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

The Senate voted today to Adhere to its former action whereby it Accepted the Minority Ought Not to Pass Report from the Committee on Health and Institutional Services on Bill "An Act to Amend the Statute Relating to the Sale and Free Distribution of Cigarettes to Children" (H. P. 1694) (L. D. 2249).

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The Following Communication:

April 9, 1984

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

The Senate voted today to Adhere to its former action whereby it Indefinitely Postponed the Joint Resolution Concerning the State Contracting for Medical Services in Competition with Private Enterprises (H. P. 1829).

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Joint Resolution: (S. P. 909)

Later Today Assigned**JOINT RESOLUTION REQUESTING A STUDY OF COSTS TO MAINE TAXPAYERS FOR WORKERS' COMPENSATION**

WHEREAS, there is a growing concern among members of the Legislature over the escalating cost of workers' compensation; and

WHEREAS, increases have occurred at an alarming rate in workers' compensation, both in the public and private sectors; and

WHEREAS, evidence of this added expense to the taxpayer for fiscal year 1983 may be seen in: \$245,859.45 for the Department of Corrections; \$875,000 for the Department of Mental Health and Mental Retardation; \$90,754.57 for the Department of Human Services; and \$1,758,397 for the Department of Transportation; and

WHEREAS, there is an urgent need to study this problem and to address those concerns in order to uphold the law, to preserve the integrity of the system and to conserve any needless expenditure of taxpayers' dollars; now, therefore, be it

RESOLVED: That, We, the Members of the House of Representatives and the Senate of the 111th Legislature, authorize and respectfully direct the Department of Labor to study the full cost of the workers' compensation system to the taxpayers of this State, including, but not limited to, full disclosure of the cost to each branch and department of municipal, county and state governments, with recommendations for curtailing these costs; and be it further

RESOLVED: That the Department of Labor report its findings and recommendations to the First Regular Session of the 112th Legislature; and be it further

RESOLVED: That a copy of this order be sent to the Commissioner of Labor, as notice of this study request.

Came from the Senate read and adopted.

The Resolution was read.

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

Reported Pursuant to the Statutes Later Today Assigned

Report of the Committee on Audit and Program Review, pursuant to Revised Statutes, Title 3, Chapter 23 ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (Emergency) (S. P. 770) (L. D. 2077) "Ought to Pass" in New Draft (Emergency) (S. P. 899) (L. D. 2417).

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendments "A" (S-377) and "B" (S-382).

Report was read and accepted and the New Draft read once. Senate Amendment "A" read by the Clerk and adopted. Senate Amendment "B" read by Clerk and adopted.

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

On motion of Representative Carter of Winslow, tabled pending passage to be engrossed in concurrence and later today assigned.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act to Increase the Minimum Wage to \$3.55" (S. P. 835) (L. D. 2236).

Signed:

Senators:

DUTREMBLE of York

HAYES of Penobscot

Representatives:

BEAULIEU of Portland

NORTON of Biddeford

TUTTLE of Sanford

TAMMARO of Baileyville

GAUVREAU of Lewiston

SWAZEY of Bucksport

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

Signed:

Senator:

ZIRNKILTON of Mount Desert

BONNEY of Falmouth

WILEY of Hampden

ROBINSON of Auburn

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

Reports were read.

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

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

The SPEAKER: The gentlewoman from Portland, Mrs. Beaulieu, moves that the Majority "Ought to Pass" Report be accepted in concurrence.

The gentlewoman may proceed.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: A similar bill was before us in the last session and we in this House passed it. I suspect that the arguments for or against have not changed much. However, I still contend, as I did then, while I was on the minority report of two, that this is a most critical issue for over one hundred thousand working men and women in this state.

We and the establishment and the bureaucrats are always in the forefront of commending the Maine worker; yet, in the debate over increasing the minimum wage, it translates into the thought that we are doing something sacrilegious.

The other side of this issue laments the fact that we would be one of only three states to exceed the federal minimum wage. May I point out that we, in the past 10 years, have exceeded the feds twice. We in Maine are only talking about

a 20 cent increase across the board; yet, nationally some eight states have provided minimum wage increases in some instances by as much as 50 to 90 cents by extending coverage to minimum wage workers. While none of them will be exceeding the federal minimum wage, they have sought to do it by extending coverage to waitresses, excluding subminimum wages for students, etc.

I see this bill as an economic development bill, improving the economy and the well-being of the Maine worker, especially that worker that never even gets a raise unless the federal government raises it.

The dollars placed into the hands of the minimum wage worker is money that is and will be immediately turned back into our economy. That extra eight or ten dollars a week translated into \$20 or \$30 more per month could make an enormous difference between the eligibility in the food stamp program and the AFDC program, which is, in a manner, subsidizing by taxpayers wages for private industry.

The major outcry in many of our debates is that people will be laid off. We have checked over and over with the Bureau of Labor for statistics and that charge cannot be proven.

We see this issue as one of fairness and equity. There isn't a state or municipal worker, state official, state representative, member of management, private sector worker, AFDC worker, who has not received a raise of some sort in these past few years either on an annual or semiannual basis. Yet, the minimum wage worker has been held in abeyance to the federal increases that are few and far between.

The minimum wage has, indeed, become the maximum wage for over 100,000 workers; yet, the cost of living has increased by 15 percent.

For every dollar earned nationally, Maine stands at earning only 86 cents to that dollar, and if one takes out the pulp and paper industry, it is further reduced by several cents more. And as the national economy improves, that 86 cents is further reduced. Imagine if you can the plight of the minimum wage earner.

We are often accused of doing little or nothing for the business climate in our state, and that is not true. I have been here for eight years and I have voted many, many times with both sides of the aisle to help businesses. BIW was given \$16 million. They are now experiencing a layoff of 1,800 workers. Pratt-Whitney got a tax break in specially trained work force at taxpayers' expense. The legislature is now considering a \$5 million donation for an ethanol production plant that will create 130 jobs, a proposed legislators' and judicial pay raise, a tax conformity issue. Yet, those lobbying for those considerations in the past and present are the same ones lobbying against this bill.

It is very difficult for people like myself, who believe strongly in this issue, to restrain frustrations and anger. It is like a meeting in Washington when in one room corporate officials were pushing for restrictions on imports and then ran off to another room to ask for increases in bonded imported laborers.

I can do nothing more but to plead with you to pass this bill because it is one of equity and fairness to a majority of workers in our state.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: A short time ago before this House I arose and asked you people to send this back to committee with the intention that some of my people could be heard. We had a one-day notice and some of the people that you don't realize, like in the town of Vanceboro and some of those areas in the northern part of the state, don't have available the luxurious communications system you do have here in Augusta and so forth. Without telephones, the only thing they could use, I suspect, would be tom-toms or smoke signals. The next day was a rainy day and foggy all day, so that didn't work.

This was recommitted to the committee for

one day and that was as much of a farce as the bill itself is.

Let me tell you, I, too, would like to see people earn more money in Maine; this doesn't do it. This makes these people worse off. Many times in this House I have voted for minimum wage to see my poor people working for these small wages get a few pennies while the people around them got a few dollars. What has happened, we have increased the distance between the top and the bottom far. Our problem is in Maine, we should be narrowing the difference between the top and the bottom, but to do that we would have to raise labor to five or six dollars, not a few pennies. You are trying to deceive people, even the poor. This doesn't deceive them because they know what happens. When they get a few pennies it is like throwing them a few crumbs and you give the other people two loaves of bread.

I am not going to carry on because all you people know where you stand. I stand firmly that we would lose jobs and would have to have more welfare after these minor jobs are gone. It is better to have a job that gives you a few dollars than no job at all, and this will tend to do that.

I hope that when the vote is taken, you will vote to defeat the motion to accept the majority report and I ask for a roll call.

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 Portland, Mr. Connolly.

MR. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: In the debate we had the other day, I talked about Mr. Zirnkilton in the debate of last year being left hanging out to dry, and it appears as though Mr. Dudley, or whoever, is being left out to dry again. I don't understand the members of the committee who are opposed to this legislation not presenting their arguments against it.

A couple of points I would like to make, however, if we are not going to have a debate on this issue now, I would ask you to support the motion of the gentlewoman from Portland.

The arguments have always been made against the minimum wage from the very beginning, from 1938 when it was first past in Washington to 1959 when the State of Maine first enacted a minimum wage, that if we enacted a minimum wage and then if we increased the minimum wage, that it was going to hurt the very people that we were trying to help, that people were going to lose their jobs, that in the case of the State of Maine, business were either not going to move into the State of Maine or that they were going to move out of the State of Maine, and that it was going to drive up prices and that everybody, in particular the workers who work for minimum wage, were going to be worse off. Every study that has ever been done that has analyzed the effects of an increase in the minimum wage has proven the fact that that argument just simply is not so. If you accept that argument to increase the minimum wage, and if you do workers are going to be worse off, then it would seem to me that what we should be talking about is lowering the minimum wage because then we would be offering more protection for workers, we would be creating more jobs and everybody would be better off, and I don't think anybody in this body would accept the argument that we should lower the minimum wage.

There are really two essential reasons from my way of thinking why we should support this legislation. The first is, as the sponsor of this particular bill says, it is a moral or humanitarian issue. The people who work for minimum wage spend everything, their entire paycheck, on the basic necessities of life. They are not organized, they are not unionized people, they have no protection. That is the reason that the minimum wage was first created, to provide protection for the least protected of the workers in our society. We as a legislature are the only ones that can

increase or decrease that wage. We offer them that protection. And what we do here is really an indication of what we think of a person's labor, a person's sweat, a person's work.

The poverty guidelines for a family of four in the State of Maine are \$9,900. In order for a person to make that working a full 52 weeks a year, 40 hours a week, he or she would have to be making \$4.75 an hour. This bill calls for a \$3.55 minimum wage, which works out to just about \$7,300. So even if we enact this, a minimum wage worker will still, in a family of four, be more than \$2,000 below the poverty guidelines.

The minimum wage has not been increased in the State of Maine since 1981. The cost of living has increased more than 16 percent since 1981. If this bill is passed, this will be but a 6 percent increase in minimum wage.

The other argument that I would like to leave with you is one of economics. While I am not an economist, it seems to me that it makes good economic sense to increase the minimum wage. A minimum wage worker, as I said, spends his entire paycheck for food, for clothing and for shelter. They don't put money into the bank in the form of savings. All of that money is put right back into the economy. I had one of the lobbyists for one of the big department chain stores who was out lobbying against this bill admit that the other day—hey, this will be good for me even though I am against increasing the minimum wage, this will be good for me and my business because the people in my area who work for minimum wage will spend that money.

Finally, if there has ever been an issue before this session of the legislature that is a women's issue, it is this bill here. There is a popular misconception that most of the people in the State of Maine who work for minimum wage are teenagers, but more than 60 percent of the people who work for minimum wage are between the ages of 20 and 65, and more than two thirds of those folks are women.

I would hope this House would support the majority report of the committee and the motion of the Representative from Portland, Representative Beaulieu.

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

MR. DAY: Mr. Speaker, Ladies and Gentlemen of the House: The last two speakers were Representatives from Portland and the comment was made that there is not a single study that proves that minimum wage increases have an effect on jobs. The last study I saw from the University of Chicago, and they run this every time there is a minimum wage increase, indicates that every 25 cent increase in the minimum wage results in the loss of 40,000 jobs in the United States. So, I just have to counter the fact that there are no studies, there is one study that I happen to know of that does prove it.

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

MR. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The 16 years that I have spent in this House, every single time there has been a minimum wage bill come before it, I have voted for it and the majority members of the opposition party in this House in those 16 years have voted against it. They are not even up here today defending their report. I didn't think I would live long enough to serve in this House to see Democrats arguing against Democrats over the minimum wage while my friends in the other party can sit back and laugh at all of us.

The Democratic Party has been the leader in this state and in this nation for the minimum wage, and I am beginning to get the feeling that our party is too prosperous and our numbers are too great and you are willing to stand up and be counted for an issue that has been the backbone and the bottom plank of the Democratic Party in this state and in this nation from time immemorial.

There are over 100,00 people in this state that work for the minimum wage, and the only way they get it, an increase that is, either it comes

from the national level or it comes from the Democratic Party in this House and in the other body. And as long as I am a member of this House and I can do something to increase people's wages, I will do it. We do it time and again for state employees, we are asked to do it again this year for the University of Maine employees, justifiably so, but it seems to me those worn out old arguments about loss of jobs and the space between what the minimum wage is and other wage earners, we have heard them all before, they are just excuses.

I would be shocked if someone in the other party got up and advocated to support the minimum wage this morning. I welcome them but I doubt if you will see them on their feet. They are an honorable party, they represent their interests, and I would like to think the Democrats in this House are the same Democrats that I have served with in the past 16 years and stand behind their commitment to represent the people that we like to say we are down here to represent.

We are all critical of the opposition party in representing big business and the banks and insurance companies, the large timberland owners. It is easy for us to be critical of them when we are campaigning and we are out telling the very people that we are down here supposedly representing that we are here to give them a shot, but I am afraid that there is a crack in the Democratic principles of our party in this House with the lack of united effort to support the minimum wage.

Some of you may think I am trying to make it a party issue. I am not because it has been a party issue since time immemorial. The Republicans have been on one side of the aisle, where they belong, and the Democratic Party has been on the other side. That is the way it is going to be on the minimum wage for this session and for sessions to come.

I urge you to support the majority report because it is right and it is our obligation to do so. Don't every expect the other crowd to do it because they won't. I love them all, but I disagree with them on this issue, as I am sure they do with me.

We have got a chance to do something for 100,000 people in this state who will never get an increase unless we are willing to put our shoulders to the wheel as other people who have sat in these seats representing the Democratic Party for the past 50 years have done.

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

MR. HALL: Mr. Speaker, Ladies and Gentlemen of the House: You know, as I walk through that lonesome valley from this House to the other side, many times you have to squeeze to get through. Now, why you have to squeeze to get through is because of the special interest groups that are being represented. I happen to belong to a couple of those, one is the Chamber of Commerce that nicks me and my company for quite a good thing until I hear what that money goes for—the Farm Bureau, the Grange, the lawyers, the bankers. But the people we are talking about right now, who do you think represents them? It is you and me, we are the only ones left that can do it. You don't see any lobbyists in that alley doing that, they have long gone because they don't get paid enough for it.

Speaking about studies, Mr. Day, I would like to tell you a couple of things about studies. You can make studies do anything you want them to do. I have seen that happen, I have seen testimony come before my committee, one on one side, you would think the world was going to be given to you, and on the other side you see what is going to be taken away from you.

We are talking about eight lousy dollars a week. I don't think anybody is going to starve whether they get it or not, I don't think it is going to make that much difference. Surely, they are not going to spend it and take it all off the food stamps, you know it and I know it. Many of them are high school students. Some of them perhaps spend it for a six pack of beer, some of them are going to spend it for their education. Many

of them have never had the ability to go to school or if they went to school they never could get above the seventh or eighth grade so they could never get in the position where they could earn more.

I think the whole thing is, as I listened to it and I talked to a lot of them when I went to 1,750 homes last time and I am prepared to do it again this time, folks, I want you to know that, I am not going to let the opposition beat me, this is what they tell me—who the heck cares about us anyway, we are not going to vote because it doesn't make any difference. All you fellows seem to think about is the pressure put on you by small business. Well, small business never put me in here, I am telling you. I could count them on my fingers and toes, and I have told them right to their face, hey, you didn't vote for me last time so what makes you think I am going to let that bother me. The people who put me in here are the people I want to protect and help get a little better chance than they have had in the past.

Here we are, many of us, and I am one of them, that want to get the ethanol plant off the ground floor and I am willing to do it. I have never turned down helping big business, never. All of a sudden we heard about Bar Harbor's need for a million dollars or they are going to leave the state. Well, I'll bet you my bottom dollar that out there will be filled with lobbyists to tell us a sob story—oh, we have got to have that million and a quarter dollars or else we are going to move to New Hampshire. But at the same time, you will hear nobody help these very same people that we can help here.

Now \$8 isn't going to make or break any business. It never broke me, I am willing to pay that and more too. As a matter of fact, we don't pay that little. But I have seen many businesses like McDonald's, like motels, hey, we cannot live on that. Now can you imagine \$8 when they are charging from \$35 to \$100 a day for the motels? Who are we kidding?

Let's do something for those people who are left out there and at least give them a break.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: In 1979 when I first came to this legislature, one of the first things I was asked to do was vote on a pretty lucrative break for a company called Pratt-Whitney. I did that. Not too long after that, we had another kind of deal for an outfit called Spencer Press; I did that too. Then just recently, we voted on one heck of a nice piece of change for a huge corporation in the Bath Iron Works deal, and I did that. I did it all three times because I felt that it was an investment in the future of the people of the State of Maine and to the working man of the State of Maine. So whenever anybody from the big companies comes to me and tells me that if I vote for a 20 cent increase or 15 cent increase or whatever the case may be in the minimum wage I am doing more to ruin business in the State of Maine, you know what I tell them? I spit in their eye because I think that is the biggest crock of baloney I have ever heard in my life. I spit in their eye because I have shown that when I think something is right, I will vote for it.

Let me tell you something, when we voted for the break for Congoleum, we really took a gamble. Here it is a multi-million dollar corporation and we took a state that has a million people in it, limited resources, and we gave them a heck of a break because we thought it was worth our while.

Now, most of the people who live in my district, thankfully, work for good companies. Most of my people work for Scott, Keyes, Maine Central Railroad and I am not going to sit here and say that they are underpaid because they are not, but the way I look at it, these companies came to Waterville, Maine because there was something there for them. We can argue about what that was but when these companies tell us if you vote for an increase in minimum wage we

are going to close up shop and pull out of here—baloney—because if this 20 cent increase in the minimum wage makes them close up shop and pull out of here, they are on very unstable ground to start off with.

I am pretty proud of the work ethic that I represent because they are not all a bunch of bums like some people like to have us believe—welfare cases, useless people that bleed off the system. I have got people who go to work every day, work their hearts out for their company, and if they didn't, Scott Paper wouldn't be where it is today, Keyes Fibre wouldn't be where it is today and Maine Central Railroad wouldn't be one of the only railroads that is in the black. They are all very well paid so this bill isn't going to affect them.

I probably have a few out of that 100,000 that gets minimum wage and the thing that really burns me is when I get a fellow from Hathaway Shirt who writes me a note that says he is really surprised at my vote to allow this bill to go to a hearing because he felt that I understood the issue. Well, when I see him, I am going to tell him that I understand the issue very clearly. Unfortunately, he doesn't understand the issue.

I still pay \$30 or \$40 for a Hathaway shirt whether they are made in Taiwan or Waterville, Maine. They haven't given us a break by this so-called cheap labor and we have certain people in this country that use this cheap labor to put people on their knees.

We had a meeting last week about the shoe industry and what certain people in this country have done to that and what they have done to the work ethic, the proud people who made those shoes and I have never worked in a shoeshop but the people that I talk to, if you want to talk about a job, I guess that is a job where you would appreciate work.

These very same companies have been writing me and calling me and their lobbyists have been roaming these halls telling us how much harm it was going to do to their company if we give a man \$8 more a week. Well, I wasn't really sure how I was going to vote on this issue until the last couple of days and I was sitting in the Speaker's office listening to my good friend, the gentleman from Bangor, Mr. Kelleher, and I have got to tell you that it struck home and I decided to come out here and put my two cents in because I intend to vote for this.

Any company that moves out of here because of this wasn't worth staying here in the first place, because sooner or later we would be back here voting for a break to bail them out if they are in that much trouble. I think we have done that quite a few times.

The only thing that bothers me is that in this state, in this country today, there are still 100,000 people in the State of Maine that are working for minimum wage, that is the only thing that bothers me. At certain times, and I know that it is not practical, I feel like voting for a \$1 increase in the minimum wage and would not have any qualms about it, but politics being as they are and practicality being as it is, I know that we can't do that but I intend to vote for this bill today. I hope those boys at Hathaway realize that Paul Jacques certainly does know what the issues are and I understand them all too well.

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

Mr. DIAMOND: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Mt. Desert, Mr. Zirkilton. I would like to ask Mr. Zirkilton why he signed the "Ought Not to Pass" Report on this particular piece of legislation.

The SPEAKER: The gentleman from Bangor, Mr. Diamond, has posed a question through the Chair to the gentleman from Mt. Desert, Mr. Zirkilton, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: As the gentledady from Portland said a while ago, Representative Beaulieu, the arguments for the pros and cons

on this particular piece of legislation haven't changed at all since last year.

We have heard a number of people stand here this morning and say that they don't believe it is going to make that much difference, they say they believe it is going to help the poor, those that working for the minimum wage and yes, it will help some. But now that you have managed to get me up, which obviously was your intention, I will make some remarks to some of the comments that have been made.

Mr. Jacques said a minute ago that any business in the State of Maine that leaves because the minimum wage increase isn't worth having anyway, he said they probably would be back here for some sort of taxbreak anyway. He said he has done a number of things to help business in the State of Maine. Look what we have done for Bath Iron Work, he mentioned the Pratt & Whitney vote in 1979—these aren't the companies that pay people minimum wage. I think you would be hard pressed to find many people at Bath Iron Works making minimum wage.

The businesses that pay minimum wage in the State of Maine are the 85 to 90 percent of the businesses we have, the small business, the people who don't have high paid lobbyists standing here in the hall trying to tell you what it is going to do to the State of Maine if this bill passes, and I ask you, what have you done for those people? What have you done for the small business of the State of Maine? You have given them one of the highest costs of workers' compensation in this country, you have given them an unemployment compensation plan that continually skyrockets with no real end in sight.

What have you done taxation wise? You didn't go along with the accelerated depreciation at the corporate level. What have you done for small business in the State of Maine? You have managed to ensure that it is darn near impossible for them to compete with the rest of New England. You have seen the reports in the papers, we already have one of the highest, I think the highest, rate of unemployment in all of New England, and for the comments that you have made here today, it would appear, fairly apparent, that some jobs will be lost. I think anyone here would be hard pressed to say that no jobs will be lost if this bill passes so you will succeed in helping some people make a few dollars more than the minimum wage and you will also succeed in truly, truly hurting the very people you are trying to help, those that will lose an opportunity for a job that they otherwise might have had, even at minimum wage, now won't have that opportunity at all. If a company consolidates, perhaps reduces its work force or reduces the number of hours that their employees are working, what have you done for them? Nothing, nothing at all.

To me it just seems to be common sense, I am really sorry to say it. I respect the opinions that you have because you certainly are entitled to them but we obviously have a major disagreement here and the entire reason for trying to get me up was turn this into a partisan issue, which I will ask you again, as I did last year, not to let that happen because this is an issue that is just so important that it should never succumb to being as low as a partisan issue. I just hope that you really, really think about it; I know that you all will so we will see what happens.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: Thank you, Mr. Zirkilton, for responding to my question. You are right, I did want to get you up, I also wanted to wake you up and I think after hearing your defense of your position, I think we have done just that.

You asked several questions—what have we done for the small businesses, that 80 to 85 percent of Maine businesses that are low on the ladder, not the Bath Iron Works, not the paper companies, not the biggies that you referred to. We have done quite a bit for it and for that reason I think we have to pass this particular piece of legislation.

Last session, if you will remember, we passed a corporate tax reform that gave tax breaks to 80 percent of the corporations in this state; that certainly is significant. We are about to enact tax conformity, something that the businesses in this state have been clamoring for; that certainly is significant. We have done so much for businesses, big and small, it is about time that we looked at the other side. We have been dealing with the top of the ladder for so long and yet we have been ignoring those people at the bottom of the ladder.

You made reference to the particular industries that pay minimum wage. I don't think you accurately reflected what those industries are—the paper companies, Bath Iron Works, those corporations don't pay minimum wage. Big industries tend to pay above minimum wage. It is the service industries of this state, the restaurants, the motels, the hotels, the Seven-Eleven's, the little shops, McDonald's is the best example, they are the ones that pay minimum wage and they don't base their wage on profitability. Certainly if you look at McDonald's, that isn't the case. They locate in areas not because of the business climate, they locate in areas because of the market for their products. Restaurants go where the people are. McDonald's again is a prime example of that. We have in my area of Bangor five McDonald's, a community of about 50,000 in the Greater Bangor area. They are not there because of the business climate of Bangor as much as the fact that there are a lot of people who go through Bangor and live in Bangor and they want to service them. They can get away with paying minimum wage because there are people there who will work for it.

We passed laws several years ago establishing a policy for minimum wage in this state. We talked about and if I could quote the statute, it says: "Workers employed in any occupation should receive wages sufficient to provide adequate maintenance and to protect their health and to fairly compensate them for the values of their services." That is the purpose of minimum wage but it goes beyond that, it goes beyond what is in the statute of this state. We are trying to establish a base for the workers of this state and, unfortunately, that base is much larger in Maine than it is nationwide.

If you look at minimum wage nationwide, you will find that 6 percent of the workers of this country earn minimum wage. In Maine, that number is 20 percent. One out of every five working people in this state makes minimum wage; that is atrocious. We are their only hope to improve that standard for them.

We have done many things, as we have mentioned, to help a variety of special interests and we could go on and on, Representative Connolly, Kelleher, Hall, all the previous speakers have outlined that for you. But I think we have a real responsibility here and it is a responsibility we have been ignoring. We have looked at every concern in the last two years that could possibly be presented before this body and this is one that we haven't fairly addressed in my opinion, people who really deserve a chance to better their standing, to better their lifestyle.

We have a poverty level of \$9900 for a family of four; yet, those people who are fortunate enough to work for 40 hours a week at minimum wage are almost \$3,000 below that.

Government does more than simply establishing a minimum wage and ask employers to pay it, we are subsidizing these employers who pay minimum wage. Do you realize that those people who are below that poverty level qualify for food stamps and it comes out of the tax dollars that the middle income families, the corporations, everybody else, because we don't establish a basic level of compensation for those people that is adequate? Food stamps on the local level, general assistance, we could do a lot by increasing minimum wage to bring those figures down in the cost of government, it is fiscally responsible. That ought to ring a bell with some people in here.

We have so much we can do if we only have the guts to act and I think it is very important for us to recognize our responsibility today.

