

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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will have a place to breed and rear their young.

Eleven, mandate for the 112th Legislature to evaluate all biological programs. We go back to Mr. French and Mr. Clark—some of the biological programs have been in existence for 31 years. We were told on our committee that some programs are formed just to receive matching money, not very good business, ladies and gentlemen of the House, not very good business. My motion was that these programs would be evaluated on what their long-range plans were, if they have succeeded, if they haven't, why not, and if they are continuing to do so with no success, why are they doing so when the money could be spent somewhere else?

This bill also accounts for the elimination of ten field positions, two warden pilots. It was the consensus of agreement between the department personnel, administration and our committee that we could perform our duties just as well with three warden pilots when they would be working doing what they were supposed to be doing rather than many other things I could tell you about.

One storehouse clerk, it was determined that this position did not have to be refilled. On right of way appraiser, the \$4 million bond issue that was passed by the people in this state to acquire land is almost gone; therefore, two right-of-way appraisers are not needed because most of the land has already been purchased and are in the process of firming up the boundary lines.

Three full-time carpenters. Obviously, when the department is in tight financial restraints, you can't afford to buy two by fours or anything else, you can't be building too many new buildings so we got rid of the majority of the carpenters that we had, two seasonal carpenters for the same reason and one vehicle mechanic who has left us and going out of state. We will be revamping our garage system into one garage instead of the two. We have already closed one and the one on the corner here will be closed shortly. We have lost money there and we will probably be saving money.

Number thirteen, establishment of a line item budget with legislative approval. It is probably the most important thing that we have been talking about.

I hope that all 151 members of this House, if this ever goes through, expressed the same interest in helping us establish a good line item budget as they have in the financial affairs of the department in the last two weeks.

Last but not least, a license fee increase across the board of \$2 the first year, \$1 the next and \$1 the next, the first year bringing in one million dollars; the second year bringing in one million plus five hundred thousand from the second year plus five hundred thousand from the third year. By doing so, and as I said the other day, with the \$300,000 we would be getting from selling warden camps, harvesting of timber and selling airplanes, with some money hopefully from Appropriations from the General Fund and watching ourselves very carefully, we would get over the hump. We would then, with the fee increases, be able to establish without fear of laying off people the direction of the department for at least the next four years. Also, we would be able to follow upon the recommendation unanimously of the Audit and Program Review, that the department should have at least one and a half million dollar capital reserve.

This bill does not just raise fees, this bill does not just establish a duck stamp, this bill does a lot of things.

Three or four years down the line, at least we will be given some breathing room and it may be determined, ladies and gentlemen, and I won't argue that it won't, that probably the long-term financial solution will be to undedicate the Fish and Wildlife service but I think we should put a little more study into that before we make such a drastic attempt.

I think before you start to take 20 percent for services provided by the DEP, somebody is going to come and show, at least me and I am one of

the members of this committee, some justification and a lot more study has to be put in that because I just don't believe that when you get right down to it that it is going to be a winning proposition.

I can just imagine the sheriff of Kennebec County sending Fisheries and Wildlife a bill for all the hours that our deputy sheriffs have been assisting game wardens in Kennebec County in the last two years for night hunters and camp break-ins and everything else and that is just the beginning of it. I can also see Commissioner Anderson sending us a bill for the five vehicles that we have for warden service for the last week of deer season and many, many other things.

I think the good gentleman from Presque Isle, Mr. Lisnik, hit it right on the head today. We are doing what we think is fair, what we think is right, what is equitable and what can be justified. I don't want anymore than that, I don't think Fisheries and Wildlife people want anymore than that, and I don't think the people in the State of Maine want anymore than that.

Mr. Martin of Eagle requested a roll call.

A roll call has been requested.

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

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

Mr. ROLDE: Mr. Speaker, I would like to pose a question through the Chair. I would like to ask any member of the committee or anyone else who can answer, what is the fiscal impact of this amendment? Would it destroy the effectiveness of the bill, jeopardize our chances of saving the jobs of the biologists in helping the department get through this crisis?

