

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

INDEX

FIRST CONFIRMATION SESSION

August 29, 1985

INDEX

SECOND CONFIRMATION SESSION

October 11, 1985

INDEX

FIRST SPECIAL SESSION

November 13, 1985

INDEX

HOUSE

Tuesday, June 4, 1985

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

Prayer by Reverend Clayton Alward, Pentecostal Church, North Monmouth.

Quorum called; was held.

The Journal of yesterday was read and approved.

Papers from the Senate Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-174) on Bill "An Act to Establish Mandatory Energy Standards for Publicly-funded Buildings" (S.P. 568) (L.D. 1496)

Signed:

Senators:

USHER of Cumberland

EMERSON of Penobscot

Representatives:

RIDLEY of Shapleigh

DEXTER of Kingfield

BROWN of Livermore Falls

LAW of Dover-Foxcroft

HOGGLUND of Portland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-175) on same Bill.

Signed:

Senator:

KANY of Kennebec

Representatives:

MICHAUD of Medway

MITCHELL of Freeport

COLES of Harpswell

JACQUES of Waterville

HOLLOWAY of Edgecomb

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (S-175).

Reports were read.

Representative Michaud of Medway moved acceptance of the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: What the Minority Report does is require that all publicly funded new buildings meet state minimum energy standards. You may hear that mandatory standards are not needed, that the builders will voluntarily meet the energy standards because they save money in the long run. Unfortunately, that is not true in all cases, not all builders will live or work in the buildings that they build. The legislature adopted voluntary standards about six years ago. OER has published a booklet explaining the standards and they have held workshops across the state on this.

To give you a few examples on why those voluntary standards are not working, in Biddeford, the old brick Webber Hospital was converted to a nursing home with no insulation. Another example is an area where Representative Law lives in Dover-Foxcroft, a shopping center was built with one inch of insulation in the ceiling and one inch in the walls. The small storeowner, who are tenants, have to pay the burden of the energy cost. The OER received a phone call from Atlanta to find out whether or not Maine has mandatory energy standards. He was surprised to find out that Maine has none. When they asked him why he asked, he said they were planning on putting a building up in the Portland area and, out of curiosity, OER asked him how much insulation they planned on putting in and his response was, "Oh, maybe about three inches". That is why I hope you would go along with the Minority

"Ought to Pass" Report. I think it is essential for this body for state government to set an example on how we decide to spend our money on energy efficiency standards.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you vote against the pending motion so that we can go on and accept the Majority Report.

Unfortunately, this is another one of those bills where we are trying to find some work for the Office of Energy Resources to do and I am not sure that their getting involved in federal projects and monitoring those federal projects with respect to energy efficiency standards in the State of Maine is necessarily a job that they should be charged with. You have heard that many of these federal projects don't require energy standards and I think that that is a stretch of the imagination to say the very least.

It is hard for me to conceive and in fact we heard some comments from members on the committee who have been involved in federal projects who have reason to believe just the opposite. Certainly FMHA projects, other kinds of federal type building construction renovations projects certainly do have energy standards and very high energy standards. If there are some that are falling through the cracks, that indeed is unfortunate, but I don't think that we in Maine should necessarily be a clearing house for the federal process. Once again, we are attempting to deal with a nationwide problem in trying to solve it up here in Maine.

I would just like to bring to your attention that, under further questioning of some of the folks that were appearing before our committee, it was discovered that perhaps the problem lies here in Maine, more than it does say on a national basis. There are agencies in Maine which disseminate public funds for construction and renovation projects, one of those is the Maine State Housing Authority and, under questioning, we found that that agency does require rather strict energy standards for publicly funded buildings, which I think is good, I applaud that. You know what we found out? We found out that FAME, now think of FAME, if you will for a moment, that huge bureaucracy which has grown and grown and grown over the past several years, has no minimum energy standard requirements. I was astounded, I couldn't believe it, and so that was the origin then of the Majority Report which does what, I think, the Maine Legislature ought to be doing. It ought to be looking at its own agencies before looking at federal agencies and kind of cleaning up our own backyard. So, the Majority Report then orders FAME to

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky, and ask for what purpose the Representative arises?

Representative GWADOSKY: Mr. Speaker, I respectfully suggest that the Representative from Livermore Falls is attempting to debate the Majority Report and my understanding is, that the Minority Report has been moved and is under discussion.

The SPEAKER: The pending question is the Minority "Ought to Pass" Report. The Representative from Livermore Falls, Representative Brown, may debate as to why that report may not be accepted.

Representative BROWN: Thank you Mr. Speaker, I will certainly attempt to do that.

The Minority Report deals with requiring a state agency to take, basically, a regulatory look at what the federal government is doing in this state with respect to construction and renovations of buildings. I think that it is, in many ways, too narrow a scope. I think that prior to our Maine's Energy Office doing that that we should attack the problem that exists in our own home state. I think the Minority

Report goes, in many ways, too far and, in many other ways, not far enough. So, by rejecting the Minority Report, you will then have an opportunity to go and accept the Majority Report, which I feel does what the intent of the legislation opts to do.

Again, I encourage you to vote against the pending motion so that we can go on, to at least perhaps, discuss the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to discuss the Minority Report and, basically, to advise this body that the information that was provided by my good friend, Representative Brown, is not as accurate as we would like to believe. He indicated that federal projects have energy standards. If they do, then in a construction project we had in the city of Biddeford, which was converting an old school which is known as St. Joseph School, some problems were encountered because the contractor was not, was not and I repeat, insulating that building. The electrical inspector got hold of me because they had contacted HUD to find out what energy standards would be applicable. HUD informed city officials that, since the St. Joseph School was classified as a historical building, that there were no energy standards that would be appropriate. As a result of that, the contractor did not, and I repeat, did not, provide any insulation on the exterior walls of the building. Insulation was placed on the ceilings. Each apartment in that building is being heated individually with electric heat. You know what electricity cost today. In reply to my good friend, Representative Brown, there was no energy standards pertaining to this particular building. There may be on some other project, I don't know, but this was a HUD funded program. The Maine State Housing Authority to step in and apply their standards so this building was built without any energy standards.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Beaulieu.

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that you will support the Minority Report. I happen to live in a community where there are a lot of federally funded housing projects and I know what the impact is to the people who have to live in those areas. If you are not sure about what is going on and what is happening to people who live in housing projects with no energy criteria applied to them, I can only ask you to go down and talk to my committee clerk, talk to Representative Crowley's daughter, let them explain to you what their light bills are like in these housing projects, basically, because energy conservation simply did not mean a single thing to the contractors that build them. I have people being impacted upon constantly because nobody cares to try to cut down heating or anything by doing simple energy conservation measures. The contractors are under no obligation. If our own state agencies are doing nothing about it, we should impose upon them to make sure that they do. If the feds aren't doing it, we should impose upon them and say that Maine is going to be a little different, that we care about the people who have to live in the structures that are put up in this state.

I hope you will vote for the Minority Report and if it isn't tough enough, maybe we should take a few days and make it tougher.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: I would like to make a few points in response to my good friend from Livermore Falls. First, this bill does not apply to residential buildings of any kind at this

point.

Second, any program which has standards right now will be exempt from this bill.

Third, there are several programs other than FAME; federal programs administered locally, which do not have standards. These programs, so far, as far as I know, are Farmers Home Administration programs dealing with business and industry loans. That includes nursing homes and other health care facilities. FMHA programs, which approve community facilities loan, such as community centers, elderly centers and so forth. HUD loans, Housing Urban Development loans, under the Community Development Block Grant Entitlement Funds, as opposed to discretionary funds, these are the funds which the state administers and lets out to communities for various sorts of projects. Also, HUD program, the Urban Development Action Grant, the UDAG program, carries no standards whatsoever.

In addition, I would like to list just briefly some of the buildings which have been authorized in the last year in Maine, which are not required to meet any energy standards—the Mental Health Center in Dover-Foxcroft; the Intermediate Care Facility in Mechanic Falls; a packaging plant in Biddeford, rehab of a commercial plant in Biddeford; a community center in Whiting; town office in Haynesville; a Boothbay Harbor hospital expansion (incidentally, on this particular project, my friend from Edgecomb, in connection with this bill, did call to find out what sort of insulation energy standards they were meeting and she learned that this building, being designed and built by a St. Louis, Missouri contractor, will have no insulation in the walls and one inch in the roof, a hospital which we are going to be paying through taxes the operating costs on); other buildings, community health center (the town is not listed, I am sorry); a regional medical center in Lubec; Eagle Lake Activity Center; a warehouse in Gardiner; conversion of old mill building in Saco.

One last point, my good friend, Representative Brown, noted earlier how large the FAME bureaucracy has become in recent years. You may have noticed on your desks this morning a letter from FAME in which they essentially plead with us not to burden them with that additional bureaucratic burden. One of the considerations, in doing this bill, is that OER will require no additional staff and no additional funding to administer this law. If we approve the Minority Report, we will be holding down the size of the FAME bureaucracy.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Beaulieu.

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

Am I correct to understand that residential buildings are not included under the Minority Report?

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

The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: That is correct, just commercial.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Beaulieu.

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill be tabled for one legislative day.

The SPEAKER: The Chair would advise the Representative that this is not the time to offer amendments. The Chair would suggest that we take a vote on the pending question and then we can assign it for second reading later in today's session; however, the motion to table is still in order if the Representative wants it.

Representative BEAULIEU: Mr. Speaker, I

withdraw my motion.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I am interested in this bill because I am one of the cosponsors of the bill. Representative Beaulieu is right, neither one of the reports, either the Majority or the Minority Reports, deal with residential housing construction. If this bill, particularly the Minority Report, makes it to second reading, there is an amendment already being prepared and that amendment will be offered on the floor so the bill will also deal with residential construction.

While I am on my feet, I would hope that you would support the motion of the Representative from Millinocket, Representative Michaud.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly agree with some of the comments that have been made with respect to state agencies and their need for energy standards. I would like to direct three questions, if I may through the Chair, to anyone who is on the Minority Report and ask them to respond to each of those three questions.

I will be very clear in my questioning. First of all, is FAME included in the Minority Report? Secondly, does FAME presently have any minimal energy standards?

Third, what has been FAME's response to our committee to come up with some energy standards?

The SPEAKER: The Representative from Livermore Falls, Representative Brown, has posed a series of questions through the Chair to someone on the Minority Report, who may respond if they so desire.

The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: In reference to your first question, yes.

The second question is no, and in regard to their response, you received a letter this morning which is on your desk.

Representative Brown requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Medway, Representative Michaud, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 135

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bonney, Bost, Boutilier, Brannigan, Brodeur, Brown, A.K.; Cahill, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Crouse, Crowley, Descoteaux, Diamond, Dillenback, Duffy, Erwin, Farnum, Foss, Gwadosky, Hale, Handy, Harper, Hayden, Hepburn, Hichborn, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Ingraham, Jacques, Jalbert, Joseph, Kimball, Lacroix, Lander, Lawrence, Lebowitz, Lisnik, Lord, Macomber, Manning, Martin, H.C.; Masterman, Matthews, Mayo, McHenry, McPherson, McSweeney, Michael, Michaud, Mills, Mitchell, Moholland, Murphy, E.M.; Murray, Nadeau, G.R.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, P.E.; Paul, Perry, Priest, Racine, Randall, Reeves, Rice, Richard, Rioux, Roberts, Rolde, Rotondi,

Ruhlin, Rydell, Salsbury, Scarpino, Simpson, Small, Smith, C.B.; Soucy, Sproul, Stevens, A.G.; Stevens, P.; Strout, Swazey, Tammaro, Tardy, Taylor, Telow, Theriault, Vose, Walker, Warren, Wentworth, Zirkilton, The Speaker.

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bott, Bragg, Brown, D.N.; Callahan, Connors, Daggett, Davis, Dexter, Drinkwater, Foster, Greenlaw, Hillock, Hoglund, Jackson, Law, MacBride, Murphy, T.W.; Paradis, E.J.; Parent, Pines, Ridley, Sherburne, Smith, C.W.; Stetson, Stevenson, Webster, Weymouth, Whitcomb, Willey.

ABSENT:—Carrier, Cote, Dellert, Kane, McColister, McGowan, Melendy, Nadeau, G.G.; Pouliot, Seavey.

108 having voted in the affirmative and 33 in the negative with 10 being absent, the Minority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "B" (S-174) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-163) on Bill "An Act Relating to Night Court Sessions for Small Claims Court" (S.P. 324) (L.D. 813)

Signed:

Senators:

CARPENTER of Aroostook
CHALMERS of Knox

Representatives:

COOPER of Windham
CARRIER of Westbrook
PARADIS of Augusta
DRINKWATER of Belfast
MacBRIDE of Presque Isle
LEBOWITZ of Bangor

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

Signed:

Senator:

SEWALL of Lincoln

Representatives:

PRIEST of Brunswick
ALLEN of Washington
KANE of South Portland
STETSON of Damariscotta

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-163).

Reports were read.

Representative Paradis of Augusta moved acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: A few years ago, the legislature enacted a bill that provided that one evening per month the district court would have a session for small claims. Today, small claims encompasses more than just a \$100 or \$200 claim that we used to have years ago. You can have some rather big sums, I believe, up to \$1500. Small claims is an important avenue for Mr. and Mrs. Maine to go to court, represent themselves and retrieve small but significant sums of money without having to have legal counsel, if you do not want it, and without having to go through an entire big process.

The law, as enacted, had a sunset and it is due to expire this July. In order to continue this, we must pass this legislation. It will be pointed out, I am sure, that not very many people have made use of the evening session of small claims court. There are many reasons for this and let me just cite to you a couple of them. Some judges will not permit a person to have an evening session on that one evening

per month if they file during the day. I don't think that that is very fair. Most people are not aware, because this is a new process that was begun just a short while ago, and they are not really open, the judges and the administrative offices of the court, to this entire idea. They feel as though it is cumbersome and infringes upon the court system. The administrator of the Maine court system has agreed, in committee, to our request that more posting be done so that a greater amount of citizens will be aware that they can make use of evening court sessions. In Bangor, it was very popular and used very well. One of the reasons for that was that the administrator of the Bangor court notified everyone when they filed a small claims petition that they could go to the evening court session if they so desired. Many of them took advantage but that is probably one of the few areas in the state that showed a significant use of the small claims evening court session.

I hope that this House will go along with the Majority "Ought to Pass" Report. I have an amendment that has been prepared and distributed. It will be offered, if we are in a posture to offer this, that we will continue the session. Unfortunately, the emergency preamble is not possible at this time. The House Amendment would remove the emergency preamble and continue it with all of the other laws passed by this legislature and it would go on for one more year, continue the pilot project, give it another shot in the arm, let the citizens who really want to use it, use it. I don't think it is being unfair to ask for one evening a month.

I hope that this House will go along with the Majority "Ought to Pass" Report and that I can offer, very shortly, the House Amendment that will take off the emergency, which the committee has, and will have a sunset of one year after of November of 1986.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I rise this morning to urge this House to accept the Minority "Ought Not to Pass" Report and I would like to briefly explain to you why those of us who signed that report did so. As my good friend from Augusta has explained to you, the legislature did pass enabling legislation that required that the small claims court be open one night a week. During an eighteen month period, we have found that this particular idea has not worked. Of the 34,291 small claims cases that were heard in this state, a very small percentage were heard at night. As a matter of fact, .06 percent, so basically you have a system that is clearly not working, a system that is costly and not working, a system that the public is not using. Now, we have for 18 months provided them with an opportunity to use this system telling them that we think this is a good idea, that we are trying to help the people. The people have said very loud and clear to us, we don't want this.

Let me give you some statistics to some of the various courts around the state that substantiate this. In Bath, for instance, there were no night court filings. Of the 302 cases in Bath, there were zero at night. The cost for that night court being open per case, \$184.10; Biddeford, 657 cases, zero at night; cost, \$224.59; Kittery, 201 case, zero at night; cost, \$192.68 per case; Machias, 282 cases, zero at night; cost, \$173.57 per case; Portland, 1,370 cases, zero at night; cost, \$199.88; Presque Isle, 257 cases, 1 at night; cost, \$190.90 per case; Waterville, 387 cases, 1 at night; cost, \$151.90 per case. In my district, I cover three counties, so it involves three courts and of those three courts, 955 cases, zero at night. This is clearly a system that has not worked, it is cost inefficient and I would urge this legislature to reject the Majority Report. It is obviously a

system that the legislature has deemed best for the people and the people have said loud and clear to us, we don't need it and we don't want it.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Lebowitz.

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I rise to defend this bill. In Bangor, where the court personnel has advertised and made it known to the public that the services are available, the small claims court has worked quite well. The service has been used by the general public and by some businesses.

I think if the remainder of the courts gave the same advertising and the same consideration to the fact that they would be available, they too would become more successful. Really, since the courts have already made out their budgets for 1986-1987, there will be no additional cost and no need for a fiscal note on this bill.

I urge that we give this the additional years trial.

The SPEAKER: The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I certainly can't understand or explain the Bangor phenomenon but it seems that people in Bangor like to go out at night. It is the only place in the state that they are doing it and I don't think it is just a matter of advertising but perhaps the Representative from Bangor knows a secret that I don't know. The fact is the experiment has been tried, it did not work, and if you take the emergency preamble off this bill, there will be a hiatus between the time the sunset provision and before the night court would be reinstituted. It is costing us money, money that could be better used and even though it has been budgeted, maybe the judiciary can find a better use for that money. I suggest that we let this bill die.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will let this night court have another year's try. I agree with the opponents that the night court has not worked. There is no doubt about that; however, I don't think it has been given a fair trial. Most of the judges have not been eager to have a night court and consequently, have not promoted it or advertised it. I feel that we have discussed this problem with the judges and have urged them to support this bill or at least to advertise it and they have agreed that they would. I feel that it is a people's bill really. It gives the working man or woman an opportunity to go to small claims court and not have to take time off from work.

I hope you will give it another year's try. We all have agreed, if at the end of another year this is not working, then we certainly will discontinue it but I think it deserves another chance.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: I note that the success rate in Bangor was less than five percent so if there is any meaning in sunset whatsoever, an experiment which gives you a return rate of less than 5 percent, is simply not successful. The reasons why they may not be successful can be varied, perhaps people would rather garden than fight with their neighbors at night. Simply a 5 percent success rate in the most successful of all the districts does not justify extending this for another year. If there is any meaning on sunset, if you have any use for the sunset concept, this bill has failed and ought to die now.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, I request a division.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I am not a member of this committee. I am not really involved in this bill but I have tried to follow the Judiciary for the last three or four years and, from my perspective, I think that the Representative from Bangor, Representative Lebowitz, has hit the nail right on the head. Judiciary has been against this concept since its inception and I think we all know, from dealing with state government, that if an agency or a particular group doesn't want something to work and if they are against it, then they are not going to go overboard to make it work. They have had some success in Bangor and I think it is because of the advertising and because of the attitude of the people involved. From my perspective, this is a clear case of some members of the judiciary don't want this concept to work, I think this is a great people's bill because it allows people the opportunity if they knew about it, and the problem is in a lot of these counties they don't even know that this is available. It allows people to go to small claims court at night and I don't think that that is too much to ask. People have to work for a living, it is difficult to take time off from work to go to small claims court, so this is a great concept, a great people's bill and I think the reason that it hasn't worked is because members of the judiciary have not been willing to give it a chance because they have been against it from the very beginning. I don't think it is too much to ask to extend this to try again. I would urge your support of this bill.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: In response to the last speaker, the only thing I would like to point out is, there is absolutely nothing, absolutely nothing, in this bill that will change anything. Things will maintain status quo. Although the court administrator says that he will make some effort to see that this works, the judges still have no reason to change their attitude with regards to small claims court at night. There is absolutely nothing in this bill that changes status quo at all. We are simply sunseting a program that clearly has not worked.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Hayden.

Representative HAYDEN: Mr. Speaker, Men and Women of the House: I am speaking to you today as the Representative from Durham and not as the Assistant Majority Leader and I am speaking to you on this bill because I was one of the original sponsors of the bill when this idea was given a try. It is a great people's bill and it is a great thing to stand up and try to open our courts for people particularly people making small claims at any time they have a chance but right now, I find myself with a difficult task of taking a look at the facts, that two years, this bill was enacted in 1983, have shown us on this great idea — now, we are told, and it is my guess that there probably is some truth to it, that the bureaucracy of the judiciary didn't like this idea and they didn't push it. There is not an indication that they actively discouraged it but I don't think they went out of their way to push the idea either except in the instance of Bangor. In that instance, 5 percent of the caseload was the example of this system working.

We have had already in this legislature a number of issues dealing with courts. We tradi-

tionally been pretty stiff with judges and courts, being hesitant to give them appropriations, whether for themselves and their salaries or whether for their courthouses or the technology they need to do their job. I think there is nothing wrong with that but we have an idea here that we tried for two years, an idea that I think is a very good idea and the best we can show, even where there was an example of a judicial machinery that pushed this idea was a 5 percent return.

Now with the bureaucracy that we are demanding to be tight with their dollar, tighter than they want, turning appropriations to them very often, and saying to that bureaucracy that this a good idea and because we want to make sure that those courts are open, this is a people's bill, we want you to continue with this program anyway, I don't think makes any sense. If there is any meaning to the idea of sunset, I am afraid that this is it. I don't like making this speech very much and the reason that I don't like it is because I don't like standing up and saying that a good progressive idea, like opening the courthouse at night, is anything but a sensible approach but it costs money even where the idea is pushed, it doesn't show results and I think, once in awhile, we have to stand up and take a stand that maybe this isn't a good idea and, even though I sponsored the bill, I am afraid that I am going to have to go along with the Minority Report in this case and say that it should be sunsetted. If we can come up with an idea to change the way this court system is advertised or pursued, then let's do it, but this bill, unfortunately, doesn't do it. This is a distasteful speech for me to make but I think it is a sensible one and I wanted to tell you why I think this is a bill that should be sunsetted, which was what its original intention was, if it did not prove to be successful.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Murray.

Representative MURRAY: Mr. Speaker, Men and Women of the House: The present law, as I understand it, requires that the small claims courts be open one night per month for these purposes. If I understand correctly, one night per month would probably represent about five percent of the working days in a month as opposed to the times the courts would be open during the day — now, if that is the case, I think the Bangor experience of 5 percent of the caseload at night, is rather significant. If we give the opportunity to other districts in the state to do the sort of advertising and promotion that Bangor has done, I think they may begin to see the same sorts of results, 5 percent in the other districts, representing about 5 percent of the amount of time that these courts would be open. I think it is worth extending the amount of time to give the use of the courts, small claims courts, a chance and I would hope that you would support the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: As a semi-retired small businessman, I have always found that if you want to sell something, you have to advertise it. The question in my mind is if the judicial system has advertised this evening possibility. It would be very interesting to know what the expenditure was throughout the system for making people aware of this service. I certainly hope that you will go along with the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I think we have looked at night court as a people's court but the unfortunate truth is that small claims

is really a collection agency court. Those who are using it are not the least bit interested in a people's court, they are interested in getting their money and that is why this system hasn't worked as a night court.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the people perceived the small claims court as a people's court and most of us have seen it on television and ones using the system are really discouraged and I, for one, would rather see the whole thing scrapped but why is it this way? It is because the attorneys and the judges do not want it to work, they do not want people representing themselves and that is the problem. I would go along with the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am not very familiar with the courts, having not attended many of them, not familiar really with the way that they operate. One thing that I am concerned about, I did support this original piece of legislation when it was passed dealing with the night court of small claims but I was under the assumption at that time that possibly it might work. We hear debate this morning saying that it is not working, a waste of money, a waste of time, a waste of everything. My suggestion would be this morning to pass this bill, amend it, expand the services to the people of this state, expand it to those violators who have a traffic violation, let's put the court to work. We have heard that our courts are being crowded, this is a good time, a perfect opportunity to expand those services to people that need it.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Law.

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: I, like Representative Jackson, really don't know a thing about the court system but every year we are asked to build more and more courthouses and here we have an opportunity to use the ones we already have at night. I say that if this system is not working, then instead of getting rid of the night court, maybe we should get rid of a few of the judges.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Drinkwater.

Representative DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: I am a signer of the Majority Report. I firmly believe that what happened in Bangor could happen in other places. Not only that, I am one of the supporters of the legislation. If it ever comes about and we are working on it, that would tie together with this, which would be to have night court, because we have so many areas of our state that has a backlog of cases. We have no buildings to hold the court in. If we had night court, we would be able to use the buildings that is already there so, therefore, I think I had two things in mind that I was interested in, and one was the Bangor situation seeming to work, and it won't be long before we will be probably going into night courts anyway because we don't have the buildings and we are having all kinds of problems to get them and we have such a backlog in the court system.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Warren.

Representative WARREN: Mr. Speaker, very briefly, I would just like to comment on the bill and pose a question through the Chair to some of the members of the Judiciary Committee on the Minority side of the bill.

First of all, this would be a horrible bill for lawyers. I must say that, if this bill passes and we extend the service of the night court and advertise it fully and let the people really know throughout the state that it is available, that we will reduce the amount of cases that lawyers handle. I can see all of your eyes welling up with tears as I say that. I would like to vote in favor of the bill because I do have people, frequently, who say to me, I would like to go to small claims court, I would like to fight it, but I can't get out of work from eight to five, you might as well handle it for me. I am glad to handle it but I do think it would be nice if they knew that night court was available and that it was available more often.

My question I would like to pose is, if we did vote in favor of this bill and pass it, how would things change? I heard the good Representative from Washington, Representative Allen, say that nothing would change. If that were the case, I guess I would have to vote against the bill. The question is, if we did pass this bill and allow this experiment to continue, what efforts would be made to improve the records in areas other than Bangor?

The SPEAKER: The Representative from Scarborough, Representative Warren, has posed a question through the Chair to anyone who may respond if the so desire.

The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: According to the court administrator, they would try to make the public more aware of the procedure and, in fact, have already done that. As a matter of fact, in January of this year, they added an addendum to the guide to small claims proceedings and this addendum was distributed to small claims litigants and to the interested public as a source of information on small court procedures. Basically, this addendum outlined the fact that the courts were, in fact, open at night. Public notice of the small claims night court also was posted and still is posted at public bulletin boards in each court. They also concluded in their information the fact that the information on small claims night court was made available in another source has not resulted in an increase in filings, as written, this bill simply does away with sunset and allows the small claims night court to proceed and makes absolutely no changes in the current system, none whatsoever.

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

Representative MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: The Statement of Fact in the Committee Amendment reads: "the intent of this amendment is that the judicial department will thoroughly advertise the availability of night sessions" — in all courts, not just in the Bangor courts.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Augusta, Representative Paradis, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 35 in the negative, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (S-163) was read by the Clerk.

Representative Paradis of Augusta offered House Amendment "A" (H-299) to Committee Amendment "A" (S-163) and moved its adoption.

House Amendment "A" (H-299) to Committee Amendment "A" (S-163) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, I move

indefinite postponement of House Amendment "A."

Just to clarify what House Amendment "A" does, it removes the emergency preamble. The arguments in favor of the bill is, do we want to continue the process and with Committee Amendment "A" that came out of committee, we added emergency preamble because without the emergency preamble, the night court system sunsets July 1st. This amendment attempts to remove that emergency preamble, which in fact would mean that the program does sunset July 1st so it won't be working at all and then it is reinstituted November 1st.

I would request a roll call.

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

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

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, I hope that you will vote against the motion to indefinitely postpone House Amendment "A". I am sure that the opponents of this legislation would like to see it ultimately fail but House Amendment "A" does take off the emergency preamble for reasons I cannot cite in a debate but if you will follow the calendar and you read it, it is very obvious as to why it is in the posture that it is today. If you vote for House Amendment "A" and vote against indefinite postponement, we can see this legislation enacted. The votes will be there and we can continue this very worthy cause. I think that is the real issue before us today so I hope you will vote against indefinite postponement so we can continue this very valid, necessary, small claims court for the people of Maine.