I also recognize that there is a philosophical disagreement between those on this side of the aisle, for the most part, and those on that side of the aisle. Those over there, especially their leadership in Washington, has been very generous to the concerns of those at the top of the ladder I mentioned earlier. We have done all kinds of things to help them because they believe in a philosophy, they believe that if you help those at the top, that eventually it is going to trickle down to those at the bottom. Our party looks at it the opposite way. For the most part, we believe if you reinforce those at the bottom of the ladder, it is going to help and spread throughout society and we are all going to benefit. I believe in that and I think most of the Democrats in here do. So there is a philosophical difference between us and I can understand why some on the other side would take the position they have on this issue. But it goes beyond that, there are other considerations you have to look at and I probably should direct my arguments more to those people who share our philosophy than those who share the other philosophy I just mentioned.

We have an obligation here, we have a responsibility to strengthen that base that Maine's economy is built on and strengthen the personal and financial base of the individuals of this state who unfortunately have to work for minimum wage. If you believe we have that responsibility; if you believe it has been too long since we have increased that level, then I think you have an obligation to go along with us and support the motion of the gentleness from Portland and help move this down to the other body.

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

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: Yes, I guess there are philosophical differences here and I hoped there wouldn't be because it seems to me that the arguments will affect us all. I think probably it is the most important bill you may have before you this year, I really do insofar as the economics of this state are concerned, and I think the main question is, and you can put it in perspective by saying, can one of the poorest states in the union have the highest minimum wage? I don't think so, I honestly don't.

For instance, we already have one of the highest workers' comp rates, we already have one of the highest rates of taxation, and that philosophy that Representative Diamond just talked about is one of the contributing factors to the fact that we also have one of the poorest business climates in the nation.

For instance, what will happen if we raise the minimum wage? Well, a number of things, of course, are going to happen, not the least of which are companies in this state who have branches in the state and also have branches in other states, one would be Kent Incorporated up in Fort Kent who hires 200 or 300 people, they also have a plant in South Carolina. If their wages are 6 percent higher up here than they are down there, that could be the factor that determines them to move the rest of their operation to South Carolina. It is the same way with Hathaway Shirts. They have a plant in Puerto Rico. They hire 600 people down there currently, they hire 1200 in the State of Maine. Now if they can make shirts cheaper in Puerto Rico than they can in Maine, is there any logical reason that they shouldn't go to Puerto Rico? Heaven sake, they would be stupid if they didn't.

Another thing, a factor that has crept in because of our poor business climate is the fact that Maine, last year, was the only state in the nation whose unemployment rate went up. It is currently the highest in New England. Does that speak of a good business climate? Is that what we are trying to do to this state?

The U.S. has priced itself out of competition in almost every nation in the world as far as

automobiles, steel and, yes, even shoes. Why do people build shoes and import them from foreign countries. Simply because we are not competitive and we are getting less competitive every day. Do you want that to happen to the State of Maine in the national level? Can't we be competitive with other states? Do we have to have the highest minimum wage?

Another question you might ask yourself is, why are the unions pushing this thing so hard? They don't have anybody who makes the minimum wage, not a soul. AFL-CIO doesn't, they told us so at the meeting, so why are they pushing it? If you push the bottom up, physics tell you the top has got to go up too, every single pay scale along the way will go up accordingly.

Why is MSEA interested in this thing, why are they pushing so hard? Why have they stalled on settling their contract? Because if they get an increase in the minimum wage, every pay scale in the 1400 categories is going to go up accordingly, not three and half percent but at least 6 percent.

I think this whole thing is ridiculous, I honestly do. I think it is the worst thing that could happen to the state, it puts us out of competition.

One thing they would have you believe, these people who have talked before me, is that the same 100,000 people are stuck on the \$3.35 minimum wage. That is not true at all. In the first place, a good part of that 100,000 people get tips. They work in restaurants and positions where they get tips on top of their minimum wage. Also, many of them get commissions. Now, if somebody has been working for years at the minimum wage, you have got to know that something is wrong. Why didn't they get promoted? Virtually, everybody does. Certainly there are a few that have gotten \$3.35 for a long time and I would suggest that probably that is all they are worth because they haven't gotten anywhere. If they wanted to, they could get another job, they could certainly do something in a productive fashion to increase their worth and there are a few in the category but most come and go, most start at a minimum wage, and if they prove themselves to be worth more than that, they certainly do and therefore get more.

I know that I started a lot less than minimum wage but I sure as the devil didn't stay there and I don't think most of you do either.

I hope you will vote to defeat the motion.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I have been patiently sitting in my seat listening to the debate. I have to agree with Mr. Zirkilton that the minimum wage issue should not be a party issue. I concur, there are Democrats and Republicans working for minimum wage but unfortunately the report that is brought to you from the Labor Committee is along party lines and that is unfortunate.

As for the large layoff quotation from Chicago, I say to you that the research in Maine did not show that there were large layoffs when the federal minimum wage went up.

As to the issue of what have we done for the small businesses—I think we have done a lot. In our committee, we did something even this year to try to pick up negative balance workers to reduce costs in the unemployment compensation fund. That will help all businesses in Maine. We have increased over the years restrictions on eligibility for unemployment compensation. We revamped and realigned the workers' compensation process in trying to help the small businessmen. We took two years to put together a discount bill on workers' comp premiums for small businesses to try to help them. In other areas, there has been economic assistance to the small business loan program. In economic development programs, thousands of dollars have been spent in some form of monetary assistance in businesses.

Our business climate in this state is good. Our Governor says so, he may not always be right but I concur with him on that point and it is

getting better. The last figure is that in a one-year period there has been a 43 percent increase in either new businesses or expansions of businesses in our state. Our national unemployment rates have been down and they have held consistently compared to the rest of the country. At certain times of the year, they go up, but we have not been far out of line on our unemployment compensation issues.

There are a lot of people exempted from the minimum wage in our state, quite a few categories—waitresses are exempt from the minimum wage; domestic services are exempted; students are exempted and am I glad to see the students in the balcony and the back of the hall because our vote today is going to determine their future. Are they, when they are ready to go to work, going to be restricted for five and six years at a time before they can get a raise if they wind up working in a job that is a minimum wage job?

I am sorry that Mr. Dudley feels there wasn't time enough for his people to come and testify at the hearing. Where was Mr. Dudley? He did not come to the hearing. He could have represented his people as I do mine.

The question is raised as to why is the AFL-CIO and MSEA and other unions out in the halls lobbying for us to do this for 100,000 people? It is because those people have no representation. Somebody has got to serve as their spokesperson and, ladies and gentlemen, the Labor Committee is not just a committee that entertains issues of workers versus management, unionized workers versus management, or vice versa. We are a committee in this body to represent all workers in this state.

I am proud to move this report today and I hope that more than just the Democrats in this body would vote for this bill. I am not expecting it but this is an issue that is critical. If it had not been deemed critical to so many people in our state, it would not be before us today.

I ask you to vote in the positive for the Majority "Ought to Pass" Report.

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

Mr. HAYDEN: Mr. Speaker, Fellow House Members: I want to share with you a little bit why the calm and soothing tones of the gentleman from Mt. Desert and the gentleman from Hampden, neither of whom I notice are in the hall right now, I found so inspiring.

First of all, let's start with the gentleman from Hampden and he is a very calm fellow. To listen to him is to feel that our life is going to be secure, but when I think about what he says, I am not so sure that his advice as I hear it, which is that the future of this state lies in competing with the labor market in North Carolina, competing with the labor market in Mississippi, being able to have workers get the same amount, I suppose, as the workers in Taiwan that make Hathaway shirts is the way for us to go. Ladies and gentlemen, that will save our economy, that will make Maine a great place to be for its citizens. Respectfully—bunk!

Now the gentleman from Mt. Desert, he is a wonderful speaker and he does have just about the most soothing tones of anyone I think I have ever had the pleasure of hearing, and I have to pinch myself once or twice, maybe twice, to listen real carefully to what he said. One of the things that he said, he made me feel ashamed, he made me feel ashamed for standing up here and speaking for the minimum wage because, first of all, I have no common sense and second of all, I guess because I am a Democrat if I ask my fellow Democrats to go along with me because that has always been the family that has voted for this type of legislation, I would be sinking lower than the low.

After all, we haven't done anything for business, we haven't done anything to help that poor businessman, and how could we think of leaving him high and dry at a time like this when he is in such dire need? No disrespect whatsoever, but the only word that can come to my mind is

"bunk."

One of the arguments that we heard the last time this was debated, and we heard it this time too, is after all, if this is such an important issue, why didn't the U.S. Congress pass the minimum wage, why didn't they increase it? Why should we want to stand out in front, we who are not the richest state in the union?

Well, I look at the U.S. Congress and I know that we have people who are friends, near and dear to me, who are interested in entering different bodies of that U.S. Congress. I think they are going to have their work cut out for them when they get there. I have a lot more faith in our ability to do what is right, in our ability to have common sense. It is that same U.S. Congress that voted for the tax exemptions, the tax breaks unequal to the American history in order to help everyone, in order to help the little guy. It is that same U.S. Congress who for the first time in control of the parties to which the two gentlemen have allegiance that has delivered more to the have's, has delivered more to the dinner tables of those big industries and those small businessmen than we have ever dreamed.

Minimum wage, right now, \$6,968 a year. I am happy to say that I don't have very many constituents of mine that earn that much a year. I have some, more than I would like to see, that are below the poverty level, but probably if I vote against this I will come back. Twenty percent of the people in this state earn the minimum wage. Probably if you vote against this bill, you'll come back.

It is not that we are being pressured into doing this, it is not that we are going to lose our elections, it is not going to be that we are going to lose the chance to do the job that I think most of us really like doing, and I like associating with the gentleman from Mt. Desert, I think he is a wonderful guy and I would hate to lose the chance to work together with him. I don't think I am going to lose it one way or the other here. But I am going to think real carefully about what is the right thing for me to do—\$6,968 a year, and maybe that fellow doesn't even vote, maybe he is a Republican and is waiting for it to trickle down from above—\$6,000 a year.

One thing we talked about, and it is not very fashionable, I know that, it is not very fashionable to talk about parties anymore. We have all gotten an awful lot alike and the differences between us, they have been sort of watered down and our parties aren't very strong anymore, but it is interesting that this is one issue that still remains a party issue. I guess it is one issue, I have to concede, even though this isn't very fashionable, it is one issue that makes me real proud I am a Democrat, because one of the things it does, it takes those people that aren't going to put you in office, that aren't going to take you out of office, maybe some of those people that even don't vote very well, and it tries to give them some of the crumbs off the table, some of the crumbs off those small struggling businesses, McDonald's, Wendy's, they get the beef, we just want some of the roll.

I am proud I am a Democrat and a lot of you Democrats have voted against this and you have voted against this because times have changed. Well, they have changed. I think you feel that times have changed enough so that I can still be a Democrat and not vote for an increase in the minimum wage. It doesn't make any difference because that constituency is getting smaller and smaller. Well, I am proud it is getting smaller and smaller, but it costs more and more to live. I wouldn't want to try to support my daughter—I have to look down at the paper every time to make sure I get this right, I can't believe it is so low—I wouldn't want to support my daughter on \$6,968. The gentleman from Hampden reassures me that it really doesn't happen that much because I would probably get tips and I would get commissions. If I worked real hard, I would make something of myself and I would make more. Well, that's not very much. I am just starting out right now, my daughter, she is just start-

ing out, maybe by the time I made myself she would have suffered more than necessary.

Where are those businesses that are going to go away—the tourist industry, motels—bumper year because everybody likes to come to Maine; McDonald's, fast food—bumper year, not because everybody likes to buy cheap food, because they want to buy fast food. They hire young kids because young kids don't have a voice and a lot of you kids don't vote. Unfortunately, a lot of you kids won't vote when you are 18 either and earn the minimum wage. So one reason I am proud I am a Democrat is because we have a tradition of doing what is responsible and doing what is right.

Mr. Zirkilton, the gentleman from Mount Desert, I am proud to have sunk that low, because maybe if I get that low I can still remember what it is like to see what the crumbs at the table taste like and where I can taste it in my mouth when I think about this issue, and I think if you think about this issue long enough, you can too. I am glad I don't earn the minimum wage. I don't think anybody in Maine should earn the minimum wage that brings them \$6,968 a year. I think we will squeak by with an increase and maybe we will be a little prouder that we are doing our job up here tomorrow. That is why I urge you to vote for the "ought to pass" report.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I think that was a very passionate speech and I am not going to debate this issue at all. I am going to read to you a letter that I received from a constituent. I don't know whether he is a Republican or a Democrat. His name is David C. Reynolds. He says: "Dear Mr. Dillenback: I am writing to express my deep concern over the minimum wage bill that is currently before the legislature to make Maine's minimum wage the highest in the United States. The actual legislation will not affect my company because we do not have any positions that pay the minimum wage. However, the message it will send to the business in general is a bad one. I will not argue the fact that the minimum wage should be increased, because I believe it should. However, I feel very strongly that if the minimum wage is raised, it should be done on the national level."

"To place Maine in the position of having the highest minimum wage in the United States, along with an already very expensive workers' compensation system, an extremely high corporate tax rate and a lack of conformity with the federal income tax laws, would be extremely shortsighted on the part of our elected officials."

"I fully understand the pressures to increase the minimum wage and the arguments that are extremely persuasive and politically popular with most voters. Sometimes it is important for elected officials to look beyond the present political gain and take a look at the long-term consequences to Maine's working people."

"Historically, anytime there has been an increase in the minimum wage, it has meant a loss in the number of minimum wage jobs. While there can be no debating the fact that it is extremely difficult to exist on minimum wage jobs, it is more difficult to exist on no jobs."

"I ask that you take into consideration the negative image and message Maine will project to current businesses in Maine struggling to exist and to possibly new businesses looking to settle in Maine before you can vote to increase Maine's minimum wage."

This is just a citizen speaking to you people.

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

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I understand there is a bill laying in the wings waiting to hit the floor of this House to raise the salaries of Representatives. I am only sorry that it hasn't come up to be voted on before this minimum wage hit the floor. I feel sure that vote would have given me a wonderful wedge to use in the defense of the

minimum wage here today.

To pick up on what Representative Kelleher said in relation to the difference in parties, the Maine party head said a few weeks ago that Republicans were complacent, fat and lazy. One thing he forgot was that they do not have a heart. That certainly holds true when it comes to the minimum wage.

Representative Willey mentioned the business climate and our chances of losing business. I am not at all worried about losing business because of that. If one were to leave this state, you will find that other states welcome our workers to their state with open arms; I mean that sincerely. They can't get enough of our people. Why? Because they are terrific workers. They produce, so that \$3.55 figure certainly isn't the right figure. I am telling you right now, that is not the figure because that is a producing figure, our workers really produce.

How can 20 cents an hour hurt when the production is so much greater? Will the industries leave this state? I think not.

Ladies and gentlemen, let's get on with the business at hand this morning and vote for these people. Let's give them a break, \$3.55 an hour.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I usually don't get involved in these issues, but Mr. Ainsworth, the gentleman from Yarmouth, brought me to my feet. It doesn't matter a particle to me, Mr. Ainsworth, whether we vote on this before or after we vote on our pay raise because when that issue comes up, you just follow Darryl Brown's light and you will be able to sleep at night.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. First of all, I don't think you really want to hear what I have got to say anyway, so I can afford to be very brief. I want to answer a question. Representative Beaulieu would like to know where I was on a certain day and I don't remember myself, but I did look at the hearing room and I was of the opinion that this was a public hearing and if every legislator went to the room, only a third of us could have gotten in, so I was making this space available for the public that I thought would be there.

I just wanted to make a couple of predictions. My predictions would be like this—I have been around here quite awhile and I am getting rather old and I might not be here two years from now to say I told you so, so I wanted to put a couple little things on the record.

First of all, I want to tell you this for the record. The people that want this bill admit that there are about 100,000 people in this state working for minimum wage. I predict that next year there will be a lot less than that, maybe 50,000. I also predict that the difference I want to correct between the top wage earner and the low wage earner will be greater, and if I am around, I will sure tell you so. I might not be around because my age might not allow it.

I had my Democrat colleagues tell me I said this would raise welfare costs, no doubt, and they said they didn't care because industry would pay it anyway. These are just a few things that I wanted on the record seeing as I am getting old and might not be here to tell you "I told you so."

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

Mr. MATTHEWS: Mr. Speaker and Members of the House: I just want to add one little point here. I happened to be reading the New York Times on Sunday and we have talked briefly about the administration in Washington—I will try to be nice here—and their decent and fair tax breaks for the American people.

The Congressional Budget Office of Washington did a little research—we have talked about studies—as to the effect of President Reagan's tax policy. That tax policy has meant

for those people in this country who make \$80,000 and more a tax saving upwards of \$10,000 a year. For those people in the United States who make \$8,000 and less, it meant a tax increase and a loss of earning for those people of about \$400 a year—just for the record.

I agree with those in this House who said on the record that this should not be a partisan issue and I commend the gentleman from Mt. Desert making that evident, it should not be. This should be a people issue. The minimum wage increase is a people issue and I support it.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Mayo.

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I feel compelled to rise today. It is a very difficult question, one that I have weighed very carefully in my mind. I sent a questionnaire out to my constituents, and you might expect, coming from Knox County, a very conservative area, that my constituents would tell me no, Joe, don't vote for that bill. Well, my questionnaire came back divided, very evenly divided. I received almost 400 responses; a hundred sixty some odd said yes, vote for it; a hundred sixty some odd said no. I feel compelled to vote for this bill and I just wanted to tell you that.

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

Mrs. JOSEPH: Mr. Speaker, Men and Women of the House: I would like to get back to the minimum wage question and I would like to pose a question through the Chair. I would like to know which states in the United States do have a higher than federal minimum wage.

The SPEAKER: The gentleman from Waterville, Mrs. Joseph, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. BEAULIEU: Mr. Speaker, I hope I am accurate. I think it is Hawaii and Alaska and Maine, maybe Connecticut, I really don't know.

Representative Jalbert moved the previous question. The pending question was "Shall the main question be put now?" A vote was taken. 76 having voted in favor of the same and 33 against, the main question was ordered.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Representative Beaulieu of Portland that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

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

Mr. RICHARD: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Mr. Telow. If he were here, he would be voting no and I would be voting yes.

ROLL CALL NO. 460

YEA—Ainsworth, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cox, Crowley, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Jalbert, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, Lisnik, Locke, Mahany, Martin, A.C.; Matthews, Z.E.; Mayo, McCollister, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Norton, Paradis, P.E.; Paul, Perry, Racine, Reeves, P.; Rolde, Rotondi, Stevens, Swazey, Tammara, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Allen, Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Conary, Connors, Cooper, Cote, Crouse, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Jackson, Joseph, Kiesman, LaPlante, Lebowitz, Livesay, MacBride, MacEachern, Macomber, Manning, Masterman, Masterton, Matthews, K.L.; Maybury, McGowan, McPherson, Moholland, Murphy, E.M.; Murphy, T.W.; Nelson, Paradis, E.J.; Parent, Perkins, Pines, Pouliot, Randall, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Salisbury, Scarpino, Seavey, Sher-

burne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevenson, Stover, Strout, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Hobbins, Kane, Martin, H.C.

PAIRED—Richard, Telow.

66 having voted in the affirmative and 80 in the negative, with 3 being absent and 2 paired, the motion did not prevail.

Thereupon, the Minority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act Concerning the Maine Land Use Regulation Commission" (H. P. 1837) (L. D. 2430) which was Passed to be Engrossed in the House on April 6, 1984.

Came from the Senate Passed to be Engrossed as Amended by Senate Amendment "A" (S-386) in non-concurrence.

Thereupon, the House voted to adhere.

Non-Concurrent Matter

RESOLVE, to Establish a Select Committee Concerning Forest Practices in the State (Emergency) (H. P. 1776) (L. D. 2354) which Failed of Final Passage in the House on April 3, 1984.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "B" (S-381) in non-concurrence.

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

Mr. MacEACHERN: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves that the House recede and concur.

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

Mrs. CAHILL: Mr. Speaker, I would like to pose a question to the gentleman from Lincoln, Mr. MacEachern. When I was reading over this amendment, and what the amendment basically does is amend the composition of the Select Committee on Forest Practices, it says in Line 22 of the amendment "A representative from the University of Maine, Department of Forestry." My question is, did you intend to have the University of Maine, College Resources of Forestry, and to include a member from the Maine Forest Service?

The SPEAKER: The gentleman from Woolwich, Mrs. Cahill, has posed a question through the Chair to the gentleman from Lincoln, Mr. MacEachern, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. MacEACHERN: Mr. Speaker, yes.

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

Mrs. CAHILL: Mr. Speaker, this amendment is not doing that and I wish someone would table it so we could correct it, please.

Thereupon, the motion of Representative Higgins of Scarborough, tabled pending the motion of Representative MacEachern of Lincoln that the House recede and concur and later today assigned.

Communications

The following Communication:

COMMITTEE ON MARINE RESOURCES

April 9, 1984

The Honorable John L. Martin

Speaker of the House

111th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	18
Unanimous reports	12
Leave to Withdraw	2
Ought to Pass	3

Ought Not to Pass 0
Ought to Pass as Amended 4
Ought to Pass in New Draft 3
Divided reports 6

Respectfully submitted,
S/CARROLL E. MINKOWSKY
Senate Chair
S/NATHANIEL J. CROWLEY, SR.
House Chair

Was read and ordered placed on file.

The following Communication:
**COMMITTEE ON HEALTH AND
INSTITUTIONAL SERVICES**

April 6, 1984

The Honorable John L. Martin
Speaker of the House
111th Legislature
Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Health and Institutional Services during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received 34
Unanimous reports 29
Leave to Withdraw 3
Ought to Pass 6
Ought Not to Pass 0
Ought to Pass as Amended 12
Ought to Pass in New Draft 8
Divided reports 5

Respectfully submitted,
S/BEVERLY M. BUSTIN
Senate Chair
S/MERLE NELSON
House Chair

Was read and ordered placed on file.

**House Reports of Committees
Ought to Pass in New Draft**

Representative Racine from the Committee on Business Legislation on Bill "An Act to Establish a Maine Life and Health Insurance Guaranty Association" (H. P. 1767) (L. D. 2333) reporting "Ought to Pass" in New Draft (H. P. 1852) (L. D. 2453)

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

Ought Not to Pass

Representative Mitchell from the Committee on Energy and Natural Resources on Bill "An Act to Amend the Provisions of the Law Relating to the Control of Hazardous Air Pollutants" (H. P. 1692) (L. D. 2247) reporting "Ought to Pass" in New Draft (H. P. 1854) (L. D. 2455)

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish the Maine Job-start Program" (H. P. 1459) (L. D. 1911) reporting "Ought to Pass" in New Draft (H. P. 1855) (L. D. 2456).

Signed:

Senators:

BROWN of Washington
NAJARIAN of Cumberland

Representatives:

LISNIK of Presque Isle
CONNOLLY of Portland
CHONKO of Topsham
KELLEHER of Bangor
CARTER of Winslow
JALBERT of Lewiston

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

Signed:

Senator:

PERKINS of Hancock

Representatives:

SMITH of Mars Hill
MASTERTON of Cape Elizabeth
BELL of Paris
ARMSTRONG of Wilton

Reports were read.

Representative Carter of Winslow moved that the Majority "Ought to Pass" Report be accepted.

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

Divided Report

Seven Members of the Committee on Legal Affairs on Bill "An Act to Establish Age 21 as the Legal Age to Purchase or Consume Alcoholic Beverages and to Deter Drinking and Driving by Minors" (H. P. 1801) (L. D. 2376) report in Report "A" that the same "Ought to Pass".

Signed:

Senator:

SHUTE of Waldo

Representatives:

STOVER of West Bath
COX of Brewer
MURPHY of Berwick
DILLENBACK of Cumberland
McSWEENEY of Old Orchard Beach
COTE of Auburn

Three Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" in New Draft (Emergency) (H. P. 1856) (L. D. 2457).

Signed:

Senators:

CHARETTE of Androscoggin
DANTON of York

Representatives:

DUDLEY of Enfield

Three Members of the same Committee on same Bill report in Report "C" that the same "Ought Not to Pass".

Signed:

Representatives:

HANDY of Lewiston
SWAZEY of Bucksport
PERRY of Mexico

Reports were read.

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

Mr. COX: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Brewer, Mr. Cox, moves that the "Ought to Pass" Report "A" be accepted.

The gentleman may proceed.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I hope we can dispose of this without lengthy debate. I will briefly present to you some of the testimony that was presented to the committee in favor of this bill. It tended to be repetitious so I will read from only one of the presentations and only excerpts from that that I think are critical.

The Honorable Jim Burnett, Chairman of the National Transportation Safety Board, came up from Washington to testify before the committee. Here are some excerpts from this presentation.

It is young people under 21 who are most likely to drive and be involved in accidents while impaired by alcohol. Relative to their numbers in the population, they have a higher drunk driving rate than any other age group.

To some, the words "national disgrace" may sound overly dramatic, but I submit that the words are appropriate considering that we are talking about more than 4,000 deaths last year, all of them involving drinking drivers between the ages of 16 and 21. Drinking drivers under 21 were involved in 3,631 alcohol-related fatal highway accidents in 1982, which is about 21 percent of all such accidents. This is true even though the drivers in that age group represent only about 10 percent of the licensed drivers and drive about 9 percent of all miles driven.

The U.S. Surgeon General has reported that life expectancy has increased in the last 75 years

for all Americans except one age group, for those between 15 and 24 years of age. The death rate is actually higher than it was 20 years ago and the single leading cause of death for this group is drunk driving. The statistics for Maine tell the same sad story as the national figures.

In 1982, 27.3 of the drinking drivers involved in fatal crashes were under 21 and 27.4 percent of the fatalities resulted from these accidents. Yet, only 9.4 percent of the licensed drivers in Maine are under 21. Young drivers are over-represented in fatal accidents by more than 2.9 to 1. I think these are the best reasons that I could advance for acceptance of the "Ought to Pass" Report.

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

Mr. HANDY: Mr. Speaker, a parliamentary inquiry?

The SPEAKER: The gentleman may state his inquiry.

Mr. HANDY: Mr. Speaker, the bill that makes up Report B, L. D. 2457, is not on our desks and not in the document room. I was wondering if it is properly before us given the fact that I as a committee member do not even know what constitutes Report B?

The SPEAKER: In response to the gentleman's request, the Chair would tell members of the House that the bill is not yet back from the printers. However, we do have the bill here in the original form and we can read the Statement of Fact and you can see the difference between the two. If you have no problems with that, we will proceed to do that to speed up the process. It is perfectly clear, I think, once you hear the Statement of Fact and it does do exactly what the Statement of Fact says it does.