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

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment, if passed, would put us about two years behind where we were before this bill was ever introduced. We wouldn't only lose the people that were originally laid off but we would lose considerably more and it would eat into the enforcement division very deeply. The department direly needs these funds and if we pull them out of there now, they are going to be in real trouble.

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

ROLL CALL NO. 419

YEA—Ainsworth, Allen, Anderson, Andrews, Beaulieu, Benoit, Bonney, Bost, Brannigan, Brown, A.K.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Higgins, H.C.; Hobbins, Holloway, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Rotondi, Seavey, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Soule, Stevens, Stevenson, Tammaro, Telow, Theriault, Tuttle, Vose, Webster, Wentworth, Willey.

NAY—Armstrong, Bell, Brodeur, Brown, D.N.; Conary, Connors, Curtis, Davis, Higgins, L.M.; Ingraham, Jackson, Kiesman, Masterman, Michaud, Murphy, E.M.; Murphy, T.W.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Robinson,

Roderick, Salsbury, Scarpino, Sproul, Strout, Walker, Weymouth, Zirkilton.

ABSENT—Baker, Bott, Carrier, Hickey, Jalbert, Livesay, Martin, A.C.; Paradis, E.J.; Reeves, P.; Small, Stover, Swazey, Thompson, The Speaker.

107 having voted in the affirmative and 30 in the negative, with 14 being absent, the motion did prevail.

Thereupon, House Amendment "H" was adopted.

Mr. Diamond of Bangor offered House Amendment "M" and moved its adoption.

House Amendment "M" (H-612) was read by the Clerk.

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

Mr. DIAMOND: Mr. Speaker, Members of the House: As you recall, a long time ago—this morning—we debated an amendment to this proposal that would basically adopt and combine the two proposals that we have debated today dealing with the Department of Inland Fisheries and Wildlife, the one with the General Fund request and this one now before us.

This proposal would merge those two proposals reflecting the support that this chamber showed this morning for Report B of L. D. 2320 that basically deals with the concerns that the gentleman from Scarborough and I both share, that being that we deal with one single piece of legislation in our attempt to resolve the problems facing the department, but that it does so reflecting the majority of this body, the majority that was demonstrated this morning with that vote. It would put in place the \$358,000 request from the General Fund, and it would also allow us to deal with one single piece of legislation.

I ask for your support on this and hopefully we can move along.

Thereupon, House Amendment "M" was adopted.

The Bill was passed to be engrossed as amended by House Amendments "E", "F", "H", and "M" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Matter Pending Ruling

The Chair laid before the House the following matter:

Bill, "An Act to Increase the Minimum Wage to \$3.55" (S. P. 835) (L. D. 2236)

Tabled—March 15, 1984, by Speaker Martin of Eagle Lake.

Pending—Ruling of the Chair.

The SPEAKER: For the record, since the matter has been of much interest to a number of people not only within this body but outside this body, the Chair is going to put into the record the reasons for the rulings so we will have it once and for all, and it also gives us an historical precedent.

The Chair would point out that our system, unfortunately, does not contain the indexing of such rulings and you have to literally go to each session and go through each one and try to put that together, which has been done. That is the reason why it has taken so long and the Chair has all the background material if you wish to take a look at it, but I am going to read it so that you will have it now.

Joint Rule 37 deals with germaneness, which in essence says that no measure finally rejected in the First Regular Session may be reintroduced in any subsequent session. The critical issue presented by the question is the definition of the word "measure". It is clear that what the Rule refers to is the same measure being reintroduced.

Having reviewed all the germaneness rulings that the Chair has made from the 107th Session in 1975 to present, this Rule has been amended and was amended after the Constitution was changed to provide for two Regular Sessions. It was, nonetheless, in effect prior to that time to bar reintroduction into Special Sessions. Thus, there are rulings on germaneness that are available prior to 1978.

After reviewing the rulings, the principles appear to be applied as follows: First, that Rule 37 has been narrowly construed to allow the greatest possible consideration of legislation by the Legislature, and to limit procedural blocks to that consideration. In simple terms, the Chair has ruled that it has followed the principle that if there is doubt concerning the question, then the bill should be admitted.

The second principle appears to be that if the title of the bill is identical, the second bill does violate Joint Rule 37. This principle was applied in rulings that the earlier minimum wage introduced this session was in fact in violation of Joint Rule 37.