The SPEAKER: The pending question before the House is the motion of the Representative from Washington, Representative Allen, that House Amendment "A" (H-299) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 136

YEAS:—Allen, Armstrong, Begley, Bell, Bost, Cahill, Carroll, Clark, Coles, Crouse, Crowley, Dexter, Diamond, Duffy, Foster, Harper, Hayden, Hepburn, Hoglund, Holloway, Masterman, McSweeney, Mills, Mitchell, Nadeau, G.R.; Paradis, E.J.; Parent, Priest, Rioux, Roberts, Rotondi, Ruhlin, Scarpino, Small, Smith, C.B.; Soucy, Stetson.

NAYS:—Aliberti, Baker, A.L.; Baker, H.R.; Beaulieu, Bonney, Bott, Boutilier, Bragg, Branigan, Brodeur, Brown, A.K.; Brown, D.N.; Callahan, Carrier, Carter, Cashman, Chonko, Connors, Connolly, Cooper, Cote, Daggett, Davis, Descoteaux, Dillenback, Drinkwater, Erwin, Foss, Greenlaw, Gwadosky, Hale, Handy, Hichborn, Hickey, Higgins, H.C.; Higgins, L.M.; Hillock, Ingraham, Jackson, Jacques, Jalbert, Joseph, Lacroix, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Martin, H.C.; Matthews, Mayo, McColister, McGowan, McHenry, McPherson, Michael, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, P.E.; Paul, Perry, Pines, Racine, Randall, Reeves, Rice, Richard, Rolde, Rydell, Salsbury, Sherburne, Simpson, Smith, C.W.; Sproul, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Tammara, Taylor, Telow, Theriault, Vose, Walker, Warren, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

ABSENT:—Dellert, Farnum, Kane, Kimball, Melendy, Pouliot, Ridley, Seavey, Swazey, Tardy.

37 having voted in the affirmative and 104 in the negative with 10 being absent, the motion did not prevail.

Whereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading later in today's session.

Non-Concurrent Matter

An Act to Amend Certain Motor Vehicle Laws (Emergency) (S.P. 605) (L.D. 1599) which was passed to be enacted in the House on June 3, 1985.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-200) in non-concurrence.

The House voted to recede and concur.

Orders

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

ORDERED, that Representative Norman O. Racine of Biddeford be excused June 7 through June 14 for personal reasons.

Was read and passed.

Consent Calendar

Second Day

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

(S.P. 210) (L.D. 568) Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency)

(S.P. 485) (L.D. 1313) Bill "An Act Requiring the Department of Human Services to Provide Medicaid Funded Consumer Directed Personal Care Assistance"

(S.P. 381) (L.D. 1048) Bill "An Act to Clarify and Improve the Laws on Education in the Unorganized Territory" (C. "A" S-182)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence.

Passed to be Engrossed As Amended

Bill "An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 335) (L.D. 898) (C. "A" S-177)

Bill "An Act Establishing a System for the Reporting of Selected Neurological Disorders" (H.P. 956) (L.D. 1376) (C. "A" H-291)

Were reported by the Committee on Bills in the Second reading and read a second time, the Senate Paper was passed to be engrossed as amended in concurrence and the House Paper was passed to be engrossed as amended and sent for concurrence.

Later Today Assigned

Bill "An Act to Provide for Public Participation in the Development of Emergency Plans" (S.P. 554) (L.D. 1486) (S. "A" S-187)

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

The SPEAKER: The Chair recognizes the Representative from Unity, Representative Stevenson.

Representative STEVENSON: Mr. Speaker and Members of the House: I would like to move indefinite postponement of L.D. 1486 and all accompanying papers.

We spent considerable time in the committee discussing this bill. It came out of the committee "Ought Not to Pass" eleven to two.

I understand that there were six meetings held last year and statewide there were only over 800 people attending those six meetings. We are really attempting to force something on the people that they don't want. This was not a good bill to start with and I don't believe this

amendment makes it much better. We don't need a lot of debate on this bill, just follow my light and defeat it. I heard someone say this morning the people don't want it and we don't need it. I feel the same way about this bill. I ask that you support my motion to indefinitely postpone L.D. 1486 and all accompanying papers.

I would request a roll call vote.

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

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

On motion of Representative Diamond of Bangor, tabled pending the motion of Representative Stevenson of Unity to indefinitely postpone and later today assigned.

Bill "An Act Relating to Payment of Back Contributions and Withdrawn Contributions by Members of the Maine State Retirement System" (S.P. 241) (L.D. 636) (S. "A" S-195)

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

Orders of the Day Unfinished Business

The following matter, in the consideration of which the House was engaged at the time of adjournment on Monday, June 3, 1985 has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

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

Bill "An Act Concerning Transitional Services for Handicapped Persons Beyond School Age" (H.P. 1131) (L.D. 1638)

— In House, Referred to the Committee on Appropriations and Financial Affairs on May 31, 1985.

— In Senate, Read twice and Passed to be Engrossed without reference to a committee in non-concurrence on June 3, 1985.

TABLED — June 3, 1985 (Till later today) by Representative HAYDEN of Durham.

PENDING — Further consideration.

On motion of Representative Carter of Winslow, the House voted to adhere.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-277) — Committee on Judiciary on Bill "An Act Concerning the Provision of Certain Reports for Court-ordered Examinations" (Emergency) (H.P. 947) (L.D. 1356)

TABLED — June 3, 1985 by Representative PARADIS of Augusta.

PENDING — Motion of same Representative to accept the Minority "Ought to Pass" as amended Report

Thereupon, the Minority "Ought to Pass" report was accepted and the Bill read once.

Committee Amendment "A" (H-277) was read by the Clerk.

On motion of Representative Allen of Washington, Committee Amendment "A" was indefinitely postponed.

The Bill was assigned for second reading later in today's session.

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

RESOLVE, Authorizing the Somerset County Commissioners to Expend \$130,000 from Revenue Generated Through the Boarding of Prisoners for the Purpose of Making Modifications to the Somerset County Jail to Increase

the Jails Rated Capacity (Emergency) (H.P. 1103) (L.D. 1611)

TABLED — June 3, 1985 by Representative DIAMOND of Bangor.

PENDING — Final Passage.

On motion of Representative Rotondi of Athens, tabled pending final passage and later today assigned.

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

SENATE DIVIDED REPORT — Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (S-176) — Minority (4) "Ought Not to Pass" — Committee on Judiciary on Bill "An Act to Amend the Probate Code to Improve Guardianship and Conservatorship Proceedings" (S.P. 218) (L.D. 577)

— In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-176)

TABLED — June 3, 1985 by Representative KANE of South Portland.

PENDING — Acceptance of Either Report.

Thereupon, the House accepted the Majority "Ought to Pass" Report in concurrence and the Bill read once.

Committee Amendment "A" (S-176) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

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

Bill "An Act to Amend the Provisions Governing the Conversion of a Mutual Insurer" (Emergency) (H.P. 1024) (L.D. 1476) (C. "A" H-279)

TABLED — June 3, 1985 by Representative BAKER of Orrington.

PENDING — Passage to be Engrossed.

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

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

An Act Concerning the Location of Agency Liquor Stores and the Licensing of Seasonal Agency Stores (H.P. 1047) (L.D. 1522) (S. "A" S-148)

TABLED — June 3, 1985 by Representative SMITH of Island Falls.

PENDING — Passage to be Enacted.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I think I know how that Maytag repairman feels. I would like to start today by reading from last Friday's Kennebec Journal, an editorial: "Is this state a regulator or is it a promoter? As Maine ponders how to continue making money, it also worries about the effects of all those sales. Those ripples of concerns show up in such pieces of legislation as new drinking age and ban on all you can drink specials. That doesn't include the ongoing debate over Maine's drunk driving law or how that can be made tougher. It all adds up to a long list of concerns that cannot be answered until the state decides just what role it wishes to play. Are we in it for the money? Are we attempting to adopt social responsibility legislation that seeks to curb the consumption of alcohol? Time is quickly passing this year in this legislature and it is not the moment to be introducing new pieces of legislation but it should serve as a reminder that this is an issue that need serious thought and then a decision."

Well, that is what I have been trying to convey to you. We need to kill this legislation and give this issue a good study, serious thought and then a decision. We are not being consistent. L.D. 936, which was passed into Public Law 41 address some concerns. The Statement of Fact of that bill which is now Public Law

41: "Alcohol use and misuse pervade every aspect of Maine life and transcend the responsibilities of many state departments and service agencies as many as 1,400 Maine children are born each year with the defects due to the maternal consumption of alcohol during pregnancy. An estimated 13 percent of 13 to 15 year olds and 26 percent of 16 to 19 year olds in Maine abuse alcohol. There are an estimated 80,000 adult alcoholics in Maine, 30,000 of whom are women. The rate of alcoholics among Maine's 197,700 citizens over 60 years of age is estimated between 10 and 20 percent. The cost of consequences of alcohol abuse in Maine are staggering in terms of dollars, emotional trauma and lost human resources. Cost associated with lost production, health care, motor vehicle accidents, crime, fire and social responses are estimated at \$577 million in Maine. \$577 million in Maine! Alcohol is a significant factor in an estimated 50 percent of fatal accidents, 80 percent of fire deaths, 65 percent of drownings, 75 percent of falls, 80 percent of arrests, 60 percent of child abuse cases and 36 percent of pedestrian accidents. There is an estimated 10 percent of the work force that abuses alcohol and wastes 25 percent of worker productivity." That is the Statement of Fact of L.D. 936, which came out of the government committee as a redraft with a unanimous report.

This bill will not take the state out of the liquor business. The bill will increase sales and the problems that go with it. We have a fiscal note of how much it will bring in but we really should have one to show how much it is going to cost the taxpayers of this state. Alcohol is the number one drug in the country on the federal level. Alcohol related problems cost \$60 billion, taxes brought in \$12.2 billion. Is this the way to run a country? Take in one dollar and spend five. You can't get rid of alcohol, it is too easy to make, buy, and transport, but we must adjust to it, we need time and study to address this issue.

Again, I would hope you would vote against enactment of this bill.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Smith needs an assist here in battling this bill over the past few days. Our number one problem affecting youth and adults alike in a destructive way is booze. We continually pass bills amounting to millions of dollars to rehabilitate the people that are being destroyed by liquor, then we pass bills to increase the drinking. If we vote for this, we are being consistently inconsistent.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: This is the bill that changes the definition of radius between agency stores and state stores. It changes the definition from 10 miles "as the crow flies" to 10 miles by the most reasonable direct route of travel. The state is in the liquor business and it is our duty to help the state regulate liquor sales in a reasonable and sensible way. This legislature and several committees of the legislature are very concerned about alcohol abuse, alcohol abuse education. As far as young people drinking, there is far more danger from the sale of beer and wine in a much more unregulated way than there is from the state and agency liquor stores in terms of statistics.

I hope that you will vote again, as you have twice before, to change the definition of the ten mile radius to the most reasonable direct route of travel.

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

Representative SMITH: Mr. Speaker, Ladies

and Gentlemen of the House: I don't believe this is a regulatory bill. It is a promotion bill. You are going to have new stores, you are taking away the radius using road miles, which automatically gives you more stores.

As I pointed out in my speech earlier, the bureaucrats really don't need this bill. As Representative Mitchell pointed out the other day, he had problems with bureaucrats doing what they wanted to do, then come back and ask you to support them. Well, that is what they are doing with this bill. They have been placing the stores anywhere that they want to, regardless of the radius, so we are going to give them a pat on the back and say, hey go ahead, we are behind you on this. That is what this bill does.

Once we get these stores all established, it is pretty hard to get rid of them. So, I hate to see it started. You know, I think in your hearts you know I am right, so I hope you will follow your heart today. I would hope you would vote against this enactment for the good of the state.

Mr. Speaker, I would request a roll call.

The SPEAKER: The Chair recognizes the Representative from Milo, Representative Masterman.

Representative MASTERMAN: Mr. Speaker, Men and Women of the House: I didn't intend to get up again on this bill but I feel that I must because there seems to be some confusion on what is happening. We hear one speaker talk about the radius or ten mile distance and then we hear about the addition or more stores. The problem I have with this bill is the addition of more stores. It seems to me, as our good friend, Representative Crowley has stated, we seem to be quite inconsistent and I agree. We worked very hard against a liquor lobby to pass the premium bill, which took in one half of one percent on 100 percent alcohol to rehabilitate and actually do something about the problem of alcohol. It has been very successful. Now, we stand here today arguing that we should have more stores. We should have more sale of alcohol. I ask you too, is that consistent? The reason I am up today is that I do not want to expand any more of the sale of liquor. We have enough sales now to accommodate everybody and why continue to be inconsistent.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: In my opinion, this bill does not expand the agency liquor stores. What it does do, it gives us six seasonal stores to pick up the tourist trade. These people are coming into this state and if they have the opportunity to buy their liquor here conveniently, they will do it. If they don't, they will bring it with them. We are not enticing them to drink, we are not going to stop them from drinking, they will continue to do this. So, I urge you to support this bill today just to keep some extra tax dollars in our state.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: I think we are back to two questions, are we going to have additional stores and we are going to have a sensible way of measuring the distance between the stores? I don't know who invented this story of measuring distance by radius but I think that is I remember correctly Representative McCollister said last week probably most of these radius', unless they are measured by a professional surveyor, would probably be most illegal.

I really feel that we are going around on a merry-go-round on this thing and the real problem, I believe, is that the good Representative from Island Falls feels as though the law has been broken by the liquor commission probably. Well, that doesn't happen to be the case

in my area. I don't believe that we are promoting the availability. I think people will get it wherever they want to. If they do want their liquor, they are going to go get it no matter what. What I am concerned with is, how you measure the distance.

If you as legislators or if you were a state employee who had to do some traveling and were paid mileage and your mileage was paid by radius instead of actual road miles, I think you might have a pretty serious problem on your hands. I think you should think seriously about what this radius stands for and how much sense it makes as compared to road miles. I hope you will vote to pass this L.D.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: This bill does not change the definition of radius and it also provides temporary authority to the commission to issue six month seasonal licenses to some agency stores. This authority is sunsetted, it will expire on September 30, 1989 unless the legislature acts again. The Bureau of Alcoholic Beverages and the Bureau of Liquor Enforcement are required to investigate the effectiveness of this new license and report back to the legislature. The commission will determine the locations of these seasonal stores on the basis of the increase in seasonal population and they will consider areas of the state which experience this increase and the weekly sales volume of the existing state stores and all areas will be considered including ski areas as well as summer vacation sites. So, I hope that you will vote as you have twice before to pass on this bill.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to know why do we want to pass any law, radius or road measurement, if the bureaucrats are going to ignore it. What do we do if the bureaucrats wish to ignore the law the way it is written? These are the questions I have. If the bureaucrats have broken the law, I would like to know what the Committee on Legal Affairs is recommending to do?

The SPEAKER: Representative McHenry of Madawaska poses a question through the Chair to any member of the Legal Affairs committee, who may answer if they so desire.

The Chair recognizes the Representative from Mexico, Representative Perry.

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House: The Legal Affairs Committee is not aware of any violation by the bureaucrats in dealing with the state agency stores. The law is on the books and, as far as I can see and I have been on the committee for five years, no law has been broken by those people. Furthermore, I have confidence in the people that are dealing with the liquor business. They have handled it very well with no scandals and I hope that they continue to do it in the future.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Law.

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: I want to just make two points that have been brought up here. I would like to answer a couple of points. First, as an engineer, I assure you that you can measure radius a lot closer than you can measure by the road miles.

Second, we keep referring to keep the tax dollars in the State of Maine. Earlier in the session, I had a bill that would keep the tax dollars for returnable bottles in the state and it was turned down with the excuse, let's let the people buy where they want to buy. So, I am just going to stop right there.

Representative Smith of Island Falls was

granted permission to address the House a third time.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Radius was put in by a former legislator and I am sure they had as much knowledge about what they were doing as much as we do about what we are doing.

Now, the question was, were there any violations? I know of one that is in my area. I heard the commissioner or the director say there were eight at the work sessions that he knew of that were within the eight mile radius. So, they are there if you want to do something about them. If you want the one that I know of, well, I am happy to tell you, if you are having a problem finding out where they are.

We have liquor lobbyists rubbing their hands thinking about how many dollars are we going to make on this and at who's expense? To youth and the taxpayers of this state. Yes, I am concerned about the youth. The more you put in front of their faces, the more they are apt to be tempted and start in a habit which they cannot get rid of.

Last week, a young fellow who has gone six months by taking the cure, I talk to him each week and last week he came to me and said, he is going to get a pin this week. It has been pretty tough for him to stay off the liquor and I think it is tough for anyone, once they have been on it, to get off it. I hate to think that we keep pushing this stuff around them and encourage them to go back on it. I hope you will vote against this enactment.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to speak on this bill but the statement from the gentlemen from Island Falls had brought me to my feet. I was one of the original sponsors of the premium legislation. I am one of the cosponsors of the bill that we have here now to raise the premium again. I have worked very hard as Chairman of the Special Select Committee on Alcoholism Services to deal with the problems of alcoholism in our state. I am also the original sponsor of this bill. The reason that I put the bill in is because I received a call from a store owner in my town. This is a small grocery store in York Beach. This store had originally applied to be an agency liquor store and was granted the right to be an agency liquor store before the ten mile rule came into effect. However, the owner decided not to go ahead with it for business reasons. When he sold the store, the new owner felt that he would like to apply for an agency liquor store. He didn't know whether he was grandfathered or not, he actually was not grandfathered under the law. Then he appealed to the commission. They were certainly following the law in that particular regard. The store is ten miles from the state store in Kittery and eight miles from another agency store in Wells. I originally put in the bill to do away with the ten mile limit because I had no idea or background as to why that ten mile limit was put in. I felt it was an arbitrary limit. The committee worked very hard and the strong majority of them came out with this bill which I feel is a good compromise. This is not a bill that is being pushed by the liquor lobby. In fact, whatever additional revenue will come from this bill will add to the premium fund, will add to the resources that we have to deal with alcoholism. To me, that is the way, to deal with the problem of alcoholism, through treatment centers, through our prevention programs in the schools, not through the idea of making alcohol either more or less accessible, that is an idea we had and been trying since the 1850's. It has never worked and my feeling is, let's have a rational and reasonable way of dealing with the problem.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it

must the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

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

ROLL CALL No. 137

YEAS:—Allen, Baker, H.R.; Beaulieu, Begley, Bott, Brannigan, Callahan, Carroll, Carter, Cashman, Coles, Connolly, Cooper, Cote, Descoteaux, Diamond, Dillenback, Erwin, Farnum, Greenlaw, Gwadosky, Hale, Hayden, Hichborn, Hickey, Higgins, H.C.; Higgins, L.M.; Hoglund, Ingraham, Jackson, Jacques, Jalbert, Joseph, Kimball, Lacroix, Lebowitz, Lisnik, Macomber, Manning, Martin, H.C.; McGowan, McPherson, McSweeney, Michael, Mills, Mitchell, Murphy, E.M.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nicholson, Nickerson, O'Gara, Paradis, P.E.; Paul, Perry, Racine, Reeves, Rioux, Roberts, Rolde, Rotondi, Rydell, Salisbury, Simpson, Soucy, Stevens, P.; Taylor, Telow, Theriault, Warren, Wester, Wentworth, Willey, Zirkilton

NAYS:—Aliberti, Armstrong, Baker, A.L.; Bell, Bost, Boutillier, Bragg, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Chonko, Clark, Connors, Crouse, Crowley, Daggett, Davis, Dexter, Drinkwater, Duffy, Foss, Foster, Handy, Harper, Hepburn, Hillock, Holloway, Lander, Law, Lawrence, Lord, MacBride, Masterman, Matthews, Mayo, McColister, McHenry, Michaud, Moholland, Murphy, T.W.; Nelson, Paradis, E.J.; Parent, Pines, Randall, Rice, Richard, Ridley, Ruhlin, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevens, A.G.; Stevenson, Strout, Swazey, Tammara, Tardy, Walker, Whitcomb

ABSENT:—Bonney, Carrier, Dellert, Kane, Melendy, Pouliot, Priest, Seavey, Stetson, Vose, Weymouth, The Speaker

75 having voted in the affirmative and 64 in the negative with 12 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act to Establish a Civil Statute of Limitations in Cases Involving Sexual Acts Towards Minors (H.P. 427) (L.D. 607) (C. "A" H-233)

TABLED—June 3, 1985 by Representative HAYDEN of Durham.

PENDING—Passage to be Enacted.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Nelson.

Representative NELSON: Mr. Speaker, Men and Women of the House: I will be very brief but I feel that it is very important to explain the intent of the bill to you who are here and to those who may be reading this record in years to come.

This bill, it is important to note, leaves open to so-called "discovery rule." In the statute of limitation, in cases involving sexual acts towards minors—for example, if a child has repressed or can't bring himself or herself to remember an incestuous event or recognizes that an injury has occurred because of the trauma of that event and then becomes aware of or discovers the incident at a later date due to changes in his or her life or treatment, then, under the "discovery rule" the six year period for bringing suit begins at the time of discovery even though the person is over 24 years of age. I would remind this body that this was a unanimous report of the Judiciary Committee and I would like to cite in the record two cases dealing with discovery. Merit versus James, 44A, second, 987994, May 1982 and Anderson versus Neal.

I hope that you will approve of the report.

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

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

Bill "An Act to Amend the Reapportionment Law" (S.P. 619) (L.D. 1630)

—In Senate, Passed to be Engrossed without reference to a Committee.

(Committee on Reference of Bills has suggested reference to the Committee on State Government)

TABLED—June 3, 1985 by Representative GWADOSKY of Fairfield.

PENDING—Reference.

On motion of Representative Diamond of Bangor, retabled pending reference and later today assigned.

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

An Act to Establish an Aroostook County Budget Committee (S.P. 310) (L.D. 799) (C. "A" S-98)

TABLED—June 3, 1985 by Representative DIAMOND of Bangor.

PENDING—Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and tomorrow assigned.

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

An Act Concerning Nomination Petitions for Unenrolled Candidates (H.P. 1063) (L.D. 1542)

TABLED—June 3, 1985 by Representative HAYDEN of Durham.

PENDING—Passage to be Enacted.

On motion of Representative Reeves of Pittston, under suspension of the rules, the House reconsidered its action whereby L.D. 1542 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-310) and moved its adoption.

House Amendment "B" (H-310) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Canton, Representative McCollister.

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

I would like to pose this question to the Chair of the Legal Affairs Committee—what is the justification of allowing unenrolled candidates equal access to all voters to sign their petitions or have I misunderstood?

The SPEAKER: The Representative from Canton, Representative McCollister, has posed a question through the Chair to the Chair of the Legal Affairs Committee who may respond if she so desires.

The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Men and Women of the House: The purpose of this bill is to require that unenrolled candidates only get signatures of unenrolled voters on their petitions. The amendment clarifies a couple of technical points which has to do with the signing of presidential election petitions and nominating petitions for county charters. It also provides for an equal number of signatures on these petitions and the same number that the Democrats or Republicans would need to get. The purpose of the bill is to say that unenrolled candidates must get unenrolled signatures on their petitions.

The SPEAKER: The Chair recognizes the Representative from Canton, Representative McCollister.

Representative McCOLLISTER: Mr. Speaker, I would like to pose another question through the Chair.

What is the justification for an enrolled candidate who does not have to face the primary

having the same number of signatures on a ballot as we? What happens where there is more than one unenrolled candidate on the ballot?

The SPEAKER: The Representative from Canton, Representative McCollister has posed another question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: In removing the ability for unenrolled candidates to get Democrats and Republicans to sign their petitions, we also wanted to remove the requirement that they get double the number of signatures on their petitions because we have about one-third, one-third, one-thirds. Unenrolled candidates have to get unenrolled signatures, Republicans have to get Republicans and Democrats have to get Democratic signatures.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Boutilier.

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

I want to know how this bill, if passed, or the amendment would affect nonpartisan officials who were running for office and have to get signatures for petitions?

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

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Ladies and Gentlemen of the House: This bill would affect only those races held within the State of Maine; it would not affect nonpartisan elections.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Boutilier.

Representative BOUTILIER: Mr. Speaker, I would like to pose an additional question through the Chair.

To clarify my question, in some city races, the officials must have a petition signed by a certain number of voters but the election is nonpartisan and there is no designation of party affiliation on the ballot or in the officials designation in that office, that is an election held with the state and I want to know how this bill will affect that.

The SPEAKER: The Representative from Lewiston, Representative Boutilier, has posed an additional question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker and Members of the House: I apologize for not being clear. I should say candidates for state office, if does not deal with local nonpartisan elections whatsoever.

Thereupon, House Amendment "B" was adopted.

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

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

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

HOUSE DIVIDED REPORT—Majority (10) "Ought to Pass" in New Draft under New Title Bill "An Act Regarding Members of the Public Serving on State Licensing Boards" (H.P. 1125) (L.D. 1631)—Minority (3) "Ought to Pass" in New Draft under New Title Bill "An Act Regarding Members of the Public Serving on State Licensing Boards" (H.P. 1126) (L.D.

1632)—Committee on Business and Commerce on Bill "An Act to Require Two Members of the Public on All State Licensing Boards" (H.P. 857) (L.D. 1216)

TABLED—June 3, 1985 by Representative BRANNIGAN of Portland.

PENDING—Motion of Representative ARMSTRONG of Wilton to Indefinitely Postpone Bill and Accompanying Papers.

The Chair recognizes the Representative from Wilton, Representative Armstrong.

Representative ARMSTRONG: Mr. Speaker, Men and Women of the House: This bill has been tabled a couple of days but I just want to briefly bring you up to date on what it is all about. Maine, as you know, has a variety of occupational and professional licensing boards. A few years ago, this Legislature passed a bill requiring one public member on these boards, most of them are three members or five member boards. This bill, sponsored by Representative Stevens of Bangor, would increase the public membership on the boards to two members.

The nature of these boards, a lot of them are highly technical. For example, some of the boards that we are talking about here, there is the Board of Boiler Rules; State Board of Registration of Professional Engineers; The State Board of Registration of Land Surveyors; Oil and Solid Fuel; the Board of Osteopathic Examination Registration; The Plumbers Examining Board; The State Board of Veterinary Medicine and so on and so forth. There were no proponents to this particular bill at the public hearing and there is no indication that the current law requiring one public member is not working well and does not serve the Maine public in the manner in which these boards are supposed to be serving the public.

I would urge your support in the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Brannigan.

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House: I would point out to you that the motion before you is indefinite postponement. This is a unanimous report that is divided in its nature. The Representative from Wilton, who has just spoken, was on one of those reports even, though it was the Minority Report. It disturbs me that the signer of one of these reports has now moved the indefinite postponement of the whole issue. I like both reports actually, although I am signed on to two members. I think having two public members is good public policy. I have sensed as we have discussed licensure here, this year especially that there is a feeling and concern about it that occupational licensing boards tend to be protective of their own occupation. We mainly support them for the public good and safety but there is a strong feeling, I think, that they are too protective of their own people. Both of these reports would add balance to that concern. Both of them, either having two public members would add balance to the occupation being regulated or the Minority Report, which would also be before you if you defeat this motion, would make sure that the public member, the one that is already there, is not closely linked to the occupation. Now there is very close linkage in many of the boards between the public member and the occupation.

So, I would encourage you to defeat the pending motion and then let's debate the two reports that would add clarity and balance to occupational licensing.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would disagree with my very good friend, Mr. Brannigan from Portland, with regard to the fact that this would add balance to the boards. I want to give

you the same example I gave you the other day. On the Board of Accountancy earlier in this session, we reduced the size of that board to three CPA's one PA and one public member. If we go with the Statement of Fact rather than adding an additional public member to each board to increase the size of all boards to an even number of members leading to the problems of a tie vote, this bill requires the boards to report back to the legislature with recommendations on which position on that board should be filled by the public member. Using that same board for the example, if the public accountant was the next member to be reappointed and had to be replaced by the public member, you certainly would have imbalance with two public members, three CPA's and one of the licensed professions, the public accountants would not even be represented on that board.

I urge you to go along with the motion to indefinitely postpone. The Audit and Program Review Committee is currently studying the Department of Business Regulation and, in addition, the report that is not before you, the Minority Report, seeks to define the public member and that is exactly one of the issues that the Audit and Program Review is studying. So, I would urge you to indefinitely postpone this, give our Audit and Program Review a chance to study.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Stevens.