Thereupon, by unanimous consent the Statement of Fact was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Mills.

Mr. MILLS: Mr. Speaker, Members of the House: I think when they moved the drinking age from 18 to 20 years old it was probably a good idea. One of the major arguments for doing that at that time was the fact that there were people worried about high school students drinking and I think that that was a good idea, but I think when you go from 20 to 21, you are beginning to get out of the high school range. I think even the basketball players by that time are basically out of high school and I think that what we should be looking at, the good gentleman from Brewer brought out the facts about the 16 to 21 year olds. Debate on this issue should be, what is the difference between what the bill says, you know, OUI's on the highway between 20 and 21, not 16, 17, 18, 19, 20 and 21 year olds, that is not what this bill is about. We already have a drinking age up to 20, we are not discussing below that point.

I would like to give you the figures on OUI and tell you what the greatest percentage is of OUI drinkers, that is what we are trying to get off the road. The highest percentage of OUI drinkers is from 20 to 24. Now if our idea with this bill is to get out and get these people with the same percentage rates, we should be going for raising the drinking age basically up to 24 year olds, if that is what the idea is behind this. At the point of 24 year olds, the next age bracket drops down 10 percentage points, down to 18 percent. So if that is the idea behind this bill, if we are going to move from one part to another because the percentages of OUI's, then let's raise the bill at that point where it takes effect and that would be at 24 years old.

I don't think we will do that because we know, first of, politically if we tried to raise it to 24 years old, we would have a very difficult time but I don't think it would be just because of that that we wouldn't do it, I think it would be because we have to realize, and I think we do, at what point do we expect someone be accepted as an adult.

Now we already have the arguments about the fact that you can be drafted, could have been at

one point at 18, you have to register for the draft now at 18, and then people say that if you can serve your country, why shouldn't you be able to drink? I suppose you can make that argument at 18 perhaps or at 19 but when you get to 20 and argue the difference between the person who is 20 years old and 21 years old—this bill is not about drinking, whether we like drinking or not, it is the fact that at what point are you going to decide that person should be allowed to come home and decide whether or not they are allowed to go to a store and buy a beer or whatever, and I think when you get to the difference between a 20 year old and a 21 year old, that the law as we have it now is a good law and we should stay with it.

Mr. Speaker, I would like to move indefinite postponement of this bill and all of its accompanying papers.

The SPEAKER: The gentleman from Bethel, Mr. Mills, moves that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: In order to be brief, I had left out one set of statistics which the previous speaker has pointed out and I will give you those.

When we look at just the 20 year old group, not the 16 to 21 but just the 20 year old group, we find that 9.1 percent of the drinking drivers involved in fatal highway crashes were age 20 in 1982; 8.2 percent of all those killed on the highways were in crashes involving a 20 year drinking driver; yet, only 2.4 percent of licensed drivers in Maine are 20 years of age. Thus, this age group is over-represented by a factor of 3.4 to 1 which is greater than the over-representation factor for the 16 to 21 year old group.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Bott.

Mr. BOTT: Mr. Speaker, Ladies and Gentlemen of the House: I am strongly opposed to this measure because I believe if you pass this legislation today, you will be penalizing over 99.5 percent of the age group involved in this legislation to go after a very few which I sincerely doubt you are going to be able to get by that method, those are the chronic alcoholic abusers, people least likely to be influenced by drinking norms and industry marketing practices. The people you will be penalizing in that age group have the privilege to vote, to pay taxes, to serve in the armed forces, to die for this country. I believe this is knee-jerk legislation and I think education is the proper route to go. I think that is where we have to concentrate. We have to concentrate in the high schools with chemical free graduation parties.

We just passed last week a bill that would provide for a national women's history week; I don't see why we can't have a national alcohol awareness week to combat the problem.

What we need, ladies and gentlemen, is a public campaign involving all segments of the population, all of us pulling together to combat this problem on our highways. If the sponsors of this legislation intend to save lives, I would suggest that they put a bill in requiring mandatory seatbelts. It has been estimated that between 12,000 to 16,000 lives a year could be saved nationally. Also, they should take a greater look at fail-safe ignition systems.

In looking over statistics from various areas around the country, I found that in many states the death toll actually went up for one year after this bill was passed. That is because if you raise the drinking age, you are going to send that segment of the population out to drink in parks, on beaches and in unsupervised settings. I think that is going to lead to greater car drinking, it could lead to students going over the border into Canada because I sincerely doubt that the Canadian Provinces are going to repeal their long held tradition of an 18 year old drinking age.

On the argument that this is going to result in reducing alcohol consumption, I would point out that while thousands of young people are legally deprived of the right to drink in Minnesota,

Michigan and Illinois, taxes collected from the sale of alcoholic beverages did not increase. The same amount of alcohol continued to be consumed even after the legislation was enacted. Lives were not saved in Montana. Fatal crash rates increased after the age was raised to 19 according to the Insurance Institute for Highway Safety. Lives were not saved in Iowa. Fatality rates for ages affected increased the first year according to the Iowa Governor's Office of Highway Safety, then returned to prechanged levels. Lives were not saved in Minnesota. The Department of Public Safety reported an initial increase in alcohol related fatalities among 18 year olds after the age was raised and then it returned to prechanged levels. Lives were not saved in Illinois. The National Highway Traffic Safety Administration found no significant reduction in crashes. Lives were not saved in Florida. Raising the age to 19 had no impact on the 18 year old highway crash involvement according to the Insurance Institute for Highway Safety.

Ladies and gentlemen, let's have a public campaign that goes out across the state, educate our young, let's include adults, let's include all these social groups that want to combat this problem but let's all get involved. I think private industry would be more than willing to participate in a campaign such as this.

What I have in my hands, ladies and gentlemen, is a pamphlet that is put out by Anheuser-Busch, "Know When to say When." It is a campaign to promote responsible drinking. In this brochure, it has films, bumper stickers, private industry will kick in the bucks, they have a stake in this too, they don't want to see irresponsible drinking.

Ladies and gentlemen, I will leave you with this quote, John F. Kennedy in 1962 said: "the great enemy of truth is very often not its lie, deliberate, contrived and dishonest, but the myth persistent, persuasive and unrealistic." I think the sponsors of this legislation have good intentions, I think they are trying to deal with this problem but I think this is a myth and I hope you reject this bill.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I feel a little awkward being on the same majority vote with Representative Cox and Representative Stover at this time because of my past record. However, I hope that you people will vote for the majority report. The Governor has requested this bill and I further hope that you do not vote against it because you think you will take the next amendment which is to put it out to referendum, because if you people take that position, I, for one, will vote against the bill. So I hope that you will vote for the majority vote.

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

Mrs. HOLLOWAY: Mr. Speaker, I would like to pose a question through the Chair. I would like to ask the committee, if you are a waiter or a waitress in the summer resorts during the summertime and you are under 21, would you be able to serve liquor?

The SPEAKER: The gentlewoman from Edgecomb, Mrs. Holloway, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mr. HANDY: Mr. Speaker, Members of the House: Simply, no.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Perry.

Mr. PERRY: Mr. Speaker, Ladies and Gentlemen of the House: You might find it strange that I voted for Committee Report C. My reason for Report C is that the testimony before our committee did not support the raising the age to 21 to permit liquor consumption. Testimony did suggest that the percentage of arrests for OUI remained constant to the age of 24, so if we are going to address the issue, we should put in a law that prevents consumption to age 24.

I agree that the law that permitted 18 year olds was a mistake and it was wrong. The move to age 20 was an intelligent one. Another move to change this law, in my opinion, is an unwise one. I am against taking away a right that our 20 year olds enjoy and the old saying that "if it ain't broke, don't fix it."

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like first to address myself to some of the statistics that were given to us by the gentleman from Orono, Mr. Bott. I don't know where he got his statistics that the change in drinking age in Michigan and Illinois was, as I understood him to say, a failure. The National Transportation Safety Board figures say that proof of the link between drinking age and highway mortality comes from the states of Michigan and Illinois. When each state raised the drinking age to 21, it scored dramatic accident reductions. For example, in Michigan, the rate of alcohol involved accidents among 18 to 20 year olds dropped 31 percent.

Now, I think the arrests for OUI are not as compelling a statistic as the fatalities are. These fatalities are among those that were not arrested for OUI. In other words, the constant rate of arrests for OUI had no relation to the fatalities. They apparently failed to arrest these people before they got killed so I think the figures for the frequency of arrests for OUI simply do not relate to the reasons for passing this bill, which is this disproportionate number of fatalities in this group, just the 20 year old group.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Bott.

Mr. BOTT: Mr. Speaker, Ladies and Gentlemen of the House: I have got the figures right here. If the good gentleman from Brewer, Mr. Cox, would like to table this, I would be happy to show the figures to him.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess in listening to the debate this morning it is a question of by raising the drinking age we are more concerned with taking problem drinking driver who is 20 years old off the highway. Well, I would submit to you people that I think that is not going to happen.

The reason I say this is, I think you have to look at the demographics of the State of Maine. Sixty percent of our population live within an hour or an hour and a half of the border, if we pass this legislation, where the drinking age is going to be lower than the State of Maine. What is going to happen? We are going to have that casual drinker who now might go down to the local store and buy a six pack of beer and go back to his college dorm or go back to his apartment or go back to his family's house or wherever the case may be and drink that six pack of beer or drink that pint or whatever the case may be.

What we are going to do here, ladies and gentlemen, with one of our states to the west of us that has a 20 year old drinking law is take people from maybe the Lewiston area, the greater Portland area, York County or my area, Norway, South Paris, whatever the case may be, put that fellow on the highway, he is going to travel to Conway, Berlin, Gorham, whatever the case may be. In the event you live in Aroostook County, he might go across the bridge and go over to New Brunswick and part of Canada and pick up his beverage there. What is going to happen? These people are either going to drink in those lounges across the border and then travel back to Maine driving under the influence or they are going over there and pick up their beverage and drink on the way back. I don't think that this makes good sense, folks. I think you know we are going to force some of those people who wouldn't be operating under the influence to operate under the influence.

I have to agree with some of the comments that were made by Mr. Cox and I also have to agree with some of the remarks made by the

gentleman from Orono, Mr. Bott. I just think that I would like to have the rest of this body go along with the motion of the gentleman from Bethel, Mr. Mills, to indefinitely postpone this because I don't think a lot of thought has been given to it. I think everybody is concerned and wants to do something about it but I think it has got to be done on a reasonable basis to make it effective. Otherwise, we are going to create fatalities, we are going to create accidents that we don't want to create. I don't think that that is the intent of this legislature.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I am going to be very brief. Several years ago when there was a move to raise the drinking age after these two bodies had lowered it to 18 years old, I got involved and I have been watching the statistics from personal curiosity. I think that it is important for all of you to know that in my own personal studies of these issues, let me say that the majority of OUI offenders convicted tend to be between the ages of 34 and 54. The highest incidences of personal injuries are between the ages of 24 and 34. Granted, the majority of fatalities and serious personal injuries tend to be between the ages of 16 and 21.

I contend that raising the age by one year is not going to make a single bit of difference. If this was a national program, if we were told by the federal government that all states must adopt a 21 year old drinking age, I think then I could support it but that is not the case and I certainly as a grandmother of the group intend to vote for the indefinite postponement of this bill.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: Very briefly, I am a member of the Legal Affairs Committee and heard all the arguments for this. I think you would be doing wrong to the people of the State of Maine if you vote to indefinitely postpone this bill. I could have voted for it but I thought we could make it even better with the next report. The next report sends it to the people and lets them decide. I thought it was a good way to get the young people, if they really want something, to get out and vote and show them what the polls are for. It might help some of these people in the House too that are politically expedient.

I also would like to say that I have some facts from the Maine State Police which I consider reliable. Some of the other facts that have been read here, I don't consider them to be reliable. The facts are, in the State of Maine, from 1980 to 1982 alone, 33 Maine people died, all accidents from 20 year olds. Now 33 deaths to me, I can't put a price on and I think Maine people cannot. I think Maine people should have a chance to decide this. I figured when I voted this out this way, that we in the House were not big enough to pass the bill in its original form and would probably defeat it. So I thought I would weaken it a little by saying, let's send it to the people and let them decide. The people out there don't want to kill anymore people. I am quite sure 33 is enough and they want the killing stopped, I do, but there is not enough conviction in this House to pass the original bill and the motion has already been made to indefinitely postpone the whole bill. I think that this is wrong and you shouldn't for that and if you can't go all the way, like the power here and now, please consider the amendment that I signed out of committee. I signed out to let the people vote for it because 33 deaths is a lot of people. It would be even closer to you if it was a loved one, but believe me, they were loved by somebody and they want it stopped.

Let's give the people a chance to decide, give the young people a chance to learn to go to the polls. Some of them are very reluctant to go to the polls and this might help get a few of them to the polls.

The SPEAKER: The Chair recognizes the gen-

tleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I fully agree with Representative Dudley. I always like to send out the question to the people when it is of great importance to the people. I only hope that this House will see fit to send out the minimum wage question to the people also.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Bost.

Mr. BOST: Mr. Speaker, Men and Women of the House: I was not planning to speak on this today but I personally support a referendum on this issue.

I have another area of interest. I think it is indeed noble to quote on the floor of this House Anheuser-Busch's attempt, gallant attempt, and their campaign to reduce problem drinking. It is, indeed, important to identify to us all the philanthropists among the breweries. My good friend from Orono, Mr. Bott, can be commended for conveying their message to us today. What I would appreciate from that good gentleman in his crusade for an educational awakening is an answer to an interesting question—how did that gentleman vote on a certain bill to require all new drivers to complete an approved defensive driving course with an emphasis on substance abuse?

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

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: Most of you know how I feel about alcohol and you have seen me vote against beer at the ballpark. You have seen me support the FAS bill. You have also seen me support legislation last year for third party payment for treatment of alcohol abuse. You may feel that it is a little strange or a little out of character for me to stand here and speak in support of the motion to indefinitely postpone, which is exactly what I intend to do and I don't do it out of a feeling for alcohol, either for or against, I myself haven't had a drink in over 15 years. I think what we are dealing with is an issue that is much more basic and it is an issue of conformity within our legal system, within our laws.

The age of majority in this country is 18. You are an adult at 18. To my knowledge, and I would appreciate it if someone would correct me, the only areas where there is an age limit above 18 in this country is that you must be 21 to run for Congress and you must be at least 35 to run for President. I find it somewhat strange that we would place the same gravity on bending your elbow as we do on running for Congress.

If we sit and look at it, I agree that there is a very serious problem with underage people drinking and driving. I would be the last one to deny that problem.

I agree with Mr. Bott that the proper way to address that issue is not through passing a piece of prohibitive legislation. We have had ample evidence to show that prohibition does not work. In many cases, it actually increases the problem. The proper way to address it is through education in our schools, education through our media, education by the very purveyors of the alcohol themselves. The improper area to address this is through prohibitive, non-conformative legislation.

It is incumbent upon us to show that laws are the same, that laws are equal, that we don't sit here and say, there is one group that is not doing what we want them to do so we are going to pass a law so that group can't do it, not because that group is doing something terribly wrong but because this legislature and this state in its wisdom wasn't capable of designing a system to educate those people so they would act in what we deem to be the proper manner.

I would urge your support of the indefinite postponement motion.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Miss LaPlante.

Miss LaPLANTE: Mr. Speaker, I would like to pose a question through the Chair. This is just

a clarification on Representative Holloway's question. I believe before we had this increase to 21 proposal before us that the age to sell alcohol was 18. I have been looking through this bill and I don't see an increase in that. Would someone please correct me if I am wrong but I think the age to sell alcohol is still the same.

The SPEAKER: The gentleman from Sabattus, Ms. LaPlante, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mrs. HOLLOWAY: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that the Representative from Sabattus is clarifying this. I just went out into the lobby to check on the answer that I had received and I am told that the supervisor in the restaurant, as long as she or he is of drinking age, she may supervise those who are 18, 19 or 20 that are working in the establishment. Because I do come from the Boothbay region where we do have lots of college students that work there during the summer, this bill was of a concern to me but, according to the Restaurant Association, this bill will not affect college students working in motels and restaurants.

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

Mr. GAUVREAU: Mr. Speaker, Men and Women of the House: I will be brief. Andy Warhol once said that in this media age, every person will be famous for 15 minutes. I think today in the House every person will try to be famous by speaking 15 minutes.

I noticed in reading over the draft, the Majority Report, that there seems to be a defect. I am calling your attention to Page 8, Lines 27 through 38. You may recall that last year we adopted legislation to encourage speedy justice to those convicted or charged with operating under the influence and we adopted also similar legislation for those motorists or juveniles who had a .02 blood-alcohol content or higher. The provisions we made in the statutes last year required a mandatory suspension of license for those motorists pending their trials. They did have the right to appeal those suspensions to the Secretary of State and have an administrative hearing. The issue at the hearing was going to be limited to whether there were proper grounds or probably cause to stop the motorist in the first place. Our courts have held that that language was unduly restrictive and that it denied the motorists the opportunity to challenge the integrity of the blood alcohol tests.

It seems to me that on Page 8 of L. D. 2376, Lines 27 through 38, that same infirmity is also in that statute and would doubtless, also, be ruled unconstitutional. I am just wondering, if I might pose a question through the Chair, whether the committee was aware of this problem and dealt with it either in this bill or plans to do so by way of amendment?

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

The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I have to say that this is the first time I have heard a constitutional question raised either here or before the committee.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Mayo.

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate rising but I just want to point out one thing. Actually, I would like to pose a question through the Chair to the sponsors of this bill.

I can't understand, in looking at this draft, why when this was mentioned in January as being a proposed piece of legislation we are dealing with in the last week of the legislature. Looking at the draft, there is a simple change that is made in it changing number 20 to 21; there couldn't have been a drafting problem with this bill.

The SPEAKER: The Chair will respond to the question pursuant to House Rule 1. The bill was in the possession of the Commissioner of Public Safety's Office and had not been transmitted to Research for drafting.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I will turn the egg timer up giving me three minutes. I feel that I am entitled to that as the sponsor.

I am the sponsor of this bill. It was given to me by my Governor. I thought it was an important bill, it had already been endorsed by our President.

I did not write a long speech for today. For a short time, I thought I could give you a canned speech, perhaps my speech on when is a sinful sinful, but I didn't want to give you that one with four days remaining.

When you talk about problems that this bill is directed at, you need not have a long speech. I remember that morning, four thirty in the morning in that Portland tenement house as I stood on the front stairs, I did not stand alone. The hospital chaplain was there at my side. I was thinking, what do you say when your message is: "Johnny won't be home tonight, Johnny won't be home again." As I looked up in that bay window, I saw the curtain move. When you look out of the window at four-thirty in the morning and see a priest and a policeman on your doorstep, they haven't got good wishes. Yes, too many of these.

I went to the hearing, I heard all kinds of people, I heard the people mentioned by the gentleman here, I heard about those college students; those college students, they have my heart, that 20 year old college student. I heard the President of the student center from up there in Orono. Some of you people don't even know where Orono is. I know where it is, I go frequently to Orono. I go there to see my 20-year-old daughter up there. I have gone through many of the halls up there. I don't think we should debate some of the things about their way of life up there. I would endorse any program you have to make it a better place for our students.

Yes, the President's Commission told us that if this bill to raise the drinking age to 21 is passed, it will save 730 lives in one year. You know what that means in this state? Perhaps six or eight 20 year olds have a chance to be alive that they otherwise would not have and come Christmas Eve next, I think it is a wonderful gift for this legislature to give to the people of Maine, six or eight of their sons and daughters for Christmas Eve.

Yes, putting it out to referendum, I don't think that is the answer. I mentioned at the committee hearing on this bill that that same day I got a letter from a lady in southern Maine who had a problem with her 25 cows and I said, I wouldn't support putting that out to referendum either. I think this is the time that we should stand up and be counted. This bill has already created enough embarrassment for this body.

Mr. Bott of Orono was granted permission to speak a third time.

Mr. BOTT: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I don't want to take up anymore time on this issue than we already have discussed but I will say, I am not so old as to be removed from the consumption patterns of young people. I see them on weekends, I have many friends that are in this age group and I know and I can tell you that if you raise this drinking age, you are not going to stop them from drinking, you will just drive them underground. You are going to drive them into unsupervised settings. I think it is going to lead to greater car drinking and it could result in a higher death rate.

I would just leave you with one more thought to consider. Studies have consistently shown that the consumption patterns of young people are largely affected by those of the adults and as long as members of this body and across the

state have alcohol at nearly all of their social functions, as long as it is a socially accepted norm, then that generation of young people is going to be affected. I am just saying to you as parents, you have got to be responsible in your use of alcohol.

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

Mrs. MAYBURY: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Community Action group in Brewer against drug and alcohol abuse, I feel that is a more appropriate way to go and I urge you to vote in favor of indefinite postponement and I would request a roll call.

The SPEAKER: A roll call has been requested.

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Being a cosponsor on this bill, I feel that I should say a couple of things. Like so many before me I don't want to waste your time but being a cosponsor, I think I have a privilege here.

First off, how do the people in Maine feel about this bill? Well, the television station, WCSH, Channel Six in Portland, ran a survey of about 1,000 people and found out that 621 people supported this legislation and 376 said no.

At the University of Maine in Orono, another poll was taken on this bill on March 28th and these professional research surveyors came up with 68.9 percent of the people in Maine favor this bill of moving the drinking age from 20 to 21.

I don't want to be redundant and go through the liturgy of all the things we have from the federal government and what they are trying to do with this program. We used to have about 20 states that were age 21, it went to 24 and I understand that today there are 31 states in the United States that have arrived at this 21 age for legal drinking.

In 1972 or 1971, when you folks down here that were here took the legislation and put it from 21 to 18, I was the Dean of Students in a college at the time and I thought that was the most beautiful thing that could ever happen. I wouldn't have to worry about those kids anymore, they could drink, they wouldn't be doing it illegally and so forth and it looked like a great thing for the university and all the private colleges in the state and it proved out just the opposite. We became like what one of the trustees said, the places were like a zoo. Because of the kegs of beer and the beer flowing around the campuses and so forth, it became an uncontrollable situation so, as a very liberal dean, I learned a lesson, that this was the wrong way to go.

In 1972, we tried a social experiment, we went to age 18 and it did not work and we have all the statistics on increased deaths and everything else and I think we should take a look at them.

One other point, someone mentioned New Hampshire. Let me tell you what New Hampshire is doing on this. In six New England states, five of them have the 20 year old law right now and one has an 18, that is Vermont. Vermont, I don't think as long as they have the Governor they have now, will ever change because he is vetoing the bill every time they try to push it to even 19.

New Hampshire has passed a bill already that says if Massachusetts and Maine go to 21, they will automatically go to age 21, it is in their books, I have read it downstairs in the library. They know that Vermont is going to stay at 18, that is their neighbor. Some of us are worrying about them going over to Berlin and Gorham and so forth. New Hampshire is not worrying about that, they have already got it in place, they are not going to worry about Vermont. Just as long as Massachusetts and Maine go along with the 21, they too will do it, and Massachusetts is looking at it.

I think it is a good bill, I think it is in keeping with what our educators in the state are doing in high school. We were just cited nationally for what we are doing with alcohol problems in the state. Our drunk driving legislation, we were recognized nationally for that and I think we are on

the right course here. We are not doing this to hurt the kids, we are doing it to keep them alive and to help them.

Mr. Jalbert of Lewiston moved the previous question.

The pending question was "Shall the main question be put now?" A vote was taken. 64 having voted in favor of the same and 10 against, the main question was put now.

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 before the House is on the motion of the gentleman from Bethel, Mr. Mills, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 461

YEA—Ainsworth, Armstrong, Baker, Beaulieu, Bonney, Bott, Brown, D.N.; Cahill, Carroll, D.P.; Carter, Cashman, Connors, Connolly, Cooper, Crouse, Crutis, Daggett, Diamond, Erwin, Gauvreau, Greenlaw, Handy, Higgins, H.C.; Ingraham, Jackson, Jalbert, Joseph, Kelly, Kiesman, Lebowitz, Lehoux, Lisnik, Livesay, Locke, MacEachern, Mahany, Manning, Maybury, Mayo, McCollister, McGowan, Michael, Michaud, Mills, Mitchell, J., Moholland, Murray, Nadeau, Perkins, Perry, Reeves, J.W.; Roderick, Rotondi, Salisbury, Scarpino, Seavey, Soucy, Soule, Swazey, Tamaro, Theriault, Vose, Weymouth, Willey, The Speaker.

NAY—Allen, Anderson, Bell, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Callahan, Carrier, Carroll, G.A.; Chonko, Clark, Conary, Cote, Cox, Crowley, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gwadosky, Hall, Hayden, Hickey, Higgins, L.M.; Holloway, Jacques, Joyce, Kelleher, Ketover, Kilcoyne, LaPlante, MacBride, Macomber, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; McHenry, McPherson, Melendy, Mitchell, E.H.; Murphy, E.M.; Murphy, T.W.; Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Pines, Pouliot, Racine, Reeves, P.; Richard, Roberts, Robinson, Rolde, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevens, Stevenson, Stover, Strout, Thompson, Tuttle, Walker, Webster, Wentworth, Zirkilton.

ABSENT—Andrews, Dudley, Hobbins, Kane, Martin, H.C.; McSweeney, Randall, Ridley, Telow.

65 having voted in the affirmative and 77 in the negative, with 9 being absent, the motion did not prevail.

The SPEAKER: The question now before the House is on acceptance of Report A.

The Chair recognizes the gentleman from Harrison, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to request a roll call.

The previous speaker before we voted on the issue as to whether we should raise the drinking age from 20 to 21 reflected on the law that has been passed in New Hampshire. I just want to make it perfectly clear that if we pass this today, this does not mean that New Hampshire will go to 21 years old. That was predicated on the fact that Maine would go to 21 and Massachusetts would go to 21 before that law would become a fact.

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 before the House now is on the motion of the gentleman from Brewer, Mr. Cox, that the House accept Report A "Ought to Pass." Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 462

YEA—Anderson, Bonney, Callahan, Carrier, Carter, Chonko, Conary, Cooper, Cote, Cox, Crowley, Davis, Day, Dexter, Dillenback, Drinkwater, Hickey, Higgins, L.M.; Holloway, Jacques, Joyce, Kelleher, Kilcoyne, Lebowitz, Livesay,

MacBride, Macomber, Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; McPherson, McSweeney, Murphy, E.M.; Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Racine, Reeves, P.; Richard, Robinson, Sherburne, Small, Smith, C.W.; Sproul, Stevens, Stevenson, Stover, Thompson, Walker, Webster, Wentworth, The Speaker.

