

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, April 7, 1971

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

Prayer by the Rev. Mr. Bruce Meyer of Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication:

Report from Senate Security Officer re Conference on Legislative Security in State Legislatures held in Washington, D. C. (S. P. 537)

(For contents of Report, refer to Senate Advance Journal and Calendar of April 6, 1971)

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

Bills from the Senate requiring reference were disposed of in concurrence.

Reports of Committees**Ought not to Pass**

Report of the Committee on Veterans and Retirement reporting "Ought not to pass" on Bill "An Act relating to Retirement of Penal and Correctional Institution Heads" (S. P. 290) (L. D. 844)

In accordance with Joint Rule 17-A, was placed in the legislative files.

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act relating to Criminal Trespass in Buildings and on Premises" (S. P. 231) (L. D. 693) reporting same in a new draft (S. P. 532) (L. D. 1568) under same title and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence, the New Draft read twice and tomorrow assigned.

Ought to Pass

Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act relating to Proof of Financial Responsibility under Financial Responsibility Law" (S. P. 402) (L. D. 1176)

Report of same Committee reporting same on Bill "An Act relating to Return of Deposit for Security under Financial Responsibility Law" (S. P. 403) (L. D. 1177)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act Increasing Fees of Witnesses in the Courts" (S. P. 228) (L. D. 674) reporting "Ought to pass" as amended by Committee Amendment "A" (S-61) submitted therewith.

Report of the Committee on State Government on Bill "An Act to Create the Maine Historic Preservation Commission" (S. P. 159) (L. D. 428) reporting "Ought to pass" as amended by Committee Amendment "A" (S-62) submitted therewith.

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed as amended by Committee Amendment "A".

In the House, the Reports were read and accepted in concurrence and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bills.

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act relating to Special Agency Stores under Liquor Laws" (S. P. 362) (L. D. 1058)

Report was signed by the following members:

Messrs. SHUTE of Franklin
HOFFSES of Knox
FORTIER of Oxford
— of the Senate.

Messrs. BAILEY of Woolwich
IMMONEN of West Paris
HAWKENS of Farmington
MADDOX of Vinalhaven
GAGNON of Scarborough
LIZOTTE of Biddeford
— of the House.

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

Report was signed by the follow-
ing members:

Messrs. FAUCHER of Solon
SLANE of Portland
TANGUAY of Lewiston
STILLINGS of Berwick
— of the House.

Came from the Senate with the
Majority Report accepted.

In the House: Reports were read.
On motion of Mr. Bailey of Wool-
wich, the Majority "Ought not to
pass" Report was accepted in
concurrence.

Divided Report

Majority Report of the Commit-
tee on State Government reporting
"Ought not to pass" on Bill "An
Act relating to Disposition of Por-
tion of Fees Collected by Maine
State Park and Recreation
Commission" (S. P. 20) (L. D. 48)

Report was signed by the follow-
ing members:

Messrs. WYMAN of Washington
JOHNSON of Somerset
CLIFFORD
of Androsoggin
— of the Senate.

Messrs. HODGDON of Kittery
FARRINGTON
of Old Orchard Beach
CURTIS of Orono
STILLINGS of Berwick
DONAGHY of Lubec
— of the House.

Minority Report of same
Committee on same Bill reporting
"Ought to pass" as amended by
Committee Amendment "A"
submitted therewith.

Report was signed by the follow-
ing members:

Messrs. COONEY of Webster
MARSTALLER
of Freeport
STARBIRD
of Kingman Township

Mrs. GOODWIN of Bath
— of the House.

Came from the Senate with the
Minority Report accepted and the
Bill passed to be engrossed as
amended by Committee Amend-
ment "A" and Senate Amendment
"A".

In the House: Reports were read.
On motion of Mr. Marsteller of
Freeport, the Minority "Ought to
pass" Report was accepted in
concurrence.

The Bill was given its two
several readings.

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

Senate Amendment "A" (S-55)
was read by the Clerk and adopted
in concurrence.

The Bill was assigned for third
reading tomorrow.