Representative STEVENS: Mr. Speaker, Men and Women of the House: In response to Representative Armstrong's detailing of the responsibilities of the board, public knowledge that many of them are technical in nature, that could be said of every single one, it doesn't have to be the engineers. From my perspective, a barber knows a lot more than I know. However, they have more responsibilities that just licensure. Many of them use standardized tests for their licensure, they are easy to administer, they are easily written, they have them right at their fingertips. Public members do not necessarily have input into licensure exam. Those documents are there just to give to the people that wish to take them. However, the boards do have other responsibilities. They have the responsibility for rule making, investigation, they can subpoena people, they can take your license away, you can be fined for being in violation of their rules. Those are clearly public purposes. Their charge is to protect and guard the welfare and safety of the public. There is a potential for the public interest being put in a secondary position against the industry when there is only one public member on the boards. They have the power to enter into contracts, the power to enforce their rules. This legislative body doesn't have some of the powers that these licensing boards do, especially when they subpoena a witness. So, I think that we have to acknowledge that their powers are broader than just giving license exams to the people who wish to become a member of that trade.

In answer to Representative Erwin's question, the committee decided not to enlarge the boards. They are not all five member boards as Representative Armstrong said, they range in number from three, which we are changing to a minimum of five, up to nine or ten members. Some of the boards already have public members. The speech pathologists, audiologists have two public members. The Substance Abuse Counselors have two public members. Our committee has acted on several bills this year of which came newly before us to put two public members on those boards. The boards have the right in December of 1985, in response to Representative Erwin, to come to us and recommend which position should be changed from an industry position to a public member position. I don't wish to tell the Board of Accountants whether a CPA or a PA should become a public member. I wish them

to come and tell us what they recommend. The Board of Accountants is in a special position. They are one of those boards who voluntarily reduced their size. They sort of got caught in this transition, this trap, this new bill this year in our committee's Majority Report to try to make two public members state policy. I regret that they made their decision prior to our acting on this bill. I think those problems can be worked out.

As to whether or not Audit and Program Review should deal with this issue instead of Business and Commerce committee, our committee is the one that has the occupational boards coming before it on a yearly basis requesting changes in their licensure law, requesting additional requirements, additional apprenticeship programs, increased fees for licensure. Our committee in the one that deals with these licensing boards on a day to day basis. I think it is properly in that committee's domain to recommend by a Majority Report that they have two public members.

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

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: In response to Representative Stevens, I would say, that should the Board of Accountants come before you, they would recommend three CPA's, one PA and one public member because that is the composition of the board that they want. I have to disagree with you that the Audit and Program Review is the incorrect committee to be before. As far as I am concerned, that is probably one of the committees that most thoroughly studies any board or department and I wish you would go along with Representative Armstrong to indefinitely postpone this bill. I see no need for it.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Beaulieu.

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: Several days ago, before this bill was tabled, I raised some issues to the proponents of this bill and asked for additional time so that I might have an opportunity to review, take a look at the issues that they are bringing forward and to review the licensing boards and their numbers. I have those before me. I have no alternative today but to stand and ask you to go along with the indefinite postponement. That is not to say that I do not concur with what the proponents of this effort are trying to do. I agree with them that maybe we need to look at some changes in some of these licensing boards. I concur with them that some of the public members, so called, that are on some of these boards are indeed very questionable. I really do not believe that on some of the boards, some of the people appointed as public members, are in essence true public members. However, I do see something inherently wrong with allowing those boards to decide who shall be replaced to put on a public member. Even though there is an amendment before us that would take care of the five or the three member boards so that there would be no impact—for example, let's say, there was a board where there were two labor representatives, two industry representatives and one public member currently, if they came in and said, we are going to put on another public member, who is going to go there? I understand the amendment that has been offered is supposed to take care of that. If that is the case and there is to be an addition to a board like that, then there has got to be a fiscal note on this bill and it does not. There are quite a few of those three and five member boards. Again, I go back to the issue, who should be the determinator of who is going to be replaced? I would prefer that we add a second public member to all these boards as

opposed to allowing that process. I think the whole area certainly should be truly evaluated and more likely what is probably true need is a new definition of what a public member should be. I don't believe this bill takes care of that at all. I, too, was informed that the Committee on Program and Audit Review is scheduled to take a look at these issues. I don't care what committee does it but I think what is before us is not appropriate. As a matter of fact, I was disappointed to see that a bill that was filed that would have required a review of all licensing boards was given a leave to withdraw. I think that was an unfortunate action taken. Maybe what we need to do is take a look at those 39 licensing boards and review all of them instead of trying to take this approach, which is commendable, I feel that what is being proposed to us is not the way to go.

Another concern that we need to take into account is that most of these people are appointed by the Governor. I am not aware that there was any input at all at that level. I would be a little bit concerned about that.

So, I have no alternative this morning but to ask you to support the indefinite postponement and maybe do something else that would be more appropriate that what we have here before us. I do not decry the intent to add public members, but I certainly can abhor the process that is being recommended as to how that is going to be accomplished. I think it is unconscionable.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I have a number of questions that I would like to pose to see if this bill is as crazy as I think it is. As I understand it, what will happen is that all of the 39 boards will meet sometime between now and the next legislature, come back with recommendations to the legislature, for who they want to kick off their board. So, I guess my first question is, does that mean that we are going to have 39 separate pieces of legislation that we will have to deal with each of those boards?

My second question is, what if they can't agree as to who they want to get rid of?

Third, what if we, as a legislature, don't pass that legislation?

Another question is the one that was raised by the gentlelady from Portland, Representative Beaulieu, that many of these appointments are made by the Governor. Can we, as a legislature, remove somebody who was appointed by the Governor or is that a violation of the principle of separation of powers?

Another point I would like to ask is, when these bills come to the legislature, which committee will they go to? The reason that I asked that is, for example, our committee, the Audit and Program Review Committee has spent literally hours and hours and hours dealing with the psychologists licensing board. We found considerable problems with the way that board was administered. We have added some additional members to that board. After very careful deliberation, we felt that one particular group within the psychologists had controlled that board, we felt that it had to be broadened. Are they going to come back, the people who are in control of that board before, and kick off somebody that we decided they should have on there?

I think this is true of many committees, that they have spent many, many hours making policy decisions as to how these boards could be constituted and now, are we giving that right to the licensing boards themselves?

I have some, as you can see, very serious questions about this bill and I would be pleased to hear any responses.

The SPEAKER: Representative Rolde of York has posed a series of questions through the Chair to anyone who may respond.

The Chair recognizes the Representative from Bangor, Representative Stevens.

Representative STEVENS: Mr. Speaker, Men and Women of the House: I apologize if I can't remember the series. I will respond to the ones that come first to mind and then perhaps the Representative would redirect them again if I should miss any.

If one would read the bill, L.D. 1631, on the back it says, each board shall report back to the legislative committee having jurisdiction over Business and Commerce by December 1, 1985 with the board's recommendation on which position on the board now designated to be filled by someone other than a public member should be redesignated as the position to be filled by the public member. Now, that seems pretty clear to me. They are going to come back and they are going to recommend to the committee which member should become a public member. One would say, they will fight, they will fight with the CPA's, they will fight with whomever—the psychologists. When these committees come before the Business and Commerce to be licensed in the first place, do you think they come in agreement on what the composition of the board should necessarily be? Do you think the Business and Commerce sits there and says, the respiratory therapist will be this and this because of what they say? We consider each issue as it comes to the licensing board. They don't come in agreement when they originally come to be licensed and I suspect they won't come in agreement when they come to make recommendations to the committee on what the swap should be.

I think all of these duck the issue of whether or not boards should have two public members. That is the issue before us. There is no question that there is going to be disagreement. I guarantee there is going to be disagreement. It is written all over the issue right now. They are going to disagree. Would it be better for you to say there are two public members on each board—as state policy, we feel that is good policy, but we are going to arbitrarily decide or should we say, we are going to ask you to recommend. I see no purpose in me sitting down or our committee or anybody else or Audit and Program Review going through that list of occupational licensure boards and determining arbitrarily which one should go off. That is why we asked that they come recommended, that is all, recommended from the trades that they license.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Murray.

Representative MURRAY: Mr. Speaker, Men and Women of the House: I would just like to touch on one issue which I think is the central issue and that is the functioning of licensing in general. We through this legislature and previous legislatures, for several years, have established licensing for certain occupations, certain professions and that function is aimed at restricting entry into that profession. That in itself is not a good or a bad thing necessarily but for certain professions we here have said, through the legislature, that the entry into that profession should be regulated, that people that are interested in becoming a professional ought to go through certain examinations, educational requirements etc. before they are allowed to enter into that profession within the State of Maine. That is a very serious thing. It is not one that is taken lightly by this legislature or by the boards that have control over that. But with that restriction of entry into a licensure or into a trade, we have the problem of the board who controls that having an interest in limiting that entry under certain circumstances. If there is a professional board with its purpose of to limit entry into a trade or a profession, if it has that purpose and it is made up of professional members of that particular trade, you are going to start seeing fric-

tion. You are going to start seeing situations where the limiting of that entry is going to increase and sometimes increase to unreasonable measures. We were told of a certain circumstances dealing with the Board of Cosmetology or the Board of Barbers where the board came up with the idea that before somebody can practice this profession in this state they ought to have six chairs, six barber chairs in their office before they are allowed to practice that trade in the State of Maine. Now, I ask you whether or not that was a measure which enhanced the public safety for the citizens of the State of Maine? Obviously, the answer is no. The reason that that did not become a rule is because the public member of the board flagged that issue and asked the question, why would we do this? The public members function on these boards is to play that public role, is to ask those questions that the citizens of the state would ask so that we create a balance in this restriction of entry into the trade.

The problem with one public member on the boards is that it is awfully easy, especially when you are talking about very technical issues dealing with certain aspects of a particular profession, for the professional members to dominate any particular meeting. What the public member in these circumstances, who right now is one public member, has to be able to have the fortitude in essence to take on all the other members of the board.

What two public members would do, I believe, is to reinforce that vital function, that public function, that is so important for each of these boards. The public member, if there were two, would be able to ask the right public questions in balancing this delicate balance which limits the restrictions or which limit the entry of any particular profession into that profession. So, I think we ought to support that public function on each of the boards. I think by phasing the increase in public membership in, asking for the input of each of the boards, which is how the bill is structured, is a reasonable approach. I would hope that you would support that public function on each of these boards and urge you to defeat the present motion so that we can support the majority 10 to 3 report.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

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

The problem I have in my mind is that there are certain professions that have two groups, one is the licensing part of the State of Maine plus they have their own groups which is made up of their own peers which police themselves. I am referring specifically to the legal profession and the medical profession. Now, under this bill, would this mean that there would have to be two public members on the Board of Bar Examiners and two public members on the board that determines the admissibility admission for practicing medicine or dentistry or whatever board you have. In that case, maybe someone could answer how you could have a non-professional make the determination on the admission of a law student or a medical student to be admitted to either practice law or medicine. Could someone answer that question please?

The SPEAKER: Representative Jalbert of Lisbon has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Brannigan.

Representative BRANNIGAN: Mr. Speaker, Men and Women of the House: The answer to the question is yes, it does cover those boards. Present law covers those boards in which there is one public member on those boards and I think those boards like any other boards should

have the openness that is necessary in licensing of occupations and professions. I have no problem with there being people other than the profession involved in the very protectionist licensing. I hope that there is no animosity growing between Business and Commerce and Audit and Program Review. I think that one of the problems that Audit and Program has at times, and I am not sure whether they are restricted to this, hopefully not, but they look at only—it is not their fault that business occupational licensing is segmented throughout different departments in the state government and they look at one department at a time. I would suggest that, as we go along, we would be able to work out that particular problem of who looks at what board when.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Beaulieu.

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: Let me clarify. I am not opposed to the idea of having an additional public member on any of these boards. Using the example that Representative Murray was discussing, I would respond that, if there is such a board that limits entry, that specific board must certainly should be reviewed and scrutinized. I would concur that maybe if there had been an additional public member that instance would not have occurred.

What I object to is the mechanism that is going to be utilized to determine how you are going to put on another public member. I think it is wrong. I think it is wise to go along with the motion to indefinitely postpone at this time and let somebody else look at it far more carefully. Already, I have heard from the supporters of this bill that they are already concerned about the criteria that is being applied to some of the public members that are on current boards. That should be looked at too. So, I contend that the motion before us is appropriate at this point in time.

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

Representative Erwin of Rumford was granted permission to address the House a third time.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to assure my good friend from Portland that there will be absolutely no animosity once the debate is over. To respond to the Representative from Bangor about limiting professions using the same example, the Board of Accountancy, I can assure you they are not trying to limit the number of CPA's coming into the profession. Those tests are standardized, they must meet the educational background, they must pass all sections of that exam and, when they do pass that and get the experience, they most certainly will be certified public accountants in the State of Maine.

With regard to the public accountants, it seems to be a fading profession because in the last five years only seven took the exam while over 1,600 took the CPA exam. So, I don't believe it is limiting all professions and, if it is limiting one as Representative Beaulieu said, I go along with having another public member. I do not disagree that many boards do need two public members. I just don't think all should be required.

Please support the indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to prolong this. Just a few words. I want to assure the gentlemen from Portland, Mr. Brannigan, that there would be no friction between our two committees. In fact, when I spoke before, I was not speaking as the Chairman of the Audit and Program Review Committee, I was just expressing in my own feelings as a legislator in asking questions which bothered

me and which I don't believe has been answered. The Audit and Program Review Committee will be looking at the Department of Business Regulation in the next year. So, we will be looking at all the boards no matter what happens with this piece of legislation. I don't see it as conflicting but I do see that there may be a conflict in the future if we have to deal with 39 separate pieces of legislation that come in to change these boards. I think that is one of the things that really concerns me and I was expressing that on my own and not as chairman of the committee.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

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

It is my understanding, looking at the Majority Report of this bill, that the public members on these various boards would be paid a per diem of \$35 a day regardless of whether or not the particular board of which they served on received a per diem. The problem that I am envisioning is that several of these boards don't pay their members a per diem. This bill would require that the public members of those boards do receive a per diem. I am a little concerned about the instance of there being some problems of the board knowing that they don't receive per diem but the public members do receive a per diem.

Secondly, I know that in the past there have been some boards that were in financial difficulty and I am wondering whether or not — we are not talking about a lot of meetings obviously — but will this be a financial hardship on some of these boards who presently don't pay their board members a per diem but perhaps just expenses?

Representative Gwadosky of Fairfield has posed a question through the Chair to any member who may answer if they so desire.

The Chair recognizes the Representative from Bangor, Representative Stevens.

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: The majority of the committee, when they added the per diem on to public members who have not traditionally been paid, viewed it as a recognition that their role was different than the industry member. There is much competition for people in the industry to serve on some of these boards. It is considered a recognition and an honor. We acknowledged that the public members' position was different and, therefore, they did not lobby to get on it or perhaps increase their business or good will or whatever by serving on this board. That is why we decided to have a \$35 diem for all public members.

As to the fiscal note on this bill, many of these boards have a good deal of money. There might be a few that have slightly less or, even as Representative Gwadosky would say, have some financial problems. There is no fiscal note on the bill because the licenses are dedicated to these boards. If you pay \$50 a year for your license to be a cosmetologist, it is dedicated to the board and there is plenty of money to pay a \$35 per diem for the six times a year that a board might meet.

The SPEAKER: The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I just can't let this session end without having one opportunity to be on the same side of a question that the gentlelady from Portland. I think she is absolutely right. The Board of Bar Examiners has no disciplinary function with respect to members of the Bar. It is simply what it says it is, namely a board of examiners. I don't see that two public members are going to be very useful on such a board. I really don't see that

one public member is very useful. So, I really question whether this bill is needed.

A little earlier in this session, we had a hotly debated bill on qualifications for admission to the Bar and this legislature took upon itself the function of being a board of examiners of the Bar in passing certain requirements that were not hitherto in place for applicants for membership to the Bar.

In summation, I would like to say that the motion to indefinitely postpone is very well put and I hope you will all vote with it.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Kimball.

Representative KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: I am in a position of being in a profession that is also licensed by a board of examiners in the State of Maine. I find myself somewhat caught between a rock and a hard place in regard to this particular piece of legislation. The fact is that I very strongly believe that the public needs to be represented on that particular board. I feel that when the public is there, the free information flows back and forth between the public and those professionals that are operating within the State of Maine. I think it is important to keep in mind that when we think about this bill, in fact, we are geographically in an isolated region and professions in the State of Maine band together in order to, not only police our profession in terms of who comes in and out in terms of licensure, but also as a survival tactic. I think we see that happen quite a bit in terms of licensing boards. I have a hard time speaking against the idea of public membership on the boards but that is what I have to do.

I also agree with Representative Rolde that in the way this bill is set up, the idea that that information coming in about who is going to be leaving the board creates a real problem, a real political problem in some of these boards because they have been set up and they have been there for a long time. It is not a problem easily solved. I don't think it is solved by this piece of legislation. I do certainly agree with those proponents who agree that public representation needs to be there. I agree with that. I wish there was a way to take care of it. I hope there will be but I don't think that this bill is the piece of legislation to take care of that and I would urge you to support the indefinite postponement.

Representative Dillenback, of Cumberland moved the previous question, which was ordered.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is the pleasure of the House that the main question be put now?

A vote of the House was taken.

69 having voted in the affirmative and 24 in the negative, the main question was ordered.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Wilton, Representative Armstrong, that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Law.

Representative LAW: Mr. Speaker, Under Rule 19, I am a registered engineer and I think I should be excused.

The SPEAKER: The Chair would deny that request based on the fact that it deals with public members and not with professional members.

The pending question before the House is the motion of the Representative from Wilton, Representative Armstrong, that this bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 138

YEAS:—Armstrong, Baker, A.L.; Beaulieu, Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Callahan, Chonko, Connors, Daggett, Davis, Dellert, Dexter, Dillenback, Drinkwater, Erwin, Farnum, Foss, Foster, Greenlaw, Hale, Harper, Hepburn, Hichborn, Higgins, H.C.; Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Joseph, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Manning, Masterman, Matthews, Mayo, McPherson, McSweeney, Michael, Mills, Mitchell, Moholland, Murphy, E.M.; Murphy, T.W.; Nadeau, G.R.; Nicholson, Nickerson, Paradis, E.J.; Parent, Paul, Pines, Racine, Randall, Rice, Rolde, Ruhlman, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Tammara, Tardy, Taylor, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

NAYS:—Aliberti Allen, Baker, H.R.; Bost, Boutillier, Brannigan, Brodeur, Cahill, Carroll, Carter, Cashman, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Descoteaux, Diamond, Gwadosky, Handy, Hayden, Hickey, Hoglund, Jacques, Lacroix, Lisnik, Martin, H.C.; McCollister, McGowan, McHenry, Michaud, Mitchell, Murray, Nadeau, G.G.; O'Gara, Paradis, P.E.; Perry, Priest, Reeves, Richard, Ridley, Rioux, Roberts, Rotondi, Rydell, Simpson, Smith, C.B.; Soucy, Stevens, P.; Swazey, Telow, Theriault, Vose, Walker, Warren, The Speaker

ABSENT:—Carrier, Duffy, Jalbert, Kane, Melendy, Nelson, Pouliot, Seavey

85 having voted in the affirmative and 58 in the negative with 8 being absent, the motion did prevail.

Sent up for concurrence.

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

Passed to Be Enacted Emergency Measure

An Act to Assist Workers' Displaced from Employment by Imports (H.P. 594) (L.D. 864 (C. "A" H-271))

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 3 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Wood Measurement Laws (H.P. 960) (L.D. 1381) (C. "A" H-272)

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

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: I was on the Energy and Natural Resources Committee and signed this unanimous report, I believe now mistakenly. So, I am rising today to tell you why I believe why I was mistaken, to tell you what I think was wrong with this bill and to urge you to vote against it.

Last year, the legislature passed a law known as the Wood Measurement Law. Those of you who were here are undoubtedly more familiar with it than you might wish to be. This law was ten years in the making and it corrected a long

standing inequity. The heart of the wood measurement law was establishing the principle, that when you hire out your labor, you should be paid for the full amount of that labor, not some portion of it depending upon the eventual market for the product that you worked on.

A factory or mill worker gets paid for the work done, not by a percentage of the sale price.

When you get a haircut, you pay the barber for the service in full. You don't decide after the haircut is finished whether you wish to discount that by 15 or 20 percent.

When you have a surveyor measure your property, you don't get to discount his fee if you have less land than you thought you had. This principle, whether or not someone who provides services should be paid for the amount of services provided, is at stake today.

The bill before you today would abandon that vital principle and cut out the heart of the Wood Measurement Law. Moreover, since the bill went into effect just one month ago, it would do so before a law has been given a chance to work.

You may hear today that this amendment to the Wood Measurement Law is being proposed in order to help the woodcutter. I didn't hear a lot from woodcutters at the public hearings and work sessions. What I did hear was a lot of logging contractors complaining about having to change the way they have always done business and instead pay the woodcutter for the wood he actually does. That was the basic point of the Wood Measurement Law, payment in full for services provided.

You may hear that this bill before you today simply gives the woodcutter the option of how he wishes to be paid. The woodcutter is the low man on the totem pole in the logging business. If he doesn't agree to be paid the way the logging contractor wants, it won't be long before the cutter is out of a job. You may hear today that this bill protects the woodcutter from such retaliations. Well, it purports to do so but it doesn't. How can a woodcutter, who isn't hired, prove that the reason is retaliation? How can that cutter afford the time and expense of proving that retaliation in court? How will the woodcutter make his living when he doesn't have that job? Some of the big companies and some logging contractors have already switched to the new wood measurement system provided for in the law. From what I have heard, and I believe there are Representatives from various areas in this body today who can confirm this, the law works pretty well. Moreover, what problems they are encountering with the law can be changed and are being changed through the normal regulatory process.

You may also hear today that the big thick book of regulations is obstructing or has come down like a heavy burden on all the logging contractors. This bill today is not going to reduce those regulations. In fact, it is going to add to them. The Wood Measurement Law is introducing a greater measure of fairness into the way the wood business works. It is placing business risks where it belongs, in the hands of the business owners and not their employees. Let's give it a chance to work by voting against this bill. Thank you for listening.

THE SPEAKER: The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: The present Wood Measurement Law, which was enacted last session, requires that payment for services be based on gross scale and prohibits discounting or deduction based on the quality of the wood. This ensures that payment for services be based actually on quality and properly prepared wood. It was brought to my attention that some woodcutters want to be paid on gross scale and what this bill attempts to do is give

them that option.

The Energy and Natural Resources Committee agreed to go along with the idea of net scale agreements under certain conditions, which will deter retaliation against the woodcutter who doesn't want to enter into such an agreement. This bill represents a trial to see if the agreement approach preserved the basic fairness of the present law that we have on the books. The committee was assured by industry representatives that there would be no retaliation and that there would be a good faith effort to make this approach work in a fair way.

This bill, for myself anyway, is probably one of the most controversial bills that we have had in committee this year and one of the bills that I myself put a lot of thought into. Basically, what the bill does is it would allow the woodcutters to enter into an agreement with a contractor after they work under the current rules and regs for 30 days. Then the bill provides the mechanism for which that agreement is.

Also, in the bill, we set in a retaliation provision which, under the current law, under the first penalty, there will be \$1,000 fine, for the second penalty a \$2,000 fine and it also provides a penalty where private action may be taken. We also tied into this law, under Title 26, Section 626-A, which is part of the Maine Labor Relations Act, there is another penalty provision. So, I think there are enough penalty provisions in this Committee Amendment to protect the woodcutter. If you look at part of the retaliation, if any contractor who violates this subsection on retaliation, they will not be able to negotiate under this bill for not less than one year. So, we have also added additional penalty provisions. If a cutter has been retaliated against, he doesn't necessarily have to go out and hire a lawyer to take it to court. All he has to do is see the state sealer in the Attorney General's Office, who will prosecute under this provision.

So, I would hope that you would go along with the majority of the committee on this bill. It has been a very controversial bill. It is one that both sides had agreed on and it is one that I think that this House can support. I hope you go along with the majority of the committee.

THE SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: Never have I listened to so many experts in the line of work that I do, never in my life. I mean they seem to know all about it. I am not angry. I learned a long time ago that it doesn't pay to get angry. I talked to my wife who is a church goer, teaches Sunday school and she gave me this piece of advice — she said, forgive them for they know not what they do.

I don't know where my good friend from Harpswell, Representative Coles, was when we held this public hearing. There were over 300 woodsmen there backing my bill, which eventually died in the committee. But I knew over 100 of those so-called "weak people," woodsmen, you know, low man on the totem pole.

Just let me give you an example of my crew. The smallest person in my crew is about my size and he was down to the local bar and there was a fellow there that weighed around 280 pounds being quite obnoxious and he told him politely to keep quiet but he kept on. So, he took this fellow by the collar and the seat of the pants and took him over in a corner and slammed him against the wall and said, you sit there. Now, can you imagine that, that is the smallest guy. Can you imagine me misusing those kind of people? Just think about it. I have got some age on me now. These are these weak people we are talking about. Each and every one of them are independent. They are something like, I guess the nearest thing to a woodsman would be a wildcatter and they have been in the oil fields, they work in the

woods because they wish to be independent. They go fishing and hunting whenever they feel like it, even though I beg them to cut another load. They are working by the piece and they tell me where to go, which I can't repeat right here in public, and it doesn't take them too long either. Some of those poor misused woodsmen went to Florida last spring. I didn't go. They were able to go. When they came back, they had money.

I am not happy with this compromise, don't get that idea. I am not happy with it at all. But it is a step in the right direction.

You want to talk about free enterprise, my good friend from Madawaska talking about free enterprise, this is what this compromise is attempting to do while protecting the worker. If at the end of 30 days, he wishes to negotiate, he has that authority. This is what my men want.

All these abuses in the system, I don't think this has ever been brought out on the record from 1979 to the present, I think we had about 30 complaints and over half of those complaints, which were investigated, the men were overscaled, overscaled. Just think about it. Most of the complaints were butt scale which I am against and which we have eliminated.

I could go on and on but I would start debating the bill and this is not what we should be doing right now.

We received a letter today from one contractor, who was shutting down his job, and I submit to you the rules do work. They put people out of work.

I just hope that you will go along with my good chairman and let's pass this. I won't talk anymore because I am afraid I will be debating the bill and the Speaker will rule me out of order.

THE SPEAKER: The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Ladies and Gentlemen of the House: As a cosponsor of this bill, I think that most of you who know we know that I come from a logging family and I am definitely not one who has ever voted too frequently against labor. I don't think this is a anti-labor bill. It is a bill that was passed, as most of you know, last year and there have been hearings across the state. I have gone to hearings in all the different areas of my towns in my district and my people there are completely confused by the law that was passed last year. This bill is going at a rate to try and make it easier for everyone to understand. I think it is important for everyone here to realize that when this bill originally came to committee, it was a compromise that came up between the woodcutters and the wood contractors. They both agreed by this compromise and the committee report came out unanimous "Ought to Pass" so I am very surprised that we are at this point that we are having so much difficulty today. I hope you support the unanimous "Ought to Pass" committee report.

THE SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Theriault.

Representative THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: If it has not already been asked, I would like a roll call on this issue.

I just witnessed probably the best example I have seen since I have been here of conflict in interest in action.

This is a very important issue to thousands of woodcutters in this state. I hope that you do not take this matter lightly I will try to explain to you why I am coming from where I am coming.

Last year, I thought that we had put this issue to rest, that finally this legislature after deliberating for ten years or so had been able to put together a unit of measure for our woodcutters that was not a negotiable item. Can you imagine, if you are a woodcutter, not only do

you have to negotiate the price you are going to get, you also have to negotiate the unit of measure that will be used to determine your salary. This law that was passed last year was in effect just a few weeks ago and already some of the people that are adversely affected because they now, for the first time, have to share some of the cost for quality control that has been shared solely by the cutter up to this point. They see where they will have to share so this is why this bill is here.

One or two items that have been overlooked is that many of our wood contractors in this state have been following what this bill that we passed last year is doing. For example, by that I mean, that some of the logging companies do not discount their workers for the work that they perform. In addition to this, in my area, in anticipation of the effective date of this bill have transitioned from the old system to the new system with very little problem. As a matter of fact, in the end, according to those that did, they liked that better.