NAY—Ainsworth, Allen, Armstrong, Baker, Beaulieu, Bell, Benoit, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Carroll, D.P.; Carroll, G.A.; Cashman, Clark, Connors, Connolly, Crouse, Curtis, Daggett, Diamond, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Ingraham, Jackson, Jalbert, Joseph, Kelly, Ketover, Kiesman, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Mahany, Manning, Martin, A.C.; Maybury, Mayo, McCollister, McGowan, McHenry, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, T.W.; Murray, Nadeau, Paul, Perkins, Perry, Pines, Pouliot, Randall, Reeves, J.W.; Roberts, Roderick, Rolde, Rotondi, Salsbury, Scarpino, Seavey, Smith, C.B.; Soucy, Soule, Strout, Swazey, Tammaro, Theriault, Tuttle, Vose, Weymouth, Willey, Zirkilton.

ABSENT—Andrews, Dudley, Higgins, H.C.; Hobbins, Kane, Martinn, H.C.; Ridley, Telow.

55 having voted in the affirmative and 88 in the negative, with 8 being absent, the motion did not prevail.

Thereupon, on motion of Mr. Jackson of Harrison, the House accepted Report C "Ought Not to Pass."

Mr. Kelleher of Bangor moved that the House reconsider its action whereby it accepted Report C.

Mr. Martin of Eagle Lake requested a roll call.

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 Bangor, Mr. Kelleher, that the House reconsider its action whereby Report C was accepted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 463

YEA—Anderson, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Callahan, Carrier, Carroll, G.A.; Chonko, Clark, Conary, Cooper, Cote, Cox, Crowley, Day, Dexter, Drinkwater, Foster, Hall, Hayden, Hickey, Jacques, Joyce, Kelleher, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, MacBride, Macomber, Mahany, Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; McHenry, McSweeney, Mitchell, E.H.; Murphy, E.M.; Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Pines, Pouliot, Racine, Reeves, P.; Richard, Roberts, Robinson, Rolde, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevens, Stevenson, Stover, Strout, Thompson, Tuttle, Walker, Webster, Wentworth.

NAY—Ainsworth, Allen, Armstrong, Baker, Beaulieu, Bell, Bonney, Bott, Brown, D.N.; Cahill, Carroll, D.P.; Carter, Cashman, Connors, Connolly, Crouse, Curtis, Daggett, Davis, Diamond, Dillenback, Erwin, Gauvreau, Greenlaw, Gwadosky, Handy, Higgins, H.C.; Higgins, L.M.; Holloway, Ingraham, Jackson, Jalbert, Joseph, Kelly, Kiesman, Lebowitz, Livesay, Locke, MacEachern, Manning, Martin, A.C.; Maybury, Mayo, McCollister, McGowan, McPherson, Melendy, Michael, Michaud, Mills, Mitchell, J.; Moholland, Murphy, T.W.; Murray, Nadeau, Perkins, Randall, Reeves, J.W.; Roderick, Rotondi, Salsbury, Scarpino, Seavey, Soucy, Soule, Swazey, Tammaro, Theriault, Vose, Weymouth, Willey, Zirkilton.

ABSENT—Andrews, Dudley, Hobbins, Kane, Martin, H.C.; Perry, Ridley, Telow, The Speaker.

70 having voted in the affirmative and 72 in the negative, with 9 being absent, the motion did not prevail.

Sent up for concurrence.

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

Passed to Be Enacted

Emergency Measure

An Act to Amend the Laws Concerning Commercial Whitewater Rafting (S. P. 873) (L. D. 2367) (S. "A" S-373)

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

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I wish to speak on this bill for a moment primarily to make clarification on the record but I would also like to say if I might that in the six years that I have been down here in the legislature, serving on this Select Committee on Whitewater Rafting has been one of the most memorable and enjoyable of my legislative duties.

I would like to tell you that that was a committee made up of first-rate people, dedicated to what their responsibility was and they worked just like I believed it ought to work. We came out with what I believed to be some excellent legislation in the whitewater rafting legislation last year and what we have here before you this year.

You stop and consider that we passed legislation last year to regulate a new industry and you had a very minimum contact from your constituents, even those people being regulated, about any unfairness or concern with the action we had taken. I think that is an outstanding achievement and I am proud to have had a part of it.

This year it was necessary, as is usually the case when you pass almost landmark legislation, that it requires a little fine tuning and we have done that this year.

I would like specifically to speak and put on the record some comments in regard to Section 8 of the bill before you and I will read it. It refers to the allocation process. It was necessary to actually tell people how much they could utilize the resource, which is the rivers of Maine, and we told them how many people they could run down that river, the commercial rafters, that they could collect pay for using that state resource. It was necessary to come back this year and clarify that a little bit.

What we said was: "No allocation may be required for use during April and the first 17 days in May, the last 16 days of September and October, so long as the recreational use limit has not been reached. If the department determines the recreational use limit of a river will be reached during those months or a portion of those months, the department shall provide by rule for allocation during that period."

What this says is that while we did allocate the use of the river during the period of heavy activity, we recognized that one the early part of the summer season and the late part of the summer season, the early fall, there were periods that were not heavily utilized; therefore, those people who had an allocation that they could exceed by good marketing practices, they could run more than their allocation during those beginning and ending periods.

However, it was the intent of the committee, and I hope of this legislature by passing this bill, that those periods at the beginning and end would not be utilized in negotiating an increase or subsequent allocation of spaces. The reason that this is the intent is so there will not be a lot of cutrate operations running in the early part of the year when it is really only the most dedicated people who should be on the river, and the latter part of the year the same types of people when the water is cold and the hazards are greater, and that they could run cutrate operations in order to change the allocation. It was not the intent of the legislature that these periods could be used in that manner.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This whitewater rafting industry, I would like to know, who is it that is asking us to regulate them, to set up rules and regulations? If it is the industry, which I think it is, four or five years down the road is this indus-

try going to tell us to get our nose out of their business? I am just wondering, who is it that has asked us to get involved in this business of whitewater rafting?

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

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

Mr. McGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: First off, I would like to comment briefly on the remarks made by Representative Kiesman. They are completely accurate and they do represent the unanimous feelings, I believe, of that committee. We did have landmark legislation.

In answer to Representative McHenry's question, the whitewater rafting industry came to us, we being the Maine Legislature, and said, we need some help. This industry is growing very fast. These are only the commercial whitewater rafters, and I believe you will see some of those, Representative McHenry, on some of the brochures that are going out statewide promoting this new industry. I recently saw it on a commercial from Central Maine Power showing several people engaged in that activity. They asked us to provide some regulation for this very fast growing industry and we did that. We did it with an encompassing law, in a law that some people felt wasn't entirely fair at the time but have since come to us and said that this is one of the best laws in the country. As a matter of fact, several states who have the resource, and the only states that have the resource, which are the rivers, that could have such an industry have asked us for copies of our law so that they may consider such laws. We have right now one of the best regulated industries in the country. What my answer would be to whether they will be back or not asking us to take away the regulation is, I don't know. I hope they don't because this bill is extremely fair to the people of the State of Maine who actually own those rivers and for the people who use them for other usages, such as fishing and whitewater canoeing and kayaking and other whitewater activities.

I think this is a very good law and I want to thank the members of the Whitewater Rafting Committee who served with me and I hope you will vote for its enactment.

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 same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Emergency Measure

RESOLVE, Directing the Department of Human Services to Prepare Draft Regulations on the Licensing of Birthing Centers (H. P. 1788) (L. D. 2361) (H. "A" H-624)

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. 103 voted in favor of the same and one against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Allow Access to Financial Records of Public Assistance Recipients (S. P. 852) (L. D. 2310) (C. "A" S-374)

An Act Amending the Child and Family Services and Child Protection Act (S. P. 881) (L. D. 2386) (H. "A" H-660)

An Act to Clarify and Make Corrections in the Inland Fisheries and Wildlife Laws (S. P. 908) (L. D. 2446)

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 Seante.

An Act to Republish Williamson's Bibliography of Maine (S. P. 910) (L. D. 2449)

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

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

Mr. ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: This is an Act to Republish Williamson's Bibliography of Maine. If you recall the earlier debate on this, it was limited debate but it was a divided report out of committee.

This particular bill calls for a spending of \$16,000 of General Fund money to reprint a book that was originally published in 1893. One of the cosponsors is my good friend, the honorable gentleman from Brunswick, so I am reluctant to speak against this, but I was on the "ought not to pass" report.

At the present time, this legislature is faced with a number of important bills before us with no money to fund them. We are talking about \$6.3 million to try to meet the University of Maine employee raises. We have no money to fund AFDC increase. We have no money to fund home-based care. These are bills that are on the table.

Many of us notice at times the visiting clergymen pray for the Speaker of the House, and I finally found out why. If you look above him, the roof is about ready to fall in.

One of the entrances of this magnificent building is propped up with six by six timbers to hold it up. There are a lot of things that have got to be done, so in good conscience I see no way that we should be voting \$16,000 at this date, at this time, to republish a book that was printed originally in 1893.

The State Librarian testified neither for nor against this bill before our committee and indicated that he would much prefer to have the money and let a committee in his department decide what should be republished and what shouldn't be republished.

I am sure it is a fine book and I am sure Mr. Williamson was a fine scholar and I am sure this work has a lot of value to researchers. There are copies available, many of them in poor shape, but I see no way that we can afford to spend \$16,000 of General Fund money to do this particular thing when there are many other more worthwhile things waiting for our attention.

I would ask for the yeas and nays, Mr. Speaker, on the enactment of this bill.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Livesay.

Mr. LIVESAY: Mr. Speaker and Members of the House: I will be very brief. I was going to have lunch with Representative Armstrong today, but I'm not now.

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

ROLL CALL NO. 464

YEA—Ainsworth, Allen, Andrews, Baker, Benoit, Bonney, Bott, Brannigan, Brodeur, Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Conary, Connors, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Davis, Day, Diamond, Dillenback, Erwin, Foster, Gauvreau, Greenlaw, Gwadlosky, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Joseph, Ketover, Kilcoyne, LaPlante, Livesay, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Matthews, K.L.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, Melendy, Mills, Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Paradis, E.J.; Perry, Pouliot, Randall, Reeves, P.; Richard, Rolde, Rotondi, Small, Soule, Sproul, Stevens, Stover, Strout, Theriault, Thompson, Tuttle Vose, Walker, Weymouth, The Speaker.

NAY—Anderson, Armstrong, Bell, Brown, A.K.; Brown, D.N.; Cahill, Carter, Clark, Curtis, Drinkwater, Hall, Ingraham, Jackson, Jacques, Jalbert, Joyce, Kelly, Kiesman, Lebowitz, Lehoux,

Masterman, Maybury, McSweeney, Paradis, P.E.; Parent, Paul, Perkins, Pines, Racine, Reeves, J.W.; Roberts, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Stevenson, Swazey, Tammaro, Webster, Wentworth, Willey, Zirkilton.

ABSENT—Beaulieu, Bost, Dexter, Dudley, Hobbins, Kane, Kelleher, Lisnik, MacBride, Martin, H.C.; Masterton, McPherson, Michael, Michaud, Mitchell, E.H.; Norton, Ridley, Telow.

86 having voted in the affirmative and 47 in the negative, with 18 being absent, the motion did prevail.

Signed by the Speaker and sent to the Senate.

An Act to Clarify Responsibility Under the Maine Potato Quality Control Law (H. P. 1686) (L. D. 2244) (H. "A" H-656 to C. "A" H-614)

An Act to Clarify Abrogation of Privileged Communications (H. P. 1700) (L. D. 2254) (C. "A" H-658)

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.

Enactor Later Today Assigned

An Act to Exclude Social Security Benefits from Taxation (H. P. 1708) (L. D. 2257) (C. "A" H-659)

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

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out of Taxation with a unanimous report. It bothered my conscience at the time and it has bothered it ever since. I have been advised politically to leave it alone but I can't. I have people in my district raising families on \$10,000 a year. This bill permits a person with a \$25,000 a year retirement income to be exempt from paying taxes on his social security benefits in the State of Maine as he is required to at the federal level. A man and his wife can have an income of \$32,000 a year, yet not be required to pay income tax on his social security benefits in Maine as he is required to on his federal income tax. I just do not think that we need to tell the working men and women of this state that it is all right to earn \$25,000 a year and not pay taxes, but if you earn \$16,000 or \$10,000 a year, are raising your family, you must pay income taxes.

Mr. Speaker, I would like a division.

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

An Act Relating to the Enforcement and Collection of Child Support Obligations (H. P. 1717) (L. D. 2276) (H. "A" H-666 to C. "A" H-654)

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

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

Passed to Be Engrossed

Bill "An Act to Amend the Provisions of the Law Relating to the Control of Hazardous Air Pollutants" (H. P. 1854) (L. D. 2455)

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

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (Emergency) (H. P. 1581) (L. D. 2093) on which the Bill and Accompanying Papers were Recommitted to the Committee on Taxation in the House on April 9, 1984.

Came from the Senate with the Majority "Ought to Pass" in New Draft Report of the Com-

mittee on Taxation Read and Accepted and the New Draft (H. P. 1782) (L. D. 2347) Passed to be Engrossed in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Establish a Commission to Assess the Loss of Farmland in Maine" (H. P. 1842) (L. D. 2438) which was Passed to be Engrossed in the House on April 9, 1984.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-389) in non-concurrence.

The House voted to recede and concur.

Representative Gwadlosky of Fairfield moved that the House reconsider its action of earlier in the day whereby the Minority "Ought Not to Pass" Report was accepted on Bill "An Act to Increase Minimum Wage to \$3.55" (S. P. 835) (L. D. 2236) and requested a roll call vote.

Mr. Diamond of Bangor moved that this be tabled until later in today's session.

Mr. Gwadlosky of Fairfield 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 Diamond of Bangor that this be tabled until later in today's session pending the motion of Representative Gwadlosky to reconsider whereby the Minority "Ought Not to Pass" Report was accepted in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 465

YEA—Ainsworth, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cox, Crowley, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Matthews, K.L.; Matthews, Z.E.; Mayo, McCollister, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Paul, Perry, Rolde, Rotondi, Smith, C.B.; Stevens, Strout, Swazey, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Allen, Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Conary, Connors, Cooper, Cote, Crouse, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Gwadlosky, Higgins, L.M.; Holloway, Ingraham, Jackson, Joseph, Kiesman, LaPlante, Lebowitz, Livesay, Masterman, Maybury, McGowan, McPherson, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Roberts, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Soucy, Soule, Sproul, Stevenson, Stover, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Dudley, Kane, Lisnik, MacBride, Martin, H.C.; Masterton, Moholland, Norton, Reeves, P.; Ridley, Telow.

71 having voted in the affirmative and 60 in the negative, with 11 being absent, the motion did 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 for lunch 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.

On motion of Representative Jalbert of Lewiston,

Recessed until two o'clock in the afternoon.

**After Recess
2:00 p.m.**

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (Emergency) (S. P. 899) (L. D. 2417) (S. "A" S-377 and S. "B" S-382) which was tabled and later today assigned pending passage to be engrossed.

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

House Amendment "A" (H-682) 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: As a matter of clarification, what my amendment proposes to do is delete the language in L. D. 2417 which would allow the Department of Fisheries and Wildlife to carry commercial advertising in a state game magazine which is in direct competition with private enterprise, and I don't happen to agree with this type of activity for any state bureau or department.

The other section of the amendment deletes the following paragraph which is also on the same page, Page 28 of L. D. 2417, and this purports to give the Fish and Wildlife Commission the authority to sell or lease photographs or negatives owned by the department. Again, I think this is an area we are opening up a can of worms. An individual working in the department would be taking pictures on department time and he can adopt the attitude that gee, this is an excellent picture, why should I turn it over to the department, I can sell it. No other department in the state of Maine is authorized to do this at this time.

I have also taken the liberty to check with some of the other departments to see about any of the information that they gather while they are carrying out their duties and none of them do to my knowledge, so I don't think we should allow any department to compete directly with private enterprise.

I would hope that this amendment is adopted.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I move that we indefinitely postpone this amendment and would like to speak to my motion.

The SPEAKER: The gentleman from York, Mr. Rolde, moves the indefinite postponement of House Amendment "A".

The gentleman may proceed.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The recommendations that the gentleman is trying to remove from our report were part of the recommendations of the special subcommittee that we had studying the Fish and Game Department. One of the things that we found was that the Fish and Game magazine, which many of you may know, it is an excellent publication, was losing money, and so as part of our recommendations to try and help the department with its financial problems, we learned that they were forbidden by law to accept any advertising in their publication. The publication loses approximately \$50,000 a year. This recommendation of ours, with another recommendation for increased promotion of the magazine, would bring them about \$25,000 more.

The magazine has about 13,000 subscribers, of which about 6,000 are out of state, 7,000 are in-state. It is a very useful promotional tool, but we feel that they have been sort of hamstrung.

This was the feeling of the entire committee with the exception of one member of the committee, and her position was that she really wanted to abolish the magazine entirely. The committee

felt that the magazine was an excellent magazine, it has an extremely good reputation, but they just have not been able to use it as well as possible.

At the hearing, we did not have anyone come and oppose this recommendation, so I don't know who would be in direct competition. I did speak with the publisher of the one publication in the state that deals with fish and game. His position, again, was that he would like to see the magazine abolished but he did not come to the hearing although he knew about it and he did not testify against this particular recommendation.

The second part of it dealing with the selling or leasing of photos, again, as far as my own personal experience, I know that there are departments of the state where if you go and get a photograph from them, you have to pay a fee, for example, using Central Photo. I know that out of personal experience because I just did it for a book that I published and I did have to pay for every photograph that was reproduced for me. They were also very useful to me in publishing the book. I think our recommendation says they 'may' charge for selling or leasing photographs.

I would urge you very strongly—as I said, this was a very strong feeling of the committee, that the magazine should continue and that to try and at least deal with the financial problems that we allow it to accept ads, no political advertising. Also, the law does say that no wardens or anyone can solicit advertising. I do hope you will vote to kill this amendment.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will go along with the motion of the gentleman from York, Mr. Rolde, that we indefinitely postpone this amendment.

It was not only the opinion of his committee, the Audit and Program Review Committee, but also it was the opinion of the Fisheries and Wildlife Committee that we should permit these people to sell advertising in their publication. If any of you have ever read it or looked at it, you would comment on what a wonderful publication it is. It contains photographs that are superbly done, it contains scientific articles on different species that are done by experts and are of great value. As a matter of fact, I have subscribed to it for several years and I have every back copy of it in my bookcase at home and I intend to retain them because there are things that you can refer to later on. Everything that is in it is based on scientific information gathered by the department's people. I think it is an asset to the department, it is excellent PR for them to spread the work throughout not only the State of Maine but throughout the country. As a matter of fact, this magazine is subscribed to by people all over the world, and anybody that I have ever talked with who has read it or looked at it or seen a copy of it can only say good things about it.

The present law doesn't permit any advertising in it, and with proper control of the advertising, I think it would not only be good for the publication and the department but it would also be good for any of the Maine corporations which would choose to advertise in it. I can single out one in particular, L.L. Bean, who caters to people from all over the world. If they chose to advertise in this publication, it would enhance their business as well as be a good thing for the department and the department's publication.

I would hope that you would not go along with this amendment. I just feel that this is one more chapter in the saga to sabotage this department by the gentleman from Waterville.

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

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to support the good gentleman from York, Mr. Rolde, in his motion to indefinitely postpone.

Our Audit and Program Review Committee,

and I was on the subcommittee for Inland Fisheries and Wildlife, discussed this extensively, and as he said, no one was there to oppose it.

Presently, the statutes contain language which prohibit the department from carrying any commercial advertising in its publications. This statute makes no reference to political advertisements. The committee felt that the department should be allowed the flexibility to carry commercial advertising in the magazine as a means to increase revenues and promote the magazine's self-sufficiency.

The magazine provides a vehicle to educate the public about the department's activities, programs and species management. Of the 13,350 individuals who subscribe, 7,350 are residents, while the balance of 6,000 are nonresidents. The committee felt that the magazine does serve an important public relations and educational function and should therefore be continued.

However, the committee also finds that the department should increase its efforts towards upgrading and making the magazine self-supporting.

I would hope you would support the motion of the good gentleman from York, Mr. Rolde.

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

Mr. CARTER: Mr. Speaker, I would like to pose a question through the Chair. I would like to know from anyone who would care to answer whether or not the Highway Department, which is also operating on dedicated revenue, sells any of the information that it gathers through its activities as charged by law to any organization such as DeLorme who prints the state map?

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

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

Mr. CARTER: Mr. Speaker, I am not surprised that nobody got up because the department does not sell any information.

Now, the Department of Transportation was having trouble with its funds, meeting its obligations, so they revamped the department, they took items that were not profitable and it was not profitable for the department to continue printing the maps so they put it out to private enterprise. If the Fish and Wildlife Department has an operation that is not profitable, they should do likewise. There are agencies out there that can very well deal with this and they should not get into the business of competing directly with any organization that is now engaged in that type of activity, and I would hope you would vote against the motion to indefinitely postpone.

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

Mrs. ERWIN: Mr. Speaker, I would like to pose a question. Could the good gentleman from Winslow, Mr. Carter, tell me if he advocates doing away completely with that good magazine?

The SPEAKER: The gentleman from Rumford, Mrs. Erwin, has posed a question through the Chair to the gentleman from Winslow, Mr. Carter, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. CARTER: Mr. Speaker, in answer to the good lady's question, I am not on Fisheries and Wildlife and it is not my decision to make.

The SPEAKER: The pending question is on the motion of the gentleman from York, Mr. Rolde, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

95 having voted in the affirmative and 4 having voted in the negative, the motion did prevail.

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

Orders of the Day

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

The Chair laid before the House the second

item of Unfinished Business:

An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,635,000 and to Allocate those Funds for Fiscal Year 1985" (Emergency) (H. P. 1809) (L. D. 2391)

Tabled—April 9, 1984 (Till Later Today) by Representative Vose of Eastport.

Pending—Passage to be Enacted. (Roll Call Ordered)

On motion of Representative Vose of Eastport, 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-684) was read by the Clerk.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" deletes two of the positions that were requested in this particular bill. It was a compromise arrived at between the opposing parties of this bill and I think it should be acceptable to everyone and I move its passage.

Thereupon, House Amendment "A" was 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 fourth item of Unfinished Business:

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)

Tabled—April 9, 1984 (Till Later Today) by Representative Diamond of Bangor.

Pending—Motion of Representative Nelson of Portland to Reconsider acceptance of the Majority "Ought Not to Pass" Report of the Committee on Judiciary.

Thereupon, the House reconsidered its action whereby the Majority "Ought Not to Pass" Report was accepted.

The SPEAKER: The pending question is on acceptance of the Majority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 53 having voted in the negative, the motion did not prevail.

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

Mr. DRINKWATER: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed and would speak briefly.

As everybody in this House knows, a couple of days ago I started a procedure to try to clean this up and get it where it would be acceptable. The sponsor also went to the Attorney General and got some new figures, etc. I tried to mark them out where I felt it would suit the needs of all departments, and it finally got to the point where I gave up on it and I sent a note to the sponsor explaining to him that I couldn't support this piece of legislation.

I will just give you one example. On the amendment, Item 3, Line 25 through 29, high speed chase means the pursuit by a law enforcement officer of a vehicle which is operating in excess of 20 miles per hour of the posted speed limit and for the purpose of escaping apprehension by a law enforcement officer. This, in my estimation and that of a lot of other police officers, it just means a sanctuary for a person who violates the law to be protected.

I am sorry that I can't go along with the bill. I did everything that I could to help the sponsor and I have explained to him but I just can't do it. So I hope you will go along with me in the indefinite postponement of the Bill and all its accompanying papers.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I really appreciate the courtesies extended to me by the members of this House and the support I have received. When you are fighting an uphill battle and you think all is lost, it always comes back to the story and a little poem—I haven't forgotten the Reverend who was giving the blessing one morning and he gave you the whole poem in its complete context. That is: "Defeat is victory turned inside out, and you might have won had you stuck it out." So I am just going to stick it out a little farther.

I have received one more letter here and this letter says: "Dear Representative, I certainly support your bill. For a long time my husband and I have been worried by these chases. I think in some cases police think they are the Dukes of Hazzard or people on TV programs that can fly over cars."

"In regard to a case in Mechanic Falls several years ago, it really disturbed me. About 1:30 a.m. an officer noticed a vehicle being driven erratically, so he gave chase. Fourteen minutes later the young man was dead according to the news report, so I wrote to the local editor and requested an editorial pointing out this practice. The only response they could get was not an article on the front page but an article hidden in the inside of the paper in an obscure part."

"I know police work is a hard life and these chases should be stopped if the cop knows the individual." This is written by Catherine Smith of Otisfield, Maine, Bell Hill Rd.

I also feel that I would like to read once again the letter which I had to pay to have reproduced and put on your desks. I don't mind paying for something to be reproduced, it is fair game, but what disturbs me is that people drawing high salaries can come over here and lobby against my bill and they still draw their salary. But if I want something reproduced in this House, I have got to pay for it to have it put on your desks. I don't think I am operating at an advantage, I think you are making me operate at a disadvantage.

This says: "Representative George A. Carroll, Limerick, Maine. Dear Sir: Recently I read in the newspapers about your bill which would keep the police from chasing other vehicles at a high rate of speed. This is great, but I only wish that someone had done this before. Please don't let anyone knock this bill down. Apparently Lieutenant Colonel Clark and Chief Ellis of the Maine Chiefs of Police Association have never been on the receiving end of such a chase, therefore, how can they testify against your bill with an open mind?"

"In September 1956, the State Police chased a Buick all the way up the turnpike to Saco when they drove it into the rear of a brand new Chevrolet that I was driving. I found myself laying out in a field and a State Police officer bending over me saying, sorry, we were chasing this man at 110 miles per hour when he hit you. I spent 17 days in the emergency ward before the Maine Medical Hospital thought I might live and gave me a bed. When I got to see my mother-in-law who was riding with me and went through the windshield glass, she had her ears sewed back on and her head was bandaged with slits for eyes, nose and mouth. I spent 12 years and a lot of suffering just getting used to a sheet laying on my chest for I have only four ribs."