Divided Report

Majority Report of the Commit-
tee on Transportation on Bill "An
Act relating to Age Limit for Motor
Vehicle Operator Licenses" (S. P.
4) (L. D. 18) reporting "Ought to
pass" as amended by Committee
Amendment "A" submitted there-
with.

Report was signed by the follow-
ing members:

Messrs. JOHNSON of Somerset
GREELEY of Waldo
KELLAM of Cumberland
— of the Senate.

Messrs WOOD of Brooks
CROSBY of Kennebunk
HALL of Windham
LEE of Albion
KEYTE of Dexter
FRASER of Mexico
BARNES of Alton
— of the House.

Minority Report of same
Committee reporting "Ought not to
pass" on same Bill.

Report was signed by the follow-
ing members:

Messrs. LEBEL of Van Buren
DUDLEY of Ellsworth
McNALLY of Ellsworth
— of the House.

Came from the Senate with the
Majority Report accepted and the
Bill passed to be engrossed as
amended by Committee Amend-
ment "A".

In the House: Reports were read.
On motion of Mr. Lebel of Van
Buren, the Minority "Ought not to

pass" Report was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Report of the Committee on State Government on Resolution Proposing an Amendment to the Constitution Raising the Municipal Debt Limit from Seven and One-half to Fifteen Percent (H. P. 83) (L. D. 123) reporting same in a new draft (H. P. 1041) (L. D. 1099) under title of "Resolution Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature" and that it "Ought to pass" which Report was accepted in the House and the Resolution passed to be engrossed on March 10.

Came from the Senate with the original Resolution substituted for the Report and referred to the Committee on Legal Affairs in non-concurrence.

In the House: On motion of Mr. Porter of Lincoln, the House voted to recede and concur.

Non-Concurrent Matter Tabled Later in the Day

Majority Report of the Committee on Education on Bill "An Act Providing for Mandatory Retirement for Teachers" (S. P. 305) (L. D. 899) reporting "Ought to pass" as amended by Committee Amendment "A" and Minority Report reporting "Ought not to pass" which Reports and Bill were indefinitely postponed in nonconcurrence in the House on April 2.

Came from the Senate with that body voting to insist on its former action whereby the Majority Report was accepted and the Bill passed to be engrossed as amended by Committee Amendment "A", and asking for a Committee of Conference with the following Conferees appointed on its part:

Messrs. KATZ of Kennebec
CHICK of Kennebec
MINKOWSKY

of Androscoggin

In the House: On motion of Mrs. Wheeler of Portland, tabled pending further consideration and assigned for later in the day's session.

Non-Concurrent Matter

Bill "An Act relating to Switch Targets under Railroad Law" (H. P. 347) (L. D. 456) which was passed to be engrossed as amended by Committee Amendment "A" in the House on March 23.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Genest of Waterville, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Revise the Laws Relating to Authority for Granting Degrees and to Approval of Degree-granting Institutions" (H. P. 706) (L. D. 949) which was passed to be engrossed in the House on March 30.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On the motion of Mr. Woodbury of Gray, the House voted to insist and ask for a Committee of Conference.

Orders

On motion of Mr. Trask of Milo, it was

ORDERED, that Mr. Silverman of Calais be excused from attendance for the duration of this week and next week because of business.

On motion of Mr. MacLeod of Bar Harbor, it was

ORDERED, that Rev. Roland M. Lord of West Tremont be invited to officiate as Chaplain of the House on Friday, April 16, 1971.

House Reports of Committees Ought Not to Pass

Mr. Lessard from the Committee on Health and Institutional Services reported "Ought not to pass" on Bill "An Act Requiring a Physical Examination in Mental Competency Examination at State Mental Hospitals" (H. P. 651) (L. D. 882)

Mr. Santoro from same Committee reported same on Bill "An Act to Clarify the Laws Relating to Hairdressing" (H. P. 488) (L. D. 629)

In accordance with Joint Rule 17-A, were placed in the legislative files and sent to the Senate.