A lot of things have been said here today but I think that the real issue that is before us is the issue of what is known as discount. Now, what exactly is a discount? Let me give you an example of what it is, only it is going to be reversed. Let us assume that you, as a homeowner, purchased a cord of wood from someone. That cord of wood is delivered to you and you pile it and you determine that there is only three quarters of a cord that was delivered to you, so you are concerned about this and you get hold of the supplier and the supplier tells you, well, it is true, you did not get a cord, you got three quarters of a cord because in the preparation process I ran through some rotten wood, wood that was not appropriate for firewood, consequently, I am passing on to you the cost of that loss by giving you three quarters of a cord of wood. Now, you can imagine what would happen if this were the case. I am sure that you would tell this individual, take your wood, stick it in your ear and get out of here and find another individual.

Essentially, this is what is happening to our woodsmen. They provide a certain amount of work, because there is some defects in the wood, that woodcutter is made to absorb that loss because of the defect the wood that was cut was cut according to specification and according to the demands of the person that this person is working for. I don't think this is fair.

So, we have a cutter out there that goes out and cuts a tree, skids that tree to the yard, a scaler appears on the scene, and the woodcutter is praying that the scaler is in a good mood today because if he doesn't like the way that the wood is piled, they have this instrument, what I call an instrument of torture, to use against this person, to use to discipline that woodcutter, so what is going to happen? They could discount the rotten wood. They could discount for improperly piled wood. They could discount because the mill yard is full of wood. They don't really need much wood right now. Another thing they could do is, the price is probably down for logs or lumber so they probably would discount to make up for that difference. Who is absorbing all of this? The wood cutter.

I am sure that you realize that this process and this practice is certainly not fair. It is not fair because this tree that was just discounted is loaded on the truck, delivered to the mill, processed and used by them, sold or whatever else they might do with it, but it is used, it is not left in the woods. Now, remember this tree was discounted, but is still used. I don't think that is fair.

Like I mentioned a while ago, the cutter is really the only one in the chain that has to absorb financially the cost for this quality control. That is not fair.

You have to realize that most modern cutters have an investment in just their tools anywhere

from \$50,000 to \$100,000. That is a substantial investment. Now, there are some wood contractors out there, and by the way, I am from a logging area so I know generally what I am talking about or quite specifically what I am talking about. We have some contractors up in my area that all they need in order to get established in business is a contract from a logging company, probably a pickup, and they are in business. Now, you take the cutter that has that large investment, as far as I know, the only unit of measure that has been negotiable in this state is the unit of measure to measure wood for pay purposes. I think that last year we tackled this problem. I think we came up with a reasonable solution and I don't think that this bill should be allowed to pass to change it. We should at least try it for a couple of years. I am sure that this will adjust itself, just like when you bought a cord but you got three quarters of a cord, that would not go. What happens is, if you buy a cord of wood right now, you are delivered a cord of wood. But how is that loss absorbed? Is it absorbed by giving you less wood or is it absorbed by charging more for the unit? I think the same principle can apply for a wood cutter. I hope you vote against enacting this bill.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker and Members of the House: I would encourage members of this body to vote with Representatives Theriault and Coles against the enactment of this bill. This bill, despite the descriptions of its supporter, is truly, if any bill ever was, a bad bill. I don't pretend to be an expert on the forest or the woods. My only credentials, I guess, coming from Portland, is that I come from the "forest city" and that is the closest I guess I have in my portfolio as being an expert on the woods.

I got involved in this issue two years ago when the problem was first brought to this legislature. Contrary to what Representative Mills, says, the issue was, at that time, and it remains to this day, to be most significantly a labor issue. When you listen to Representative Dexter, you get the impression that if you vote against this legislation that you are voting against motherhood and apple pie. When you listen to this issue, as it has been presented to the committee this year and as it was presented two years ago, you begin to feel that it is so complex, it is so overwhelming, that you can't understand it. But the issue for me, and I wish someone would correct me on the other side if I am wrong, is a very simple issue. The reason that it was here two years ago was because in some instances, and I do not accuse Representative Dexter of this, but in some instances, people who work in the woods were being cheated, they were not being paid for their time and their labor and for their sweat. If someone said to a woodworker, we want you to cut that stand of wood, you would expect that you would be paid for that work. But then when the wood was hauled out, in many instances, the discounts and other terms that I don't completely understand, workers ended up not being paid for their time and their effort and for their labor. Consequently, two years ago, a bill was brought into this body to try to remedy that. It was a very intensely debated contested issue. As a result, there was a special committee that was appointed by the Speaker of the House and chaired by Representative Jacques to arrive at a reasonable compromise. That committee came back with the legislation, the so-called Wood Measurement Law, that we enacted last session of the legislature. That law didn't even go into effect until April of this year. It has been in effect slightly more than 30 days. It hasn't even had time to demonstrate whether it can work in the way that the proponents said it ought to work. This legislation today is an at-

tempt to get around what this legislature did last year. This measure today is an anti-labor measure and I would hope that everybody here votes against its enactment.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I think I am going to preface my remarks this afternoon by saying that always bothers me a great deal when a member's integrity in this body is questioned by another member. When Representative Dexter introduced his legislation and it was brought before the Committee on Energy and Natural Resources I didn't know whether I should love him or hate him because I had heard so much about wood measurement and all the controversy surrounding it. However, like everybody else on the committee, I rolled up my sleeves and tried to learn as much as I could about the issue and I think that Representative Connolly, although I do respect him very much, respect his views very much, I think he is a little off base. He says it has only been in effect for 30 days and we haven't given it a chance to work. Well, it is working all right and I would like to read to you a very brief letter that Representative Dexter referred to earlier in his discussion. Mine starts out this way,

"Dear Mr Brown: Enclosed is a letter I gave my men last Friday. (it is from Richard Wallingford, I assume to be a contractor in the Forks area). This is it verbatim." To all my woods employees. Due to the hardships, extra work and cost that the new wood measurement rules put on me as a contractor, I am closing my woods operation down effective one week from today. I have never in the 40 years that I have operated in the woods come up facing anything like this. I find that in order to comply with the rules that I have to cut your pay and that is the last thing I want to do. I will do everything in my power to find you employment with someone else."

You know, ladies and gentlemen, we talk about this all the time but we are really still talking about jobs. I know of this gentlemen, I don't know him personally, but what I do know about him, he is a very reputable individual, one who obviously cares about his people and one who feels he can no longer comply with the rules and regulations that have gone into effect. Those of us who were on the committee saw those rules and regulations, they are ridiculous, they are absolutely ridiculous. It is a book about an inch and a half thick. I guess to quote Representative Mitchell in one of yesterday's debates, it is idiotic, it is one of the most stupid things I have ever seen in my life. I can't believe that we had to come up with a book that thick to deal with an issue like wood measurement.

Representative Dexter spoke of the committee hearing and some of the folks that testified at that hearing. There were a lot of people testifying in favor of the bill. Obviously, there was a handful of people testifying in opposition to the bill. It was apparent to me that the group of people testifying in opposition to the bill or making any changes in these rules and regulations were from an isolated section of the state where apparently they have had some problems. But do we inflict all of these kinds of ridiculous standards upon the whole state at the risk of putting people out of work, which is already beginning to happen?

Representative Theriault spoke of fairness. Fairness to whom? It seems to me that everybody ought to be able to share in the fairness of bad wood that is being delivered to the mill. Basically, this is what this kind of watered down measurement attempts to do, establish some kinds of means of negotiability as limited as it might be.

We had people come before our committee at the public hearing who I respect and I think

every member of the committee respects very, very much, people with decades of experience working in the woods, from consultants to foresters to just the person out there cutting the wood. I remember one consulting forester in particular who has at least 30 years of experience under his belt, who has worked for the mills, who has worked for the contractors, he has worked for the cutters, worked for the landowners and he summed it all up in a nutshell. He said, before these rules and regulations went into effect, everybody got along, there were no problems and now all we have is a mess on our hands. This bill is one very very small attempt to try to straighten out at least one very fine aspect of that to spread that fairness around. I would urge you to support this legislation.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I signed the Majority Report that at one time was going to be a unanimous report. Just like Representative Dexter, I am not too thrilled about the whole thing anyway and I haven't felt really great about my vote since I did but I did agree to support this and I am going to give it a try.

I think for Representative Brown to bring Mr. Wallingford's letter into this is really something that should be discussed. The man has been in business 40 years. I got a letter but mine said most of this was my fault. He directed it directly at me. But to say that this man is now going to lay off his people because he cannot deal or operate under the rules, I find very puzzling because if the only way that man could operate for 40 years was to cheat the people that worked for him or have the ability to cheat the people that work for him, he was running a pretty poor operation to start off with. I can't believe that a gentleman who has operated his business through the last 40 years of economic development or under development in the State of Maine with all the problems that you have dealing with mother nature and the weather and Representative Dexter can tell you about that with the mud and everything else and could operate under those conditions to say, that because of these changes, they try to bring a little fairness in the law, is putting him out of business, if you believe that, you believe in Santa Claus and the Man in the Moon. That really, really bothers me.

Another thing that really bothers me is that Representative Brown talked about the inch and a half book and I agree the inch and a half book is really way out of line but they kept us informed of the whole process and, when we were starting to establish rules and regulations, it kept getting thicker and thicker and when I asked why is it getting thicker and thicker they said, because the contractors want everything spelled out. They want it this way, they want it that way and they want it this way. For a while, do you know what I thought? I thought maybe the contractors were trying to manipulate the department into causing the problems that the very contractors said would happen when they came and testified against this thing to start off with. Now, I don't believe the contractors really intended to do that, but I do know the thickness of the book has a lot to do with the fact of what the contractors wanted spelled out. They wanted everything addressed. They wanted things very narrow. They wanted everything everything addressed right to the T and that is why you have got 85 plus pages in that green book.

Now, I am going to go along with this compromise even though I don't like it. I really don't like it that much, but everybody has been telling us what is wrong with wood measurement and the bill came in six days after the rules went into effect. Ask yourselves, what would we do if every piece of legislation this legislature passed, four or five days after it

became law, we had people down here telling us it wasn't going to work. Now what we have done with this bill is to try to let both sides work. I still think that the contractors are going to have the upper hand but we will let things go as they may.

A simile used a little while ago, he said this bill is a lot like the child working laws that we had. It was illegal unless the child agreed to work. That is probably a good simile as to what is happening here.

I wasn't going to talk on this bill until I heard Representative Brown say this about Mr. Wallingford. That was just it, because if Mr. Wallingford wants to stay working in the woods, he can. I have a lot of confidence in his ability and the ability for him to run his business and I just hope that these contractors aren't doing this to try to manipulate the situation into being what they said it would be when they fought the bill, what they said it would be at the hearing and hopefully, we are going to be able to find out this summer if this bill goes into effect whether their concerns were going to follow through or whether both sides were going to be able to work things out. I just had to say that.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House: It seems like we are debating here today almost the whole wood measurement bill, which is not what this bill is. I want to get that out of the way right off.

Last year when this bill came up, I voted yes for it and I still agree with most of the proposals that are in the bill. This bill does not get rid of that whole bill. After having voted for that bill last year, the Department of Forestry set up meetings across the state to explain what that bill was going to do. I went to those meetings. Mass confusion, even from the people from the Department of Forestry. People asked them questions and they didn't know the answers, they couldn't understand the laws that were written, they said the lawyers had written it, they didn't understand how it had been set up. I didn't understand it, my father didn't understand it, none of us understood it. Very worried about it. Everybody was coming up to me, how could you vote for this? You were supposed to be down there looking after us, the loggers, everyone else from my area. I said, I am sorry, but when I got up on the floor, everybody told me that it was a labor bill, that I was going to be helping the poor woodcutters in the woods and that is why I voted for it. I thought, wow, this is great, we are finally going to get the mills who have always been against all of us woodcutters. I thought it was great. Now, I came back to the legislature, I wanted to put a bill in to do something. I went to the Department of Forestry. Ken Stratton and all the people of the Department of Forestry kept telling me, you are right, we know you are right, this is screwed up, we have got to do something about it.

Finally, someone called up and said that they had gone over it that we had a bill here. Ken Stratton called me, gave me information on the bill. I said, great, I will get right on it. I can't wait to get down there and get this settled. Got down there, a lot of people came in, came up and said, what is going on here, you are going against labor. Everybody got up and spoke. Finally, the woodcutters and the wood contractors, lawyers from both sides, got together and said, here is a compromise, let's present it to the committee. The committee voted unanimously to accept it because it is going to make changes in the law, which is going to help the law, and get the law going. We are not talking about repealing the whole law here.

Everybody keeps talking about the law that was passed last year. That is not what we are talking about. Everybody is saying this bill just went into effect and now we are trying to

change it. We have been meeting across the state for the past year and people knew, the Department of Forestry knew there was going to be a lot of problems. This bill was set up to help those problems and to get the bill so it could work. As Mr. Jacques said, perhaps we might not be completely happy with it but it is a compromise and it is a compromise to get this bill out so it can work for the state. That is all it is. I hope that you will go along with the unanimous report from the committee.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Paradis.

Representative PARADIS: Mr. Speaker and Members of the House: I voted against this bill last year. I considered it a bad bill then, I consider it a bad bill now. It is law now and it is on the books. I don't have anyone in my area, its practically unanimous on this point from woodcutter, from landowner, from broker, from hauler to the mills, to the people who buy, who have a kind word to say for the law at it was written and passed by us last year.

I think that Representative Brown is correct in what he says on this man who has written to him and tells him that he has prepared his people to be laid off. I have similar stories that have been related to me without the benefit of letter out of my area. My district, in case you do not realize it, is 75 miles from my house to the other corner of it. There are a lot of trees there. There are the same number of people you have but there are a lot of trees and an awful lot of them are occupied, mostly in the cutting business or in the hauling and getting it to the mills. They are the first steps in the process of which effects practically every one of us here directly or indirectly on the floor of this House. Our first industry is the wood industry and wood business, and that is the first money into our state and there are very few of us that are exempt from that as we sit right here on this floor. I would like to remind you of that today.

This bill that we are being asked to pass on right now is a small step in turning some of this around, some of this mass confusion that is out there and I would encourage you in the passage of it.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Lander.

Representative LANDER: Mr. Speaker, Ladies and Gentlemen of the House: My first introduction to this bill was last year. A meeting was called in Greenville by the Department of Agriculture to have people come in from my district to explain the new rules for wood measurement. Probably 100 people showed up at that little meeting at the town office in Greenville and again my area is one of the largest logging areas in the State of Maine. Two people from the Department of Agriculture sat at a table. The first thing they said was, we are not going to try to explain this book to you because we don't understand it. We are going to go through this book with you and try to work it out together because we don't know what we are going to do with it.

I would also like to explain to you that we have a lot of forestry personnel in the Greenville area, one of the largest forestry districts in the state. Most forestry people are very concerned about this wood measurement bill. They said, the forestry bill that you have put into effect is going to cut down on the utilization of our woods and we are very concerned about the utilization of our woods. The way the rules are set up, we are going to leave a lot of wood in the woods to rot and here we are coming into a shortage, we are going to have problems with it.

Let me point out again, this was the people from the Forestry Department of the State of Maine. I have faith in the people that work in the Forestry Department. After the little meeting in Greenville, I, along with Mr. Dex-

ter and some others, thought that maybe we should come up with some legislation to change this so I wanted to be a part of it. I came to Augusta to a hearing that we had on the bill a couple of months ago. As Representative Dexter has pointed out, we did have an awful lot of people from the logging community. Those people are laborers, they are wood contractors, they are little people in the State of Maine, they are business people that are trying to survive. At that meeting, I asked my forestry people from my district, are you going to be able to come down to the hearing on this bill? They said, no, we are not allowed to come to the hearing. We have gotten the word that we cannot speak on this bill. Why should the State of Maine not allow its forestry people to speak on a bill on forestry? In this legislature, we have been trying to provide jobs for the small businesses in Maine. We have done a lot of work on Workers' Comp, which is coming out very shortly and I look at this bill as something that is going to help restore a little bit of faith for those woodworkers. Again, we are not going to get the changes we want in the Wood Measurement Bill but, if we can go along with this, I think it is very necessary. It is going to keep our people working. We are talking about displaced workers, if we don't do something, we are going to have a lot more displaced workers.

I think you really need to support this. Ed Dexter says he is the only logger in the area — well, I would like to tell you something, I started out when I was about 12 years old cutting wood on my father's farm. I hauled the first load of logs from Chesuncook Lake to Dover-Foxcroft when I was 18 years old and I feel that I have a fair amount of experience. I also grew up in farming country where there were a lot of farms 40 years ago. Regulations drove 35 farms out of my town, there are three left in the town now. If we go ahead and don't help out the loggers, we are going to have a lot of unemployed people. The more regulations that we put into effect, the more we are going to drive them out of business.

Let me tell you what this does. The good Representative from Fort Kent talks about people with \$50,000 or \$100,000 invested — right now, I have 35 of those people in the Greenville area that own chainsaw and skidders that have no place to work because our regulations we put into effect down here are driving the companies to go to mechanized harvesting of their wood so we are going to have a lot of people looking for unemployment if we don't do something, and I think you should go along and support the measure for the good of the State of Maine.

At this point, Representative Gwadosky of Fairfield assumed the Chair to act as Speaker pro tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Hoglund.

Representative HOGLUND: Mr. Speaker, Ladies and Gentlemen of the House: As you know, in Portland we don't have much logging so I don't represent too many loggers and too many contractors so this great day, a couple of weeks ago, they sent me to Sugarloaf in Carabassett Valley and I had the pleasure of talking to both contractors and cutters. If you ask the contractors what they think, they have been cheated; you ask the woodcutters what they think, they have been cheated; you ask the landowners what they think and they have been cheated so I came back to work and they said, what did you find out? I said, the only thing I found out was that everybody has been cheated. No one could agree on anything.

The only thing we can agree on is that both parties had an attorney there, both parties went and were represented and the key word is, they negotiated and they compromised and came back with something that we could work with, a solution, something that may be

workable, so I urge you to pass this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dover-Foxcroft, Representative Law.

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say just one thing, I will try to describe what happens out there in the woods. Somebody mentioned that it is only the cutter that gets penalized but when you get ready to cut a piece of wood, the contractor, the landowner, the cutter, the logger and the mill do not know what is going to happen to that wood on that land. They all do know that they are going to use just the good wood. They all know that the rest of it is going to be discounted so when they go to cut, haul it to the mill, they discount what is no good and then everybody gets paid on this discounted wood. Sometimes there will be a hollow log and I have been told by contractors and cutters alike that if they knew some way to leave that hole in the woods, everybody would be happy, but they can't do it and that is part of the discount.

This bill, as the Representative from Portland just mentioned, it was a compromise between both parties. Both parties can live with what they got on this new bill. I urge you to support the Majority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: I guess, a few minutes ago in this debate, I was accused of a conflict of interest. If that is so, I am proud of it. I represent hundreds of woodsmen and contractors. Maybe I didn't hear right, I have lost a good part of my hearing due to the occupational hazard of chainsaws and skidders. I have had to work for a living all of my life.

Anyway, what we have done, we have allowed the mills to deduct for defects. We have not allowed the contractor. I defy anyone to get up here and tell me that is fair and equitable. This is one thing that we have done in these rules. My problem is not necessarily with the bill we passed, it is with the rules and the so-called green book that we allowed to promulgate. That is all I am going to say because I would end up debating the bill and I said I wasn't going to do it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I disagree with my good friend from Portland, Representative Connolly, that this is an anti-labor issue. I don't feel that it is.

I don't want to hurt the woodcutters, my uncle is a woodcutter, he works hard in the woods but if the rules and regulations are so great as they are, then there should be no problem at all. What this amendment does is that it sets it up so the contractor will hire the cutter and for 30 days they are going to operate under the rules and regs. If, after that period, the contractor wants to negotiate, he may and, if he does and the cutter agrees, they have to do it in accordance with the six items that are in the bill, the committee amendment. However, if the cutter does not agree to negotiate, he doesn't have to. If the contractor fires him or decides to hire someone else, that is retaliation and the retaliation provision in this bill is pretty strict. We tied it to the Maine Title 26 along with the provision that is in Title 10.

As has been mentioned before, this bill was a compromise. Under the current laws, without this bill, the contractor can get at the cutter — all he has to do is tighten those specs up so tight that the cutter is going to have to abide by them and he will be cutting wood and if that wood doesn't meet those specs, he is not going to get paid for it anyway. The contractor is not going to go in the red.

I have a copy of that letter and I am surprised

of the case in that situation because one thing, under the current law, that they can negotiate is wages. All they have to do is go over the previous years, find out what they have been discounted from mills, take an average of the high, and negotiate so you are going to get this, take it or leave it. It is one of the current rules and regs. I think, in the long run, that the cutter is going to hurt. Under this provision, it does allow for some relief. There is a 30-day period in there and if the rules and regs are working, then the contractor probably wouldn't even want to negotiate. Even if he does have an agreement with the cutter, if the cutter doesn't want it, he can tell him to take a hike, there is nothing he can do about it.

I hope you will support what is a unanimous report minus one of the Committee on Energy and Natural Resources because both sides, the contractors and the cutters attended the work sessions and we finally did come up with a compromise so I hope you support the committee on this measure.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker, Members of the House: I hadn't intended to speak again on this but I haven't been up very much this year but the gentleman just brought me out of my seat. He says that I was wrong when I described this legislation as an anti-labor piece of legislation. Perhaps, Representative Michaud, you really believe that. However, I am convinced and I think that maybe if you talked to some of the lobbyists and some of the paper companies that they would also privately agree that this is truly an anti-labor bill. You and others have made much of the fact that this bill includes a provision to protect the worker against retaliation. That provision in the legislation, while it sounds good and it reads well, it assumes that workers in the woods have an equal spot at the bargaining table, that their bargaining power is equal to that of those who hire them. I would just like to read you an excerpt from a letter that I received from a woodworker today about that particular issue. "The problem is that many workers will agree to accept deductions from their total production because they are afraid not to. Woodcutters know that if they don't agree, there are other woodcutters to replace them. To retaliate against a worker that does not want his production to be deducted based on the quantity of wood would mean that a worker would lose his job."

A final point, much has been made about the Department of Conservation and Bureau of Forestry's position on this bill. The provisions of the original law for the developing of the rules and regulations and for the administration of this and to provide protections for woodworkers lies not with the Department of Conservation but with the Department of Agriculture and the Department of Agriculture has taken a position, and as far as I know it still stands behind it, in opposition to this bill.

I would hope that you would vote against enactment.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to speak on this bill but I think I should. I, too, have worked in the woods some. As a matter of fact, I cut firewood every year to sell, and my land was burned over in the '47 fire, so many times when we cut down a tree for firewood, it is hollow.

I want to ask you folks a question. If I should send my hired man out for a cord of wood, which is 4 x 4 x 8 and I haul that down to you and sell it to you for a cord of wood and about every one of those butts, even the bolts, has a three or four inch hole in it, would you think you are getting a cord of wood? Of course you

wouldn't. You are getting something less than a cord of wood. So when I ask you the question, should you pay for that as a cord of wood? You would say, absolutely not. On the other hand, should I ask that fellow who paid for that wood to be cut pay my hired man for a cord of wood when it isn't a cord of wood — this is what it is coming down to. They are getting paid for what they cut and I think that we are beating this thing to death and I think it is about time we went ahead and voted on it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Ladies, and Gentlemen of the House: Ever since I have been down here, which is five years now, that is all I have heard this Wood Measurement Bill and I never thought anything could get so involved in all my life until I got tangled up in this.

I come from the same area as my good friend, Representative Lord, does. We don't seem to have that problem down there. I don't know why but I am sure if you presented some of the cutters down there with this previous bill, the one that is in effect right now, you probably would end up wearing a cant dog in your head when you got out of there. Nevertheless, it is quite complicated and I found out a lot of things that I didn't know serving on the Energy and Natural Resources Committee. One thing I would like to commend the committee on is the patience they had and the many hours of hearings and arguing back and forth and then, in the end, they were able to sit down and come up with a compromise which I am sure neither side is thrilled to death with. Nevertheless, myself having been a businessman and having been an employer and employee, you never are able to satisfy everybody but I certainly could see some problems in the previous law and I can still see some in this one. I think it is a good compromise and everybody seemed to agree on it from both sides of the aisle although they had to kind of swallow a little hard, both sides. I would hope that you would go along with the report that was signed out unanimously and get this bill out of here.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I also serve on the Energy and Natural Resources Committee. I didn't particularly like this bill when it came along but I did decide to go along with it and I will tell you why I decided to go along with the amendment. I don't think it is going to work at all. I think that any contractor who goes along with it is foolish. What it does is, it says that for the first 30 days, you have to be paid this way and after 30 days, you can negotiate which way you want to pay and every time you change woodlots, you have to negotiate it again. So, what all the contractors are going to do is they are going to have to have two sets of books and two different sets of pay procedures for their men. Although I voted for the compromise, I really think that it is an absurd idea.

The SPEAKER PRO TEM: The Chair recognizes the Representative from LaGrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: For four generations my family has been earning a living lumbering and farming. During the past six months, I have heard nothing but complaints from my constituents who are, in many cases, engaged in woods work, trucking, trying to get a living out of the woods. These are laboring people. Neither they nor my family or I consider this an anti-labor bill. They were not happy with the original bill.

The committee, I feel, has made an honest effort to arrive at a compromise which will be an improvement and I hope that when the vote

is taken that you will vote to accept the unanimous "Ought to Pass" Report.

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: This legislation that we are dealing with today and the manner in which some of the debate has been discussed bothers me. Perhaps I will waste a few minutes of your time to tell you why.

Ten years ago, I sponsored the original wood measurement legislation. Because of problems in my own area, because of the concern that I had in my own background, I knew that what was being done was not right and so I sponsored the original legislation and it became law. That legislation unfortunately never worked primarily caused by the inability of the Department of Agriculture to appoint qualified people to handle the Wood Measurement Law. They could figure out how much gasoline went into a gallon because they had it measured for them in Washington and it was easy enough to go to the pump station and pour it in and figure that they now had a gallon. They never figured nor have they yet figured what a cord of wood is or ought to be. Four years ago, I recommended additional staff and suggested that the people be trained. The Department of Agriculture opposed that and the Director of Measurements opposed that as well before the Appropriations Committee.

Last year, we enacted a piece of legislation after tremendous problems and soul searching for many people in this body and I supported that legislation. I told constituents of mine that it wasn't going to work as long as we had the same personnel and the same attitudes in the Department of Agriculture and that, unfortunately, has not changed to this day. The legislation that we adopted last year as being legislation to save the worker is going to do the reverse. The new contracts that have been negotiated as of now contain reductions in salaries pursuant to the lack of capacity to do deductions. That may have been our desire, it may not have been, but that is reality. I know of two contracts that have been negotiated and the Representative from Old Town, Representative Cashman, can also tell you of what is happening in his own area.

So, contractors came this year and said, we need to solve the problem. The irony is that we are going to pass this legislation perhaps today and nothing will be solved. What disturbs me more than that issue today is to watch what takes place, after someone who allegedly represented the woodcutters and the people that I represent, agree to what industry wanted or what they eventually ended up with — a compromise — to watch a member of the committee and for that matter the Representative from Portland, Representative Connolly, who knows that person well, perceive to see a compromise go down the drain. I do not support the compromise but I, unfortunately, will have to vote for it as the last capacity that we have as an issue before us to deal with the issue. The woodcutters in my area were not consulted anymore this time than they were last.

The Representative from Fort Kent, Representative Theriault, is correct regarding the perception problem that we are creating. The Representative from Kingfield, Representative Dexter, is also correct — charges made by some members of this body based on con-

flict of interest. We all ought to go examine ourselves in the mirror before we start to talk about conflict of interest, whether it be on service contracts or wood measurement or any other issue.