"Instead of high speed chases, it would be much smarter and a lot less dangerous if the police would set up roadblocks with an ambulance where a violator could be shot off the road. With all the police using their radios and working as a team, there certainly is no need for endangering Maine residents, even if a drunk driver or an unlicensed driver did get away once in awhile. Take it from me, your bill is a step in the right direction and don't let anyone scare you into any reason why this bill ought not to pass. Many people would be living happier in the knowledge that they did not have to spend time in a hospital because of it."

"As you can see, I don't usually write letters

and I can't type, but I believe a man should be told when he is right as much as a person is given heck when he is wrong."

Ladies and gentlemen of the House, I haven't had a chance to offer the amendment. The amendment will take in all the police. That seemed to be one of the big issues that everybody wanted addressed. The reason it wasn't in my initial legislation was I had been told that it would not be constitutional. I thought this rather strange because just a few years ago the Maine State Police were involved in a solicitation of funds projects in which they hired people to go out and solicit funds throughout this state, and when going home one Friday night, I happened to stop at a man's home and he told me that we were all a bunch of crooks down here, that we allowed shakedown. I told him that I wasn't a crook nor anybody else who served in this legislative body, I thought we were honest people, but if he had something bothering him, I would like to know it. He told me then about the solicitation of funds.

Then I went to the Attorney General and I asked for an investigation. After due investigation, he drafted up legislation and I sponsored it and we prohibited the solicitation of funds by law enforcement officers. This was the first step in cleaning up the act which, in my eyes, should have never existed from the first minute it started, this should never be tolerated. A police officer should never be able to go out and solicit funds from the people that he is enforcing the law against. We have addressed that problem. The reason that I bring this up is because we addressed that problem to cover all the police in the State of Maine right down to the local level. They are prohibited from soliciting funds and that is a good law and I am proud of it.

I took some pretty barbaric, abusive calls over the phone and people tried to scare me off. I don't scare easily and I don't intend to try to scare other people off on these type of issues. I become disturbed when a man says to me, "you ought to be ashamed of yourself for introducing this legislation. This is the poorest piece of legislation that could ever come on the floor. This is a disgrace. You are anti-police, you are opposed to us, you are opposed to the enforcement of our law in this state." Ladies and gentlemen, I will put my record against theirs anytime and I will stand before God and my maker with my record.

I went away to war and served honorably and I served in the CC Camps as a young man. I have served in this legislature for 14 years and five years on the Maine Municipal Appeal Board and I am not ashamed for one minute of anything that I have done in this House or anywhere. I welcome them and I will take them on anytime they want me to take them on on these kinds of issues because I think I am right.

I am asking you here today not to indefinitely postpone this. Just remember, the child's life you save may be your neighbor's, the individual's life you save may be your own. Just remember, you could be going home this weekend and be involved in a highspeed chase and pay the horrible price of having to be present in a highspeed chase. I ask for restraint and I think it is long overdue and long called for and I hope you will not support the motion to indefinitely postpone this legislation.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Macomber. Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today and I wish I didn't have to because the gentleman whose bill it is is a very good friend of mine, he has been Chairman of the Committee I served on for four years but I do rise in favor of the motion to indefinitely postpone. I think the gentleman has let his personal life in some ways interfere with his judgment in this particular case.

We are a country, a state of laws. The people who are here to enforce those laws are the state police. They are very well trained, well directed, they work very well, I feel. I think they are looked

upon by the people of this state with a high degree of respect.

I think when the gentleman mentions the amendment that would have gone to control the cities and towns, it is not necessary to have an amendment. At the present time, in your city or town, your selectmen, your council, whatever your form of government is, you have the right to direct these people as to the procedure in high speed chases, which we have done in my city.

I just feel that we have the State Police and local police, they are here to enforce the laws and to protect the citizens, they are not out there to hurt anybody. There are times, of course, when accidents happen and we should all realize that, but I just think that they are people who are here to enforce our laws, to make our state a better place to live in and I hope you will go along with the motion to indefinitely postpone.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I wouldn't let my good friend from Limerick, Mr. Carroll, fight this battle alone and I don't intend to do it today, and I have no personal interest in this except for a very deep and personal concern about the people that I represent.

I spoke to you last week on this bill and told you some of my thoughts about it and since that time nothing has happened to change that. As a matter of fact, I have some communications that have solidified my feelings on these insane high speed pursuits. When I say insane, I mean insane, because when you allow anyone, and I don't care if he is an officer in the State Police, your local police or sheriff's department, to pursue people at 100 miles an hour plus, you are bordering on nothing but insane. When you look back on the reasons why they are pursuing these people, it is not all the time because a murder was committed or because there was an assault or because somebody threatened somebody with a gun. You will find that in most of the cases where somebody got hurt, they are an innocent bystander coming home from church or Sunday School or something like that. They are dying at the hands of the people whose oath it is to protect and to serve—that is on the side of the cruiser in the City of Waterville, to protect and to serve.

I tried to find out how much high speed pursuits have cost the taxpayers in the City of Waterville in wrecked and bumped up cruisers and I still can't find that out, but I will tell you something, I think it is a pretty considerable sum. I think if somebody would ask them and find out how much it has cost us to replace the cruisers that the State Police have wrecked in these stupid high speed chases, I think that that would be a considerable sum.

We all got up here with our holier than thou attitudes and spoke about protecting innocent lives of the people on the highways from drunk drivers and I agree with it, but let's not play both sides against the middle here. Here we are expressing some concern about innocent people on the highway and yet we are giving our police officers carte blanche, and that is what it is, it is their determination and they are supposed to be highly trained and efficient officials but they are human beings just like we are. They get a little excited just like we do, just like I do, just like Mr. Carroll does, but there is a big margin of error there, ladies and gentlemen of the House, and when the error is made you know what happens? People die, my people and your people.

We have kept passing the buck on this but I am going to tell you right now, sooner or later this legislature has going to have to come to terms with it and I would just as soon have it come to terms with the whole picture—local cops, county cops and state cops. There is nothing that bothers me more than to read the paper and see where some young person was killed for running a stop sign because some jabroni got hot under the collar and started chasing him at 120 miles an hour.

I still remember the day that they had that high speed pursuit in my district and there were five and six year old children playing on the sides of the street and I could just see what would happen if one of those police officers had lost control of his car, hit a soft piece of sand, hit a pothole or something. They are supposed to be in control of their cars, they are trained for that but they are not trained for these natural things that happen and run over some five year old kid. I will tell you something, if it was my kid, I would be down here asking for this legislature to do something about it and if it was your kid so would you. So what is different about it, because they are state policemen?

I followed one down the interstate the other day and I tried to catch up to him. He was doing 85 miles an hour and my old Blazer couldn't keep up. The blue light wasn't on, where was that guy going, what was the problem, 85 miles an hour and the law says 55 for our people.

Remember, "to protect and to serve." This isn't a police state. If something isn't done, sooner or later more people are going to die and they are going to be your people and my people. I am going to vote against this motion because I am going to do what I think is right for my people.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: As a member of the Judiciary Committee who did sign this out "Ought Not to Pass," I think we did so, I guess I can't speak for everyone, but I got the feeling that we did it because it was just late in the session and we had all these other bills to deal with and this one needed work done on it and now Representative Carroll has done it.

In all this heated discussion, I have gotten a little confused and would appreciate it if someone could tell me specifically what is wrong with this amendment. If there is anything specifically wrong that cannot be dealt with by the law enforcement agencies, I would appreciate it if you would clear that up.

The SPEAKER: The Chair would advise members of the House that specifically that question cannot be answered since the amendment is not before the body. It will appear before the body if the Minority "Ought to Pass" Report motion is made and the indefinite postponement motion is defeated.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I did not get involved in this debate last week. I listened intently, took notes, and decided after hearing the bill I would take a break out in the hall. I walked out there and I met an assistant attorney general who works in the Criminal Division. He was just arriving on the third floor and wanted to know what was going on. I told him about this particular bill. He was all too familiar with it. He said, "It is a bad bill." I said, "why is it a bad bill?" He said, "You know, Mr. Joyce, shortly before Christmas here in Augusta last year, we had a young college student kidnapped from an ice cream shop, later found murdered. Do you realize if this bill passes, if this bill had been in effect that night and a State Police cruiser was parked across the street from that ice cream parlor, the state trooper would not be allowed to pursue that vehicle?"

That bothers me, that bothered me all weekend, so when I came in this week, I thought I would go to the person that they call the "super-cop." He is the Commissioner of the Department of Safety, Mr. Stilphen. I said, "what do you think about that commissioner?" He said, "it is going to put the handcuffs on us." I said, "in what way?" He said, "if that bill passes and we get a phone call at the State Police that there are cars speeding 45 miles an hour in a 15 mile an hour school zone, we are going to have to tell people we can't do anything about it. This law will prevent us from doing it." That is why I must stand today and support the gentleman from Belfast

in his indefinite postponement.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I just want to reiterate what the gentleman from Portland has said. What we have heard there this afternoon is some very heated debate against high speed pursuit, and while I have a great deal of respect for the gentleman from Limerick and I sympathize with him and he is my friend and I can very well see the gentleman from Waterville, Mr. Jacques, has some problem with his local municipality in high speed pursuit, nothing has been said about this L. D. 2300 except for what Mr. Joyce has just mentioned about how much it handicaps law enforcement people.

If you will look at Section 3 on Page 2 of the L. D., under 1522, you will see where it says that this high speed chase, if the person is going over 20 miles per hour more than what the speed limit is in town—if you take my municipality to which Mr. Joyce was referring to, it would have been like a 45 mile an hour zone right there, if these people were going 65, there is no way the State Police or the Augusta PD could have gone after them.

Are we going to let this Dukes of Hazzard mentality take control of our highways with these people who have absolutely no respect for anyone in this chamber or for the people that we represent, take control of our highways and say, whatever we do, as long as we get in the jalopy and head out and gun it, they are not going to be able to take on after us. I don't think that is what we want to do.

I think the cure, this bill here, is worse than the illness we are trying to attack. We have the best criminal justice academy perhaps in the nation. Federal law enforcement people come to Waterville in order to train there and part of their training is how to do high speed pursuits. If any one of you thinks that the State Police like high speed pursuits, think that that is a lot of fun, you call up Mrs. Earl Merry of Newport and ask her about her son who got killed in 1981 by a gentleman who rammed the State Police cruiser at a roadblock, he rammed it going 104 miles per hour, he wanted to kill that trooper and he did. Don't tell me that State Police like high speed pursuits. Their lives are as much in danger as anyone else.

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

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: Those of you who know me well know that I am a retired State Police Sergeant. I have been involved in high speed chases on several occasions and I want you to know that I didn't sprout horns while I was in that cruiser chasing that car. I was trying to protect whoever might be down the road a mile or two. I want you to know also that I have literally pushed vehicles off the road in a high speed chase to keep them from injuring somebody else at great peril to my own safety.

This bill, if passed, will make it impossible for any police officer to apprehend any person who violates the law, because once the word gets out that this is on the books, all you have to do is go 70 miles an hour and the police officer, whether he is a trooper or a town cop or a deputy sheriff, is going to have to back off. When I was a police officer, I don't know whether it has changed or not, I had to identify not only that vehicle, not only that number plate, but I had to put that person under the wheel of that vehicle while it was moving, and I defy anybody to tell me how they are going to prove who was operating that vehicle when they run up and get the number plate and back off. It wouldn't stand up in any court that I have ever been in.

I think if this bill passes, you are going to hamstring law enforcement in the State of Maine.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: Very briefly, I believe that we did

not accept this bill the other day and we voted for reconsideration and it has been tabled and tabled and tabled waiting for this amendment. I don't believe that in the long run we are interested in the bill and that is what everybody is talking about, but we do have to accept the bill in order to offer the amendment so that my questions can be answered and so can some others. Then if you want to kill it, kill it, but let's find out what this amendment says.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to remind you that eleven states have this law. It doesn't say that you don't chase them, it doesn't say that you don't radio ahead—you radio ahead. Can you imagine chasing someone at 110 miles an hour down the road? Use your imagination. Do you think that you are going to save anybody's life chasing them at 110 miles an hour? That is where my problem comes in and don't tell me that I am hamstringing anybody, I am trying to save lives.

The SPEAKER: The Chair recognizes the gentleman from Newport, Mr. Reeves.

Mr. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief, I didn't want to get up and argue this this afternoon. I am not going to repeat what you have already heard but I do have some facts and figures here in front of me that I think I should share with you before you cast your vote.

We have heard a lot this afternoon about the danger, the injuries, the deaths, etc., as a result of high speed chases. I will give you just a few of these figures. I have the facts and figures for the last four years but I am not going to give them to you from 1980 through 1983. I will give you last year's. The State Police stopped a total of 140,700 vehicles; 125 of these vehicles that were stopped were involved in high speed pursuits, 125 out of a 140,000. Out of these 125 there were exactly three accidents. A footnote at the bottom says that 95 percent of the chases are concluded without any accidents, and based on this four year study, no person has been injured that was not involved in the chase. Example: Injury or death was only to the policeman or the individual being pursued.

I hope you will support the indefinite postponement.

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: I would like to apologize but I just have to answer the gentleman from Limerick, Mr. Carroll.

As a good example, when I was first a state trooper and I am sure the thing still exists, the nearest trooper to my town, which was Danforth at that time, was 60 miles away. Now where would I radio and get any help?

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Belfast, Mr. Drinkwater, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 35 in the negative, the motion did prevail.

Sent up for concurrence.

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

RESOLVE, to Reimburse David James McDaniel for Damages Suffered as a Result of Wrongful Imprisonment (H. P. 761) (L. D. 992).

—In House, Minority "Ought to Pass" Report of the Committee on Judiciary Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-591) as amended by House Amendment "A" (H-664) thereto on April 6, 1984.

—In Senate Majority "Ought Not to Pass" Report of the Committee on Judiciary was Read and Accepted in non-concurrence.

Tabled—April 9, 1984 (Till Later Today) by Representative Diamond of Bangor.

Pending—Further Consideration.
Thereupon, the House voted to insist.

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

Bill "An Act to Limit the Authority of the Public Utilities Commission to Award Compensation to Intervenor" (S. P. 763) (L. D. 2071) (C. "A" S-370)

Tabled—April 9, 1984 (Till Later Today) 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-683) was read by the Clerk and adopted.

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 seventh item of Unfinished Business:

Bill "An Act Relative to Group Legal Insurance" (S. P. 906) (L. D. 2437).

Tabled—April 9, 1984 (Till Later Today) by Representative Brannigan of Portland.

Pending—Passage to be Engrossed.

Mr. Brannigan of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-689) was read by the Clerk and adopted.

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

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

Bill "An Act to Amend Certain Motor Vehicle Laws" (H. P. 1444) (L. D. 1889).

In House, Minority "Ought to Pass" in New Draft Report of the Committee on Transportation was read and accepted and the New Draft (Emergency) (H. P. 1820) (L. D. 2412) was passed to be engrossed on April 3, 1984.

In Senate, Majority "Ought to Pass" in New Draft Report of the Committee on Transportation read and accepted and the New Draft (Emergency) (H. P. 1819) (L. D. 2411) was passed to be engrossed in non-concurrence.

Tabled—April 9, 1984 (Till Later Today) by Representative Diamond of Bangor.

Pending—Further Consideration.

On motion of Mr. Moholland of Princeton, the House voted to recede.

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

House Amendment "C" (H-685) was read by the Clerk.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: This amendment will help us out. We had a little meeting the other day in the committee and everybody on the committee was in favor of this amendment, so I would hope that you would pass it so we could send it down to the other body and get this bill over with.

Thereupon, House Amendment "C" was adopted.

Mrs. Allen of Washington offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-680) was read by the Clerk.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would now move indefinite postponement of this amendment.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, moves indefinite postponement of House Amendment "B".

The gentleman may proceed.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain to you my position in regards to this amendment. Plates on an automobile are sold by the State of Maine for the purpose of identification. They al-

ways used to be the property of the State of Maine and over the years we always went to register our vehicles and if you didn't register it or if you wanted to, you usually had your plates with you and you told them you wanted to renew them if you were a walkin'; if you sent them through the mail, you ordered your registration through the mail, but those plates were considered the property of the State of Maine and were never tampered with because they were a means of identification.

We have a case where a man claims that we are encroaching upon his freedom of speech. What my great concern is is that these license plates are not a figure of speech, they are a figure of identification and means for the police to identify an automobile going down the road. They are the property of the State of Maine and should be turned in if you no longer use them. They haven't been enforcing this law as rigidly as they should so we have a lot of plates scattered around the state.

What bothers me is that some Sunday morning you could be going out for a ride with your family or some beautiful evening, come up behind an automobile that has some very, very degrading words attached to a license plate and I don't think that we should allow this to go on and I think we should really come down hard on registration plates and tell them out there just what they are. Registration plates are a means of identification of a vehicle. They are owned by the State of Maine, you buy them, you get in trouble out there and lose your license or violate these laws, the State of Maine can call those plates in and take them away from you.

To travel on the highways is a privilege. We always think of it as a right but it is a special, special privilege to have a registration plate and I think all citizens should be good citizens and we shouldn't tolerate the tampering of any of our registration plates and that is why I am opposed to this amendment.

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

Mrs. ALLEN: Mr. Speaker, Men and Women of the House: I would urge you to vote against the motion to indefinitely postpone my amendment and I would like to explain briefly the history of why this amendment is before you.

Several days ago, it came to my attention that L. D. 2412 within its 30 sections had two sections, Section 11 and Section 18. Both of these sections as written in the L. D. caused serious constitutional problems.

I spoke with the Attorney General's Office and told them it was my intention to delete both of those sections. In later discussions with the representative from the Attorney General's Office, we got together and came up with a compromise amendment. That is the amendment that is before you now.

The compromise amendment in the Statement of Fact tells you that the purpose of the amendment is to clarify the prohibition against disfigurement of Maine's motor vehicle registration plates. The state has an important law enforcement interest in prohibiting interference with numbers and letters issued to individual motor vehicle registrants. This amendment insures that identifying letters and numbers issued to a registrant cannot be obscured.

It is the position of the Attorney General's Office that should we adopt L. D. 2412 with Sections 11 and 18 written as they are, that we will surely be faced with further costly litigation.

I point out, as Mr. Carroll has already mentioned to you, the state has gone to court once on this issue; we were the losers, it has already cost us money. This amendment would insure the integrity of the identifying numbers so that law enforcement officials will, in fact, be able to identify you via the numbers or letters on your individual license plate.

I would urge you to vote against the motion to indefinitely postpone.

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

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in favor of the motion to indefinitely postpone and very briefly I would like to tell you why.

This case, more or less, came about from a case in New Hampshire a few years ago. In New Hampshire I think they have a slogan on their plates, "live free or die." That was taken to court and under the ruling of the First Amendment of the United States Constitution, it was decided that the state did not have the right to require one of their citizens to carry this slogan.

This case is something entirely different. Under the prevailing law, without this amendment, the number plate that you are issued will remain in exactly the same form it is, the letters and the numbers of the identifying machine, plus the "Vacationland."

I think you will find under the amendment presented by the young lady from Washington the word "Vacationland" can be turned into anything you would like. In fact, a few years ago, I think there was a move—it was changed from "vacationland" to "radiationland." Under this amendment, that would still be allowed.

I hope that you will go along with the indefinite postponement.

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

Mrs. ALLEN: Mr. Speaker, Ladies and Gentlemen of the House: The debate here today is not whether or not we approve of people changing "vacationland" to "radiationland" or anything else, whether we like the motto on our license plate as it is or not. The point is that if the bill is enacted as written, it will cost the state further litigation, costly, expensive litigation that might lead all the way to the U.S. Supreme Court.

The Attorney General feels very strongly that he can live with this amendment rather than a removal of those sections, so the debate is not whether or not obscuring of the "vacationland" is something you or I disagree or agree with or whatever. The point is, if this legislation is passed as worded, without the amendment, that it will definitely lead to further costly litigation.

I would request a roll call.

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 Limerick, Mr. Carroll, that House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 466

YEA—Ainsworth, Anderson, Armstrong, Beaulieu, Bell, Bonney, Bott, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Connors, Crowley, Davis, Day, Dexter, Dillenback, Drinkwater, Erwin, Foster, Greenlaw, Hall, Higgins, L.M.; Holloway, Ingraham, Jackson, Joyce, Kane, Kelly, Ketover, Kiesman, Kilcoyne, Lehoux, Lisnik, MacBride, MacEachern, Macomber, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; McCollister, McGowan, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, T.W.; Nadeau, Nelson, Paradis, E.J.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Ridley, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Theriault, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Allen, Andrews, Baker, Benoit, Bost, Brodeur, Carroll, D.P.; Connolly, Cooper, Cote, Cox, Crouse, Curtis, Daggett, Diamond, Dudley, Gauvreau, Gwadosky, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, LaPlante, Lebowitz, Locke, Mahany, Manning, Matthews, Z.E.; Maybury, Mayo, Melendy, Mills, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murray, Norton, Paradis, P.E.; Reeves, P.; Roberts, Robinson, Roderick, Rolde, Rotondi, Soucy, Soule, Tammaro, Thompson, Tuttle.

ABSENT—Jalbert, Joseph, Kelleher, Livesay, Martin, H.C.; Michael, Telow, The Speaker.

92 having voted in the affirmative and 51 in the negative, with 8 being absent, the motion did prevail.

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

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

Bill "An Act to Amend the Laws Regarding Bail" (H. P. 1844) (L. D. 2439).

Tabled—April 9, 1984 by Representative Brannigan of Portland.

Pending—Passage to be Engrossed.

Mr. Brannigan of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-686) was read by the Clerk and adopted.

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

Mr. GAUVREAU: Mr. Speaker, Ladies and Gentlemen of the Maine House: I realize that the topic of bail is a very controversial one and I am sure that the new draft which the committee presented applied to several compromises and I have not worked this session very closely at all on that issue, but in reviewing this L. D. this morning, I note that on the first page on L. D. 2439, Section 813, requires that in all arraignments in the State of Maine, when people are arraigned in Superior Court upon charges of a felony nature, that a representative from the State Attorney General must be present. Now that is a major departure from the present practice whereby the District Attorney is present and conducts routine arraignments. The AG is only present in capital cases and it strikes me that this would put a tremendous demand upon the resources of the Attorney General to cover all the various arraignments involving felony charges in the 16 counties of the state. We are talking about, in many cases, routine burglaries, Class C offenses, that is a felony, and it strikes me as a bit unusual to require the Attorney General, let's say, to travel to Washington County or York County to handle such a matter.

I am wondering if one of the sponsors or someone from the committee can indicate to me exactly why they felt that it was necessary to require the State Attorney General to be present on arraignments of this nature?

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: It is my understanding as a very green novice in this area that the "state's attorney" is a general term that covers both the State AG's Office and DA's Office. I am sure the members of your committee might be more clear but I believe that it was never any intention for there to be any change from the present procedure other than a better covering of those procedures.

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

The Chair laid before the House the second 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—April 9, 1984 (under suspension of the rules) by Representative Diamond of Bangor.

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

On motion of Mrs. Mitchell of Vassalboro, under suspension of the rules, retabled pending reconsideration and tomorrow assigned.

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

Passed to Be Engrossed Emergency Measure

An Act to Amend the Laws Relating to Criminal

History Record Information (H. P. 1695) (L. D. 2250) (C. "A" H-671)

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. 102 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 Require an Inventory, Permitting and Monitoring of Underground Tanks Containing Gasoline, Oil and Toxic Materials (S. P. 857) (L. D. 2324) (H. "A" H-641 and H. "B" H-652 to C. "A" S-363)

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

Passed to Be Enacted

An Act to Require that the Aid to Families with Dependent Children Program Promote Family Unity (S. P. 652) (L. D. 1842) (C. "A" S-383)

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

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

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

Would somebody explain what this bill does, basically? Also, if there is a price tag as to an estimate as to much this will cost to administer?

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

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, this is the so-called AFDC-U Program, the AFDC unemployed parent program. Right now, a household with two parents in it, an intact family, is not eligible to participate in the AFDC program. This legislation would allow a two parent family to participate in the program. This has a fiscal note on the bill of \$1.5 million, I believe, from the General Fund. It obviously will lie on the Appropriations Table and will have to compete against other measures when that time comes.

Mrs. Holloway of Edgecomb requested a roll call.

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. Those in favor will vote yes; those opposed will vote no.

ROLL CALL 467

YEA—Ainsworth, Allen, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bost, Bott, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Clark, Conary, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Ingraham, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Martin, A.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, Melendy, Michaud, Mills, Mitchell, J.; Moholland, Murphy, T.W.; Murray, Nadeau, Nelson, Paradis, E.J.; Paradis, Parent, Paul, Perry, Pines, Pouliot, Randall, Reeves, P.; Richard, Ridley, Rolde, Rotondi, Scarpino, Seavey, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stover, Swazey, Tammaro,

Therault, Thompson, Tuttle, Vose, Wentworth, Zirkilston, The Speaker.

NAY—Bonney, Brown, A.K.; Brown, D.N.; Callahan, Carrier, Conners, Curtis, Davis, Greenlaw, Holloway, Jackson, Kiesman, Masterman, Murphy, E.M.; Norton, Perkins, Racine, Reeves, J.W.; Roberts, Robinson, Roderick, Salisbury, Sherburne, Stevenson, Strout, Walker, Webster, Weymouth, Willey.

ABSENT—Cahill, Cashman, Livesay, Martin, H.C.; McPherson, McSweeney, Michael, Mitchell, E.H.; Telow.

113 having voted in the affirmative and 29 in the negative, with 9 being absent, the motion did prevail.

Signed by the Speaker and sent to the Senate.

An Act to Clarify the Definition of Lots under the Site Location of Development Law (H. P. 1715) (L. D. 2274) (C. "A" H-667)

An Act to Ensure Statewide Uniformity in the Procedures for Strip Searches and Body Cavity Searches of Arrestees by Law Enforcement Officers while Respecting the Civil Rights and Liberties of Arrestees (H. P. 1845) (L. D. 2440)

An Act to Provide Funds for an Increase in the Aid to Families with Dependent Children's Standard of Need (H. P. 1851) (L. D. 2450)

An Act to Provide for Conformity with the United States Internal Revenue Code (H. P. 1853) (L. D. 2454)

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

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

On motion of Mr. Lisnik of Presque Isle,
Recessed until four o'clock in the afternoon.