The final principle is that if the substance of the bill is substantially identical, it will violate Joint Rule 37. This principle is applied to the substance of the bill and its purpose. It is not determined by identical subject matter but by identical content.

Applying these principles to the bill that I have laid out to you, I come to the conclusion that L. D. 2236 is not in violation of Joint Rule 37 and should be allowed for the following reasons:

1) *Title*. Only two bills were introduced during the First Regular Session that had titled anywhere close to that of L. D. 2236. They were L. D. 1138, Bill "An Act to Increase the Minimum Wage," and L. D. 1388, Bill "An Act to Increase the Minimum Wage." Obviously, on their face, their titles were different from the title of L. D. 2236.

The difference in this title is similar to the difference between the two bills in the 110th First and Second Regular Sessions. During the First Regular Session, a bill entitled "An Act to Require Motorcycle Operators and Passengers and Motor Driven Cycle Operators and Passengers to Wear Helmets if they are Minors" was defeated. However, another bill entitled "An Act to Require that Children who are under 15 years of Age Wear Helmets when they are Passengers on Motorcycles" was introduced in the Second Regular Session, and the Chair at that time ruled that it was germane.

It appears clear that despite the similarity in subject matter, the titles are not identical. This identity of title is important for another reason. A "germaneness" question can arise in several contexts. Aside from the Joint Rule 37 issue, it may also arise in questioning whether a proposed amendment is related to the underlying bill as to be acceptable. Clearly, the scope of germane amendments that could be added to L. D.'s 2236 is substantially narrower than those applicable to L. D.'s 1138 and 1388. For example, because of the narrow title of L. D. 2236, the substance of L. D. 1138 or 1388 could not be considered as an amendment without altering the title and thus violating Joint Rule 37. For that you may check the First Special Session Legislative Record of the 107th.

2) *Substance*. The substance of L. D. 2236 is to make a single change in the state minimum wage, increasing it from \$2.90 to \$3.55. Both of the relevant bills in the First Regular Session established a series of annual changes over several years. In addition, though possibly not as significant, different minimum wage figures were proposed for 1984.

The difference in substance is clearly sufficient to pass the test of Joint Rule 37. First, it is clearly established that Joint Rule 37 does not prevent consideration of bills that deal with the same issue or same subject matter. Those rulings can be checked by the 110th Legislature, Second Regular Session in 1980. For example, the Chair ruled that a bill requiring the wearing of motorcycle helmets by persons under 15 is not the same measure when requiring the same of persons under 18. The Chair also ruled that a bill requiring the Legislature to convene on a certain date annually is not the same measure when requiring the convening on the same day biennially. Finally, the Chair also ruled that a bill that incorporated only part of the subject matter of an earlier rejected bill could also be admitted

into special session, even if the new bill had been included in the prior broader session and rejected at that time.

Thus, it appears clear that L. D. 2236 does not violate Joint Rule 37. Its title is clearly different and more limited than the bills from the First Regular Session. Its subject matter is substantially different in two ways: it is a single change rather than a program for continuing scheduled changes in the minimum wage; and it sets a different amount for the 1984 change than the prior bills.

Though the amount differential may appear small, it obviously is not. L. D. 1138 proposed \$3.35 for 1984, and L. D. 1338 proposed \$3.45. On the basis of 52 weeks a year and 40 hours a week, this means the difference of \$936 for L. D. 1138; \$1,144 for L. D. 1338. L. D. 2236 proposes a \$3.55 minimum wage, which would equal \$1,352 per employee. The difference between those bills on this point alone is clearly substantial, being not less than \$200 per employee.

For those reasons, the Chair has ruled that this matter is properly before the body.

The Chair recognizes the gentleman from Fairfield, Mr. Gwadlosky.

Mr. GWADOSKY: Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER: The gentleman may state his inquiry.

Mr. GWADOSKY: Given your ruling, is the question now before the House reference to a committee?

The SPEAKER: The Chair would advise the gentleman that the pending question is reference to the Joint Standing Committee on Labor in concurrence with the Senate.

The Chair recognizes the same gentleman.