The time has come to realize that we all have our own views, our own points of conflicts and, unfortunately, we can never do anything about that. But, the issue before you today, fortunate or unfortunate, is an issue that is not going to go away but let me tell you what I predict and I will tell you why I make those predictions. We have not yet begun the summer season, very few people are presently cutting wood and that will not begin until middle June or, in some instances, the first of July or later. So, we do not know what that impact is going to be with this legislation but I can tell you, whether we pass this today or don't pass it, the problem is not going to go away. The problem will not go away as long as we allow the Department of Agriculture to handle the situation the way in which this was handled. The people who went around to explain the rules and regulations around this state knew nothing about the rules and made no attempt to explain them and simply said, here they are, you tell us what they mean. They couldn't explain it to the cutters, they couldn't explain it to the contractors and now they are going to have to enforce it. You know what is going to happen — there is going to be lack of enforcement and we are giving a bad signal because we are going to say that we are solving the problem. Unfortunately, we are faced with a compromise here before us which is all we have and I am going to vote for it but not because I like it.

Representative Connolly of Portland was granted permission to address the House a third time.

Representative CONNOLLY: Mr. Speaker, Members of the House: With great fear and trepidation do I arise to speak in opposition to the point of view of the previous speaker. I think this is the first time this session that the Speaker has come down off the rostrum and spoken on an issue. I think that that gives you some kind of indication of the significance and the seriousness of it.

The first thing I would like to say, I want to set the record straight to the gentleman from Eagle Lake, the individual who has, for the last three years, been representing primarily the woodcutters in these halls was, and still remains, a party to this compromise. That individual has not urged me and, as far as I know, any other member of this or the other body to try to do something to break apart the compromise. That is not where the initiative has come by my trying to today to get people to vote against this bill.

I think that Representative Martin is right, that this bill will probably do nothing at all. If, as he explained, the real problem is with the Department of Agriculture, let's do something with the Department of Agriculture. It is a mistake, I believe it and I believe it even more since he has come down from the rostrum, to enact this legislation. Let's deal with the problem head-on and not in a way that will be perceived as having accomplished something.

So, I would hope that the members of this body would vote in opposition to the committee, in opposition to the gentleman from Eagle Lake, and vote against enactment of this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I think we ought to go along with the Speaker of the House on this. They forgot to mention the little trucker in all this deal. When this came out a couple of years ago, we had one of the gentlemen testify before us on the big thick book. He used to load my trucks down on Route 6 down in Waite but he was so erratic

that he wanted \$700 or \$800 a month and he broke the crane down every Friday morning at nine o'clock so he could go home. I have had a lot of cutters that cut wood and what are you going to do when you say to a cutter, how much will you take per acre to cut this land? Are you going to tell him to go around and mark every tree that is hollow or that is not going to work for a log, pulpwood, bark or chips?

So, I hope you will go along with the Speaker today and let's get this over with so we can get along with the rest of our business.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Members of the House: There has been a lot of talk in this debate about the compromise that was reached between the woodcutter's representative and the contractor's representative. I want to reiterate what my friend from Portland just said, the woodcutter's representative sticks by her agreement as I refuse to stick by her because after initially taking her assurance that this is a reasonable compromise, I looked it over more carefully and I felt that rather than a compromise, it was a capitulation. I believe the reason it was such a capitulation is that the cutters representative was in the same position that the woodcutter is in vis-a-vis the contractor, she had no bargaining power.

I would like to reiterate otherwise very simply that the people who tried this new system find it works; the people who haven't tried it aren't in a position to say whether it works.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: I want to make just two points. First, in reference to who is where and how the compromise was arrived at and who had what power — throughout none of this discussion, through any of the debate, did the representative for the woodcutters ever come to my office to discuss the issue nor to my knowledge to members of those people who represent the cutters who have been the most hurt by the way in which they have been treated by contractors.

Those three areas are Hancock County, the northern Aroostook area, (the Allagash area that I represent and is represented also by the Representative from Fort Kent, Representative Theriault), and the Dover-Foxcroft area, those have been the three areas where we have had the most problems in the last seven or eight years. I certainly hope that when this issue is over that we can address the issue of the Department of Agriculture specifically dealing with this issue. It will not go away. I certainly hope that whatever happens when this is over that we will deal with the issue that should have been dealt with 8 years ago, 4 years ago and even this year because, until that issue is resolved, then it will never be solved.

At this point, Speaker Martin resumed the Chair.

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure a two-thirds vote of the members present and voting are necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 139

YEAS:—Aliberti, Allen, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bost, Bott, Boutilier, Bragg, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carter, Cashman, Connors, Cooper, Cote, Crouse, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Handy, Harper, Hayden, Hepburn, Hichborn, Higgins, L.M.; Hillock, Hoglund, Ingraham, Jackson, Jacques, Jalbert, Joseph, Kimball, Lander, Law, Lawrence, Lisnik, Lord, Mac-

Bride, Macomber, Martin, H.C.; Masterman, Matthews, Mayo, McCollister, McGowan, McPherson, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Racine, Randall, Rice, Richard, Ridley, Rioux, Roberts, Rolde, Ruhlman, Salsbury, Scarpino, Sherburne, Simpson, Small, Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Tammaro, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

NAYS:—Baker, H.R.; Beaulieu, Brodeur, Carroll, Chonko, Clark, Coles, Connolly, Diamond, Hale, Hickey, Higgins, H.C.; Lacroix, Manning, McHenry, Nadeau, G.R.; Priest, Rotondi, Rydell, Smith, C.B.; Stevens, P.; Theriault, Warren.

ABSENT:—Holloway, Kane, Lebowitz, Nadeau, G.G.; Nelson, Pouliot, Reeves, Seavey, Tardy, Taylor.

118 having voted in the affirmative and 23 in the negative with 10 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Adjust the Statutory Ceiling for the Certificate of Need Development Account (H.P. 1028) (L.D. 1480) (C. "A" H-267)

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, 115 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

RESOLVE, to Assess the Current and Projected Needs of Maine Citizens for Additional Nursing Care Services (S.P. 528) (L.D. 1423) (C. "A" S-169)

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

An Act Relating to Source of Supply of the Camden and Rockland Water Company (S.P. 87) (L.D. 268) (C. "A" S-167)

An Act to Amend the Maine Certificate of Need Act to Define More Clearly the Legal Requirements for Ex Parte Contacts During the Certificate of Need Process, Consistent with the Maine Administrative Procedure Act (S.P. 108) (L.D. 323) (C. "A" S-157)

An Act to Implement the Recommendations of the Maine Land and Water Resources Council Ground Water Review Policy Committee (S.P. 353) (L.D. 961) (H. "A" H-295; H. "A" H-244 to C. "A" S-132)

An Act to Help Improve the Quality of Child Care in Maine (S.P. 516) (L.D. 1390) (C. "A" S-170)

An Act to Amend the Maine Consumer Credit Code (S.P. 558) (L.D. 1487) (C. "A" S-166)

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

An Act to Restructure the Duties and Funding of the Maine Land Use Regulation Commission (S.P. 606) (L.D. 1600) (S. "B" S-180)

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

On motion of Representative Michaud of Medway, was set aside.

An Act to Modify and Update Certain Laws

Pertaining to Inland Fisheries and Wildlife (H.P. 408) (L.D. 561) (C. "A" H-262)

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

On motion of Representative Jacques of Waterville, was set aside.

An Act Concerning Inspection of Safety Seat Belts (H.P. 432) (L.D. 612) (C. "A" H-265)

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

On motion of Representative Clark of Millinocket, was set aside.

An Act Establishing a Tuition Waiver Program at State Institutions for Children of Firefighters and Law Enforcement Officers Killed in the Line of Duty (H.P. 478) (L.D. 681) (H. "A" H-269 to C. "A" H-176)

An Act Pertaining to Interest on Abated Property Taxes (H.P. 497) (L.D. 700) (S. "A" S-172 to C. "A" H-147)

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

An Act to Clarify the Rights of Tenants in Mobile Home Parks (H.P. 534) (L.D. 909) (C. "A" H-p278)

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

On motion of Representative Stetson of Damariscotta, was set aside.

An Act to Provide that Cost-of-Living Plans for Retired Persons under the Maine State Retirement System shall Apply to All Participating Local Districts that do not Provide Social Security Benefits for Employees (H.P. 661) (L.D. 944) (S. "B" S-168)

An Act to Require Recognition of Nursing Licenses Granted in other Jurisdictions (H.P. 1003) (L.D. 1445) (S. "A" S-171 to C. "A" H-227)

An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations (H.P. 1033) (L.D. 1485) (C. "A" H-287)

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

An Act to Establish a Maine-New Hampshire Boundary Commission (H.P. 1049) (L.D. 1525) (C. "A" H-276)

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

On motion of Representative Gwadosky of Fairfield, was set aside.

An Act to Protect Deer Yards in the Organized Townships (H.P. 1081) (L.D. 1573)

An Act to Amend Certain Sections of the Employment Security Law (S.P. 493) (L.D. 1319) (S. "B" S-127; H. "A" H-286 to C. "A" S-104)

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

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

Petitions, Bills and Resolves

Requiring Reference

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Appropriations and Financial Affairs

Bill "An Act to Appropriate Funds for the State Railroad Program under the Department of Transportation" (H.P. 1135) (Presented by Representative MELENDY of Rockland) (Cosponsors: Senator PEARSON of Penobscot, Representatives LISNIK of Presque Isle, and

FOSTER of Ellsworth)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$850,000 for Acquisition of Certain Rail Liners in Maine" (H.P. 1136) (Presented by Representative MELENDY of Rockland) (Cosponsors: Representatives VOSE of Eastport, DRINKWATER of Belfast and Senator CARPENTER of Aroostook)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Provide a Sales Tax Exemption on Railroad Track Equipment and to Include Long-term Freight Car Leases in the Definition of Operating Investment for Railroad Excise Tax Purposes" (H.P. 1137) (Presented by Representative MANNING of Portland) (Cosponsors: Representatives MELENDY of Rockland, JACKSON of Harrison and Senator TWITCHELL of Oxford)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Provide for Cost Sharing for Maintenance of Railroad Grade and Highway Bridge Crossings and the Allocation and Appropriation of Funds for Transportation Purposes" (H.P. 1138) (Presented by Representative THERIAULT of Fort Kent) (Cosponsors: Representatives STROUT of Corinth, MELENDY of Rockland and VOSE of Eastport)

(Ordered Printed)

Sent up for concurrence.

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

Later Today Assigned

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, is the House in possession of: An Act Relating to Disposition of State-owned Real Estate (H.P. 884) (L.D. 1241) (C. "A" H-243)?

(—In House, Passed to be Enacted.)

The SPEAKER: The Chair would answer in the affirmative having been held at the Representative's request.

Representative Higgins of Scarborough, having voted on the prevailing side, moved the House reconsider its action whereby the L.D. 1241 was passed to be enacted.

On motion of the same Representative, tabled pending his motion to reconsider and later today assigned.

(Off Record Remarks)

On motion of Representative Mayo of Thomaston.

Recessed until 3:00 o'clock in the afternoon.

After Recess

(3:00 p.m.)

The House was called to order by the Speaker.

Papers from the Senate Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Prevent Unjust Enrichment by Retention of Surplus Upon Foreclosure of Municipalities, Public Utilities and Sewer Districts" (S.P. 563) (L.D. 1492)

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

Ought to Pass as Amended

Report of the Committee in Business and Commerce reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-183) on Bill "An Act Defining the Authority

of the Bureau of Insurance in Testing, Licensing and Continuing Education" (S.P. 583) (L.D. 1532)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-183) as amended by Senate Amendment "A" (S-201) thereto.

Report was read and accepted and the Bill read once.

Committee Amendment "A" (S-183) was read by the Clerk.

Senate Amendment "A" (S-201) to Committee Amendment "A" (S-183) was read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-186) on RESOLVE, Authorizing and Directing the Maine State Housing Authority to Study and Report on Current Practices Relating to Enforcement of Safe and Habitable Conditions in Rental Housing (S.P. 313) (L.D. 802)

Signed:

Senators:

NAJARIAN of Cumberland
TRAFTON of Androscoggin
STOVER of Sagadahoc

Representatives:

REEVES of Pittston
PAUL of Sanford
WARREN of Scarborough
BOTT of Orono

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

Signed:

Representatives:

PERRY of Mexico
MASTERMAN of Milo
RIOUX of Biddeford
NICKERSON of Turner
DILLENBACK of Cumberland
MURPHY of Berwick

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-186) and Senate Amendment "A" (S-190).

Reports were read.

On motion of Representative Perry of Mexico, the Minority "Ought Not to Pass" Report was accepted.

Non-Concurrent Matter

An Act to Restrict certain Agencies with Respect to Purchases of Real Property (H.P. 630) (L.D. 774) (S. "A" S-125) which was passed to be enacted in the House on May 30, 1985.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-125) as amended by Senate Amendment "A" (S-198) thereto in non-concurrence.

The House voted to recede and concur.

Consent Calendar First Day

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

(S.P. 588) (L.D. 1545) RESOLVE, Authorizing the Sale of Certain Public Reserved Lands Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-193)

(S.P. 555) (L.D. 1501) Bill "An Act Establishing Assessments to Defray the Expense of Maintaining the Bureau of Insurance" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (S-192)

(S.P. 351) (L.D. 999) Bill "An Act Relating to Medicaid Reimbursement Rates for Audiology

and Speech Pathology" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-196)

(S.P. 236) (L.D. 630) Bill "An Act to Provide Supported Employment for Disabled Persons" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-197)

(S.P. 243) (L.D. 638) Bill "An Act Relating to the Allowance of Prior Service Credit under the Maine Retirement Law for Military Service" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-185)

(S.P. 548) (L.D. 1462) Bill "An Act Relating to a Support System in the State for Epileptics" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-191)

(S.P. 331) (L.D. 819) Bill "An Act to Amend the Concealed Weapons Law" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-194)

(H.P. 1099) (L.D. 1607) RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in Both the Unorganized Territory and the Municipalities of the State Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-313)

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

The following items appearing in Supplement No. 6 were taken up out of order by unanimous consent:

Papers from the Senate Ought to Pass as Amended

Report of the Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-164) on Bill "An Act to End Subsidized Early Retirement Payments Under the Maine State Retirement System Laws" (S.P. 471) (L.D. 1274).

Came from the Senate, with the Bill and Accompanying Papers Indefinitely Postponed.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Hickey.

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: This proposed legislation has been submitted to the legislature by the Governor of the State of Maine, who is concerned about the ever increasing unfunded liability of the Maine State Retirement System which the State of Maine is committed to funding. L.D. 1274 has been submitted in recognition of the need to be more realistic about the level of benefits provided through the Maine State Retirement System. Early retirement is a benefit which, in its present form, represents a direct subsidy by those persons choosing to retire. This was pointed out in the 1980 report to the legislative select committee to study the Maine State Retirement System prepared by the Wyatt Company and commonly referred to as the Wyatt Report. This study observed that a normal retirement age is 60, age 62 being a normal retirement for most public life systems.

This early retirement benefit provided by the system is extremely generous and extremely expensive. Very few states and virtually no private employers provide compatible early retirement benefits. Serious consideration should be given to reducing early retirement subsidies. A reduction in the extent to which benefits are subsidized for retirement prior to age 60 could be dependent upon utilization, lower costs of by up to 5 percent. When the Maine State Retirement System has an unfunded liability of \$1,154,590,000 to be met by tax-

payers of Maine and we see the total costs of benefits paid increasing annually, it is responsible to seek an end or to limit certain subsidized benefits.

It is perhaps important to explain what is meant by subsidized benefits. Age 60 represents the normal retirement age for members of the Maine State Retirement System. A member deciding to retire prior to age 60 retires with unused work years which he may choose to spend in retirement or working at another job. The reserve required to fund this retiree's benefit is greater in comparison than the reserve required to fund the benefit of a similarly placed member who continues to work until age 60.

During Governor Longley's tenure, we were putting \$44 million into the system yearly. After the Wyatt report, Governor Brennan was forced to pay \$97,366,000 annually for the next five budgets to stabilize the retirement fund.

This bill addresses perspective a problem that is a real concern to the Governor and the Retirement System and to our committee. The problem is that the taxpayers subsidize every state employee who retires before age 60 because our law does not take into account the average life expectancy of members in the system. This practice will cost the taxpayers \$55 million over the next 25 years. Our committee amendment addressed that problem in a realistic and fair way. It does not affect the retirement benefits.

L.D. 1294 as amended by Committee Amendment "A" is an attempt to deal with the pension system that is too generous with the employees who retire before age 60. Our pension system allows a person to retire before age 60, if he has earned 25 years of credible service. His full benefits are reduced by just over 2 percent for each year.

Our committee amendment addresses that problem in a realistic and fair way. It does not affect the retirement benefits of anyone who is now a member of the retirement system. It simply provides that an employee hired after January 1, 1986 will have his full benefits reduced by 4 percent per year for each year under 60, if he retires before 60 with 25 years of service. The committee's solution does not end completely state subsidized retirement but it will save the system millions in the coming years while not taking any benefits away from employees who are now part of the system.

I ask your support of this legislation to protect the future of the retirement system.

Thereupon, the Committee Report was accepted and the Bill read once.

Committee Amendment "A" (S-164) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Include Restitution as a Disciplinary Consequence to Inmate Misconduct at State Correctional Facilities" (Emergency) (H.P. 952) (L.D. 1371) which was Passed to be Enacted in the House on April 30, 1985.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "B" (S-205) in non-concurrence.

On motion of Representative Manning of Portland, tabled pending further consideration and later today assigned.

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

Reports of Committees

Unanimous Leave to Withdraw

Representative ALLEN from the Committee on Judiciary on Bill "An Act Relating to Protection from Abuse Law" (H.P. 647) (L.D. 917) reporting "Leave to Withdraw"

Representative KANE from the Committee on Judiciary on Bill "An Act Concerning Pleas

of Insanity" (H.P. 924) (L.D. 1331) reporting "Leave to Withdraw"

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

Later Today Assigned

Bill "An Act to Establish Mandatory Energy Standards for Publicly-funded Buildings" (S.P. 568) (L.D. 1496) (C. "B" S-175)

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

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that the Representative from Portland, Representative Beaulieu, is going to offer an amendment so I wish someone would table this until later in today's session.

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

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

Pass to be Engrossed As Amended

Bill "An Act Concerning the Provision of Certain Reports for Court-ordered Examinations" (Emergency) (H.P. 947) (L.D. 1356)

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

Representative Allen of Washington offered House Amendment "A" (H-315) and moved its adoption.

House Amendment "A" (H-315) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: Originally, this bill came out of our committee with a Divided Report, Minority of six, "Ought to Pass". In the meantime, some of those people who have concerns with the Majority "Ought Not to Pass" report have gotten together with the AG's office and sponsors of the bill and again taken back to committee and I believe this amendment has the support of the majority of the members of the committee at this point. Basically, the purpose of the amendment, as stated in the statement of fact, it would limit access—this is prosecutor access to records, mental health records, in situations where the defendant either moves for the examination or joins in the motion or pleads not guilty by reason of insanity. So, I would urge this House to adopt House Amendment "A".

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: I just want to confirm what the Representative from Washington has said. Originally, I think the majority of us had some difficulty with the psychiatric patient privilege. We are confident now that this amendment takes care of that difficulty. My understanding is that the majority of the committee does indeed support the amendment.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Cote.

Representative COTE: Mr. Speaker, Men and Women of the House: I am the sponsor of L.D. 1356 and the Attorney General's Department has drafted the document. At first, this bill would appear to pose substantial problems with respect to the maintenance of the confidentiality of patient records. However, nothing could be further from the truth. When a defendant in a criminal proceeding enters a plea of not guilty by reason of insanity or incompetency to stand trial becomes an issue,

the court would order him to undergo psychological testing. The authority to do so is clear and exists in Title 15, Section 101. That statute gives the examiner, generally a psychologist or psychiatrist, either employed by the state or approved by the Department of Mental Health and Mental Retardation, the authority to demand all of the prosecutor's records. Thus, release reports and materials in the prosecutor's possession are turned over to the examiner. However, the defendant's prior mental health records need not be released by him. Any psychologist or psychiatrist will tell you that in order to evaluate a person today, he or she must have a complete mental health history. Without such a history, including prior mental health records, the evaluation is shallow and may be inaccurate. The effect of a shallow and inaccurate evaluation may well be that a person who should be found guilty is found not guilty by reason of insanity and is committed to one of the two state mental health institutes. What happens to such a person? Well, that person should not be at the mental health institute because a thorough evaluation based on prior history would have revealed this. The next week that person is back in court petitioning for his release. Everybody stands by horrified as it becomes apparent that the person should not be at AMHI. The court has no alternative but to order the person's release and justice is not served.

Let me turn briefly to the confidentiality issue. When a person raises the insanity defense, he does so by entering that plea. It is the defendant's choice and there is not coercion involved. It is clear under Maine law in the Maine Rules of Evidence that once that plea is raised, the physician-patient privilege is waived. Why? Because the defendant has put his mental status into question. Thus, to allow the examiner an opportunity to competently examine the defendant, he must have these records.

I want to stress to you that just because the records are turned over to the examiner does not mean that they become public and that the prosecutor and media will get hold of them. The records remain confidential and will only become known to the extent referred to in the examiner's report.

Men and Women of the House, this legislation is desperately needed to prevent abuses of the insanity defense. It does not infringe on the defendant's rights nor does it make it the prosecutor's case easier. It will merely assure that only those who are truly insane are found insane.

I hope you will find this legislation necessary. It is worthy of serious consideration. I urge you to support L.D. 1356, the "Ought to Pass" Report.

Thereupon, House Amendment "A" was adopted.

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

As Amended

Bill "An Act Relating to Night Court Sessions for Small Claims Court" (S.P. 324) (L.D. 813) (H. "A" H-299 to C. "A" S-163)

Was reported by the Committee on Bills in the Second Reading and read the second time and the Senate Paper passed to be engrossed as amended in concurrence.

Tabled and Assigned

Bill "An Act to Amend the Probate Code to Improve Guardianship and Conservatorship Proceedings" (S.P. 218) (L.D. 577) (C. "A" S-176)

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

The SPEAKER: The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker,

Ladies and Gentlemen of the House: I believe that this bill is a piece of misguided legislation intended to fix something that wasn't broken. It is an attempt to cure what was supposed to be a very serious problem within the probate court. The Committee for the Elderly had identified this problem and their report proved to be erroneous.

I would ask that you take a very careful look before you start tampering with the present system of guardianship and conservatorship proceedings because I don't think this is going to improve it a bit.

I move for the indefinite postponement of this bill and all accompanying papers.

On motion of Representative MacBride of Presque Isle, tabled pending the motion of Representative Stetson of Damariscotta that the bill and all accompanying papers be indefinitely postponed and tomorrow assigned

The following items appearing on Supplement Number 7 were taken up out of order by unanimous consent:

Papers from the Senate Non-Concurrent Matter

Bill "An Act Concerning Nomination Petitions for Unenrolled Candidates" (H.P. 1063) (L.D. 1542) which was Passed to be Engrossed as amended by House Amendment "B" (H-310) in the House on June 4, 1985.

Came from the Senate, with that Body having Adhered to its former action whereby the Bill was Passed to be Engrossed in non-concurrence.

Representative Carroll of Gray moved that the House adhere.

Representative Smith of Island Falls moved that the House recede and concur.

On motion of Representative Diamond of Bangor, tabled pending the motion of Representative Smith of Island Falls that the House recede and concur and tomorrow assigned.

Consent Calendar First Day

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

(H.P. 816) (L.D. 1157) Bill "An Act to Protect Persons with Children from Discrimination in Mobile Home Rentals and Leases" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (H-321)

(H.P. 1069) (L.D. 1550) Bill "An Act Concerning the Forest Resources of Maine" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-318)

(H.P. 215) (L.D. 249) Bill "An Act Relating to the Maine Self-Insurance Guarantee Association" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (H-319)

(H.P. 112) (L.D. 137) Bill "An Act Concerning Safety and Sanitary Conditions on Railroad Property" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-320)

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

The following item appearing on Supplement Number 8 was taken up out of order by unanimous consent.

Reports of Committees Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-323) on Bill "An Act to Implement Recommendations of the Maine Health Care Finance Commission's Hospital Advisory Committee" (H.P. 577) (L.D. 848)

Signed:

Senators:

GILL of Cumberland
BERUBE of Androscoggin
BUSTIN of Kennebec

Representatives:

KIMBALL of Buxton
NELSON of Portland
PINES of Limestone
TAYLOR of Camden
CARROLL of Gray
BRODEUR of Auburn
SEAVEY of Kennebunkport
ROLDE of York
MELENDY of Rockland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-324) on same Bill.

Signed:

Representative

MANNING of Portland

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Nelson.

Representative NELSON: Mr. Speaker, Men and Women of the House: I move that we accept the Majority "Ought to Pass" Report.

You have just received on your desk this committee report which I have asked that we move and accept. If you will turn to the Statement of Fact, you will know exactly what this committee report does. In the case of certain activities, such as termination of an unnecessary service or a merger, the Maine Health Care Finance Commission is given the discretion, under appropriate circumstances, not to reduce a hospital's financial requirements if such activities are not subject to review under the Maine Certificate of Need Act.

Sections 1 and 2 of this amendment permits the commission not to reduce financial requirements even when such activities are subject to Certificate of Need requirements.

Section 3 modifies provisions governing application of restricted gift funds. This amendment allows the restricted gift offset to the annual allowance of facilities and equipment for the second and the subsequent payment years to equal the amount offset in the first payment year.

Under the current law, 50 percent of any savings realized by a hospital during a year are retained by the hospital and 50 percent of the savings are shared by the consumer.

Section 4 allows the hospital to retain 100 percent of the savings. The committee decided to take the recommendation of the Health Care Finance Commission and its executive director, the very people who must implement the law suggested this change and it was the majority 12 to 1 who accepted that recommendation. I hope you will too.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: As you can see, I deal with the hospitals. First of all, let me just state that the difference between the majority and minority is that the first couple of passages of this legislation are the same. The only difference I have is retaining the 50 percent or retaining the 100 percent.

Two years ago, we debated cost containment in this House and in my committee for almost three months. We felt that only 50 percent should be retained, reminding that the other 50 percent goes back to the payers, your constituents and my constituents and it also goes back to the state in the form of Medicaid.

When this bill was introduced, there were only eleven hospitals who were under the cost containment legislation and they had only been under it, some of them, for no more than four months and some of them no more than two months and yet this legislation was coming in. I really feel that what we should be doing is giving the cost containment legislation

at least a good full year before the legislation is revamped. In some cases, some hospitals in this state haven't even been under cost containment yet, they won't go under it — in one case, until August 31st. That is the reason I signed out the Minority "Ought to Pass" Report. I say, let's give the cost containment legislation a year to go. Some hospitals will be finishing it up the first of August and maybe we could take a look at it next year. I think what we are doing here is deleting something that we all agreed on two years ago and now coming back and saying yes, we did something wrong, let's give the hospitals all the money and let's not give the payers any.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: As the gentleman from Portland said, our big quarrel is over the question of whether the hospitals should keep 50 percent of their savings or 100 percent of their savings. I think most of the members of the committee were persuaded by Frank McGinty, who is the Executive Director of the Hospital Finance Commission, whose motive or rationale for supporting the hospitals to keep 100 percent was that this would obviously be a much greater incentive for them to save then if they had to give over 50 percent of their savings to the state. So, I hope you will go with the majority.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of Representative Nelson of Portland that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

81 having voted in the affirmative and 4 in the negative, the Majority "Ought to Pass" Report was accepted and the bill read once.

Committee Amendment "A" (H-323) was read by the Clerk and adopted and the bill assigned for second reading later in today's session.

At this point, the rules were suspended for the purpose of removing their jackets for the remainder of today's session.

By unanimous consent, the Chair laid before the House the following items which were set aside earlier in the day.

An Act to Restructure the Duties and Funding of the Maine Land Use Regulation Commission (S.P. 606) (L.D. 1600) (S. "B" S-180)

On motion of Representative Michaud of Medway, tabled pending passage to be enacted and tomorrow assigned.

An Act to Modify and Update Certain Laws Pertaining to Inland Fisheries and Wildlife (H.P. 408) (L.D. 561) (C. "A" H-262)

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: Our legal assistants have found a conflict in the language in this bill and I am having an amendment drafted and I would appreciate it if somebody would table this until later in today's session.

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

An Act Concerning Inspection of Safety Seat Belts (H.P. 432) (L.D. 612) (C. "A" H-265)

On motion of Representative Clark of Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 612 was passed to be engrossed.