After Recess 4:00 p.m.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Resolve, to Establish A Select Committee Concerning Forest Practices in the State (Emergency) (H. P. 1776) (L. D. 2354) which was tabled and later today assigned pending the motion of the gentleman from Lincoln, Mr. MacEachern, that the House recede and concur.

(In House, failed Final Passage.) (In Senate, Passed to be Engrossed as amended by Senate Amendment "B" S-381).

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not accept the motion to recede and concur so we could recede and then I might offer my amendment that I have before me.

I have drawn up an amendment that would hopefully make, indeed, a select committee concerning forest practices. The amendment that is before us does not, I feel, do that; in fact, I think it has some typographical errors that are unacceptable anyway, so I would ask that you would defeat the motion to recede and concur so that we might recede.

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

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would go along with my motion to recede and concur. I was approached by the gentlelady earlier today and asked if she could make an amendment that would place a person from the Bureau of Forestry in the committee, and I agreed that if she did that that I would go along with it. She went and got her amendment and when she brought it back she had completely altered the amendment that was put on in the other body by the cosponsor of the bill. I advised her immediately that I would not support her amend-

ment and that I feel she went way beyond what she had agreed to do when we talked this morning.

The Senate Amendment that is on the bill is acceptable to all the sponsors of the bill. It is acceptable to the Paper Industry Information Office which is a representative of the combined paper companies in the State of Maine and it is acceptable to the lobbyists for the paper companies that I have talked with. I feel that it is a good committee makeup at this point and I see no reason to change it. I think we should keep it the way the bill is now and I hope you will go along with my motion.

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: Currently before us is an amendment that, in my opinion, is a 'make work program' for legislators this summer. It consists of six members of the legislature and it really isn't a select committee on forestry because there are no professional forestry people involved. I think if we want, indeed, a select committee on forestry, that we should include the Department of Conservation and its Bureau of Forestry. The amendment that Mr. MacEachern talked about that was put on in the other body does not include that. I think we should have a public member and that amendment from the other body does not include that.

I would request the yeas and nays, Mr. Speaker.

The SPEAKER: The gentlelady from Woolwich, Mrs. Cahill has requested the yeas and nays.

On motion of Mr. Davis of Monmouth, the House voted to recede.

Mrs. Cahill of Woolwich offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-694) was read by the Clerk.

Mr. MacEachern of Lincoln moved the indefinite postponement of House Amendment "A."

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: For all the reasons that I just stated, I would ask you not to indefinitely postpone this amendment and would ask for a roll call.

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 Pittsfield, Mr. McGowan.

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I think if you all will remember, it has been a long day and I won't take up much of your time, but I think if you remember earlier in today's session, the gentlewoman from Woolwich had asked to table this bill for a technical amendment. I think if we look at the two amendments, the Senate Amendment, which is S-381 and the House Amendment which is H-694, you will find that that technical amendment completely alters an amendment that was a compromise position worked between the sponsors of this bill and the members of the forest industry, the P-110 and other affected parties, and I would urge you to indefinitely postpone this amendment and support Representative MacEachern.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I can sympathize with the gentlewoman from Woolwich for what she is trying to do but I can tell you as one of the former members of the Whitewater Rafting Committee that was set up, the worst thing we did was put two members of the whitewater rafting industry on that committee.

What we were doing was establishing public policy as a legislative branch which is supposed to establish public policy in the State of Maine, and what we had was two people whose direct livelihoods were affected who tried to do every-

thing they could to circumbent the process and feather their own pockets. Now I am not saying that these foresters would do this, but I think when you start putting the people whose lives are affected directly on a Joint Select Committee that is going to establish public policy, you are asking for trouble.

Despite these two whitewater rafting outfits that were on this commission, fortunately the legislators on there were able to look at the forest for the trees, if you will pardon my pun, and we came out with something, as Mr. Kiesman from Fryeburg said, that was very acceptable and I think an outstanding piece of legislation.

I intend to vote to indefinitely postpone this amendment and I hope you will also. I think the technical expertise will be there and I don't think that legislative committees have shirked that in the past, requiring that expertise if they needed it, but I don't really think you have to make them part of the whole ball of wax.

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 468

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

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Cahill, Callahan, Conary, Conners, Curtis, Davis, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, MacBride, Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Robinson, Roderick, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilston.

ABSENT—Gwadosky, Livesay, Martin, A.C.; Martin, H.C.; Michael, Telow, The Speaker.

88 having voted in the affirmative and 56 in the negative, with 7 being absent, the motion did prevail.

On motion of Mr. MacEachern of Lincoln, the House voted to concur.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT—Majority (8) "Ought to Pass" in New Draft (H. P. 1855) (L. D. 2456) - Minority (5) "Ought Not to Pass" - Committee on Appropriations and Financial Affairs on Bill "An Act to Establish the Maine Job-start Program" (H. P. 1459) (L. D. 1911) which was tabled and later today assigned pending acceptance of the Majority "Ought to Pass" Report.

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

Mr. ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a division on this vote and would urge you not to accept the Majority "Ought to Pass" Report. If you will notice, this is a Divided Report and I am on the Minority "Ought Not to Pass" Report.

This particular bill, L. D. 2456, is a rewritten bill. It is "An Act to Establish the Maine Job-start Program." What this bill does is set up a new loan guarantee pool with \$535,000 of the state's

General Fund money to be administered by FAME, Finance Authority of Maine. This money is intended to be loaned out to people that qualify within low income guidelines and these people are to be screened and counseled by the Community Action Councils in the various locations.

There are a couple of problems with this as far as I was concerned. One, I am not sure that the Community Action Councils have the expertise to be loaning out state money or screening applicants. Two, I was opposed at this particular point in time setting up a new loan guarantee pool for FAME to handle in addition to the other businesses that we have put them into. I think to some extent this puts the state in the banking business.

Another concern I had was the fact that the U.S. Government says that 80 percent of all new small businesses fail within the first five years of operation and the State of Maine certainly has had enough unfortunate experiences with loan defaults under state guarantee loan programs.

The bill calls for \$35,000 in administration fees for FAME. Also out of the \$500,000 it calls for paying 50 percent of the cost of the administration for the CAP agencies. It appears to me that there might be something like \$85,000 out of the first \$535,000 of the loan pool to go to administration.

The state, in case no one is reading papers or listening to the media, we are strapped for funds at this particular point in time. We have many more requests for monies than we have available. To me, everyone has their own priorities, but to me the University of Maine teachers certainly would have a higher priority than putting our money into a loan pool at this particular time.

I would urge that you consider this. It might be good to consider it at another date or another time, but at this time I would urge you to vote against the motion to accept the Majority "Ought to Pass" Report.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: We have before us a bill which is rather unusual coming from the Appropriations Committee and it is split. We had a hearing on this bill, a lengthy hearing, a very good hearing, no opposition, and it was supported from the four corners of the state.

Many of you know that in your communities, the backbone of your community is the small businessman, small Mom and Pop shops, many of them that started on a shoestring. I could give you the numbers in my community because I know how many we have. You talk to many businessmen that are in the service field like I am and they will tell you that it is much more beneficial to have 150 small businesses than have one big one because if the big one fails, there goes your tax rolls.

This bill deals with a segment that is completely ignored by most of the economic development organizations that we have in the state. The amounts that we are talking about here, the maximum amount is \$10,000, a secured loan, not a big deal, but it can make a difference to somebody who has the initiative to start a small enterprise.

Now this is a secured loan provided at 2 percent below the prime rate. Some may say that it is a subsidy. Well, if it is a subsidy, it certainly isn't in the same category as the one that we provided to Bath Iron Works or some of the other industries that we have favored through legislation.

This is a bill that is going to allow many small entrepreneurs the financing to launch his own business. The total amount that we are talking about here is \$500,000, which will be administered through the CAP agencies, who are already now in the business of counseling businesses in their area.

I don't think we are going to create a big dent in solving the unemployment problem, but certainly we are going to open up avenues that are not now available to people who would like to

start a business. I would urge you to vote for the "Ought to Pass" Report and I would ask for a division.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: Last year we passed a bill called FAME and they are trying to attach this to the FAME bill. I am sorry that I didn't go to the hearing, I wasn't aware of it or I was busy, unfortunately, but under the FAME bill, a small businessman can borrow up to \$100,000. If he is a veteran, he can borrow another \$100,000, and this year we changed the ruling on the veterans' bill from an 80 percent guarantee to an 85 percent guarantee. So if somebody wants to start a small business, all they have to do is go to FAME, if they are going to require the money, and if they want to borrow \$10,000, the state will guarantee 85 percent of it so they have to put up \$1500.

Now if somebody is going to borrow \$10,000 and they put up \$1500, it seems to me that a person who is going to go into business or to help a small business, through their relatives and friends they would be able to raise \$1500. If they cannot raise \$1500, they never will pay off the \$10,000, and it just seems to me that it is ridiculous to tack something like this on when we have a wonderful program which is available for small business. I think the only thing they could buy with \$10,000 perhaps will be a pickup truck.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: We have had a great deal of debate this morning about what we can do for business and we have talked about large business, we have talked about small business, but we really haven't, including Mr. Dillenback, talked about microbusiness. We are talking about the smallest of the small, we are talking about a philosophy that gives people a handup but not a handout for people who want to go into business for themselves and to bring themselves back into the productive work force but sometimes they are simply too small to qualify for the loans that Mr. Dillenback has described.

There was some concern that Mr. Armstrong mentioned about the CAP agencies should not be responsible for administering loans—they are not. It is FAME with their business expertise. It is the CAP agency that does the initial screening. I think that is an important distinction. We have invested in FAME that authority for other businesses; clearly, they are capable of making distinctions on loans for microbusinesses.

Let me just give you a few facts about what I mean by a microbusiness. Fifty percent of job creation traced to the birth of new establishments came with firms of 20 or fewer employees which generate 60 percent of the net new jobs—microbusiness. Twenty two to twenty three thousand microbusinesses in Maine with a gross annual sale of \$57,000 generate \$1.2 billion a year into Maine's economy. These micro's employ at a minimum one third of the total work force of Maine.

We talk about putting people back to work and it seems to me that this is a good step.

Let me give you an example of the kind of business that this kind of loan would address. Here is a typical loan request that came before FAME that would qualify under the Jobs-start Program should the people go through the process, this is the kind of project we are talking about. One was a fiberglass molder, he started out with \$3,000. He has constructed large buildings which he erected himself and needs working capital for producing a TV dish antenna. He is new in the business, he signed a contract but has not had enough experience to qualify for a working capital loan. All his profits are now going right back into that business. Jobs anticipated, two—microbusiness but two people working and bringing themselves up. Amount requested, \$8,000, not high on your list of major lending institutions but clearly in need of this kind of program.

One other one, and it should be interesting to many of you people who are trying to help people come up from the lower levels of minimum wage and AFDC, an AFDC mother needs working capital to start a contract already awarded her by the federal government. No equity or collateral but she needs \$4,000 to create one or two jobs in sheet metal production. There are all kinds of opportunities out there. I am suggesting that it would be a little creative not trying to hold people down but to make it as easy as possible.

I suggest that many of you who are criticizing this bill have been right in here before making risk on other businesses and we are going to be asking to do that on some major plant expansions in Auburn this very session but to take a risk on Maine men and women who are trying to start their own business with a modest amount of capital to start their jobs. I do hope that you will go along with Representative Carter and support this very good bill, a creative approach to solving the unemployment problems of our Maine people.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am a microbusinessman. I guess that is a new term that has surfaced here in the House today, microbusiness. I am still not sure what it really means.

I do know, however, that several days ago we debated for hours and hours the sensibility and feasibility of providing several hundred thousand dollars to a multi-million dollar industry in the state; namely, that of the Fish and Wildlife resource, but here in one fell swoop, we are going to provide \$500,000 to be administered by an agency which is growing by leaps and bounds, whose only claim to fame, I guess, is seeming to help those who somehow can't come up with the resources to help themselves.

I guess I would have to go back to the good words of my friend from Bangor, Mr. Kelleher, who I admire so much and I mean that sincerely, I think he is one of the best debaters in this House, when he stood before this group and said, "has this House gone mad"? I think that is what is happening today if we pass this bill.

The previous speaker spoke of starting a business on a shoestring. Those of you, and there are those of you who are on both sides of the aisle, as myself, who have started businesses on a shoestring, know what a struggle it is and that struggle doesn't get over for years and years and sometimes it is never over. Sometimes being in small business is a 'humendous' struggle but, ladies and gentlemen, as much of a struggle as it is, it's worth it—it's worth it.

I agree that it is better to have more small businesses than one or two large businesses, but I think it is better to have businesses started by individuals who are in a position, perhaps, to be able to start those businesses without the kinds of subsidization which this bill presents. This is a form of subsidization.

The good gentleman from Winslow, Mr. Carter, said that it is just two interest points below prime rate. Admitted, it is two points below the prime rate, but who is picking up those extra points? It is subsidization, there is no other way to describe it, that is what it is.

The good gentlelady from Vassalboro spoke with smooth terms as she always does and she knows that I admire her. She described many of the small businesses that are getting started in this state and she described them very eloquently, and they are all good businesses but, you know, I think experience tells us a lot. Experience tells us that if you have something to offer, whether it is a service, whether it is a commodity, somebody is going to buy it. If you are good enough and if you work hard enough and if you are lucky enough, you are going to make a profit. You are going to do it on your own, you are going to do it without subsidization, ladies and gentlemen, and you are going to feel a lot better about yourself after you have done it.

I urge you to vote against the motion before

you.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: the theme of the remarks of my good friend from Livermore Falls is experience, and I might suggest to this House that the State of Vermont has had just such a program for the past five years and their experiences have been good.

This idea that was brought to us by the Majority Floor Leader, some of us were a little skeptical even on the Democratic side of the aisle, but we took the time to look at the work record in the State of Vermont and it has been fine, and I agree with the good gentleman, Mr. Brown, that you have to base your support on some factual reason and experience is a good one where I come from.

We here in this legislature this year and in the past have helped a number of big businesses and there is nothing wrong with that but the very types of businesses that have been described by Representative Mitchell are those who are just small enough that they can't meet the economic guidelines for which big business can get in terms of loans and assistance.

I would urge you to support the Majority Committee Report, "Ought to Pass."

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: All we hear is big business. I don't think borrowing \$10,000 is big business. I agree with what Representative Mitchell has said about small business and people getting started. I would love to have had the opportunity to go to FAME when I was starting in and have my loan guaranteed 85 percent. Imagine, if you want to borrow \$10,000, you have got to dig up \$1,500 or at least \$1,500 worth of assets. Like the man she spoke about had \$3,000 worth of assets.

This is a ridiculous bill to add on to the FAME program. We have an excellent program in FAME, I cosponsored it. It was a Governor's Bill. There is nothing wrong with it. You don't have to borrow over \$10,000, you can borrow \$5,000, so I don't see why we are talking about big business; this is small business.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I apologize but I do think this is not a ridiculous bill. I think it is important enough to warrant your listening to a few other points.

First of all, the gentleman refers often to FAME. Certainly we all support the concept of FAME, but I would share with you some testimony given by Robert Hurd from FAME concerning just how many loans he gave from FAME to people with the kinds of requests that Mr. Dillenback is discussing.

At FAME, Mr. Hurd said, I am responsible for two small business loan guarantee programs. Under legislation established last year, the maximum loan amount we can guarantee is \$100,000. To date, the requests we have received almost invariably are between \$50,000 and \$100,000. Prior to last session, the maximum amount of guarantee was limited to \$30,000. Even then there were few requests for guarantees of \$10,000 or less and I know that there have been many months to make FAME more accessible to small business in this session, but there is something else, two other points I would like you to consider, one, we are not giving Maine money in an outright grant to an individual to start a business, we are loaning them the money. Yes, obviously Representative Brown is correct, there is a slight subsidy involved but they still must pay the money back with interest albeit less than the prime rate. But it is not a direct giveaway to start a business, but someone must work to make the business successful and to repay the loan.

I guess there is one other thing we must have to talk about because it is somewhat confusing to talk about, both a social program and a business

program at the same time, but that is what this is.

The Maine Jobs-start Program should not be viewed as a traditional financial assistance program for business. It should be viewed as a hybrid between a business finance program and a social program. The state will be spending money for jobs through this bill as opposed to spending money for welfare, unemployment or AFDC. Given those choices, frankly, I don't see how you can vote against this bill.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I have maybe two questions to ask through the Chair, please. One is, if I understand the bill correctly, there is no requirement for deposit or, we will say, for upfront money. Number two, I guess we don't have to collateralize these loans, is that correct?

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

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read Page 4, Section F, of the bill. Loans shall not be insured or guaranteed by the state but the authority, which is FAME, "may" require collateral in the form of security of the loan, if available, and "may" in appropriate cases take a mortgage on real estate.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess I am a little concerned here. I am looking at it from a different approach than the other people who have spoken here earlier this afternoon regarding this.

I certainly can sympathize with people, particularly in this state, attempting to go into business, particularly with the cost of capital today and the cost of doing business in this state. But I guess I have got to go one step further and on occasion I pick up a paper, the Wall Street Journal, the New York Times, even the Portland Press Herald and Bangor Daily News and what not, we all hear too often what is occurring throughout the world, what is occurring to our financial institutions in this country, due to the direct result of the international monetary fund, the world bank.

I sort of wonder if we aren't trying to take our building and our organization called FAME from over on the hill over here across from us, if we aren't trying to create a state bank. If it is the same view of what I just heard in remarks to the questions I asked—"may" and not "shall"—we are not requiring any upfront money and we are not requiring collateralization, if we are not going to follow suit to what has occurred, and maybe I shouldn't bring this into the debate, throughout the world with world nations and nations which are in default on loans currently to some of our financial institutions in this country.

So I just kind of ask and I kind of wonder if we aren't overstepping our bounds a little bit with a piece of legislation like this, if we aren't endangering some of the credibility of the state with a program like this. I am a little concerned in that respect, that is why I oppose the bill. I don't feel confident that we are going in the right direction.

We have several fine financial institutions in this state and if anybody comes to them, and I am sure if that person has come to them with an \$8,000 request, owns buildings, he owns them free and clear or he might not own them free and clear but I am sure that he might be able to obtain a second mortgage or in the case if he has got \$8,000 worth of assets, he can maintain and receive the \$8,000 request for operating capital. I am sure that there aren't many banks in this state that would deny the person that if he has got a project which is saleable.

Again, I don't want to belabor the debate on

this but I am a little concerned that we are starting a program where we are going to have people walking off the steets without any people that have the financial expertise in lending. I am sure they do have the financial expertise in consultation but there are a lot of things that have to be developed in a relationship as with a relationship with anybody. I just feel that this is not the best way to do it.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The remarks of the gentleman from Harrison have confused me somewhat. Is there anything in this bill that would allow FAME to lend to Brazil or Argentina?

The SPEAKER: No.

Representative Rolde of York 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 one the motion of the gentleman from Winslow, Mr. Carter, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 469

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

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

ABSENT—Hobbins, Kane, Martin, A.C.; Martin, H.C.; Michael, Telow.

88 having voted in the affirmative and 57 in the negative, with 6 being absent, the notion did prevail.

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

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-675) on Bill "An Act to Fairly Apportion the Cost of Canceled Electric Generating Facilities" (H. P. 1826) (L.D. 2421).

Signed:

Senators:

BALDACCI of Penobscot
EMERSON of Penobscot

Representatives:

VOSE of Eastport
MCGOWAN of Pittsfield
RIDLEY of Shapleigh
PARADIS of Old Town
RODERICK of Oxford
WEYMOUTH of West Gardiner

Minority Report of the same Committee re-

porting "Ought Not to Pass" on same Bill.

Signed:

Senator:

KANY of Kennebec

Representatives:

BOST of Orono

BAKER of Portland

MATTHEWS of Winslow

Reports were read.

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

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

The SPEAKER: The gentleman from Eastport, Mr. Vose, moves the acceptance of the Majority "Ought to Pass" Report.

The gentleman may proceed.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: Under the existing law that we now have, the Public Utilities Commission may not issue an order concerning the recovery of the cost of a cancelled or abandoned electric generating facility until the date when the plant would have been completed had it not been cancelled or abandoned.

There is a very important exception which allows the PUC to address the issue of earlier recovery. That exception states, if an electric company can establish that it would not be able to perform its public service obligation or attract necessary money on just and reasonable terms, absent or current decision on its request to have ratepayers pay, then the issue must be decided. In other words, the existing law allows the PUC to determine if the company is in weak financial shape and gives the commission the authority to immediately rule on a request for recovery from ratepayers.

The current statute does not require the PUC to choose any particular form of cost recovery and the commission can order recovery from ratepayers from zero to 100 percent.

The proposed law that I am now supporting would allow the PUC to decide the issue of when a recovery, if any, began and would permit that recovery as part of the next rate case request of any Maine utility owning a portion of a cancelled or abandoned plant regardless of the economic condition of the facility. It would eliminate the requirement that the utility wait until the date that the plant would have to be built.

The proposed law explicitly states that neither repeal of the present statute nor the enactment of the proposed statute is intended to indicate a preference for any particular rate-making treatment of the cost of a cancelled or an abandoned plant and that a recovery from ratepayers is not required from the enactment of the new section 52-A. The existing and proposed legislation are identical in that they do not designate the percent, if any, of the cost to be recovered from ratepayers, the number of years over which a recovery will occur or whether the utility will earn interest or any of the costs while recovery is underway.

The only difference between the statutes is that under the proposed statute the PUC will face the issue of cost recovery, if any, sooner than it would appear on the face of the existing statute. More importantly, it is very likely that given the magnitude of the potential cancellation cost of Seabrook II for Maine utilities, the PUC would find that these costs were so large that a decision, even under the existing statute, could not be delayed. If they were to make that decision, and it is extremely likely that they would, the consumer protection given by delaying the recovery under the existing Section 52-A, would no longer exist.

Since investors do not like Section 52-A and consumers would no longer benefit by it, an extremely strong case could be made for enacting a new section.

Earlier this year, we had a bill before us that would, in fact, do precisely what this bill would do. The committee, at the hearing, heard some statements for the bill by the PUC, by the utilities, but in the absence of any real threat to a utility,

we decided at this time to grant the sponsors a "Leave to Withdraw." One of the reasons why we granted a "Leave to Withdraw" is that I asked Commissioner Bradford, Chairman of the PUC Commissioners, would this law as it now exists prevent you from giving some kind of rate relief from the existing utilities right now?

I would like to read an excerpt from his letter back to us. He said, "Nevertheless, it is our present view that costs of the magnitude involved in the cancellation of Seabrook, it could not be deferred until that last announced completion date without impairing the ability of Central Maine Power to raise capital on just and reasonable terms." In other words, what he told us is that whether this bill was in place or not in place, it was very apparent that because of the magnitude of the investment and the financial integrity that is threatened of the company, there was no question in his mind that the Commissioners would, in fact, give rate relief. Based on that letter, we saw no reason to repeal this law, we just simply left it in place.

However, the following day after we gave "Leave to Withdraw," and it was coincidental, believe me, it wasn't intentional, Moody Investors of New York, which is the company that rates bonds and gives the company a bond rating, did, in fact, downgrade Central Maine Power. One of the reasons that they downgraded their rating was because of this existing law. In other words, they felt that it was the legislature that was trying to impose some kind of regulation or some kind of a restriction on the Public Utilities Commission and there is no question about it, that is precisely what this law did.

Now by downgrading the bond rating, in effect what this would do, it would cost over on a typical \$50 million bond issue, which is what Central Maine Power would probably issue annually, it would cost \$22 million to the ratepayers of the State of Maine over a 30 year period and gosh knows what beyond that.

Therefore, a new bill was introduced by the Governor which was identical to the bill that we defeated or we gave "Leave to Withdraw" to eliminate this particular statute and I, for one, support this very heavily and I will tell you why. I want to regress just a little.

Last year when the original bill was presented, I supported that bill as amended because I felt it was just, I felt it was fair, I still think it is just and fair and I don't understand why the investors on Wall Street chose to downgrade the rating because of this. But I can't influence them, they are not from Maine, they are from New York; therefore, what we had to do in committee is find out, is this law necessary? I think that is the whole key right there. When asked by us, when I asked the PUC Commissioners, is this law necessary, absolutely not, because whether the law is there or whether it isn't there, we are going to grant a rate increase or rate relief. There isn't any question in my mind about it. Since then, we have had Seabrook II cancelled so it is going to come up in the next rate case sure as the dickens.

All right, if the law isn't necessary and it doesn't have an effect on what is going to happen with the Commissioners, when we should get rid of it and hopefully that would be one key that would help the upgrading of the bonds again.

Now, nothing was said at the hearing that this would, in fact, just because we enact this bill, upgrade this, but I would like you to just visualize your typical scale. You have your plates on each side, put a B rating, put an A rating. With this bill in place, call this bill a little pebble, and it is weighing that scale down so that the rating is bad and it is going to cost us money. No matter which way you look at it, it is going to cost you money, me money, all ratepayers money, that is the name of the game. If we remove that pebble, if we repeal the bill which is a symbolic pebble, maybe, just maybe, that will tilt back up, at least to keep it the way it is or to increase the bond rating which would help the consumers in the long run. Now that is the whole thing behind this bill.

We don't need 52-A, which is the paragraph I read to you to begin with. We don't need it because it doesn't have any effect whatsoever on what the Commissioners are going to do. If we get rid of it, it 'could' affect the bond rating which is important to all of us. As you well know, if you slip down a point or a point and a half, it is going to cost you money and that is the reason why this bill is before you today.

I hope that you will support this bill.

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

Mr. CONNOLLY: Mr. Speaker, I would like to pose a question to the Chair. Before we get into an extended debate on this issue, as the Chairman of the Committee just said, there was a bill, L. D. 1829, that was before the legislature earlier in this session that was heard by the committee that does, in the words of the Chairman of the Committee, precisely what this particular piece of legislation does and that bill was given a "Leave to Withdraw" and was finally disposed of. Based on that, Mr. Speaker, my question to you would be whether this bill is properly before this body?

The SPEAKER: The matter is tabled pending a ruling by the Chair.

Passed to Be Engrossed

Bill "An Act Regarding Franchising and Regulation of Cable Television Systems" (S. P. 903) (L. D. 2423).