Leave to Withdraw

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act to Fund the Costs of Public School Education from State Sources" (H. P. 835) (L. D. 1131) reported Leave to Withdraw.

Mr. Hayes from the Committee on Veterans and Retirement reported same on Bill "An Act relating to Retirement Benefits for Police Officers under State Retirement System" (H. P. 727) (L. D. 973)

Reports were read and accepted and sent up for concurrence.

Referred to Committee on Natural Resources

Mr. Farrington from the Committee on State Government on Bill "An Act Creating the Maine Appalachian Trail Authority" (H. P. 1123) (L. D. 1548) reported that it be referred to the Committee on Natural Resources.

Report was read and accepted, the Bill referred to the Committee on Natural Resources and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Hardy from the Committee on Natural Resources on Bill "An Act to Authorize Pollution-control Facilities to Be Financed by the Issue of Revenue Obligation Securities under the Municipal Industrial and Recreation Obligations Act" (H. P. 465) (L. D. 593) reported same in a new draft (H. P. 1259) (L. D. 1618) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

Ought to Pass Printed Bills

Mr. Ault from same Committee reported "Ought to pass" on Bill "An Act Reclassifying the Waters of Lake Auburn and Little Wilson Pond, Androscoggin County" (H. P. 606) (L. D. 808)

Mrs. Brown from same Committee reported same on Resolve Appropriating Funds to Prevent

Sawdust Pollution at South Branch Lake and Saponac Pond in Penobscot County (H. P. 894) (L. D. 1214)

Reports were read and accepted, the Bills read twice, Resolve read once, and tomorrow assigned.

Ought to Be Adopted

Mr. Donaghy from the Committee on State Government reported "Ought to be Adopted" on Joint Resolution Memorializing the Honorable William P. Rogers, Secretary of State, to Negotiate by Treaty the Eastern Seaward Boundary Between Canada and the United States and the Responsibilities of Each Government with Respect to Oil Spills in the Bay of Fundy (H. P. 1222) (L. D. 1435)

Report was read and accepted, the Resolution adopted and sent up for concurrence.

Ought to Pass with Committee Amendment Passed to Be Engrossed

Mr. Gill from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Continuation of Accreditation of the Augusta State Hospital" (H. P. 322) (L. D. 431) reported "Ought to pass" as amended by Committee Amendment "A" (H-105) submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment "A" (H-105) was read by the Clerk and adopted.

On motion of Mr. Birt of East Millinocket, under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Mr. Clemente from the Committee on Health and Institutional Services on Bill "An Act relating to Meetings, Chairman and Employees of Board of Commissioners of the Profession of Pharmacy" (H. P. 454) (L. D. 609) reported "Ought to pass" as amended by Committee Amendment "A" (H-106) submitted therewith.

Mr. Good from the Committee on Labor on Bill "An Act to Provide for Administrative

Enforcement of the Municipal Public Employees Labor Relations Law" (H. P. 600) (L. D. 801) reported "Ought to pass" as amended by Committee Amendment "A" (H-107) submitted therewith.

Mr. Gagnon from the Committee on Liquor Control on Bill "An Act relating to Sale Price of Liquor" (H. P. 856) (L. D. 1181) reported "Ought to pass" as amended by Committee Amendment "A" (H-108) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bills.

Divided Report Tabled and Assigned

Majority Report of the Committee on Public Utilities on Bill "An Act to Amend the Act to Prevent the Pollution of the Waters of Sebago Lake" (H. P. 201) (L. D. 268) reporting same in a new draft (H. P. 1258) (L. D. 1617) under same title and that it "Ought to pass"

Report was signed by the following members:

Mrs. BERUBE of Lewiston
Messrs. CONLEY

of South Portland
EMERY of Auburn
TYNDALE

of Kennebunkport
MARSH of Hampden
SHUTE

of Stockton Springs
RAND of Yarmouth

— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. MOORE of Cumberland
VIOLETTE of Aroostook
MARCOTTE of York

— of the Senate.
Messrs. MOSHER of Gorham
BARTLETT

of South Berwick
WILLIAMS of Hodgdon
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I move that we accept the Minority Report and I would like to speak to my motion.