The same gentleman offered House Amendment "A" (H-314) and moved its adoption.

House Amendment "A" (H-314) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: All this amendment does is make a very slight change. If you look at L.D. 612, it changes the year date from 1966 until 1980. That is the only change it makes.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Theriault.

Representative THERIAULT: Mr. Speaker and Members of the House: I move the indefinite postponement of this amendment.

The primary reason that we passed this bill initially was because we do have a mandatory seat belt law in this state and that is that children under four years old have to be strapped and using a seat belt.

We also have a large number of people who voluntarily use seat belts. If we are going to have seat belts in a vehicle, which is required by law also, that in order for you to be able to receive an inspection sticker every year, you have to have seat belts present in your vehicle. What this law would do, under the consideration right now, it would require that these seat belts are operational and that they are safe and that they are capable of doing what they are supposed to do.

It is possible for older vehicles to have the anchors to the frame and the floor of the vehicle become rusted to the point where, in case of a collision, the anchor could let go and you know what could happen if that should happen.

In addition to that, some of these belts have mechanical gadgets on them such as ratchets which may become inoperational and it would be unsafe to use them in that condition. What this bill will do is require that, when you get your car inspected, this also will be inspected to include if it is operational or not.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker and Members of the House: I do agree today with the Chairman of the Transportation Committee that in some cases maybe we should require seat belts to be operated in the automobiles. I think the amendment that is being offered here this afternoon is a reasonable compromise for some of us who believe that it is too restrictive to require that all vehicles back to 1966 have seat belts operative in order to be able to get their automobile inspected.

You know we are not saying that the people of this state have got to be buckled up but what we are saying is that the vehicles of this state have got to be buckled up. That is what we are saying. All vehicles, without the amendment, that the good gentleman has moved indefinite postponement, goes back 20 years.

I talked with my mechanic over the weekend and he tells me in our end of the state that this is going to be a grave burden on a lot of individuals that have vehicles out there in the 1970's-75 and that when he inspects the automobile and finds that some of these seat belts, especially in the rear seats that haven't been used for some time, are not operative, it is going to cost \$50, \$60 or \$70 for a set of seat belts. It may take three to four weeks to get them.

One thing I think you should realize is that we do not have that many businesses in the State of Maine that have seat belts readily available to purchase. It is my understanding you would have to get them from the depot, which would probably come out of Massachusetts.

I think it is different than other items that have to be inspected. If you have a muffler go, you can get it inspected in probably one, two or three days but a seat belt is a little bit different situation. There are a lot of different seat belts and the dealers just don't carry those

for immediate service.

I would ask you today to consider the compromise for 1980 that is being offered in the amendment from the gentleman from Millinocket, Mr. Clark.

In September, we will be coming out with the 1986 vehicles and this is going to allow us vehicles that are six years old. I can live with this, I don't like it, but to require us to go back 20 years and mandate that seat belts have to be inspected is a little bit too much.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Theriault.

Representative THERIAULT: Mr. Speaker, and Members of the House: If this bill should not pass and you get your car inspected, you still have to have those seat belts in the car right now. That is the law. If you don't have your seat belt in the car, your car should not be inspected. What this bill does is it requires the seat belts that are already in there, because the law requires it, be operational.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker and Members of the House: In answer to the gentleman from Fort Kent, it is not a law right now, it is a rule and regulation. It is a rule and regulation that is put out by the Department of Public Safety that says that seat belts have to be in automobiles. What we are doing here is putting it on the statutes and that is where I object.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today and even though I voted for the bill, I think the amendment is a very reasonable amendment. When we start talking about going back to 1966, I think it is impossible to do that. In our committee when we discussed this bill, we made calls to all the auto parts in Augusta and other parts of the state. At that time, we were talking about replacing seat belts for cars we will say in the 1980's. I think when you ask somebody to go back to 1966, I don't believe it is humanly possible to find such parts still in stock. If that part is not in stock, you are telling somebody they have to take their car off the road and I really think that is not justified in this case.

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: We all know that a lot of people have a second car or an old pickup, '68, '69 or '70 to go to the lake with. We have a lot of construction people who have a lot of trucks that are '65, '70, '73 and those seat belts have been gone out of those trucks and pickups that the construction workers have for the men to go back and forth to work with to ride 25 or 30 miles. I really think that we should go along with this amendment. I think everybody could live with it. I hope all you people in this House today will go along with the amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Fort Kent, Representative Theriault, that the House indefinitely postpone House Amendment "A." Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

14 having voted in the affirmative and 72 in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the Representative from Canton, Representative McCollister.

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I fail to understand how the Committee on Transportation and how the state police have found time to inspect seat belts. There are four seat belts to a car. They have got to test them for strength, they have got to check where they are hooked to the floor but those same people have been before our committee, have stood in this House and debated to keep two license plates on a car many, many times. Yet this year, they did not feel that the inspection teams had time enough to verify that there were two license plates on a car when they inspected it once a year.

I move indefinite postponement of this bill and all accompanying papers. I would request a roll call, Mr. Speaker.

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

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

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Cahill.

Representative CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would request today that you would not move to indefinitely postpone this bill. I might remind the members of the House that last week we voted overwhelmingly to pass this bill. The amendment that was just put on by the gentlemen from Millinocket, Mr. Clark, makes this bill even more workable and I think we should think about the issue here. The issue is to require seat belts to be operational in motor vehicles after the age of 1980. I would request that you do not indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you do support the pending motion because I think, using the words of a former legislator, that this is a bad, bad, bad, bill, I think that it should be killed.

This would be like if we mandated that every dump truck carry a tarpaulin. However, we don't require that those dump trucks use a tarpaulin to cover any loads that they might be carrying. Or we might require every motorcycle to be equipped with a modulating headlight, when modulating headlights are not mandated. This falls in the same category. So, I hope that you will support the pending motion and kill this bill, period.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against the pending motion. I feel even though I debated against the mandation of seat belts, I made it clear that I have good reason to support that there is a value for seat belts. You should have the right to use that seat belt or not, but if you use a seat belt, you should have some confidence that it is going to be worth your while when you use it. It is the obligation of everyone that owns a car to allow that privilege to people to ride in that car and allow them the option. So, I urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker and Members of the House: Over the last two days, and agreement was reached. When I make an agreement, I stand by that agreement. I am speaking against the pending motion. I believe

when an agreement was worked out, something that we could live with, even though I didn't totally agree, that it was a compromise that I stand here today supporting. I did not intend to see the amendment put on that was agreed on which would ultimately want to kill this bill. That is not the agreement that I made.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anyone who may answer.

Will the inspection station have to buy special equipment to test these seat belts?

The SPEAKER: Representative McHenry of Madawaska has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Fort Kent, Representative Theriault.

Representative THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: I think everyone in Maine is capable of recognizing rust. This is the primary reason why seat belts would not be safe.

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

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

I do not wear a seat belt. I have been told that the vehicle has got to be moving and come to a sudden stop before the ball bearing or whatever moves forward and holds that belt. I have hauled mine out several times and it doesn't work. But I understand you have got to come to a sudden stop. Therefore, does that mechanic have to load up the vehicle with people, take a ride around the block and come to a sudden stop and see if the belts are working or can he do it on his own? If he has to have these people, how much are we going to be paying for inspections?

The SPEAKER: Representative Smith of Island Falls has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I think somebody just hit the nail on the head when they said anybody can see rust. That is the main cause of seat belts being inoperative. I say we shouldn't mandate the inspection. Anybody who chooses to use a seat belt ought to check his seat belt, just the same as you check your tires, you can check to see whether your lights work. When you drive a car, you don't have to wait until the annual inspection. So, let's leave it to the individual car owner to make sure his seat belts work.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: May I pose a question through the Chair please?

To any member of the committee or the chairman himself, under the present structure of the rules and regulation for the motor vehicle inspections, are seat belts now one of the ones that they inspect?

The SPEAKER: Representative Clark of Millinocket has posed a question through the Chair to any member who may answer if they so desire.

The Chair recognizes the Representative from Fort Kent, Representative Theriault.

Representative THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure if I heard the question correctly. I think I heard him say, are seat belts inspected now under the present rules and regulations? The answer is, yes.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: It is ironic this morning that I dropped my car off at the Ford garage out here on State Street and, during the recess, I had the Representative from Farmington drive me down so I could pick it up and would you believe it, the reason I was down there was because I received a notice from the Ford Motor Company last week that my car had been recalled back for a faulty seat belt.

The SPEAKER: The Chair recognizes the Representative from Canton, Representative McColister.

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: May I direct a question through the Chair?

I believe presently that, if you have your car inspected and immediately have an accident and your brakes are faulty, you have a legal complaint against the person who inspected the car.

Now, I know for a fact, from a vehicle of my own, that unused rear seat belts, if they get damp, they become moldy. When they become moldy, they deteriorate. Now, if we have a seat belt inspected one day to see if it works and the next day that seat belt is required to restrain a 150-pound person and it parts and the person is injured, will the person who inspected that seatbelt be held liable?

The SPEAKER: Representative McColister of Canton has posed a question through the Chair to anyone who may answer if they so desire.

The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I would like to appeal to the common sense of everybody in the legislature here. We talk about rust, we talk about mold, let's use our heads, if you have an inspection and the frame of that vehicle is rusted out to the extent the anchors won't hold, I think your problem is a little more severe than the seat belts being anchored properly.

We are talking about an amendment here from 1980 on — if you have a car that is a year or so old, and it is rusted to that extent, maybe you ought to see your implied warranty on that.

Also, moldy seat belts, for people that have that problem, I would suggest that they just roll their windows up when it rains.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Dillenback.

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that every time I go in for an inspection, they walk around my car once, they check your lights and that is it.

Now, to check a seatbelt or a muffler correctly, you would probably have to put it on a lift and there is an underpan on your vehicle so they can't see whether they are anchored there so, consequently, they have to go into these newer cars and rip up the carpets to see if the place is rusted or not and I doubt if you will find it.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Boutillier.

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: Like the previous speakers, I don't have anything new to add to this discussion but I just think it is ironic that the last time we voted on this issue, almost 100 people in this body voted in favor of the original bill. One hundred people is a good margin in this House in the short time I have been here. Now, the people who are in opposition to the bill came to me and said, we have some serious problems with this bill even

though there was a large margin the first time and we would like to talk to you about it. So, I sat down and listened to their arguments, tried to work out a compromise. I thought of a change to their amendment, they didn't seem to go along with it so I went to their original compromise. That is why I did not speak on the amendment. I felt it makes the bill that much more workable, it makes it palatable to them and to their concerns and, therefore, a very effective bill.

A couple of other issues have been brought up that I think should be addressed. One, what if seat belts inspection is mandated? Yes, it is already mandated. The problem is, when you have a child restraint law, you do not have an effective child restraint law, unless the belt is functional. It does not state in Title 29, which is the inspection law that the seat belt must be functional. It is implied. What this bill does is state in the inspection statute that the seat belt will be functional. I think that helps the inspection law. I think it helps the child restraint law and I think, in principle, this body overwhelmingly accepted that idea. I think the compromise was thought out. I think I accept the compromise also. I would hope the members of this body would do so.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative from Canton, Representative McColister to indefinitely postpone the bill and all accompanying papers. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 140

YEAS:—Armstrong, Baker, A.L.; Begley, Brown, A.K.; Brown, D.N.; Chonko, Cote, Descoteaux, Dexter, Dillenback, Duffy, Erwin, Foster, Greenlaw, Gwadosky, Hale, Hepburn, Hichborn, Hickey, Joseph, Lacroix, Lander, McColister, McHenry, Michael, Michaud, Moholland, Nickerson, Paradis, P.E.; Parent, Paul, Perry, Racine, Ridley, Rotondi, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Swazey, Tammara, Tardy, Vose, Willey

NAYS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bell, Bost, Bott, Boutillier, Brannigan, Brodeur, Cahill, Callahan, Carroll, Cashman, Clark, Coles, Connors, Connolly, Cooper, Crouse, Crowley, Daggett, Davis, Dellert, Diamond, Drinkwater, Farnum, Foss, Handy, Harper, Hayden, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jacques, Jalbert, Kimball, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Masterman, Matthews, Mayo, McPherson, Melendy, Mills, Mitchell, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.R.; Nelson, Nicholson, O'Gara, Paradis, E.J.; Pines, Priest, Randall, Rice, Richard, Rioux, Roberts, Rolde, Ruhlin, Rydell, Salsbury, Scarpino, Simpson, Small, Stevens, P.; Stevenson, Strout, Taylor, Telow, Theriault, Walker, Warren, Webster, Wentworth, Weymouth, Whitcomb, Zirkilton,

ABSENT:—Bonney, Bragg, Carrier, Carter, Higgin, C.C.; Kane, Law, Martin, H.C.; McGowan, Nadeau, G.G.; Pouliot, Reeves, Seavey, The Speaker

48 having voted in the affirmative and 89 in the negative with 14 being absent, the motion to indefinitely postpone did not prevail.

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

By unanimous consent, all matter having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

Representative Gwadosky of Fairfield, Having voted on the prevailing side on Bill "An Act to Restrict certain Agencies with Respect to Purchases of Real Property" (H.P. 630) (L.D. 774) (S."A" S-125) moved the House reconsider its action whereby the House voted to recede

and concur.

On motion of the same Representative, Tabled pending his motion to reconsider and later today assigned.

An Act to Clarify the the Rights of Tenants in Mobile Home Parks (H.P. 534) (L.D. 909) (C. "A" H-278)

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

The SPEAKER: The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: In deference to the sponsor of this bill, who is not here this afternoon, I would hope that somebody would move to table this.

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

An Act to Establish a Maine-New Hampshire Boundary Commission (H.P. 1049) (L.D. 1525) (C. "A" H-276)

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

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: There have been some questions on whether or not there was a constitutional problem on this measure so I would appreciate it if somebody could table this for one day so we could check this out.

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

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

Bill Held

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Hayden.

Representative HAYDEN: Mr. Speaker, is the House in possession of Bill "An Act Relating to Payment of Back Contributions and Withdrawn Contributions by Members of the Maine State Retirement System" (S.P. 241) (L.D. 636) (S. "A" S-195)?

(In House, Passed to be Engrossed as amended by Senate Amendment "A" (S-195))

The SPEAKER: The Chair would answer in the affirmative having been held at the Representative's request.

Whereupon, on motion of Representative Hayden of Durham, the House reconsidered its action whereby the Bill was passed to be engrossed.

Committee Amendment "A" (S-122) was read by the Clerk.

On motion of Representative Hickey of Augusta, Committee Amendment "A" was indefinitely postponed.

The Bill passed to be engrossed in concurrence as amended by Senate Amendment "A".

Out of Order

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

HOUSE DIVIDED REPORT — Majority (12) "Ought Not to Pass" — Minority (1) "Ought to Pass" as amended by Committee Amendment "A" (H-249) — Committee on Local and County Government on Bill "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Agencies" (H.P. 379) (L.D. 520)

TABLED — June 3, 1985 by Representative DIAMOND of Bangor.

PENDING — Motion of Representative MCHENRY of Madawaska to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief this afternoon. I would hope that you will keep an open mind while I go through my brief discussion on why I have introduced this bill.

Whenever you try to effect change, it is always difficult. I can remember in my earlier days of service in the legislature when we tried to do away with the executive council, it was not easily accomplished. Many wanted to accomplish it but the problems dealing with the subject makes it sometimes quite difficult because it can be very technical.

Many people have indicated to me that they are unsure of what we are trying to accomplish. I try to reassure them that the sole purpose of my trying to abolish county government is to effect a reform which I think is really the greatest reform to come down the pike in quite a while. To be very candid with you, it is a reform in property tax.

County government, as you know, is funded by the property taxpayer. I don't have to remind you that the property tax is an unfair method of funding government whether it be local, state, or county.

Now, it is difficult also when you try to effect reform when you are dealing with former friends. Many of the commissioners and treasurers that now serve in county government have served in this body and the upper chamber. When you are trying to actually put a friend out of work, and I use that word loosely, but out of office actually, it is difficult. I understand that.

Now, to clarify the issue as much as I could I have prepared an amendment. It is not before us now but I would hope I would have the opportunity to offer it. What the amendment proposes to do is what I have been saying all along. It clearly indicates that, if accepted by the people in referendum, it would do away with the office of the county commissioners and the treasurers. Their duties would be reassigned to the appropriate state or municipal agencies.

Doing that alone would automatically save the property taxpayers a million dollars. Think of it—the cost of funding the county commissioners office and the treasurers office is over four percent of the budget, not counting the fringe benefits.

To carry this further, when the functions are transferred to the state or municipal agencies, and I suspect that most of the functions would be transferred to the state, the funding would come from the general fund and no longer from the property taxpayers. Some of you will say, we don't have the adequate finances to do that. Let me tell you and assure you that we do. The general fund budget we just passed, the Part I Budget for the next biennium, amounts to \$1.9 billion. The normal rate growth in revenues ranges between 9 and 11 percent a year. We are talking about an awfully lot of money. If you project it for just 10 percent of \$1.9 billion, you are talking about \$190 million of increased revenues in the next two years and it is going to be more than that because the way things operate, the second year of the biennium actually the revenues double. Let me assure you that there is adequate revenue to accomplish this.

I also understand that there are counties that feel that they must keep their form of county government because that is the only type of regional activities they have. To accomplish that end or to satisfy those people, the amendment that I would like to offer, also allows referendum on a county by county basis. Those that wish to retain a county form of government, so that they can have a regional organization, can do so. Those that don't want to retain won't have to. But the bottom line is that it is up to the people, it is a local referendum, truly the democratic way of approaching

this question.

You heard me the other day debating against the county budget for Kennebec County, the advisory, so-called budget for Kennebec County. We still have on the books a charter form of county government and it is available to any county that wants it. Six counties have tried it before and they have, except for one, turned it down outright. One county voted to go along with it but they never came out with a charter.

We have tried to reform county government but we really have not been serious in what we are doing. Every session of the legislature bills come forward. We had several before the Appropriations Committee this year for the state to accept the funding of some function of county government. When we can accommodate, we do. We have been doing this since Dr. Dow recommended in 1953 to do away with county government and he stated then that county government really was not a government because they don't have the right of self determination. The county commissioners cannot do anything unless we give them the authority. So, they are not really a government.

Furthermore, the way it is presently set up, the sheriff is a constitutional officer elected by the people. The commissioners are elected by the people and there is a constant turf struggle as to who has the most authority or the sheriff. Ever since I have been here, I have heard the same age old argument that I am elected, I have just as much authority as the other person has, they have no right to tell me what to do. So, we have a constant struggle between the county commissioners and the sheriff.

My amendment would solve that problem, solve it very effectively, provide a property tax reform that I think we all want, reassign the functions, the current functions of the county government, through the proper state authority or agency or municipal agency and I think we would have a functioning system that we could all be proud of.

I realize, for some of us, it is a difficult decision because we have friends that serve as commissioners or treasurers. It is not easy to say, I am supporting the bill that is going to abolish your office. But it is clearly the thing to do. If we are serious about reforming county government, this is the only avenue that we have left.

I would urge you to vote against the motion of the Majority "Ought Not to Pass" Report so that we might accept the Minority "Ought to Pass" Report and then I can offer my amendment.

Mr. Speaker, I request a roll call.

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

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

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not vote to do away with county government. I am very proud of county government in our county this year. We have a non-partisan board of commissioners, a non-partisan sheriffs department and everything is working extremely well. So, I ask you to not vote to do away with county government, please.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: If this bill were to be passed and the suggestions from the

gentleman from Winslow, Mr. Carter, were adopted later on in second reading, this body could go on record here in 1985 as having passed one of the most significant reductions and reforms of the property tax system in this state in well over 50 years. County government is by design one of the last vestiges of total dependency on the property tax. The gentleman from Winslow, the gentleman from Eagle Lake, myself, as cosponsors of this measure in this body sympathize with every town selectman, city councilor for the duty that they have to do in submitting their own budgets and then comes along a county budget completely oblivious to their actions of trying to reduce local spending. It is a necessary function that county government must be funded. It cannot say no to the jails, it cannot say no to housing of prisoners and the sheriffs patrol. It cannot say no to the district court and superior court buildings. It cannot say no to county commissioners and the county treasurers and so on. But it is all on the property tax.

This bill represents a significant reform in this area, one if we are willing to accept, would cause every property tax in this state, if adopted state-wide, if adopted county-wide, it would provide reductions of every property tax bill in each of those counties with a significant reduction. I am willing to go along and vote for the necessary expenditures to fund these operations where they belong in the different departments of state government that have jurisdiction over these different budgets. The State of Maine already runs the jails by the laws that we enact here.

The Department of Corrections ought to be funding them correctly so that the citizens don't have to be paying for new and larger jails to incarcerate prisoners that come to this legislature because we enact the laws that are violated. We can go on and on all afternoon into the evening and I won't do that but I hope you will take a serious look at this bill as the gentleman from Winslow has suggested. It has been a long fight ladies and gentlemen and I think you know that. The answer is quite clear, it is before us right now at five minutes to five. If you are serious about property tax reform, this is a serious and realistic answer to that.

I urge you vote against the motion to indefinitely postpone so that we can get on with real property tax reform.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I want to rise here and support the previous speaker and also Representative Carter in their efforts to abolish county government. I will tell you my reasons. We had quite a bit of difficulty this year whether it was arguing within the commission itself and some of the troops, so to speak, that is the treasurer, the secretary, their secretaries and the sheriff. I began to find, out just how much authority the county commissioner had. First off, they have no authority over the sheriff that I could see, statutorially, or anything else. He can tell them to get lost.

Secondly, a treasurer who is also elected has no specific knowledge on the county commissioners xx(unintelligible)xx unless you want to put a law in that says they can. They can come in any time they want as long as they get the job done.

Also, if they want her to come to one of their meetings xx(unintelligible)xx, she can do so. They have no authority, once again. They do have authority, however, over the janitor. I think that they have two people, I believe, they can hire. I think that they have two people, the janitor and then they hire their own secretary.

I really and truly think it is a waste of money. The more I look at it, the more I feel it is just a plain waste of money. We can handle it here, they can handle the whole function with a

good deal less money. And another thing, that I just thought of here, they take from various cities that are in our county, for example, that have a police department and we are asked to pay for the sheriffs department and yet we have our own police department. Now what we are paying for, in my home town of Eastport, and we will take Calais, we'll take Princeton, we will take others that have a police department, we are paying for a sheriffs department. What are they doing is they are having law and order in the unorganized territories, for example, or any town that chooses not to have their own constable or their own police department, yet we are sharing the costs.

I really think they are right on target. I know that these gentlemen are very serious in their endeavors and, as I understand it, correct me if I am wrong, does it go to referendum or is there an amendment coming? I really think this is a very serious thing and I think we should give it serious thought as I said and I hope you do not support the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Rotondi.

Representative ROTONDI: Mr. Speaker, Ladies and Gentlemen of the House: County Government is a real part of self government. Perhaps large cities do not need it but Maine is a rural state and county government is the go-between for the citizen who is dissatisfied with what his town government or even his state government has done in his area. It is the one complaint department that is not so big or impersonal or overburdened with red tape that it can't get something done. You can complain day or night about the winter plowing on your roads, unfair taxing, discontinued roads or animals that are being mistreated. Your county commissioners either knew the law or they found out. They know who to contact to get the job done. They know your areas and the problems and what the fair thing is for that part of the state. They don't have office hours. They know they darn well better do something because you elected them.

Ask the people from unorganized townships what satisfaction they would get from the state without county government. The commissioners act as selectmen for these townships. The elimination of county government is just another step in taking control away from the people.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I think before we take that final step and do away with county government, you had better stop and think. There are many questions to be answered before we do this. Where will our records go? Where will the services that are supplied now through our county, how will they be supplied to us, from Augusta? We, in York County, have some of the oldest records in the United States. I, for one, certainly want them to remain in Alfred.

In running a little survey of my own by calling some of my constituents, talking to them on the street, county government is a very important thing to them. They certainly do not want it done away with. They do not feel that it is expensive, they feel as though the services are worth it and we, in our delegation, when we passed our budget this year, we had a very able chairman, we had no problems, it went very smooth and it was a pleasure working with all of them and I think everybody was happy so we have no problems in our delegation. York County is a very efficiently run county and we want to keep it.

I would like to make the motion that L.D. 520 and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion today of the gentleman from Berwick, the motion to indefinitely postpone this bill and all its accompanying papers.

I have been around here a few years and I used to Chair the Local and County Government Committee at one time. I was appointed to serve on the select committee to study county government. That committee was appointed by the Speaker of this House and the President of the Senate. This was done in 1977. The result of that study was that county government was an intermediate layer of government which still should exist. We made some recommendations there, some positive recommendations, that would improve the accountability of county government, the programs that they administered and I would like to think today that as a result of that study some of those programs have been adopted throughout the 16 counties of this state. One of those recommendations was county commissioners districts, that has happened. Another one was the charter commission. It has been stated there has only been one county that adopted that, which is too bad.

I think that one must sit and listen and look to see what their counties do. Ask yourself what your county government does, what they provide for services in the county. There are counties which provide administration, ownership of airports, they provide for support and housing of prisoners, they provide law enforcement, they provide services for probate, they provide services for the registry of deeds. What happens if you pass a bill like this and you implement all these various programs and try to integrate them into state government. They call this bill property tax relief. This is going to have to be made up somewhere else, ladies and gentlemen. I am not saying that county government should be funded wholly by the property tax, maybe there should be some other mechanism to fund county government but ask yourself, how are you going to fund it?

The Representative from Augusta, Representative Paradis, used the logic that the various departments here in state government could easily accept the burden or the transfer of jurisdiction for the various departments of state government. If you used that logic, we could even expand it to a little bit farther down the line, you could almost go down to your municipalities and say, heck why should property tax be paid for your town clerk when most of the programs and things are being administered by that or submitted by the Department of Transportation, Fisheries and Wildlife, and the Secretary of State's Office.

You know you have an intermediate layer of government that is functioning quite well and I would assume in most of the counties in the state; if not, I am sure that if this legislature was aggressive in trying to abolish say or some of the participants abolishing this layer of government, if they were as bent on giving counties home rule, I am sure we could preserve that layer of government and make sure they were more efficient. I think a step that has been addressed this year in this legislature is to give counties the authority to act and pass their own budget. I think that is extremely important with the budget committee. Who knows better than those people at the local levels what services need to be provided in those areas.

The gentleman from Eastport, Representative Vose, talked about the large cities providing funds for the services for law enforcement. I would suggest that if they are providing those services in those rural communities, they are the ones that are being the beneficiaries of it, maybe the monies that are being provided

by those rural communities have provided the funds that the cities are the beneficiaries of in view of the support of prisoners. I guess it is a proven fact in this state the bulk of the prison population comes from the city population. So, I would suggest there is a good balance in county government as to the way things are happening. I know that I come from a small community, I represent small communities. Our communities do get concerned every once in a while as to the cost of county government as well as they do in municipal government or as well as their school administrative districts. But we all seem to be able to take care of ourselves at the local level.

I would hope today that the majority of the members of this body would see fit to give this bill its indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Beaulieu.

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I support much of what has been said by Representative Jackson. I represent a large city. When we look at the state and city government and our county government all kind of put together in one large community, you might say that there might be a lot of hassles. I have served in this body for almost ten years now and I might say that, while there have been times that I have disagreed with some of the actions the county commissioners have taken, I can tell you this, I have gotten more service and faster response to questions and problems concerning my community from county government than I have ever been able to secure from the state government.

We have been blessed in my community with very active, responsible, and constructive commissioners and I feel an obligation to stand here today and say that this is just not a rural issue. I feel that county government, in my community at least, has served us very well. They served us in a constructive manner and I, too, hope that you will finally put an end to this bill by deep sixing it and voting to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to remind the House about a Resolve that I had to do away with a couple of days ago that basically said that three counties in this state do not invest any monies in the registry of deeds offices. I am just hoping that we remember, if you think that is efficiency in government, I would like to have somebody explain that to me.

Representative Murphy of Berwick requested a roll call vote.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to briefly continue on the same vein that my good friend Representative Jackson was pursuing. He talked about a study that was done and some of the recommendations that came from it. It is true that the study was done, they did recommend a charter commission form of government for the county.