Mr. GWADOSKY: Would I be correct in assuming that it would be inappropriate at this time to discuss the merits of the bill but rather to limit any comment to whether or not this bill should be referred to a particular committee?

The SPEAKER: The Chair would advise in the affirmative. The only matter before us now is the question of reference and not the merits of the bill.

The Chair recognizes the same gentleman.

Mr. GWADOSKY: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed and request a roll call.

A roll call has been requested.

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

The SPEAKER: The pending question is on the motion of Representative Gwadlosky of Fairfield that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 420

YEA—Allen, Anderson, Armstrong, Bell, Boney, Bost, Bott, Brown, A. K.; Brown, D. N.; Cahill, Callahan, Carroll, D. P.; Carroll, G. A.; Conary, Conners, Connolly, Cooper, Cote, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gauvreau, Greenlaw, Gwadlosky, Higgins, L. M.; Hollaway, Ingraham, Jackson, Jacques, Joseph, Joyce, Kelleher, Kiesman, Laplante, Lebowitz, MacBride, MacEachern, Macomber, Manning, Masterman, Masterton, Matthews, K. L.; Maybury, McGowan, McPherson, Melendy, Mills, Moholland, Murphy, E. M.; Murphy, T. W.; Nelson, Paradis, E. J.; Parent, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J. W.; Richard, Ridley, Roberts, Robinson, Roderick, Salsbury, Scarpino Seavey, Sherburne, Smith, C. B.; Smith, C. W.; Soucy, Soule, Sproul, Stevenson, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Andrews, Beaulieu, Benoit, Brannigan, Brodeur, Carter, Cashman, Chonko, Clark, Cox, Diamond, Erwin, Handy, Hayden, Hickey, Higgins, H. C.; Hobbins, Kane, Kelly, Ketover, Kilcoyne, Lehoux, Lisnik, Locke, Mahany, Martin, H. C.; Matthews, Z. E.; Mayo,

McCollister, McHenry, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Murray, Nadeau, Norton, Paradis, P. E.; Paul, Rolde, Rotondi, Stevens, Tammaro, Theriault, Tuttle, The Speaker.

ABSENT—Baker, Carrier, Hall, Jalbert, Livesay, Martin, A. C.; Reeves, P.; Small, Stover, Strout, Swazey, Thompson.

91 having voted in the affirmative and 48 in the negative, with 12 being absent, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Representative Gwadlosky.

Mr. GWADOSKY: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action and hope you all vote against me and request a roll call.

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

Mr. Kelleher: Mr. Speaker, Ladies and Gentlemen of the House: I would urge the members of this House to vote to reconsider whether you believe in the bill or you don't believe in the bill.

Each of us comes down here to represent our constituents, all of them. Sometimes we vote with them and sometimes we vote against them. But at least when it comes to referring a bill to a committee, we ought to have an opportunity to speak our minds before any individual committee. And more importantly, the citizens in this state should have an opportunity to speak their minds whether they are for an issue or against it.

I have no misunderstanding on what the final outcome will be on this bill when it comes into this body, but I do think it ought to have an opportunity to be heard. By us not giving that opportunity a chance here today in reference, we are denying the public a voice, we are denying people the right to speak, and all you and I are conduits for our own constituents and for the people of this state. To deny letting this bill go to a committee, I think is unpardonable, not because of what your own personal convictions are but the right of people to have an opportunity to participate in this government. It is not just our government, it is the people's government.

As I said in my opening remarks, sometimes we support issues that our constituents want and other times we vote against their wishes, but to deny people an opportunity to publicly participate in this issue before a committee—an issue as important as minimum wage is—is unpardonable. I urge you to reconsider it and let it go to the committee it was assigned to go to.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to belabor the issue before you, but when Mr. Kelleher says you are denying people a voice over the hearing of this issue, which has been ruled to be rightfully before this committee, he is so right. The people in this instance happen to be over 100,000 minimum wage workers in the State of Maine.