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

Mr. McGowan of Pittsfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-690) was read by the Clerk.

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

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to provide that jurisdiction of pole attachment rates continue to remain with the Federal Communications Commission as opposed to the state's Public Utilities Commission and basically, if this amendment is adopted, then it will save your cable TV subscribers some money.

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

Mr. BAKER: Mr. Speaker, I would like at this time to move indefinite postponement of House Amendment "A".

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

The gentleman may proceed.

Mr. BAKER: Mr. Speaker, Members of the House: I have been waiting since nine o'clock to finally get up on my feet and talk to you this morning and here is my chance. I should warn you, I am not going to be brief. Those of you who wish to stretch your legs, now is the time to do it. For those of you who care to remain, I would like to explain a little bit about the issue before us.

The amendment as introduced has the support of the Cable TV industry. The amendment was brought about because as our committee dealt with the issue of regulation of cable television, we finally came to a decision that in the matter of pole attachments, that is where the cable TV rents the space on the telephone pole from the phone company and pays the phone company a fee for that rental space, on that particular issue, we decided that in a case where the phone company on the one hand and the cable television industry on the other hand were unable to agree upon the rate, they could then take the matter before the Public Utilities Commission.

I think that there is a feeling in this particular instance that regulation of this sort was better off left closer to home, with the state's Public Utilities Commission as opposed to the Federal Communications Commission.

All this bill does in this particular section is say that where both parties are unable to agree in negotiations between themselves, then they may take it to the Public Utilities Commission. I think

that that particular regulation makes sense and therefore I think we should oppose the Amendment that is supported by the cable television industry and allow the bill to go on its way.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Robinson.

Mrs. ROBINSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to ask you to go along with the motion of the gentleman from Portland, Mr. Baker. He is absolutely correct on this issue. Representative McGowan told you a moment ago that supposedly his amendment will save cable TV subscribers money. If Representative McGowan is correct in his statement, then currently all of your power and telephone subscribers in your district are subsidizing cable television. I personally feel that telephone and electricity use is much of a necessity of life than cable television use and for that reason I feel that the Public Utilities Commission should have a chance to regulate pole attachments inasmuch as the PUC is currently regulating both the telephone and the power industries.

I hope that you will vote in favor of the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Bost.

Mr. BOST: Mr. Speaker, Men and Women of the House: It is not often that I agree with both Representative Baker and Representative Robinson, but I would like to take this occasion to just briefly speak about the unanimous committee report on this bill.

It simply, as Representative Baker pointed out, establishes a state policy with respect to cable TV. It leaves the control and franchising of cable TV with each municipality and it also sets some boundaries for the municipality to operate in.

The bill expands the joint use of equipment in Title 35, the obvious jointly used equipment, of course, being the poles. This bill states that is the utilities and the cable TV companies can reach an agreement on pole attachment fees, then no regulatory body must act. However, if the utility and cable TV cannot agree, then the PUC will step in and settle the matter of how much the fee will be.

Please keep in mind that if the so-called pole attachment fee is not fair, you could have a situation where the utilities are offering a subsidy to cable customers at the expense of the utility customers, so it is a definite tradeoff. I would draw the analogy that we just recently acted on a bill here that gave a strong recommendation that the state maintain universal telephone service. In doing so, we have concluded that a telephone, much like electricity, is a necessity of life. If that be the case, then we must do whatever we can to assure that the telephone monopoly is protected, and I know that sounds strange.

If there is any question at all that utility customers are subsidizing TV customers, then the PUC should be allowed to make that determination.

I hope you will vote against the pending amendment.

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

A vote of the House was taken.

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

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

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

SENATE DIVIDED REPORT—Majority (7) "Ought to Pass" in New Draft (S. P. 889) (L. D. 2404)—Minority (3) "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Wood Measurement Law" (S. P. 890) (L. D. 2405)—Joint Select Committee on Wood Measurement on Bill "An Act to Revise the Wood Measurement Law" (S. P. 623) (L. D. 1768)

In Senate, Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft (S. P. 889) (L. D. 2404) passed to be engrossed as amended by Senate Amendment "A" (S-372).

Tabled—April 9, 1984 (Till Later Today) by Representative Jacques of Waterville.

Pending—Motion of same Gentleman to Accept the Majority "Ought to Pass" in New Draft Report.

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

Senate Amendment "A" (S-372) was read by the Clerk.

Mr. Jacques of Waterville offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

House Amendment "A" (H-691) to Senate Amendment "A" was read by the Clerk and adopted.

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

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you people don't adopt this amendment today.

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

Mr. DEXTER: Mr. Speaker, Ladies and Gentlemen of the House: This has been around a long time. I am reminded of a time many years ago when I was sitting in my livingroom one Sunday afternoon and I had a neighbor and her young child visiting and they picked up a little kitten that belonged to one of my children and he had the kitten by the throat. The kitten's tongue was hanging out and it was obvious that he was going to die. So I interfered. This is what you are going to do to the little small jobber, contractor, micro-business, if you will, and the woodsmen.

I have tried four times to get my report on the floor of the House and it never has surfaced. I am not blaming anyone, it is just the crunch that we have been in. My House Chairman tried to help me but by the time he found out, it was too late.

It is too bad. This is a cruel hoax on the very people that we are trying to protect. It reminds me of a young fellow out with the girl of his dreams. All through the evening she leads him to believe that all his greatest hopes and expectations will be fulfilled. At the end of the evening, she tells him that those great expectations and hopes are not going to be fulfilled, so with this in mind, I move indefinite postponement of this amendment.

The SPEAKER: The gentleman from Kingfield, Mr. Dexter, moves the indefinite postponement of Senate Amendment "A" as amended by House Amendment "A".

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Kingfield, Mr. Dexter, has expressed his concern about this little jobber, I guess he refers to them, and we all know Mr. Dexter to be a very honorable man. I consider him a very good friend and I have respected his opinions and his ideas for the last six years and I know that he has been going around here playing the part of the poor, uneducated, woodchopper that is going to be taken advantage of. I remember well when somebody called him an ignorant woodchopper and I had all I could do to keep him down in the committee room to keep him from going after the fellow. But I have learned one thing, that Mr. Dexter is anything but an ignorant woodchopper, so that is why we are offering this amendment, because this amendment takes care of the problems, as far as anybody has told me, that these small contractors are going to have. If Mr. Dexter can tell me what my amendment does that is going to do contrary to what I believe it is, I would like to have him explain it to me right now.

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

Mr. DEXTER: Mr. Speaker, Ladies and Gentle

men of the House: I would like to believe that this would go along with my Minority Report which I never had the chance to offer, but the way I interpret this, the mill could reject the whole load. If you reject a few loads like that, we are all going to be in trouble.

Also, the way that I read this, if a man wanted to work for me and I told him the conditions of what had to be done and he didn't want to go along, the way that I read this there wouldn't be a unilateral agreement and I wouldn't have the right to not hire him. This is what worries me.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: To address the first point, I think that this goes a lot farther than making a paper company or a mill refuse a load. I think this will open up their line of communications between the mill and a contractor and the little jobber, so to speak, so that everyone will very clearly understand what will be acceptable and what will not be acceptable and it will be agreed upon hopefully by all parties.

I think in that case, if the small cutter tries to pull a fast one or the contractor tries to pull a fast one, they will suffer the consequences and I have no problem with that.

By the second token, I would hope that no one would go to work for any contractor without at least some either written or verbal understanding or agreement before they get into a working arrangement because then when the trouble comes, if you have nothing in writing—I wouldn't enter into any agreement with any one, including my own brother, that had to do with business without at least having something written down because when there is an agreement, we can go back and see that all parties knew what they were getting involved in before they did. This is what hopefully will be accomplished by my amendment.

I am not saying all the problems will be solved, ladies and gentlemen, but I sat there long enough to hear that there were some severe problems everywhere and what we have done by this amendment is try to address the majority of those problems. Hopefully, if we don't, we can come back and when the problems are shown to us, we can address the smaller problems next year.

I have nothing personal to gain out of this. I was given this assignment by my illustrious Speaker and I will be deeply indebted to him for this privilege for a long time, but what we have tried to do is solve, what is to me and I think all the members of the committee, a problem. We have tried to address it in the best way that we know how and I think this amendment comes a long way in accomplishing that.

I hope that you will not indefinitely postpone this amendment and let's see if we can get something on the books.

Nobody has mentioned this but you know the Bureau of Weights and Measures that operates in the State of Maine is looking for some guidance, they are looking for something to tell them how to do this job and they were there testifying that effect and what this L. D. has tried to accomplish. It is trying to give them the mechanisms to do the things that are right for the people who are doing the work. I think that is a very important thing. We can't forget everybody. As I said before, everybody knows when they buy a gallon of milk that they are buying a gallon of milk and when they buy a peck of potatoes, they are buying a peck of potatoes, and what we are trying to do is establish a method of measurement so that everybody knows from the guy who is cutting that tree to the guy who is making it into whatever their job is to do, so I hope you will go along and accept this amendment.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I dislike doing this to my very good seatmate but we have a minor problem and this

amendment makes a bigger problem. A man today, the same as when I was growing up, is worthy of his hire. If you hire to cut wood, you hire to cut wood. If you hire to cut rotten wood, you ought to have that in the agreement when you hire out.

What they are really trying to do, you can amend it and write bills and do anything you want to, but they are trying to get paid for cutting rotten wood. If you are going to pay them for cutting rotten wood, I don't care who it is, I don't have any small contractors that I can think of right off quick but I have a lot of woodcutters in my area, if we are going to pay them for cutting the rotten wood, we are going to have to pay them less for cutting the good wood.

The wood is only worth so much delivered to the mill and there is no use for the rotten wood. To begin with, they probably shouldn't cut the rotten wood. But you can make all kinds of amendments trying to correct it and when you get all done, you are worse off than when you started, I am positive of that. He admits we would be back here next year to correct the minor problems with the amendment, but the minor problems are major as far as I am concerned and we don't need it. We don't need the bill in the first place. We won't talk about the bill for a few minutes, but I am sure we will have something to say when it comes up.

I think this amendment should be indefinitely postponed. It only makes a bad matter worse. There is no way that you can make a man buy rotten wood, and that is what you are trying to do. You can hide it all you want to by amendments and by bills, but fundamentally that is what you are trying to do.

As I told the caucus this afternoon, this is a little story that happened to me that puts me in mind of this. One time I was building a fishway, and I told them, this afternoon at the caucus, and I had an employee measure the timber and mark it. He said, I bet you \$10 that it will fit, and I had the saw. Well, this is the same type of a deal. You can tell them to pass all the bills you want to, but the man with the pocketbook is doing the paying and he has got to deliver the manufactured product on the Boston market and compete with all the other areas that are sending wood to the Boston market, so he has got a certain amount for the trucker, he has got a little bit left for the sawer and so much for the cutter. Okay? If he pays for the rotten wood, he has either got to pay less for the good wood or cut the trucker \$2, which is barely existing now because we raised his diesel tax and everything, or he has got to cut the saw mill crew that are working for minimum wage, so I don't see where he can cut it. The fellows that are cutting good wood, some lots don't see where he can cut it. The fellows that are cutting good wood, some lots don't have bad wood on them, they are going to get shafted too. The way it is now, the only ones that are getting shafted are the ones cutting the rotten wood and they shouldn't cut it in the first place.

In our Speaker's area, around the border, they do have a different problem, they are stealing the wood and taking it over to Canada and not scaling it until they get over there and Canadian scales are different than ours, even their gasoline scale or their quart of milk scale, everything is different over there, so I guess they do have a problem, but the federal government should make them scale it before they take it across the line or weigh it or something. They shouldn't get the whole state involved in an amendment that screws up the whole state rather than just around the border.

I hope you will indefinitely postpone this amendment and the other when you get to it.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: This is a very, very important bill to the lumber industry of this state, and I must commend the woodcutters for their tenacity to keep after us for the last two years to try to get

something on the books that would be fair and equitable to all.

The issue really before us today here is one of fairness. Representative Jacques mentioned a while ago that the department is having a hard time in establishing what should be the proper unit of measure. What is on the books right now is so nebulous that they can't make heads or tails out of it and it is causing real serious problems and they are, in fact, supporting this bill.

This issue should have been discussed before today but it was a long time in coming. The main reason why today we need to make a change is because in the wood industry, the method of harvesting has changed considerably within the last 20 to 25 years. In the old days, the way the cutters were expected to prepare the wood was to cut it in certain sections and pile in neat geometric forms like squares and rectangles where it was very easy for a scaler to go out there and determine the amount of wood in a lot of wood. Those days are gone now. It is no longer possible nor is it done where logs are prepared in these neat little packages. Instead, what is happening is, they are hauled to a yard tree length, oftentimes not even limbed, and left there. Consequently, there had to be a different method of measurement, and over the years a number of different methods have evolved. Some of those methods are now law and are being used. In this present bill that we have before us, we are authorizing additional methods of properly measuring wood.

Some of methods in use today that I will elaborate a little bit on is the weight. What is done is, a truckload of logs is weighed before and after it is unloaded and they determine a net weight. From that net weight, they are paid. We have problems out there. We have logs that are cut today and will remain in the forests for three or four months. In the mean time, these logs are drying. Consequently, when they are weighed, at times you might need two to make one, so who loses? The cutter loses.

Also, today we have a problem with diseased wood. We have spruce budworm where the trees are dry standing up, and we have these cutters go out there and cut these trees, they are loaded on their truck and weighed and they are paid accordingly. Consequently, again, it might take two or three to make one, so who loses? The cutter.

What this bill does, it says that if a tree is not hauled and weighed before 15 days from cutting, that an alternate method shall be used to determine wages.

Also a very important part of this bill is the licensing of scalers. Presently, anyone can declare himself a scaler and go out there and scale. There is no control whatsoever. The individual might be proficient or might not be proficient. What this bill would do is provide a licensing of scalers and if the scaler is not performing according to standards, then the license could be pulled. In other words, the state would have some control over the individuals scaling the wood.

A very important part of this bill also is that there will be written specifications issued to the cutter. There are a number of reasons why this is very important, the first one being that presently there is a constant tug of war between the landowners, the foresters and the contractors. Of course, the landowners want to salvage as much of their wood as possible so they instruct the cutters—I want you to cut these logs or these trees. The cutters haul them to the yard, then the contractor comes around and takes a look at the wood and says, I don't like these logs, I don't like this log, I don't like that log. What happens? The cutter is caught in between, he is doing work for nothing. What this would do if they have written specifications, then it would transfer the tug of war from the cutter to the landowner. There they could settle their differences and the cutter would not be caught in between and made to absorb all these differences that occur out there.

Also, it provides for wood taken out of this state to be measured prior to being taken out, and there is a reason for that. In some part of the state, wood is taken across the border to either another state or probably to Canada. There is no way of verifying the amount of wood that was on that truck. For example, a truck will come into the woods, they will load in one pile and if they run out of wood they go to another pile which might belong to someone else. They put it all in one group. They take it to Canada. Whose wood is whose? You can't tell, you can't tell which wood belongs to whom. That is not a good situation.

What this bill would provide is that before this wood leaves the state, that there would be some kind of tally given to the cutter so that they would know where they stand with all of this.

Another thing that goes on along with this, since there is no way of measuring this wood before it leaves the country, the contractors and the scalers will go out there and look at wood pile and take a swag at it and say, well, I think you cut about this amount of wood and I will advance you this kind of money for the wood pile. In the end, sometimes they don't come out very well with this. There is always a question, did I get properly paid or was I shortchanged? This method here will try to solve that problem.

I want to say that most of our contractors are honest, as far as I know, they are very honest. On the other hand, we have others who are not and that is why we pass laws. Most of the laws that we pass here are for those people that do not want to conform, so this would be no different.

Probably I am coming to the most important aspect of this bill, the thing that has caused the wood companies real serious heartburn, and I know why it is causing them heartburn, because we are taking away from them, really, a medieval tool of torture that they have held and used over these cutters for all these years, and that is the discount. The discount is a very useful tool. It is used to discipline the cutters. It is used if the wood pile is not properly put together. It is used by discounting the wood. What can the cutter do? They can do nothing but accept it. It is also used to control supply and demand. If the mill yard is full of wood, then they really come down on the standards and these cutters are made to lose. All this time they are the ones that really have to pay for this. Of course, it is also used for quality control.

Right now, the cutter is the sole individual in the chain here responsible for quality, and I don't think that is proper. What our bill says is in these specifications given to a cutter, it will be described in there exactly what the contractor wants or the mill wants. If that cutter prepares that wood according to those specifications, they will get paid.

There are some arguments that are offered that if the wood is defective they should not get paid for it. Well, if that is the case, they leave the wood back there in the forest and not take it to the mill and use it, because there is not one stick of wood right now that will remain in the woods, especially this defective wood, it is always loaded and taken to the mill and used somehow, but the cutters always have to absorb whatever it is.

This is probably the most controversial part of this bill, but I will say this, there are today some of our logging companies in this state, very successful logging companies, that do not discount the wood for their cutters and they have not gone out of business. As a matter of fact, they are thriving, and one of the reasons that they are thriving is because the cutters are happy. When they go home at night, they can determine how much wood they have cut and how much money they have earned because they know that every log that meets the specifications will be counted in the tally, and we need to do that. They say, well, what are we going to do, what is going to happen? If we go this way, it is going to put us out of business. It did not put these

companies out of business. What is going to happen is at this marketplace, the price is going to adjust itself because in time they will be able to tell how much defective wood there is in a wood pile.

I accept the fact that the price will probably go down to absorb this difference and this change, but that is okay as long as they at least know what they are doing and what they are earning. So all of the excuses that have been offered that I have heard against this bill really, in the end, would not hold water.

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I am glad he brought up that discipline thing and the way they control us. I didn't realize how cruel the gentleman from Eagle Lake was.

Now let's address the quality control. If I can't tell my men how I want that wood prepared, can you imagine the chaos? We have to separate out premium lumber. This is how we survive, this is how the cutter survives, how the contractor survives. You don't make any money on pulp. It would be just like having the gentleman from Baileyville, Representative Tammaro, refereeing a basketball game and he couldn't call a foul. Can you imagine the chaos?

About this wood going to Canada. I have sold to Canada for over 25 years. Only once in that time have I had to go to Canada. There were two loads that were missing. I went in there, and of course they all spoke French and my French is rather limited, so I told them what the problem was. The owner spoke to his bookkeeper, who did speak some English, the owner said to his bookkeeper, pay this man whatever he says he had on, he is an honest man. That is exactly what happened and I have never had any trouble with the Canadians. They are French and I understand perhaps some of the French contractors are not that honorable, but we can't solve the problems of maybe one contractor that is less than honorable and hurt I don't know how many people in the bargain.

As far as these logs being discounted, you cut a fir tree that is 15 inches on the stump, fir rots from the stump up. It tends to be hollow or rotten or both. You take a 16 foot log off that tree. That, I would remind you people, is premium lumber. The cutter gets paid more for that because I get more for that, all contractors get more for that. So it goes to the mill, it scales 100 feet from the top end, you scale from the top end, by the way, and the mill cuts you 20 feet for that hole or that rot. Remember, all this is factored in. When my cutters negotiate with me, I show them the chance, we look at it, we agree on price. They understand before they even start that chainsaw.

I have been here eight years and I have been called an ignorant woodchopper every day the eight years I have been here, and perhaps I am because I have always worked for a living, but believe you me, those woodchoppers are not ignorant. If I looked at a pile of wood and I advance and there are 20 cord in that pile of wood and I told my cutter there was only 10, and most of them are a lot bigger than I am and I am not as able as I used to be, they would tear me from limb to limb, it would be that simple. Either that or I would lose a few motors in my equipment. These boys, they don't take kindly to that.

If you remember right, there were several woodsmen here yesterday, and I mean woodsmen, cutters. They didn't see anything wrong with the present setup, they are happy.

I can't talk about my minority report because it's not before the body, but I could have addressed some of those problems. I have nothing against having licensed scalers, I have no objection to that at all.

I will tell you what will happen. The so-called small businessman, the micro-businesses, if you will, will go out of business, it will be that simple. All you will have are the large contractors, they will be the only ones able to deal, and they will automate. They then will lay off 75 percent of

their men and they will hire a few key people by the hour and that is the way it will be, ladies and gentlemen. Again, we are right back to where we are going to love that kitten to death with this bill.

Another thing, the select committee, and it is not my House Chairman's fault, he has tried to cooperate, we held not a single meeting to go out here on these sites, look at the problem, address the problem and try to come up with something. And here we are in the closing days of the session, we are going to create more problems. If you think you have got problems now, let this go through the way it is and see what is here next time. There is not a room around this complex big enough to hold those howling woodchoppers, and I mean the woodsmen, not the contractors, not the big boys, I mean the guy out there working.

The SPEAKER: The Chair would caution members that it appears we are debating the bill. The matter before us and the only matter before the body at this time is Senate Amendment "A" as amended by House Amendment "A" and that is the pending motion. If Senate Amendment "A" as amended by House Amendment "A" thereto is defeated, you are left with the original bill. The Chair would need to remind members of that. The pending question is the motion to indefinitely postpone Senate Amendment "A" as amended by House Amendment "A" thereto.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I still haven't heard from anybody what the adoption of House Amendment "A" to Senate Amendment "A" will do to hurt the woodchopper or the contractor.

We had a public hearing, and when somebody stands there and tells me that there is no problem and there were at least 75 people there from all over the State of Maine, I am no expert on the State of Maine but I know the difference between Fort Kent and Eagle Lake and Hancock County and Oxford County and Cumberland County and wherever else they happen to come from, and when somebody says there isn't a problem, I just can't believe that because there were about 75 people there telling me there was a problem.

I would just like to know, and I hope that nobody questions my integrity on this thing because I am not out to make people buy rotten wood, I am not out to make people pay for somebody to cut rotten wood, I am just out to enable the guy who is doing some work to find out if he is getting paid to do that work or he 'ain't. That is all I am trying to do.

I would like to have somebody explain to me why my amendment will hurt these people that we are trying to help.

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

The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, in response to the gentleman's question, number one, right now in the King Bartlett area there are 30 men working and piling up wood. You pass this and that contractor is going to shut down, and he scales the wood, estimates it, if you will, and advances money on this wood. Those people are tickled to death to be working. In fact, that is why they are not down here. Believe me, you pass this and in another year they will be down here because they will not be working, it is that simple.

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

Mr. JACQUES: Mr. Speaker, I would like to pose a question through the Chair. Could the good gentleman from Kingfield, Mr. Dexter, explain to me why and how this would affect those people in the woods right now? Could he tell me if he has read the whole bill that this amendment is trying to amend?

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

Mr. DEXTER: Mr. Speaker, Men and Women

of the House: I understand that that 15 day provision is still in there, and if that is still in there, what I just said still holds water.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding, and I stand to be corrected, if this L. D. passes as amended by my amendment, this will not affect anybody that is in the process right now at all. As a matter of fact, if somebody has an outstanding contractor, it could go to the year 1986 or 1987 and it would not affect them.

Mr. Speaker, I request the yeas and nays.

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 Dexter of Kingfield that Senate Amendment "A" as amended by House Amendment "A" thereto be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

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

Mr. SWAZEY: Mr. Speaker, I would like to pair my vote with Representative Martin from Brunswick. If she were here and voting, she would be voting nay and I would be voting yea.

ROLL CALL NO. 470

YEA—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Conary, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Livesay, MacBride, Masterman, Maybury, McColister, McPherson, Moholland, Murphy, T.W.; Paradis, E.J.; Paradis, P.E.; Perkins, Pines, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Rolde, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Tammaro, Vose, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connors, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Forster, Gauvreau, Gwadnosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Masterton, Mathews, K.L.; Matthews, Z.E.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murray, Nadeau, Nelson, Norton, Parent, Paul, Perry, Pouliot, Racine, Reeves, P.; Richard, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Stover, Strout, Theriault, Thompson, Tuttle, Zirkililton, The Speaker.

ABSENT—Carrier, Jalbert, Joseph, Kane, Martin, H.C.; Michael, Randall, Telow.

PAIRED—Martin, A.C.; Swazey.

58 having voted in the affirmative and 83 in the negative, with 8 being absent and 2 paired, the motion did not prevail.

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

The Bill was assigned for second reading tomorrow.

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

Ought to Pass in New Draft/New Title

Representative Higgins from the Committee on Taxation on Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1984-85" (Emergency) (H. P. 1624) (L. D. 2148) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Municipal Cost Components for Fiscal Year 1984-85 and Providing for a Study of the Unorganized Territory" (Emergency) (H. P. 1857) (L. D. 2458).

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Permit Public Service in Lieu of Fines for Indigent Offenders Under the Drunk Driving Law" (H. P. 1427) (L. D. 1872) have had the same under consideration and ask leave to report that they are unable to agree:

Signed:

Representatives:

CARRIER of Westbrook
JACQUES of Waterville
REEVES of Newport

Senators:

TRAFTON of Androscoggin
VIOLETTE of Aroostook
COLLINS of Knox

On motion of Representative Jacques of Waterville, the Conference Committee Report was accepted and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act to Revise the Salaries of Certain County Officers (H. P. 1841) (L. D. 2436).

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. 109 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Making Adjusted Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985 (H. P. 1848) (L. D. 2443).

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. 117 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.

Passed to Be Enacted

An Act to Provide Voter Information on Ballot Questions (H. P. 1588) (L. D. 2095) (H. "A" H-678; C. "A" H-568).

An Act Concerning Higher Education (H. P. 1684) (L.D. 2221) (H. "A" H-668 C. "A" H-649).

An Act to Revise the Laws Governing Certification of Educational Personnel (H. P. 1839) (L. D. 2434) (H. "B" H-672).

An Act to Establish a Commission to Assess the Loss of Farmland in Maine (H. P. 1842) (L. D. 2438) (S. "A" S-389).

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.

Non-Concurrent Matter Tabled and Assigned

Bill "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) (H. "A" H-631) which was Passed to be Enacted in the House on April 9, 1984.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-371) as amended by Senate Amendment "A" (S-393) thereto in non-concurrence.

On motion of Representative Carter of Winslow, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Require Maintenance of Financial Responsibility by All Motorists" (H. P. 1843) (L. D. 2447) which was Passed to be Engrossed in the House on April 9, 1984.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-392) in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

Bill "An Act to Provide a Corporate Tax Credit for Donations of Technological Equipment to Educational Institutions" (H. P. 1653) (L. D. 2178) which on was the Chair ruled the Bill and Accompanying Papers not properly before the body pursuant to Joint Rule 37 in the House on March 27, 1984.