I happen to have the record in front of me of part of the debate that took place in 1979 on this issue. One of the sponsors of the charter commission for county government goes on to say, "I promise you that this is the last county bill you will see as far as this kind of stuff is concerned. I would just like to point out to you what the difference is in this as compared to a lot of other so-called county reform bills. This is the most modest of all. It is merely to allow the people from the local areas in each county to vote if they wish for a charter commission. And if they did select such a commission and

then the commission could propose a reorganization of the administration of the county."

Now, I stated to you that six counties elected to take advantage of the option. One county barely approved it, Cumberland County barely approved the referendum, I think it was by 29 votes and the end results was no charter commission at all for Cumberland County. The other five counties defeated it outright, that to me, that was a sound and fair attempt to try and reform and the people spoke and I think they spoke quite directly, they rejected the charter commission form of county government.

I suggest to you that it is time to give them another option. The option is what I would like to offer at the second reading. It would allow each county the option of abolishing itself and transferring its function to the appropriate state or municipal agency.

I know there are some of you that make light of this issue but I would like to remind you that any change to try to reform any form of government, to improve its function, is why we were sent here originally. The people back home, who we represent, expect us as their Representatives to come forth with options to streamline the activities of government and make it as efficient as we can and this is one option that will accomplish both ends.

Let me also add to you that Dr. Dow stated in 1953 that county government for two reasons, one, they don't have the right of self-determination. Two, we have a very strong local form of government in municipalities and cities. Therefore, you will never have a strong county government as opposed to the communities or the counties in the South, like in Florida. I would like to add that in Florida instead of having 16 counties, has 67 counties, which should indicated to you that they are set up on a regional basis, more for economic reasons than simply to be named as a county.

In my area, I have stated before on the floor that we have set up districts, we have the water district, which was one of the first and oldest in the country, the Kennebec Water District, it straddles two counties. We have set up a sanitary treatment district, which also straddles two counties, and we are now in the process of setting up a third district. We have nothing in common economically with the City of Augusta, although we are in the same county any more than the town of Fairfield, which is part of our district, has anything in common economically with the town of Skowhegan, which both happen to be in Somerset County. So, it should be plain and obvious to all here present that economic regions were not the thing that one was looking for when the county lines were drawn years ago. The county lines are obsolete but my bill wouldn't change the lines. It would just allow the counties that wish to withdraw from that form of government to withdraw.

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

The SPEAKER: The Chair recognizes the Representative from LaGrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: They say history doesn't repeat itself but 26 years ago I heard the same arguments in these same chambers that we are hearing here today. At that time, the people who wanted to do away with home rule were defeated. I hope when you vote today that you will support the motion by the Representative from Berwick and vote to indefinitely postpone this measure.

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

A vote of the House was taken and more than

one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The pending question before the House is the motion of Representative Murphy of Berwick that this bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 141

YEAS:—Aliberti, Armstrong, Baker, A.L.; Beaulieu, Begley, Bell, Bost, Bott, Brown, D.N.; Cahill, Chonko, Clark, Coles, Connors, Cooper, Crouse, Daggett, Davis, Dellert, Descoteaux, Dexter, Dillenback, Drinkwater, Duffy, Farnum, Foss, Foster, Greenlaw, Hale, Harper, Hepburn, Hichborn, Higgins, H.C.; Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Jacques, Jalbert, Kimball, Lander, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Masterman, Matthews, McHenry, McSweeney, Michaud, Mills, Murphy, E.M.; Murphy, T.W.; Nadeau, G.R. Nicholson, Nickerson, O'Gara, Paradis, E.J.; Parent, Paul, Perry, Pines, Racine, Randall, Rice, Richard, Ridley, Rioux, Roberts, Rotondi, Salsbury, Scarpino, Sherburne, Simpson, Small, Smith, C.B.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Swazey, Tammara, Taylor, Theriault, Walker, Webster, Wentworth, Weymouth, Whitcomb, Zirkilton

NAYS:—Allen, Baker, H.R.; Boutilier, Brannigan, Brodeur, Brown, A.K.; Carroll, Carter, Cashman, Connolly, Cote, Crowley, Diamond, Erwin, Gwadosky, Handy, Hayden, Hickey, Hoglund, Joseph, Lacroix, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McPherson, Melendy, Mitchell, Moholland, Murray, Nelson, Paradis, P.E.; Priest, Rolde, Ruhlin, Rydell, Smith, C.W.; Tardy, Telow, Vose, Warren, Willey, The Speaker

ABSENT:—Bonney, Bragg, Callahan, Carrier, Kane, Law, Michael, Nadeau, G.G.; Pouliot, Reeves, Seavey

96 having voted in the affirmative and 44 in the negative with 11 being absent, the motion to indefinitely postpone did prevail.

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

Consent Calendar Second Day

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

(S.P. 588) (L.D. 1545) RESOLVE, Authorizing the Sale of Certain Public Reserved Lands (C. "A" S-193)

(S.P. 555) (L.D. 1501) Bill "An Act Establishing Assessments to Defray the Expense of Maintaining the Bureau of Insurance" (C. "A" S-192)

(S.P. 351) (L.D. 999) Bill "An Act Relating to Medicaid Reimbursement Rated for Audiology and Speech Pathology" (Emergency) (C. "A" S-196)

(S.P. 236) (L.D. 630) Bill "An Act to Provide Supported Employment for Disabled Persons" (C. "A" S-197)

(S.P. 243) (L.D. 638) Bill "An Act Relating to the Allowance of Prior Service Credit under the Maine Retirement Law for Military Service" (C. "A" S-185)

(S.P. 548) (L.D. 1462) Bill "An Act to Relating to a Support System in the State for Epileptics" (C. "A" S-191)

(S.P. 331) (L.D. 819) Bill "An Act to Amend the Concealed Weapons Law" (C. "A" S-194)

(H.P. 1099) (L.D. 1607) RESOLVE, Authorizing the State Tax Assessor to Convey the interest of the State in Certain Real Estate in Both the Unorganized Territory and the Municipalities of the State (C. "A" H-313)

(H.P. 816) (L.D. 1157) Bill "An Act to Protect Persons with Children from Discrimination in Mobile Home Rentals and Leases" (C. "A" H-321)

No objections having been noted at the end

of the Second Legislative Day, the Senate Papers were Passed to be Engrossed as Amended in Concurrence and the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

Later Today Assigned

(H.P. 1069 (L.D. 1550) Bill "An Act Concerning the Forest Resources of Maine" (C."A" H-318)

On objection of Representative Jacques of Waterville, was removed from Consent Calendar Second Day.

Whereupon, the Committee Report was read and accepted and the Bill read once.

Committee Amendment "A" (H-318) was read by the Clerk.

On motion of Representative Jacques of Waterville, tabled pending adoption of Committee Amendment "A" and later today assigned.

(H.P. 215) (L.D. 249) Bill "An Act Relating to the Maine Self-Insurance Guarantee Association" (C. "A" H-319)

(H.P. 112) (L.D. 137) Bill "An Act Concerning Safety and Sanitary Conditions on Railroad Property" (C. "A" H-320)

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

Passed to be Engrossed As Amended

Bill "An Act Defining the Authority of the Bureau of Insurance in Testing, Licensing and Continuing Education" (S.P. 583) (L.D. 1532) (S. "A" S-201 to C. "A" S-183)

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

Bill "An Act to End Subsidized Early Retirement Payments Under the Maine State Retirement System laws" (S.P. 471) (L.D. 1274) (C. "A" S-164)

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

Representative Mayo of Thomaston moved the House indefinitely postpone the bill and all accompanying papers.

At this point, Representative Gwadosky of Fairfield assumed the Chair to act as Speaker pro tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: Many of you who served in the 111th Legislature will remember that we changed the system of early retirement for our prison guards, our game wardens, our state police and other people that were in a special retirement plan. We made it much more difficult for them to retire early, required them, in effect, to work longer.

This bill that is before us today will end the ability for someone to retire early without undue penalty, thereby, encouraging a young work force in jobs where the state requires a young work force. It is not my intention to speak against older workers but, if you look at the state prison problem we have, where 68 individuals, last time I checked, over maximum capacity anyway because it is impossible to punish people or to reward people by moving them around in the system. They have people in classrooms down there, they have got people in libraries and everything else. The people that work in that facility found it a tremendous strain to do a good job and protect my constituents that live in Thomaston, my constituents that live in Warren.

This bill would make it much more difficult

for someone to retire from that job at an early age, would make them work longer, make them be under that stress for a longer period of time. I guarantee you that if this bill passed, you will see an increase in disability retirement, you will see an increase in sick time, you will see an increase in lost work. This is a bad piece of legislation in my mind. We just changed the system last year. I think we should wait a little while before we try to change this system.

Something was said earlier today about the unfunded liability of this state retirement system and it is real easy to get up and say that this is going to save millions of dollars and that our retirement system has an unfunded liability of \$1.1 billion. Well, that is true but I will point out to you that, over the past four years, the funding cycle that that retirement system is on has gone from 25 years down to 16 years. The percentage of accrued benefits that are funded has increased from 16.7 to 25.5 percent. The salary ratio has also improved. Our retirement system is improving. We are getting it to a position where, hopefully, a lot of these problems will be taken care of. I think it is inappropriate for us to pass this legislation today which will have adverse effects on the state in the long run.

I urge you to go along with the motion to indefinitely postpone this legislation.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Hickey.

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: We had this bill in committee for some period of time. We met on numerous occasions with the State Employees Association, the Maine Teachers Association and the first thing we did with the bill was we grandfathered it so that nobody would be affected, who is in the state employee now or who is hired to the first of January 1986.

The bill originally came out and it was set up for a person who retired, their amount of forfeiture would have been based on an actuarial appraisal which would have been approximately six percent. Presently, a person who retires early goes out at two and a quarter. The way the bill is structured today, it won't affect one person for 25 years.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Canton, Representative McCollister.

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: Last year, I worked very hard to change the retirement system as Representative Mayo indicated. I would not have proceeded the way I did if I had realized that the committee was going to ask those prison guards, wardens, state police, to take an additional cut in their retirement.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Unity, Representative Stevenson.

Representative STEVENSON: Mr. Speaker, Ladies and Gentlemen of the House: The bill that we are discussing now had nothing to do with the bill that we passed last year. In the Statement of Fact, I realized that many of us won't be here in 25 years but it says, based upon that calculations made by the Maine State Retirement System actuary, passage of this bill saves the state in excess of \$55 million over the next 25 years.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: It has been mentioned by two previous speakers that there was an amendment which grandfathered, and I repeat again, grandfathered each and every employee now working for the State of Maine, every teacher and every employee in the towns and cities that are in a participating district. That should be understood. If anybody should come up and

tell you that you are going to jump on the guards at the Maine State Prison or the State Police or the game wardens, they don't know what they are talking about because it definitely doesn't apply to anyone who is either working right now or goes to work for the State of Maine or any teacher before January 1st of 1986.

You will find that there is not a single person affected by this for at least 25 years. What it means is that anybody that goes to work after January 1, 1986 will know that that person will have a particular pension plan and this is what it is. You know what you have got so it will not come into effect for another 25 years. If the person wishes to make up their mind, that they are going to work for the state or become a teacher, they will know when they reach 25 years of service, they have got to make a decision. You say, why? I was one of these people that greatly benefited from some of the plans that have been put forth under the Maine State Retirement system. I benefited from military credits and I retired after 28 and a half years. Fine. You say you received all those benefits, now why are you now saying that someone else must work until they are 60 before they can get any benefits or they get reduced benefits. Ladies and gentlemen of the House, there is one heck of a big difference. What I received, when I came to work for the State of Maine in 1956, as opposed to what an employee in the same category starts to work for the State of Maine for \$72 a week. That same category now pays almost \$500. There was no medical insurance. We were getting two cents a mile for mileage. You were told you had to stay up in Aroostook County at least two weeks before you could come home. You were allowed \$3 a day for meals and \$3 a day for room. You had no union to protect you, no bargaining agreement. There was no income protection plan and the State of Maine was not paying for any of your insurance for your spouse or even for yourself. I am saying that if you look at the retirement system now, when it was instituted back in 1942, they included all of the teachers that had been working since 1927 but somebody forgot to put some money in there to make up for that. Now every year or every two years, whenever new legislation was adopted which gave some new benefits, somebody never funded it. They gave military credit, they never bothered to fund it. It is all right somebody may say now. I don't think I will live long enough to find out but if we want the Maine State Retirement System to end up the same way that the Social Security System did, this is exactly what is going to happen. You have the new employees, you have a new set up now, you know which it is because we are saying to the present employees, there was an agreement, an agreement we must follow through, you will not be deprived of any rights which you have worked for, for years and years.

Let's look at it this way, at the rate that the retirement system pension goes, somebody who retires ends up within a short time making as much as the fellow he was working with because it goes up four percent a year. Take someone who comes out with an average of \$25,000 with 25 years, that is 50 percent. The person goes in at 20, he is only 45 year old, he can still go out and be productive. There is a different policy if someone comes in at 45, that is a different thing, but you must remember that no one, and I think the MSEA, if they were fair about it, would do something because they don't care about the retirees. All they can think of is what they are giving up front to the present employees. We have people who purposely come in at a young age with the hope of planning to retire early but you will find that it is up to the employees union. What I am saying is, look at your present employees and 15 years from now, at the rate that you are going with the unfunded liability of \$1.5 billion, there will

be no money in there to pay for the pensions. So, which is it going to be, put a stop to it now and start with a brand new plan or wait for the thing to go bankrupt like Social Security?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: in deference to the good gentleman from Lisbon, I feel that I do know something about this system and I believe that I am saying what is correct. I have served on the committee, on which he now serves, and I think I do understand the effect that it will have on those people that do work at the state prison. What you are asking them to do is work longer. It is true that they have made it politically palatable by grandfathering the people that work there now. But I am looking down the road. Down the road, sometime in the near future, — yes, the bill may save \$55 million in one account but what is it going to cost in another account. What is it going to cost in increased disability retirement that is caused by heart attacks from stress, what is it going to cost in increased absenteeism?

It is my understanding, in a document that I saw in the retirement system, that the accrued benefit for those retirees, who will go under normal retirement, is the same for those who go under this speeded up retirement.

What this bill is doing is putting in a roadblock in the face of those people who work in jobs that require they retire early for the states good, for your constituents good. We are talking about prison guards, we are talking about state police, we are talking about those game wardens and forest fire wardens who have to go out in the woods in the middle of the night to go after a night hunter or go after a forest fire. I ask you, ladies and gentlemen, to think very clearly and don't let the numbers cloud you, don't let them blow a lot of blue smoke and use mirrors. This bill is a bad bill. I urge you to defeat this bill and go along with my motion to indefinitely postpone.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Hickey.

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Being on the retirement system isn't the most pleasant thing in the world. We were responsible for the integrity of the retirement system and to protect the fund for the future of the people working in the state.

Back some years ago, during Governor Longley's tenure, they were paying \$44 million annually into the retirement system. In the second year of his biennium, he borrowed \$2,400,000 from the system and every state employee, every retiree, was very upset about it. In the next gubernatorial election, every candidate running for office, said that they would have an outside survey. The outside survey was conducted by the Wyatt Report and the Wyatt Report in their final analysis said that the Governor had to increase the amount of money contributed to the retirement system to \$97 million from \$44 million which he has done in the last two budgets. It also said 20 year retirements had to be eliminated. The disability set up had to be revised and all of these things were structured to make it a palatable system, and a system that would prevail to protect the future of the state retirees.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Unity, Representative Stevenson.

Representative STEVENSON: Mr. Speaker, Members of the House: The Aging, Retirement and Veterans Committee people worked very diligently on this bill and we came out with the unanimous "Ought to Pass" Report.

I would ask for a roll call and hope you defeat the motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon,

Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the Representative from Thomaston. I don't know if he has opted to join the Maine State Retirement System but, as I understand it, with some exceptions including myself, every member of the House is a member of the Maine State Retirement System. I would say for a young person every member that has opted to come in to it, for years and years you pay into this system and then when some of you come to retire then you will find that it is bankrupt, that there are no funds in it. The Committee had another bill which was alluded to by the Representative from Thomaston. It was a disability bill which the committee decided to withdraw, it didn't go through. This is a bill the committee bent backwards, the Maine State Teachers Association were willing to live by it, they knew something had to be done, they agreed to it. The Maine State Employees Association agreed something must be done but they did not come forward with anything else. All they care about is up front, what they can show their employees now. I was one of those employees for 29 years, all they care about is what they show up front. They are not going back to the employees and say, we have seen to it that your retirement system, that when you retire 10 or 15 years from now, will still be solvent. They don't care one bit. The MSEA doesn't care one bit about their employees, all they care about is what they can show up front.

Now, if they would turn around and really be concerned about their present employees, they would say, let's do something because when you retire 10 or 15 years from now, that system will not be solvent.

Representative Mayo of Thomaston was granted permission to address the House a third time.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I am a little bit amazed at the good gentlemen from Lisbon, Representative Jalbert, who would try to scare you into voting for this legislation by insinuating that your retirement system is on the ropes. I am a little bit amazed that he would suggest to me and other young members of this House that we ought to vote for this bill to save our own pensions. I am not here today, ladies and gentlemen of this House, to vote to save my own pension. It is the furthest thing from my mind. What I am trying to do today, ladies and gentlemen, is to ensure that this state does not get into a situation where you have put my constituents at risk, you put your constituents at risk by encouraging people to stay in positions where they should not stay by allowing them to retire early.

Let me read from the report that was issued just recently on the retirement system under Roberta Weil, the Executive Director's hand. She notes in her report that total revenues of \$205 million exceeded expenses in the system by \$87 million in 1984. A very healthy profit.

I would also point out, as I stated before, that not only has the funding cycle years decreased from 25 years down to 16, that the percentage of accrued benefit reserve has increased and your retirement system is not in trouble. Again, I am a little amazed that someone would try to scare you into believing that that system is going broke because it is not, ladies and gentlemen.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to lay something at rest here, that no one is going to be prevented from retiring early even under this bill, they can still do so merely at a new formula which will take effect as of January 1986.

The SPEAKER PRO TEM: The Chair

recognizes the Representative from Old Orchard Beach, Representative McSweeney.

Representative MCSWEENEY: Mr. Speaker, Ladies and Gentlemen of the House: This is a very important part of this bill because salaries are going to go up in the future. People are living longer. So, if they don't do this, the deficit on the retirement system is going to be great. The social security system could be in trouble also. Therefore, I think the committee has done a wonderful job on this bill and I hope you vote for it.

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

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

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Mayo of Thomaston that the bill and all papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 142

YEAS:—Allen, Baker, H.R.; Beaulieu, Bell, Boutilier, Carroll, Clark, Connolly, Handy, Higgins, H.C.; Hoglund, Mayo, McCollister, McHenry, Melendy, Mills, Mitchell, Nelson, Paradis, P.E.; Priest, Scarpino, Sproul, Weymouth

NAYS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Cahill, Callahan, Carter, Chonko, Coles, Conners, Cooper, Cote, Crouse, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Diamond, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Hale, Harper, Hayden, Hepburn, Hichborn, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Kimball, Lacroix, Lander, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, McGowan, McPherson, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.R.; Nicholson, Nickerson, O'Gara, Paradis, E.J.; Parent, Paul, Perry, Pines, Racine, Randall, Rice, Richard, Rioux, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Salisbury, Sherburne, Simpson, Small, Smith, C.B.; Soucy, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Swazey, Tammara, Tardy, Taylor, Theriault, Vose, Walker, Warren, Webster, Wentworth, Whitcomb, Willey, Zirnklinton

ABSENT:—Bonney, Bragg, Brown, D.N.; Carrier, Cashman, Hillock, Kane, Law, Michael, Nadeau, G.G.; Pouliot, Reeves, Ridley, Seavey, The Speaker

23 having voted in the affirmative and 113 in the negative with 15 being absent, the motion did not prevail.

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

The following items appearing on supplement No. 11 were taken up out of order by unanimous consent.

Papers from the Senate

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S.P. 627)

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

Was referred to the Committee on Judiciary in concurrence.

Consent Calendar First Day

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

(S.P. 346) (L.D. 941) Bill "An Act to Provide for Contingency Needs of Intermediate Care Facilities for the Mentally Retarded" Commit-

tee on Appropriations and Financial Affairs report "Ought to Pass" as amended by Committee Amendment "A" (S-204)

Under suspension of the rules, Second Day Consent Calendar notification was given and the Bill was passed to be engrossed in concurrence.

The Chair laid before the House the following item: Bill "An Act to Include Restitution a a Disciplinary Consequences to Inmate Misconduct at State Correctional Facilities" (Emergency) (H.P. 952) (L.D. 1371) (Passed to be Enacted in the House on April 30, 1985) (Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "B" (S-205) in non-concurrence.) which was tabled earlier in the day and later today assigned pending further consideration.

Thereupon, the House voted to recede and concur.

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

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

Consent Calendar First Day

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

(H.P. 1075) (L.D. 1564) Bill "An Act to Provide Expanded Markets for Products and Services from Rehabilitation Facilities and Work Centers" (Emergency) Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-327)

There being no objections, the above item was ordered to appear on the Consent Calendar of later in today's session under the listing of Second Day.

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

Orders

On motion of Representative CARTER of Winslow, the following Joint Order: (H.P. 1139)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs is directed to report out a bill in the form of a bond issue relating to equipment and land purchase for vocational-technical institutes.

Was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

Out of Order

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

Bill "An Act to Amend the Election Laws" (H.P. 274) (L.D. 344)

TABLED—June 3, 1985 by Representative DIAMOND of Bangor.

PENDING—Adoption of Committee Amendment "A" (H-214)

On motion of Representative Diamond of Bangor, retabled pending adoption of Committee Amendment "A" (H-214) and later today assigned.

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

SENATE REPORT—"Ought to Pass" as amended by Committee Amendment "A" (S-129)—Committee on Legal Affairs on Bill "An Act Relating to Absentee Voting" (S.P. 32) (L.D. 33)

—In Senate, Report read and accepted and the Bill passed to be Engrossed as amended by Committee Amendment "A" (S-129) as amended by Senate Amendment "A" (S-144) thereto.

TABLED—June 3, 1985 by Representative DIAMOND of Bangor.

PENDING—Acceptance of Committee Report.

Whereupon, the Committee Report was accepted and the Bill read once.

Committee Amendment "A" (S-129) was read by the Clerk.

Senate Amendment "A" (S-144) to Committee Amendment "A" (S-129) was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: Would the Representative who presented the bill please explain what Senate Amendment "A" does?

The SPEAKER PRO TEM: Representative Wentworth of Wells has posed a question through the Chair to the Representative from Mexico, Representative Perry, who may respond if he so desire.

The Chair recognizes that Representative. Representative PERRY: Mr. Speaker, I think I have intended to present Amendment "B" to Senate Amendment "A."

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Ladies and Gentlemen of the House: Senate Amendment "A" from the other body is merely a technical amendment that rearranged the words, State of Maine Constitution, so it is only of a technical nature from the Committee on Bills in the Second Reading from the other body.

Thereupon, Senate Amendment "A" (S-144) to Committee Amendment "A" (S-129) was adopted.

Representative Perry of Mexico offered House Amendment "B" (H-322) to Committee Amendment "A" (S-129) and moved its adoption.

House Amendment "B" (H-322) to Committee Amendment "A" (S-129) was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: May I ask what Amendment "B" does?

The SPEAKER PRO TEM: Representative Wentworth of Wells has posed a question through the Chair to Representative Perry of Mexico who may respond if he so desire.

The Chair recognizes that Representative.

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment addressed the concerns of several members of this House that were indicated in last nights session. Informally, Mr. Speaker, I spoke to these people and they are happy with this amendment. However, I would be glad to answer specific questions concerning the amendment.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Actually, what the amendment does is it gives the candidates the right to go out and get the absentee ballots which was one thing that we took out of the election law absentee voting. So, when you come right down to it, it is taking the guts of our whole bill right out so there is nothing left.

Representative Wentworth of Wells moved the indefinite postponement of House Amendment "B."

On motion of Representative Vose of Eastport, tabled pending the motion of Representative Wentworth of Wells to indefinitely postpone House Amendment "B" and tomorrow assigned.

The Chair laid before the House the four-

teenth tabled and today assigned matter:

Bill "An Act Relating to Retirement Options for Legislators" (H.P. 703) (L.D. 1013)

TABLED—June 3, 1985 by Representative DIAMOND of Bangor.

PENDING—Adoption of Committee Amendment "A" (H-154) as amended by House Amendment "A" (H-263) thereto.

On motion of Representative Hayden of Durham, retabled pending adoption of Committee Amendment "A" (H-154) as amended by House Amendment "A" (H-263) thereto and tomorrow assigned.

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

An Act to Examine the Lobster Resources of the State (G.H.P. 1124) (L.D. 1620)

—In House, Passed to be Enacted on June 3, 1985.

—In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-188) in non-concurrence on June 3, 1985.

TABLED—June 3, 1985 by Representative VOSE of Eastport.

PENDING—Motion of Representative MITCHELL of Freeport to Adhere.

Representative Crowley of Stockton Springs moved the House recede and concur.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Last night at eight o'clock my 12th hour, this bill came running by us. This is a Majority Report on item 1620. It is the lobster study bill that we put through a few days ago that we debated a little bit here on the floor. The Legislative Finance Office found we did not itemize spending of the \$40,000 of this dedicated lobster fund. All this amendment does is set aside \$500 for personal services to cover expenses of telephoning, advertising, travel expense and etc. for probably two or three meetings of the ADHOC committee. The remaining \$39,500 will finance the scientific evaluation. This is really a housekeeping amendment.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Mitchell

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: The reason I made the motion to adhere last night was that I took the opportunity to read the Senate Amendment and all of my objections to the bill were sort of contained in the Senate Amendment which was the fiscal note and I tried to imagine how we were going to spend this \$40,000 to study lobsters. I noticed that the bill was not an emergency bill so I assume that it is going to go into effect 90 days after we adjourn on June 19th, which will mean that it will take place sometime in September. At that time, we will, if the bill passed, go out and submit a request for a proposal so we will get these requests in. Hopefully, we will use a bidding procedure. Someone will make a bid which we will accept to go and read books about lobsters, I guess, during the months of October, November and December and then report back to us. The bill would appropriate \$39,500 for that person to read about lobsters to report back to us early next session so that we can make a decision on what to do about those animals.

I hope you reject the motion to recede and concur so we can adhere.

The SPEAKER PRO TEM: The Chair recognizes the Representative from St George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Men and Women of the House: I stand in support of my Committee Chairman, Representative Crowley, and would hope you support the motion to recede and concur.

It is not my feeling that what we would be doing is hiring somebody to go and read a bunch of books about lobsters. That would be one of the most foolish methods we could possible take. We have a very good university

right here in Maine, called the University of Maine in Orono, which is involved in the sea grant program and has the capability of running computer models and using the state of the art technology. I am sure that when the decision is made on which one of the bidders that this contract of this research is given to, that it will be the one that can use the most modern technology, provide us the best answer of what we feel will be the best answer in the shortest period of time. We are not only dealing with Orono, there are other places, who all have the computer capability, who all have the staff that are already fairly well versed in both lobster biology and lobster marketing. It is just that nobody has ever requested one individual or one group of individuals to run a scenario, the overall concerns of the industry. It has all been very narrow and very directed research on red tail, research on migration, research on breeding, but nobody has ever taken a complete overall look and made recommendations. Quite simply, that is what this is for, to provide the basis for all of us to really be able to understand all the ramifications of the industry and the resource.

I, once again, would urge you to support the motion to recede and concur.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to reiterate what I said earlier about this bill. When I asked the Maine Lobsterman's Association's Vice President whether or not they would go along with the study, he paused and said to me, well we would have to — and I just stopped him right there and said right, you would have to think about it again. I think we could study this thing until the cows come in or until the lobsters come back from Canada and they are never going to go along with increasing that size even when the study says go along with the increase in size.

I think Representative Mitchell is right. The information is there ladies and gentlemen, and I think \$40,000 that we are going to be really wasting the lobster fund money and could really be used somewhere else.