I plead with you, not because I am chair of the particular committee that is going to hear this bill, I plead with you in the name of all those people to reconsider and allow this bill to have an appropriate hearing.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: As you all remember, last year this body, based upon the facts presented at that time, voted against increasing the minimum wage to \$3.50. That was last year. We are now in 1984, the bill has been ruled germane, and it is only fair and right that because this is different circumstances, it is a different year, that this matter be allowed a debate, to be allowed to have those four business people that complain about the minimum wage to have their day before the Labor Committee, to allow that shoe worker who makes the minimum wage have his opportunity if they can afford to take the time to get out of work to go talk about the wage that they make, have them appear before the Labor

Committee.

We have had 2,400 bills before this session and I see no reason why, just because it might be politically expedient for us not to deal with this issue this year, this bill should not have a hearing and be considered. If we can debate Fisheries and Wildlife from Amendments "A" to "G," we can argue whether or not the unemployed workers, the employed workers and those people who have worked for the minimum wage before deserve and do not deserve a 20 cent increase in the minimum wage. I hope we will at least give this opportunity for those who have the position in favor of the bill to be allowed to present their case before the Labor Committee next week, and I am sure that we can debate the matter one more time and make a decision based upon the merits.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I believe this House voted in favor of an increase in the minimum wage; the bill died at the other end.

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

Mr. HAYDEN: Mr. Speaker and Members of the House: I think we all ought to be real honest with ourselves right now. Whether this bill is important to us one way or the other, there is no question that it is important to some people, some people who favor an increase and some people who are opposed to it.

When I came here in the Legislature two terms ago almost, my understanding was that it was my job to represent the people in my district and represent the people of the state, and that is the reason this body is here. We have rules and we have rules to help us do that job. All of us have been around and we have seen those rules used to hurt us and we have seen those rules used to help us. But I think we really have to take one moment to really honestly ask ourselves if allowing this bill to die, this bill that is a hard issue for many of us, allowing it to die before it is referred to committee is doing our job to the people of this state.

You look at those colors up there and you saw all those reds and greens, I think this bill is probably going to have tough sledding, but it is right to use the rules of this State Legislature to gag the people who consider this a very important issue.

It is a long road, and when the rules are wielded that way, one day they will cut in your favor and one day they will cut against you.

I still consider my job to give the people in this state a chance to vote what they think is important. If I disagree with them, and I don't think that is my job to agree with them every time, then I will stand up and be counted for what I think is right, but I will never, never vote to use the rules in this House to gag something that is an important issue that is going to be resting at the feet of my neighbors and your neighbors throughout this state. I think a lot of our responsibility as elected officials is being tested right now, and when you decide how you are going to use those rules tonight, you will be saying something about what you consider your job to be in this House of Representatives.

A roll call has been requested.

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

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: We have utilized 41 legislative days, there are 9 days remaining. Last session when a bill similar to this was finally defeated in the other body and died in non-concurrence, it was on June 15, 1983, the 90th day of the First Regular Session, which meant that there were 10 legislative days left. I would like to think in my heart that it is just coincidence that these bills can't seem to get before us until the waning days of each legislative session.

I have to believe that issues that are as important as these could have been brought to us at an earlier date. The issue of minimum wage is a familiar issue but it is a substantive issue, and in fairness, if we are going to talk about raising the minimum wage, we need to talk about more than raising nickels and dimes, we have to talk about the entire structure of minimum wage, whether or not it is fair for the farmers in Aroostook County and agriculture in general to be exempt. Is it fair for sardine packers and the fishing industry to be exempt? Should we be exempting the hotel and motel industry? There are all kinds of considerations that should be taken into consideration in fairness to Maine people if we are going to deal with the minimum wage. Those considerations weren't put in the bill last session, and they are not included in this bill. In nine days, I don't think in fairness we can address these issues.

I would urge you not to reconsider.

Representative Beaulieu of Portland was granted permission to speak a third time.

Mrs. BEAULIEU: Mr. Speaker and Members of the House: I believe the issues just raised by Representative Gwadosky were raised very well the last time on both sides of the issue. I think both sides will be prepared to repeat those issues again. I am going to be sitting in my seat listening to debate on bills that have been brought in later, more bills that will be heard next week, and I will be in my seat listening to those debates. I don't think this issue is any different. We will all be here listening to debates on very major issues before us whether they came in early or late.