Came from the Senate with the Unanimous "Ought to Pass" as amended Report of the Committee on Education read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-592) in non-concurrence.

The SPEAKER: Pursuant to the ruling of the Chair and of the President, the rules may be suspended, the Chair will order a vote. If you wish to recede and concur, it will require a two-thirds vote of the members present and voting because it is suspension of the rules.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I hope that you will agree with the Chair and not recede and concur.

The SPEAKER: All those in favor of the rules being suspended will vote yes; those opposed will vote no.

43 having voted in the affirmative and 75 having voted in the negative, the rules were not suspended.

Thereupon, the House voted to adhere.

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature 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) have had the same under consideration and ask leave to report that the House recede and concur with the Senate on Passage to be Engrossed of the New Draft under New Title Bill "An Act to Create Enabling Legislation for Payroll Deductions for Individual Retirement Accounts and Simplified Employee Pension Plans and to Make Necessary Technical Changes in the Provisions of Current Deferred Compensation Statutes" (H. P. 1796) (L. D. 2371).

Signed:

Representatives:

GWADOSKY of Fairfield
COOPER of Windham
DILLENBACK of Cumberland

Senators:

VIOLETTE of Aroostook
BALDACCI of Penobscot
HICHENS of York

Committee of Conference Report was read and accepted.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I move that we reconsider our action whereby this body accepted the Committee of Conference Report.

Would someone give us a brief explanation as to the difference between the two reports and why in the Committee of Conference members of this body voted to recede and concur?

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would be more than happy to respond to the question of the gentleman from Scarborough, Mr. Higgins.

We had a bill before the Committee on State Government this year dealing with deferred compensation plans for towns and municipalities. Actually, the bill came before us because of a problem that Representative Swazey's town of Bucksport had. We had a divided report. Actually, neither report was ever debated in both branches. I think probably the titles of the bills were so long that nobody dared to get into the

merits of the bills themselves. However, there were two basic issues. One issue was to allow and create some enabling legislation to clarify our present statutes, that towns and municipalities can offer IRA's and CEP's to their employees through a payroll deduction plan. Nobody on the committee had a problem with that. That was pretty much given. The substantial difference came in one of the earlier reports which would allow towns and municipalities to offer deferred comp plans to their town employees if they so desired and they could get these plans through financial institutions.

We met in a committee of conference and the report that came out of the committee of conference was the report of the State Government Committee which no one had any problem with. It is a very noncontroversial section. It simply clarifies the language that towns and counties can offer IRA's and CEP's, which is another plan, to their employees through payroll deduction.

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

Mr. HIGGINS: Mr. Speaker, I appreciate the explanation from the gentleman from Fairfield, Mr. Gwadosky. It is just unusual to see a body give up and recede and concur as easily with that. With that, Mr. Speaker, I would withdraw my motion to reconsider.

Thereupon, Mr. Higgins of Scarborough was granted permission to withdraw his motion to reconsider.

Non-Concurrent Matter

Bill "An Act Clarifying the Extension of Consumers' Freedom of Choice Regarding Insured Mental Health Services" (H. P. 1847) (L. D. 2442) which was Passed to be Engrossed in the House on April 9, 1984.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-395) in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

Bill "An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (Emergency) (H. P. 1581) (L. D. 2093) on which the Bill and Accompanying Papers were Recommended to the Committee on Taxation in the House on April 9, 1984.

Came from the Senate with the Majority "Ought to Pass" in New Draft Report of the Committee on Taxation Read and Accepted and the New Draft (H. P. 1782) (L. D. 2347) Passed to be Engrossed in non-concurrence.

On motion of Mr. Higgins of Portland, the House voted to insist.

Non-Concurrent Matter

Bill "An Act to Establish Standards and a Policy for the Compensation of Members of Boards, Commissions and Similar Organizations" (H. P. 1807) (L. D. 2389) which was Passed to be Engrossed in the House on April 3, 1984.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "C" (S-385) in non-concurrence.

On motion of Representative Nelson of Portland, the House voted to recede.

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

House Amendment "B" (H-640) was read by the Clerk.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I move that House Amendment "B" be indefinitely postponed and would speak briefly.

I know the hour is late. The amendment which is being offered today is an amendment for the Health Care Finance Commission. Many of you will remember, we passed the bill last session. It amends a bill which is the result of a study by the State Government Committee last year. The Legislative Council approved a study for us to study the problem of the proliferation of

boards, commissions, councils and authorities which many people perceive to be expanding at a more and more rapid pace in the last couple of years.

The State Government Committee spent an incredible amount of time developing a list of every single board, council, commission and authority in state government, excluding legislative committees and excluding full-time commissions, such as Workers' Compensation and Public Utilities, and we still ended up with 193 various types of boards. We decided that there were a great deal of problems with overlapping responsibilities with these boards. In many instances their expenses were not being kept properly, there was no reporting, so we developed a bill which we are very excited about. We think it is going to create some great efficiencies and help streamline the bureaucracy of this particular monster of state government.

What this bill does is place in one chapter, one Maine Revised Statute, every board which is currently in state government. We have gone through every Maine Revised Statute, took out every reference to a board and placed it in one single Maine Revised Statute.

I think the Statement of Fact in explaining this is pretty self-evident. The purpose of this Chapter is to provide the State with a complete inventory and central listing of all boards, commissions, committees, councils, authorities and any other similar organizations established by the legislature as a means of controlling the proliferation of the organizations and as a means of reducing duplication and making the most efficient use of these organizations.

It is also the purpose of this chapter to classify these organizations according to similarity of powers, duties and responsibilities in order to provide standards for the compensation and operations of these organizations.

We classified these various boards into 12 different classifications, such as we have the Occupational Group in Licensing, we have put 39 various boards in there. We had Property Assessment, we had four boards dealing with property assessment, four boards dealing with labor and management, arbitration and commodity, three boards with substantive regulatory boards, and that is what the Maine Health Care Finance Commission comes under.

We have said for the most part—and we had to use a bench mark, and we thought the most appropriate bench mark to be using was the legislative per diem. We have said for the most part, people are members of these various boards and they are doing it for public service, that we would use the legislative per diem which said for general principle that if you are going to serve on a particular board, you shouldn't be receiving anymore than the legislative per diem, except in those instances where special expertise is required to be on a particular board and where there was a shortage of supply of that expertise. In those instances, we have recommended a higher per diem, such as some of the labor relations committees and the panel of mediators. It requires a very special expertise and it is difficult to get people to serve on those types of boards. In those instances, we have said yes, indeed, they do deserve more.

The amendment before us deals with the Health Care Finance Commission. After studying the 193 boards, we felt that an appropriate per diem would be \$100 per day, not \$150 per day as is currently authorized.

I think the gentlelady from Portland, Mrs. Nelson, will be presenting some arguments why she feels that they do deserve \$150 a day, and I want to thank the gentlelady for being very up front with us and the committee in letting us know ahead of time that she was going to be amending that. We appreciate the manner in which she brought it before us, but even at \$100 a day, no other committee in state government will be paid more than the Health Care Finance Commission. I think the chairman of the Maine Labor Relations Board also gets \$100 for their particular

meetings.

Because of the nature of the board, we believe that \$100 a day is more than adequate compensation for a public service on any board in the State of Maine, and I would urge you to indefinitely postpone this amendment.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I thank the fine chairman for not only his work but his committee's work on this bill. It is over 150 pages long and I commend them. I think it is a fine and honorable job, and those of you who were here last session know how hard the Committee on Health and Institutional Services worked to get you a bill that you could be proud of that could work, and the Health and Institutional Services Committee presented you with a unanimous report, a bill which, by the way, was sponsored by two members of this House, Representative Gwadosky and Representative Brannigan, and in that original bill was a per diem of \$150 a day. The majority of the payment of that \$150 a day is an assessment by the hospitals. That assessment has already been in place.

The hospital associations of 42 hospitals pay \$780,000 to run this commission and from the General Fund we pay \$125,000. The ratio is really quite great. The amount of money saved, if that is what you are looking for, is \$8,000 out of the total budget of \$780,000, so we are not talking about saving real money, we are talking about a principle.

This commission is the newest commission in the state of Maine and it regulates an industry of \$800 million. There are currently five members of that commission who put in hundreds of hours unpaid for and that are only paid for the hours in which they meet at the finance commission. There are people presently serving on this commission who accepted the job, which was monumental, in part because of the fee that was promised them—this was promised them. This is not a commission established in 1930 or 1940 but a commission we established in 1984 by 1984 standards of compensation. The assessment is there. We are not taking that out of anyone else's pocket. You are asking people who are, indeed, specially qualified, with special expertise, to wrestle with a program that will probably be in time more powerful, let's say, than the PUC.

This is an industry, and mind you, it is a monopoly, an industry that is supposed to be controlled on behalf of the consumer. We are looking for health quality and access of care. We fought for this, men and women of the House, we had a joint caucus on this. Men and women of the House, our committee studied it for a year and a half and we gave you a bill which you believed in and which you trusted and inside it was a fee for \$150, and now, two months after this commission has started, you are now saying that you can't afford or you don't believe that they are worth that amount of money and you are going to make everybody that is on the commission the same.

Now I ask you, it's baseball season, right? Not everybody on a baseball team gets paid the same salary. We are asking in this amendment—and not that this bill has not been amended because indeed it has, there were fees that were changed in the other body, they changed the Parole Board, they changed a commission that deals with agriculture, so this is not something new. We are not asking anything different in that sense. What we are asking is a committee of a whole, and although my name is on the amendment, is to say don't break faith. You promised these people that that is what you would pay them for this enormous amount of work. If you feel in a year's time that this is too much money, fine, but I think it is very unfair since the assessment is already there. It is assessed by the very people they plan to regulate and those people want the assessment to remain the same.

This is a very fair and equitable amendment only placing back into statute that which we all

did just last year. I ask you for the support of this amendment.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I know it is awful late, but I just have to get up and tell you that we as a committee met, some of us met with the Health Care Finance Board last week and there was some discussion about this. One of the members who I know, I was talking to her and I said, how much work are you doing? She said, I'll tell you, it has been good bedtime reading for me for the last four or five months. Those people probably put in more time than any other board in state government when you consider what they have to do. We have 42 different hospitals in the State of Maine. We have one that just went on line, Jackson-Brook, about three months ago, we have another one in Auburn that is being talked about. They have to set standards every year what their budget is going to be and they have to come up with many numerous things for those hospitals to do and I am just pleading with you.

I know \$150 sounds like a lot, but those people probably put in a good three and a half or four days a week on the materials that they have to read before they have to set standards.

I heard about the Maine Labor Relations Board. I have been in front of the Maine Labor Relations Board. Let me tell you, ladies and gentlemen, it is a piece of cake in the Maine Labor Relations Board compared to dealing with the Health Care Finance Board.

I would hope that we would be able to go along with this. I think it is a promise. When we had these people in front of our committee, they told us it was a sacrifice but they understood that they would be paid for it and paid for it at \$150. I don't think some of those people would serve if it was down to \$100. I think when we have people that come on board—we just had these people last October, I think it was, and I just feel that maybe we can look at this, maybe in two or three years down the road we might be able to address it but this \$150 means a lot to these people because they took the job with the \$150 and they are putting in a lot of time and effort.

Like I say, it is much more than the Maine Labor Relations Board or the Environmental Protection Board. Let me tell you, I have been in front of both of those boards and it is nothing compared to the Health Care Finance Committee.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I think I am sacrificing here tonight myself on the per diem.

I want you to know that there are 159 pages in this bill and I agree with everything these people said, but this was a unanimous report of the committee. We listened to all these people. Everybody's bowl is being gored, they all wanted more, and I think Representative Gwadosky did an excellent job heading up this report and I hope you support him.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Just to respond to a couple of the comments that were made and to further explain why we feel that this amendment which calls for \$150 a day is completely out of line.

One of the things I said we looked at was the expertise required to be on a board. On the Health Care Finance Commission, there is nothing in the statute that says you have to have expertise. One member of the board has to have five years of some hospital experience within the last ten years; the others are consumers. I kind of wish that they were concerned and if a reduction from \$150 to \$100 meant that they were not going to serve on the board anymore, I wish they had come to the public hearing. We had at least 12 work sessions on this bill and nobody from the commission ever came.

We did hear from the staff and in examining

the structure, it is true, and I am proud of the Health Care Finance Commission. I think they are doing a wonderful job, I was pleased to co-sponsor that bill, but the fact is, the staff does an awful lot of that work. They are an independent agency and the staff for the Health Care Finance Commission gets paid better than any other independent agency in state government. The Chief Executive Director is in Range 91, which means he gets paid \$37,000 to \$54,000; the Deputy Director gets paid \$32,000 to \$48,000; general counsel, \$30,000 to \$45,000. There are three or four more, I could go on, they are all in the twenty, thirty, forty thousand dollars. The staff is doing an incredible amount of work for this board.

It is not to say that they don't do a tremendous amount of homework and they don't get reimbursed for it, but neither do we. We serve in the legislature and I don't have to tell you how much time you spend on bills and everything when you go home. We don't get reimbursed for that work, we don't get reimbursed for the work we do here.

They have got some lawyers, they have got Wally Haselton, I am sure that a reduction of \$50 is not going to mean anything to that gentleman in the per diem.

Once again, we are talking about public service. I hate to think \$50 one way or another is going to make the difference for some of these people. I think in the instance of one member of that commission, she may not serve on that board anymore simply because she can't afford to, but there is no small line waiting to get on that board, there are more people than you would ever hope to have waiting in line to get on that board.

It is a unanimous committee report. We examined 193 different boards and we feel very comfortable with the per diem included in this. We think the proposed amendment for \$150 a day is completely out of line and I would ask for your support in indefinitely postponing the amendment.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I will be brief but I do think this is important.

I don't use the standard of my working here and the 90 hours a week that I put in as a standard for paying anybody else. I don't use the standard of how much the staff is getting paid. We are talking about people, and presently and honestly there are only four people who are now on that Commission, one person is barely there at all, he is not getting paid, there are people on that board who are law professors, professors in economics, they are fine public servants who were told by this legislature, this very legislature, that they would be paid \$150 a day. You said that, that was a unanimous report, but there is nothing sacred in a unanimous report. This very committee allowed an amendment in the other body. No report is perfect.

I do hope that you will stop and think of what we have done; no money is coming out of the pocket of the state, the very people who want this are the people who are paying for it. I ask you to think very carefully and hope that you will vote for this very fair and equitable amendment. You cannot compare this commission to other commissions and you shouldn't.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to put things into perspective. The people that are supporting this \$50, which seems to be very little to them, means eight weeks of work to the minimum wage earner on a bill that we previously defeated and the same people who are supporting this are the people who defeated the other bill.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: That is right, Representative McHenry. I voted against the minimum wage but

I didn't promise the people of Maine that I was going to vote for the minimum wage and I didn't promise these other people that I wouldn't go along with the rest of this \$150. I think there are two different issues. I know that that issue is going to come up and it is going to come up probably when the minimum wage comes up again but a promise is a promise. We promised these people \$150. I know where this bill is going.

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

A vote of the House was taken.

83 having voted in the affirmative and 12 in the negative, the motion did prevail.

Thereupon, Senate Amendment "C" (S-385) was read and adopted.

The House voted to concur.

Passed to Be Enacted

An Act to Modify Early Retirement Plans for State Employees Hired After August 31, 1984 (H. P. 1832) (L. D. 2426).

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

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Mayo.

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Speaker, I move that the rules be suspended for the purpose of reconsideration.

The SPEAKER: The gentleman from Thomaston, Mr. Mayo, moves that the rules be suspended for the purpose of reconsideration. Is there objection?

The Chair hears objection.

Mr. Mayo of Thomaston requested a roll call.

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

The SPEAKER: The pending question before the House is on suspension of the rules. This requires a two-thirds vote of all those present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 471

YEA—Ainsworth, Allen, Andrews, Beaulieu, Benoit, Bost, Bott, Brodeur, Callahan, Carroll, D.P.; Clark, Conary, Connors, Connolly, Crouse, Davis, Diamond, Drinkwater, Foster, Gauvreau, Greenlaw, Handy, Higgins, L.M.; Jackson, Kelly, Ketover, LaPlante, Lebowitz, Lisnik, Locke, Mahany, Masterton, Mayo, Melendy, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Murray, Nelson, Paradis, P.E.; Pines, Reeves, P.; Robinson, Roderick, Rolde, Rotondi, Scarpino, Seavey, Smith, C.B.; Soule, Sproul, Stevens, Stevenson, Strout, Thompson, Tuttle, Walker, Webster, Wentworth, Weymouth, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Carroll, G.A.; Carter, Cooper, Cox, Crowley, Curtis, Daggett, Day, Dillenback, Erwin, Hall, Hayden, Hickey, Holloway, Ingraham, Jacques, Joyce, Kiesman, Kilcoyne, Lehoux, Livesay, MacBride, MacEachern, Macomber, Manning, Masterman, Matthews, K.L.; Maybury, McCollister, McGowan, McHenry, Moholland, Nadeau, Norton, Paradis, E.J.; Parent, Paul, Perkins, Perry, Pouliot, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.W.; Soucy, Stover, Swazey, Tammaro, Theriault, Vose, Willey, Zirkilton.

ABSENT—Baker, Carrier, Cashman, Chonko, Cote, Dexter, Dudley, Gwadosky, Higgins, H.C.; Hobbins, Jalbert, Joseph, Kane, Kelleher, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; McPherson, McSweeney, Michael, Racine, Telow.

64 having voted in the affirmative and 65 in the negative, with 22 being absent, the motion did not prevail.

Mr. Mayo of Thomaston requested a roll call on enactment.

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 Thomaston, Mr. Mayo.

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I apologize from the start for taking your time tonight. I realize that it is late but you have to understand one thing, this bill affects my district a great deal.

I represent the town of Warren and the town of Thomaston and in those towns there are two facilities, the minimum security facility at Warren and the Bolduc Unit and the Maine State Prison in Thomaston. This retirement bill is going to affect the quality of those institutions and I wish to present some information to you tonight so you can understand what you are doing.

First and foremost, I wanted to point out again that the unfunded liability of our retirement system was not—was not caused by the special plans. The unfunded liability of our retirement system is not being enhanced by the present special plans.

As far as cost savings are concerned, I would like you to consider the increased cost to the State of Maine if we do away with this early retirement system, and I am speaking specifically about the early retirement system as it affects the Maine State Prison in Thomaston—increased sick time, increased disability retirement, and ladies and gentlemen, what is the cost of human life? What is the cost of human life when someone is stretched beyond their physical capabilities in that institution? When there is a riot, when those prisoners, and I would point out to you that those are the people that can't fit into society and they are put in that institution, an institution which I feel is substandard, and they break out, where do they go? I will tell you where they go. The first place they hit is the town of Thomaston. That facility is less than a mile from my house.

I would like to read something to you. It is a sworn deposition given to the Attorney General by the Commissioner of Corrections, Commissioner Allen. "I think that after a person has been in corrections for an extended period of time, such as 20 years, they generally have experience in a great deal of combat duty, so to speak, direct contact with the clientele who are very difficult in terms of their behavior, conduct. Obviously, they haven't been able to function in society as a whole and they are turned over to the people in the Department of Corrections. There is a great deal of stress and anxiety in working with these people and it is my belief that over an extended period of time we should have a mechanism within our department and within our retirement system so that those who feel the stress to the extent that it hinders and impedes their performance, that they should be able to get out of the system without penalty."

My concern, ladies and gentlemen, is for security, security for the prison guards, and very importantly to me, security for the citizens for the towns of Thomaston and Warren.

I would also like to point out that many people have said that this retirement plan should be taken away and we should properly compensate the people that work inside in an institution. It was also pointed out that some of the other people who are covered under this retirement system were paid quite handsomely. They talked about salaries of \$20,000 and \$16,000. Well, I would point out to you that for a prison guard at Maine State Prison the pay range is between \$11,000 and \$13,000. When those guards enter that door in the morning and the bars close behind them, they are inside that facility with the people we have deemed aren't able to be out in society.

I would also like to point out something that has been very frustrating to me as a Representative from the towns of Thomaston and Warren. The prison guards weren't originally included in this bill and they were only added in two weeks ago. They were added in the day before the public hearing on the bill. Prison guards weren't originally considered.

I really haven't had an opportunity to look at all the ramifications of changing that retirement system. I have tried my hardest over the last two weeks to gather as much information as possible to understand this situation to decide whether this was the best thing to do. I feel like I have been run over by a big steamroller. I am standing here alone tonight facing opposition from all corners of this capitol building it seems. I am trying my hardest to present the facts to you so you can understand them.

The final thing I would like to point out to you is the average life span of a guard at Maine State Prison. A guard at Maine State Prison is expected to live no longer than 57 to 59 years. That in itself, to me, speaks for it all. You are asking those people to enjoy probably two to four years in retirement.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I have a great deal of sympathy for the gentleman from Thomaston. I feel the same way about this bill and as everybody here knows, I have fought right to the wire to have the game wardens included in it. At least the prison guards, as I understand it at this point, can retire in 25 years and age 55. The game wardens went from a 20 year half-pay retirement to age 60 and 25 years. Now if anybody is getting dumped on with this bill, it is the game wardens.

I have been around this place, as Mr. Jalbert likes to say, for a few semesters, and I developed a little bit of experience here as far as politics is concerned. I have developed the ability to realize when I have been cut down and stomped on and thumped and hit and bruised and I am not a person that likes that but I do know when I am beat.

This bill has a tremendous affect on the other bill that we have that is being held in the other body. I know that there are people in the other body that want both bills to go to the Governor's desk at the same time.

For the sake of political expediency, I hope that you will not open this bill up to amendment again, that we will enact it and send it right down to the other body as soon as we have enacted it so they can do their job down there.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I feel obligated to justify the position we are in relative to the bill being before us.

A year ago, we were presented this bill and the four institutions were involved in it. We were told at that time that corrections were to be added to it. We had a study committee last summer, the committee studied the bill and when we finished our study we submitted the bill to the Governor and we said that when the bill came out, we preferred to have all of the institutions that were to be involved in it submitted with the one bill. Unfortunately, there was a periodic delay and we didn't get the bill, like Representative Mayo said, until two weeks before the hearing.

I think I have to justify why the bill is in. The constantly escalating cost of the 20 year retirement created the bill. Unfortunately, we as a committee were forced to accept the bill and I hope that you will accept it.

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

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: Due to the hour I will keep it brief. I would just like to let my good friend from Thomaston, Representative Mayo, know that he is not totally alone. There may be two of us here that feel that way. I would like to echo Mr. Mayo's concern because my towns, especially the towns of Cushing and St. George and South Thomaston also border on the immediate prison area.

One of the concerns that I have with this is the change in retirement, we are going to have more difficulty keeping personnel at the prison.

Accordingly, we will have a higher number of inexperienced personnel and with that higher number of inexperienced personnel, we will have more escapes.

To look at it quite simply, when someone escapes from the Maine State Prison in Thomaston, he doesn't appear in Fort Kent and he doesn't appear in Oxford, he doesn't appear in Kittery; he appears in Thomaston, he appears in Warren, in Cushing, St. George, in South Thomaston. I view this bill in its present form as presenting a very real risk to the lives and well being of the people in that area.

We also want to look at it fiscally. The last time I spoke on this I mentioned that I was partially responsible and primarily, actually, in the greatest amount responsible for allowing a prisoner to escape when I was at the prison. The prime reason that occurred was because I was inexperienced. Now, it cost the state in the two weeks it took them to recapture that individual and return him to custody, if my memory serves me correctly, somewhere between \$35,000 and \$40,000. If we end up with a higher percentage of inexperienced personnel, and my firm belief is that we will, and have the corresponding increase in escapes, we may be saving a \$5 bill on retirement and spending a \$100 bill on enforcement. I think when we look at the possible long-term fiscal impact, that to leave the guards' retirement in the posture that it is in isn't a wise way to do it. It is not wise fiscally and it is not wise personally for the well-being of the people of the state.

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

ROLL CALL NO.

YEA—Bell, Benoit, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Carroll, D.P.; Carroll, G.A.; Carter, Conners, Connolly, Cooper, Cox, Crowley, Daggett, Day, Diamond, Dillenback, Erwin, Gauvreau, Greenlaw, Gwadosky, Hall, Hickey, Hobbins, Ingraham, Jacques, Joyce, Kiesman, Kilcoyne, Lehoux, Lisnik, Livesay, MacBride, MacEachern, Macomber, Mahany, Manning, Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; McCollister, McHenry, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Norton, Paradis, E.J.; Parent, Paul, Perkins, Perry, Pouliot, Reeves, P.; Richard, Ridley, Roberts, Roderick, Rolde, Salsbury, Sherburne, Small, Smith, C.W.; Soucy, Soule, Stevens, Stover, Swazey, Tammaro, Theriault, Thompson, Vose, Willey, Zirkilton.

NAY—Ainsworth, Allen, Anderson, Andrews, Armstrong, Beaulieu, Cahill, Callahan, Clark, Conary, Crouse, Curtis, Davis, Drinkwater, Foster, Handy, Hayden, Higgins, H.C.; Higgins, L.M.; Holloway, Jackson, Kelly, Ketover, LaPlante, Lebowitz, Locke, Maybury, Mayo, McGowan, Melendy, Michaud, Mills, Murphy, E.M.; Murphy, T.W.; Nelson, Paradis, P.E.; Pines, Randall, Reeves, J.W.; Robinson, Rotondi, Scarpino, Seavey, Smith, C.B.; Sproul, Stevenson, Strout, Tuttle, Walker, Webster, Wentworth, Weymouth.

ABSENT—Baker, Bonney, Carrier, Cashman, Chonko, Cote, Dexter, Dudley, Jalbert, Joseph, Kane, Kelleher, Martin, A.C.; Martin, H.C.; McPherson, McSweeney, Michael, Racine, Telow, The Speaker.

79 having voted in the affirmative and 52 in the negative, with 20 being absent, the motion did prevail.

Signed by the Speaker and sent to the Senate.

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

Passed to Be Enacted

An Act Relating to Enforcement of Land Use Laws (S. P. 900) (L. D. 2418) (H. "A" H-676).

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

On motion of Mr. Mayo of Thomaston,

Adjourned until ten o'clock tomorrow morning.