The SPEAKER PRO TEM: The Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Men and Women of the House: While I was not present at the conversation between the president of MLA, Mr. Blackmore, and Representative Manning, to be quite frank from my viewpoint it, doesn't make any difference what Ed Blackmore thinks about this. I don't care whether he accepts this study or whether he doesn't accept the study. I don't care whether the lobster dealers accept the results of the study or don't accept the results of the study. The simple fact of it is, from my experience in the three years on this committee, and as a fisherman myself, I have come to the conclusion that I don't have enough information. There are things that I would like to see happen but I don't know enough and I don't have the capabilities of putting all this information together and coming out with a conclusion. I need some help in order to make the decision that is the best decision for the industry and for the state and for the resource. I would personally ask you to let me have that help so I can protect my livelihood, the livelihood of the people of my town, and this real important resource to the state.

At this point, Speaker Martin resumed the Chair.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: This is not

a frivolous bill that we have here. It is one that we discussed at length and we voted 10 to 3 in favor of. There is a great deal of scientific information that has to be gathered and evaluated. The commissioner, who is a biologist of Marine Resources, said that this study, if we could put the studies together, we may get some significant data from it.

The lobster industry, I believe, is getting into trouble. For example, we used to have about a 24 million pound landing each year and it has gone down to 22 to 20 and, in this past year, it was 19 million pounds. There are things happening out there. We used to catch 24 million pounds with 500,000 traps. Now we are catching 19 million pounds with over 2 million traps. There are a lot of things that must be studied out there in the ocean and I think this will be the beginning and we may be able to help this industry and the lobster fishermen.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative from Stockton Springs, Representative Crowley, that the House recede and concur. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 5 in the negative, the motion to recede and concur did prevail.

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

HOUSE DIVIDED REPORT—Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-302)—Minority (4) "Ought Not to Pass"—Committee on Education on RESOLVE, Creating a Special Commission to Study Teacher Training in the University of Maine System (Emergency) (H.P. 644) (L.D. 914)

TABLED—June 3, 1985 by Representative HAYDEN of Durham.

PENDING—Acceptance of Either Report.

Representative Brown of Gorham moved the House accept the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Brown.

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: There may be a need to study teacher training in the University of Maine Sytem but I do believe this is not the proper time to pass this Resolve. We already have a very capable committee called the visiting committee to the University of Maine appointed by the Governor. One of their charges is to study teacher training as well as all other aspects of the university. I believe out of respect to the committee we should wait for their report instead of establishing another commission at this time. I promised the sponsor of this bill, the legislator from Orono, that I would not say too much against his bill. You can listen to his arguments and decide for yourself.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Men and Women of the House: In an editorial in the Bangor Daily News not long ago, the subject of teacher testing was discussed, the first of which took place in Arkansas recently. It was described by most observers as a political gimmick and not at all substantive. The premise of the editorial was that slapping tests and requirements on teachers while often a recognized means of evaluation entirely skirts the issue of increasing the quality of teachers if it is not accompanied by improving the way in which we prepare those teachers before they hit the classroom.

This bill, L.D. 914, presents this legislature with an opportunity to consider the full spectrum of educational reform beginning with the way in which our teachers are trained at the

university level, which I believe to be at the core of the issue of quality education in this state. As a legislature, which oversees the funding of our public educational institutions, we have a responsibility to look at teacher preparation. If one of the simple concerns about stipends or uniform base salaries — and I have heard this from many members of this body — is that the application would include both the good and the mediocre teacher and let's begin to look at improving the quality of preparation.

Some strides have already been taken in this area by colleges of education within the university system but a great many more have yet to be made, notwithstanding the fact that these strides have been rather fragmented and unfocused. Even those closely involved have admitted this. This commission would begin to pull together some of these reforms, analyze available data, suggest ways of improving the training mechanism, and would serve, most definitely, a catalyst for public awareness on this issue.

The emphasis of the Education Committee, when designing the makeup of the commission, and we spent many long workshops on this, was that it be fair and objective and made up of persons with a high degree of respect and credibility within the educational community, people within the system and people outside the system.

Very briefly, represented on the commission are teachers and management, a trustee member, a state board of education member, members of the colleges of education at three University of Maine campuses as well as the National Council of Accreditation of Teacher Educators, a group chosen by the committee for their ability to examine the entire spectrum of teacher education and to suggest meaningful reform.

Now it is very interesting to note that virtually all resistance to formation of this commission has been because it has been perceived as potentially redundant due to others who also happen to be looking in some way at this area. It is not in any way, shape or form redundant. For example, the visiting committee, which my colleague, Representative Brown, mentioned earlier, which is essentially made up of an executive director and a panel of distinguished persons who serve in an advisory capacity has neither the resources nor the intent to study the teacher training issue in any scope. Albeit a keen interest in the issue but they themselves admit to having a monstrous task ahead of them in looking at all of the facets at the various campuses, teacher training being only one very small part.

The director of that visiting committee has also discussed with me the two subject areas to be dealt with in the teacher training system by his committee and those are: one, the economic context for demand for teachers and; two, management decision making. I share this with the House today because neither of those items fall within the scope of the bill before you. Therefore, it is not redundant.

Not wanting to be outdone, the board of trustees on the advice of the chancellor formed a subcommittee to study teacher training, formed the day before the public hearing on this bill and which two months later, as I understand, have yet to formally meet. At least one member of the Education Committee, who was bothered by possible duplication of efforts by this particular subcommittee, which I have just mentioned, reversed his opposition to support the measure when he saw the rather unusual makeup of the group appointed by the chancellor. Inhouse administrators and deans for the most part all pointing to the very likelihood of this being no more than a friendly self-review.

Even the distinguished member of that subcommittee said to me yesterday morning that our proposed commission was needed to coin-

cide with their efforts and pick up where they would surely leave off.

Ladies and Gentlemen of the House, if we do not carefully and methodically look at our teacher preparation programs in the State of Maine, we will not only be doing our teachers, but more importantly our children, a disservice. How could we discuss with any sincerity the issue of teacher compensation, stipends, merit pay, base salaries and the list can go on without examining the profession? One logically follows the other.

If there is a general decline in quality educators, it makes sense to go right to the heart of the matter and determine what changes need to take place in their training and preparation.

I would like to read into the record a portion of a letter the Education Committee received dated May 28, 1985 from the Carnegie Forum on Education and the Economy based in Washington D.C. Very briefly, "During the 1980's, the nation will need to double the rate at which new teachers are appointed in large part because of accelerated rates of teacher retirement. In the past, the schools have all too often responded to teacher shortages by lowering standards. Doing so now would almost certainly make a mockery of the last several years of education reform. It would lead to a decline in the quality of education at a time when there is virtually universal agreement on the necessity of substantially improving the quality of schools in the United States. The quality of teachers appointed in the next ten years will be a crucial factor in determining the quality of American education for decades to come. Many able teachers now in the schools were attracted to teaching because they had very few viable alternatives, but expanding opportunities for women and minorities and the end of the military draft have greatly reduced the appeal of teaching to capable young men and women who now have many more attractive career prospects. The time is right to rethink the basic arrangements we have for attracting top flight people into teaching. Unfortunately, the staff development in career ladder opportunities provided by the new teacher certification law we passed last year can simply be no more successful than the professional programs that back them up. It is also important that we finally begin to link teacher prep programs and local school systems so that the two may work in harmony and that we, in turn, not produce teachers equipped for the learning lab but not the classroom."

Approximately, two thirds of the teachers in this state were trained in the University of Maine System. Just as this legislature has a responsibility to adequately fund our public higher educational system, we also assume responsibility for seeing that the taxpayers money is spent wisely in that system. This bill, as far as I am concerned, is one of the most important that we will see this session. I have spoken to a great many of you individually and have received an excellent response. I hope you will not accept the Minority "Ought Not to Pass" Report so that we can go on to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Members of the House: My opposition to this bill is not based on its intent but on the fact that two other distinguished groups are studying teacher training right now.

Last August, the Governor appointed a visiting committee to the university, which has among its nine specific charges, the study of teacher training. Members of the visiting committee include among others Dr. Robert Strider, former president of Colby College; Dr. Edward Andrews, president of Maine Medical Center; Dr. Robert Claudius; president of the National Association of State Universities and Land

Grant Colleges; Dr. Evelyn Handler, president of Brandies University; Francis Kettle, U.S. Commission on Education under Presidents' Kennedy and Johnson; Dr. Eleanor McMann, commissioner of Higher Education of Rhode Island and Senator Edmond Muskie.

In a joint meeting of the visiting committee and the Education Committee, the chairman of the visiting committee was asked if there would be any effort on their part to examine teacher education programs in depth. Dr. Strider, the chairman, yes, we will address this issue. Mr. Kettle followed up, as long as you don't shut me up, I will keep talking about it. This does not sound to me like a narrow focus study.

The other committee previously mentioned, which is working on the study of teacher education, was recently appointed by the University Board of Trustees. This group will be holding public meetings this Fall and will release its findings early next year as will the visiting committee.

The quality of teacher training is important to all of us. However, how many groups do we need to study it all at the same time? I suggest it would be more prudent to wait for the findings of these two other distinguished groups and, if further research is indicated, this proposal before us could then be initiated.

Mr. Speaker, I request a division.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Mathews.

Representative MATHEWS: Mr. Speaker, Ladies and Gentlemen of the House: As a cosponsor, I will speak briefly on a few basic reasons for supporting L.D. 914.

Teacher training is a most important step in obtaining good results in the classroom. The quality of student learning is dependent in a large part on the quality of the teacher. During the regular session, the 111th Legislature passed an extensive revision of the teacher certification statutes. The revision passed during the regular session assures better trained candidates and our teaching by upgrading pre-service training qualifications and the establishment of standardized teacher entrance examinations.

The staff development and career ladder opportunities provided by the new teacher certification law can be no more successful than the pre-professional program which back them up. High level standards for teacher preparation are critical to the goal of improving elementary and secondary education in Maine.

The commission will have a varied membership of legislators, administrators, representatives of higher education and teachers which insures a broad range of expertise. I strongly urge your support of this important piece of legislation.

Representative Brown of Gorham requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I rise to urge your support as I did earlier for this Resolve and to vote against this motion.

In light of what everybody must realize are rapid changes in education and in light of the many improvements that are hoped for as the result of the recently enacted education reforms, I sincerely believe the creation of this commission is in the best interests of the en-

tire educational system of the State of Maine, but more importantly, in the best interests of the students whose lives are soon to be affected by those reforms.

Many issues are listed in the Resolve which should be addressed. I would specifically like to address a couple of them. The teacher preparation methods employed in undergraduate and graduate programs by far are the most important item. The appropriateness of the level of funding of teacher preparation programs and the impact of the new certification law on teacher preparation programs. These are among just a few of the many important reasons for this particular Resolve.

Finally, the Statement of Fact pleads that it is important that our teachers be well prepared in order that those reforms have their intended effect. I agree with that and I urge you to support this Resolve and to vote against this motion.

The SPEAKER: The pending question before the House is the motion of Representative Brown of Gorham to accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 143

YEAS:—Armstrong, Baker, A.L.; Begley, Bell, Brown, A.K.; Cahill, Callahan, Connors, Davis, Dellert, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Jacques, Lebowitz, Lord, Macomber, Masterman, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Paradis, E.J.; Racine, Salsbury, Sherburne, Small, Soucy, Sproul, Stetson, Tammara, Taylor, Webster, Wentworth, Whitcomb, Willey.

NAYS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutillier, Brannigan, Brodeur, Carroll, Carter, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Dexter, Diamond, Duffy, Erwin, Gwadosky, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Jalbert, Joseph, Lacroix, Lander, Lawrence, Lisnik, MacBride, Manning, Martin, H.C.; Matthews, Mayo, McCollier, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.R.; Nelson, Nickerson, O'Gara, Paradis, P.E.; Parent, Paul, Perry, Pines, Priest, Randall, Rice, Ridley, Rioux, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Simpson, Smith, C.B.; Smith, C.W.; Stevens, A.G.; Stevens, P.; Stevenson, Strout, Swazey, Tardy, Telow, Theriault, Vose, Walker, Warren, Zirkilton.

ABSENT:—Bonney, Bott, Bragg, Brown, D.N.; Carrier, Cashman, Kane, Kimball, Law, Michael, Nadeau, G.G.; Pouliot, Reeves, Richard, Seavey, Weymouth, The Speaker.

47 having voted in the affirmative and 87 in the negative with 17 being absent, the motion did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the bill read once.

Committee Amendment "A" (H-302) was read.

Representative Gwadosky of Fairfield offered House Amendment "A" (H-306) to Committee Amendment "A" (H-302) and moved its adoption.

House Amendment "A" (H-306) to Committee Amendment "A" (H-302) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This is a technical amendment. In the first part of it, there is reference that the members of this particular committee will receive their expenses pursuant to Title V, Chapter 379, which governs the compensation and expenses of members of boards.

The second change removes the funding

section of this bill which is replaced by an appropriation section in the committee amendment.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

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

By unanimous consent, under suspension of the rules, the bill was read a second time passed to be engrossed and sent up for concurrence.

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

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

**Paper from the Senate
Non-Concurrent Matter**

Bill "An Act to Authorize a Self-liquidating Bond Issue for the County of Cumberland to Raise Funds for the Construction of a Court-house Addition, Capital Improvements to the Existing Structure and a Related Parking Facility" (S.P. 547) (L.D. 1460) which was passed to be engrossed as amended by Committee Amendment "A" (S-160) as amended by House Amendment "B" (H-251) in the House on June 3, 1985.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-160) and asked for a Committee of Conference in non-concurrence.

Representative McHenry of Madawaska moved the House insist and join in a Committee of Conference.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you would vote against the motion to insist and join in a Committee of Conference this evening. The House voted the other day, this is surrounding the issue of the Cumberland County Court House facility and the parking garage to be built, proposed to be built anyway, at that site. My understanding was that after the vote of yesterday that the other body was going to agree with our actions and I am somewhat surprised to see that they insisted and asked for a Committee of Conference. It would appear to me that there is really nothing to confer about. Now, I have not heard of any other alternatives.

It seems to me that there are two issues here, one is the parking garage and one is the courthouse facility and they are either separated in the referendum or they are not separated in the referendum. This House took a very strong stand the other day and said that they wanted them separated. If someone could tell me a manner in which the bodies could confer and come up with some new alternative, I might be willing to accept that. But it seems very clear to me that it is a black and white issues at this point and therefore, I think if the House insists and joins in a Committee of Conference, we are really subterfuging the vote that we took the other day and I would hope you would vote against that motion.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I believe that there might be some compromise that can be reached between the two bodies. For instance, if we send out the question, which I at first did agree in my committee that it should be separated, but the question of building a courthouse would have to be in Cumberland and Cumberland County would have to be in Portland because that is the shire town. If you

want to put that question out to the people and you want to build a courthouse and you want to take care of the problem, you might think that you should also have a question on that referendum question that goes out as a single issue to make sure that the people allow you to build it outside the shire town. That is a possible compromise.

I could come up, probably, with some other compromise but I think we can possibly come out with a compromise in the Committee of Conference. I would ask you to join in the Committee of Conference.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Just to allay anybody's concerns about moving the courthouse from outside of Portland, I don't think anybody from Cumberland County has really, in all seriousness, suggested that. It is just physically not possible. I don't know of any concern or any interest, serious interest that is, other than trying to scuttle the whole thing in considering that sort of a motion. I think, really and truly, the issue is very clear and I would hope you would vote against that motion.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Cooper.

Representative COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure what the Senate has in mind either. They did not confer with me but it may be that they have some compromise over there and I, for one, would be willing to listen to what they might have and I would hope that you would go along with the motion.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: From the vote we had on House Amendment "B" last Friday, the House really spoke decisively. I think it was a three to one vote to send this question out to the voters of Cumberland County as two separate issues and I don't see that there is much room for compromise. I think the House position was really very, very clear when we sent it down there. I don't think that we will achieve much so I hope you will vote against the motion.

The SPEAKER: The pending question before the House is the motion of Representative McHenry of Madawaska that the House insist and join in a Committee of Conference. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

36 having voted in the affirmative and 73 in the negative, the motion did not prevail.

On motion of Representative Higgins of Scarborough, the House voted to adhere.

The Chair laid before the House the following item: Bill "An Act to Provide for Public Participation in the Development of Emergency Plans" (S.P. 554) (L.D. 1486) (S. "A" S-187) which was tabled earlier in the day and later today assigned pending the motion of Representative Stevenson of Unity that the bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Hickey.

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I will concede that this is not a major piece of legislation. However, it does concern the people living in areas dependent upon civil emergency plans. The legislation says that, after January 1, 1986, any plans or amendment changing their program must be presented at a public hearing before the residents affected. The purpose

shall be to explain the contents of the plan or program proposed for adoption and to develop public comments on its proposal. A public notice requirement must be posted 10 days before the hearing.

The SPEAKER: The Chair recognizes the Representative from Unity, Representative Stevenson.

Representative STEVENSON: Mr. Speaker, Members of the House: It pains me to oppose my chairman, in fact, both chairmen, one from the House and one from the other body. We talk about mandating, to me this is mandating to small towns that they must hold public hearings to formulate civil emergency preparedness plans. These meetings must be publicized in the newspaper. From experience, these notices cost about \$75 per publication. With only about 850 persons attending six state wide meetings during this past year, I think the people are telling us they don't want or need this bill. I urge you to vote for indefinite postponement.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Stevenson of Unity that the Bill and all accompanying papers be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL No. 144

YEAS:—Aliberti, Allen, Armstrong, Baker, A.L.; Begley, Bell, Bott, Brown, A.K.; Cahill, Callahan, Chonko, Connors, Cooper, Cote, Daggett, Davis, Descoteaux, Dexter, Dillenback, Farnum, Foss, Greenlaw, Gwadosky, Hale, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Jalbert, Kimball, Lander, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, McSweeney, Melendy, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Paul, Pines, Racine, Randall, Rice, Ridley, Rotondi, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Tardy, Taylor, Telow, Webster, Wentworth, Whitcomb, Zirkilont.

NAYS:—Baker, H.R.; Beaulieu, Bost, Boutilier, Brannigan, Brodeur, Carroll, Clark, Coles, Connolly, Crouse, Crowley, Dellert, Diamond, Drinkwater, Duffy, Erwin, Foster, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Jacques, Joseph, Lacroix, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Perry, Priest, Rioux, Roberts, Rolde, Ruhlin, Rydell, Simpson, Stevens, P.; Tammaro, Theriault, Vose, Walker, Warren, The Speaker.

ABSENT:—Bonney, Bragg, Brown, D.N.; Carrier, Carter, Cashman, Kane, Law, Lisnik, Macomber, Michael, Nadeau, G.G.; Pouliot, Reeves, Richard, Seavey, Weymouth, Willey.

77 having voted in the affirmative and 56 in the negative with 18 being absent, the motion to indefinitely postpone did prevail.

The Chair laid before the House the following item: RESOLVE, Authorizing the Somerset County Commissioners to Expend \$130,000 from Revenue Generated Through the Boarding of Prisoners for the Purpose of Making Modifications to the Somerset County Jail to Increase the Jails Rated Capacity (Emergency) (H.P. 1103) (L.D. 1611) which was tabled earlier in the day and later today assigned pending final passage.

On motion of Representative Rotondi of Athens, under suspension of the rules, the

House reconsidered its action whereby this Resolve was passed to be engrossed.

The same Representative offered House Amendment "A" (H-312) and moved its adoption.

House Amendment "A" (H-312) was read by the Clerk and adopted.

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

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

The Chair laid before the House the following item: Bill "An Act to Amend the Reapportionment Law" (S.P. 619) (L.D. 1630)

— In Senate, Passed to be Engrossed without reference to a Committee. (Committee on Reference of Bills had suggested reference to the Committee on State Government) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Gwadosky of Fairfield, retabled pending reference and tomorrow assigned.

Bill Held

An Act Relating to Disposition of State-owned Real Estate (H.P. 884) (L.D. 1241) (C. "A" H-243)

— In House, Passed to be Enacted.

HELD at the Request of Representative HIGGINS of Scarborough.

On motion of Representative Higgins of Scarborough, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby the bill was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-243) was adopted.

The same Representative offered House Amendment "A" (H-328) to Committee Amendment "A" (H-243) and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-328) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: This particular legislation deals with the disposition of surplus state property. One section of the bill describes how the surplus property will be offered and it lists in numerical order how the state will proceed. It shall be offered to the municipality first, to the county second, and then it had a provision in there where it was to the abutters thirdly before it was put out to bid and bidding of the property was the fourth option, if you will, in the line of descending order.

The amendment that I present to you today changes that a little bit and says that the third option shall be the bidding procedure and it provides that the abutters will be notified in writing that the land is being offered for bid and it gives them, obviously, the opportunity to bid as you or I might have the option to bid on that. It also adds a provision that if the abutters should happen to tie for the bid, the high bid that is, that it would be given to them first. I have spoken to both the original sponsor and the House Chair of the Committee on State Government, they find no problem with it but if there are questions, I would be happy to answer them.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

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

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

The Chair laid before the House the following item: Bill "An Act to Establish Mandatory Energy Standards for Publicly-funded Buildings" (S.P. 568) (L.D. 1496) (C. "B" S-175) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Beaulieu of Portland, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "B" (S-175) was adopted.

The same Representative offered House Amendment "A" (H-326) to Committee Amendment "B" (S-175) and moved its adoption.

House Amendment "A" (H-326) to Committee Amendment "B" (S-175) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Beaulieu.

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I rose this morning and spoke to the issue of why family housing or residential housing was not included under the bill that we were debating. I think I gave you some examples of some of the things that I am aware of that are happening to people who happen to be living in structures where energy standards simply have been ignored or they are below the minimum.

The amendment before you does not involve whatsoever single family homes and it does not involve any construction that is done through private financing. It involves only construction or renovation that is done with public money involved.

So, I ask you to please support this amendment. I think it is vital for people in elderly housing and low income housing or just multi-family housing. I think that we need to establish a criteria that we care and that energy standards mean something in our state. Maybe other states haven't done it but it is nothing to be ashamed of to say that we want things done right. There is no doubt about it that the potential exists that this would increase construction costs, maybe five percent more, but the savings to the people living in the structures are going to add up a heck of a lot more and we protect our citizens the way we rightfully should. So, I urge you to adopt the amendment.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

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

My question is whether or not this amendment would affect any of the homes that are funded through the Maine State Housing Authority program?

The SPEAKER: Representative Gwadosky of Fairfield has posed a question through the Chair to the Representative from Portland, Representative Beaulieu, who may respond if she so desires.

The Chair recognizes that Representative. Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I cannot answer that question, I don't know.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Høglund.

Representative HØGLUND: Mr. Speaker, Ladies and Gentlemen of the House: I believe FHA, HUD, CED money and Maine Housing Authority all have energy standard requirements. Is that the answer to your question?

Thereupon, House Amendment "A" to Com-

mittee Amendment "B" was adopted.

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

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

The Chair laid before the House the following item: An Act to Modify and Update Certain Laws Pertaining to Inland Fisheries and Wildlife (H.P. 408) (L.D. 561) (C. "A" H-262) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same Representative offered House Amendment "A" (H-330) to Committee Amendment "A" (H-262) and moved its adoption.

House Amendment "A" (H-330) to Committee Amendment "A" (H-262) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. I would like to have an explanation as to what the amendment does?

The SPEAKER: Representative Racine of Biddeford has posed a question through the Chair to any who may respond if they so desires.

The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: As I explained earlier today when I had this bill tabled, this simply rectifies a conflict between two sections of our law that was brought to our attention by the legal assistants that we have here in the House and this remedies that conflict and everything is peachy-keen.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

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

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

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

The Chair laid before the House the following item: Bill "An Act Concerning the Forest Resources of Maine" (H.P. 1069) (L.D. 1550) (C. "A" H-318) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A".

On motion of Representative Jacques of Waterville, retabled pending adoption of Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the following item: Bill "An Act to Amend the Election Laws" (H.P. 274) (L.D. 344) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-214).

Representative Mills of Bethel offered House Amendment "C" (H-332) to Committee Amendment "A" (H-214) and moved its adoption.

House Amendment "C" (H-332) to Committee Amendment "A" (H-214) was read by the Clerk.

The SPEAKER: The Chair recognizes the

Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, is this present amendment you are talking about going to replace H-331?

The SPEAKER: The Chair would answer in the affirmative. They are one in the same.

Representative WENTWORTH: But the wording is going to be changed?

The SPEAKER: Identical wording.

Representative WENTWORTH: Mr. Speaker, 8a has an error, I believe. It says: "the filing paper must be filed in the Secretary of State's Office by 5:00 p.m. on the date of the election." How could you be on the ballot?

The SPEAKER: It says: "on the date of the primary election."

Representative WENTWORTH: Thank you.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Basically, what this amendment does is, if the current bill passes without this amendment, a candidate who decides to run as an independent would have about a month's time after the primary date to file and get their nomination papers in. What this amendment does is, if somebody wants to run as an independent, they have to have their nomination papers in the day of the primary. So, in other words, everyone will have to have their nomination papers in and everyone will know who is running on the primary date. So, if you want to run as an independent, you have to have them in by the same date as the primary date. We are trying to put them altogether so that everyone will be nominated on the same day. That is what this amendment does.

Thereupon, House Amendment "C" (H-332) to Committee Amendment "A" (H-214) was adopted.

Committee Amendment "A" (H-214) as amended by House Amendment "C" (H-332) thereto was adopted.

Under suspension of the rules, the bill was given its second reading.

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

The same Representative offered House Amendment "A" (H-316) to Committee Amendment "A" (H-214) and moved its adoption.

House Amendment "A" (H-316) to Committee Amendment "A" (H-214) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Canton, Representative McCollister.

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment limits the price that the municipal officers may charge for a voting list. Let me read from the amendment. "The price is limited to the actual cost of furnishing the copy of the voting list. It may not include costs required to maintain the general register of voters."

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker and Members of the House: I just got a chance to look at this amendment and I would hope somebody would table this for one day.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Speaker, Ladies and Gentlemen of the House: In view of the fact that our committee chair is absent, I would move that this be tabled one legislative day, please.

The SPEAKER: The Representative is out of order.

On motion of Representative Diamond of

Bangor, tabled pending adoption of House Amendment "A" (H-316) to Committee Amendment "A" (H-214) and tomorrow assigned.

The following item appearing on Supplement Number 15 was taken up out order by unanimous consent.

Paper from the Senate Non-Concurrent Matter

Bill "An Act Renaming Registered Day Care Providers as Home Baby-sitting Service Providers" (H.P. 1120) (L.D. 1616) which was Passed to be Engrossed in the House on May 30, 1985.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "B" (S-202) non-concurrence.

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

The Chair laid before the House the following matter: An Act to Restrict certain Agencies with Respect to Purchases of Real Property (H.P. 630) (L.D. 774) (S. "A" S-125) (passed to be enacted in the House on May 30, 1985) which was tabled earlier in the day and later today assigned pending the motion of Representative Gwadosky of Fairfield that the House reconsider its action whereby the House voted to recede and concur.

Whereupon, on motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby the House voted to recede and concur.

On motion of the same Representative, the House voted to recede and concur.

On motion of the same Representative, the House voted to adhere.

The Chair laid before the House the following item: Bill "An Act to Amend the Provisions Governing the Conversion of a Mutual Insurer" (Emergency) (H.P. 1024) (L.D. 1476) (C. "A" H-279) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Stevens.

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: Can I address a question to the Chair?

Under House Rule 19 and Joint Rule 10, would a member of the body be in conflict if their family or they hold a policy at Union Mutual?

The SPEAKER: This matter will be tabled pending a ruling from the Chair.

(Off Record Remarks)

Representative Holloway of Edgecomb was granted unanimous consent to address the House:

Representative HOLLOWAY: Mr. Speaker and Members of the House: I was recorded as absent on a roll call, Number 139, and I wish to be recorded at yes.

Representative Lebowitz of Bangor was granted unanimous consent to address the House:

Representative LEBOWITZ: Mr. Speaker and Members of the House: On Roll Call Number 139, I also was recorded as being absent and I was here and my vote should be yes.

On motion of Representative Moholland of Princeton,

Adjourned until nine o'clock tomorrow morning.