I again implore you to vote for the pending motion.

The SPEAKER: The pending question is on the motion of the gentleman from Fairfield, Mr. Gwadosky, that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 421

YEA—Ainsworth, Andrews, Beaulieu, Benoit, Brannigan, Brodeur, Brown, A. K.; Carter, Cashman, Chonko, Clark, Connolly, Diamond, Erwin, Handy, Hayden, Hickey, Higgins, H. C.; Hobbins, Jacques, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, Lisnik, Locke, Macomber, Mahany, Martin, H. C.; Matthews, Z. E.; Mayo, McCollister, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P. E.; Paul, Perry, Rolde, Rotondi, Smith, C. B.; Stevens, Tammaro, Theriault, Tuttle, The Speaker.

NAY—Allen, Anderson, Bell, Bonney, Bost, Bott, Brown, D. N.; Cahill, Callahan, Carroll, D. P.; Carroll, G. A.; Conary, Connors, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gauvreau, Greenlaw, Gwadosky, Higgins, L. M.; Hollaway, Ingraham, Jackson, Joseph, Kiesenman, Laplante, Lebowitz, MacBride, MacEachern, Manning, Masterman, Masterton, Matthews, K. L.; Maybury, McGowan, McPherson, Mills, Moholland, Murphy, E. M.; Murphy, T. W.; Norton, Paradis, E. J.; Parent, Perkins, Pines, Pouliot, Racine, Randall, Reeves, J. W.; Richard, Ridley, Roberts, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Smith, C. W.; Soucy, Soule, Stevenson, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Baker, Carrier, Hall, Jalbert, Livesay, Martin, A. C.; Reeves, P.; Small, Sprout, Stover, Strout, Swazey, Thompson.

56 having voted in the affirmative and 81 in the negative, with 14 being absent, the motion did not prevail.

Sent up for concurrence.

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

Consent Calendar

First Day

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

(S. P. 778) (L. D. 2097) Bill "An Act to Ensure Universal Telephone Service for Maine People" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-340)

On Motion of Representative Vose of Eastport, was removed from the First Day Consent Calendar.

The Committee Report was accepted and the Bill read once.

Committee Amendment "A" (S-340) was read by the clerk and adopted and the Bill assigned for Second Reading later in today's session.

(H. P. 1741) (L. D. 2295) Bill "An Act to Establish a Poultry Disease Control Fund" (Emergency) Committee on Agriculture reporting "Ought to Pass"

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objections, the House Paper was passed to be engrossed and sent up for concurrence.

Consent Calendar

Second Day

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

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

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

Passed to Be Engrossed

Bill "An Act Relating to the Quality of Milk" (H. P. 1804) (L. D. 2378)

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

Mr. Smith of Island Falls offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-615) was read by the Clerk.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: At a time when people are more concerned than ever with fat and cholesterol in their diets, I would just suggest to you that we should not be increasing the fat in whole milk. To make the milk taste better to increase sales is the reason given. Maine is now the leading state in the United States in milk consumption per person.

The Department of Agriculture nor the dairies have not had any requests for an increase in fat in whole milk. A change could result in loss of sales.

The present law requires a 3.25 milk fat minimum in whole milk. A dairy can go higher if he chooses to do so. Some are above the 3.25 level and they have not captured all the market as proponents of this bill might suggest.

The only competition left in the dairy business is the taste and quality of milk. The minimum price is set by the Maine Milk Commission and I don't believe that we should be taking away this competitive edge which now exists.

Should we be putting more fat in whole milk for children hoping they would acquire or develop a taste for the extra fat? Or should we be encouraging a low fat milk for the protein which is the same in skim milk as in whole milk? By increasing the fat level in whole milk, they are going to have a price increase. Also the price of ice cream, butter and cream will have to go up.

The dairy farmer is paid on the level of fat in their milk. Above 3.5, they get more; below, they get less. Does that not suggest to you that whole milk would go up if the fat level went up?

The dairies are opposed to this bill because of the cost to them. One young man testified at the hearing that he and his brother operate a small dairy and if this bill passed raising the level of fat, they would go out of business. There are five reasons I am opposed to this bill. One, the