The SPEAKER: The gentleman from Hodgdon, Mr. Williams moves that the House accept the Minority "Ought not to pass" Report.

The gentleman may proceed.

Mr. WILLIAMS: Mr. Speaker and Members of the House: I hope that the House will go along with the Minority Report of the Committee on Public Utilities. I believe this to be an unnecessary restriction on the waters of Sebago Lake. I would like to explain some of the reasons for the Minority Report.

To begin with, Sebago is a large lake. It contains about 46 square miles of area and an estimated seven billion gallons of water, and in places it is 300 feet deep. The Portland Water District intake is in a sort of cove far away from either the inlet or the outlet of the lake. They already have restrictions on a two-mile radius against bathing and so forth.

I myself was always in favor of the multiple use of the woods and water. It is hard for me to believe that a fisherman standing on the Standish shore a mile and a half away is going to greatly pollute the intake of the Portland Water District, which is 800 feet from the shore and 110 feet under water.

This area is not heavily fished. Most boats simply cross it to other parts of the lake. I am sure you are going to hear a lot about protecting the water supply of 160,000 people. I would like to point out to you that the water in this end of the lake is still pure without these restrictions. If the water in Sebago Lake is ever polluted it will be by the Frye Island development, not by a few local fishermen.

This spring the voters of Standish in their town meeting, people who live here, know the conditions and also drink the water, voted 137 to nothing against these restrictions. Who could know the conditions better than these people? The superintendent of the Portland Water District spoke of his great concern for the purity of the water

but acknowledged nothing had happened or was apt to happen to the water quality in the near future.

Some people are greatly concerned about the Apollo rockets bringing back germs from the moon. In my opinion, neither of these events is apt to happen very soon. In my opinion, if the Portland Water District wants to keep Sebago Lake pure, they had better start improving their public relations with the people of Standish and the other surrounding towns instead of trying to harass them with such bills as this.

I hope that you will go along with the "ought not to pass" report. Thank you.

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

Mr. GILL: Mr. Speaker and Members of the House: I see that this is in the form of a new draft and it was distributed to our desks this morning, and I haven't had the opportunity to compare it with the original. At this point I am neither a proponent on this or an opponent. However, where I do come from that area and we consume this water occasionally, and it represents a large amount of consumption, I would appreciate it if someone could place this on the table for one legislative day.

Whereupon, on motion of Mr. Hardy of Hope, tabled pending the motion of Mr. Williams of Hodgdon to accept the Minority "Ought not to pass" Report and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act relating to Rates of the Waldoboro Sewer District (S. P. 381) (L. D. 1138)

Bill "An Act relating to Service Charges for Sewage Disposal" (S. P. 394) (L. D. 1172)

Bill "An Act relating to Discrimination under the Personnel Law Because of Age" (S. P. 420) (L. D. 1235)

Bill "An Act relating to Terms of the Members of the Land Damage Board" (S. P. 527) (L. D. 1545)

Bill "An Act relating to Jurisdiction of the District Court in Certain Felony Cases" (S. P. 529) (L. D. 1546)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Third Reader Amended

Bill "An Act relating to Retail Sale of Fortified Wine" (H. P. 656) (L. D. 897)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Lizotte of Biddeford offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-111) was read by the Clerk and adopted.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker and Members of the House: Having been a member of the committee that heard this bill I am quite concerned that we have gone along and accepted the minority report, but a lot has been said about people believing that they were voting for fortified wines when they voted on question 6-A in the last referendum. It seems to me that if the people are so blind that they cannot understand a clearly stated question as this was, that we would be ill advised maybe to put many questions to referendum.

It has also been stated that there are over 1600 varieties of wines in some of our grocery stores at the present time. I am beginning to wonder where some of these stores would find room to stock more and still have room for their food stock. It was pointed out at our hearing that fortified wines have as much alcoholic content as the majority of our cocktails that are used.

This bill also provides for 17-year-olds to sell this fortified wine, which I feel would seriously affect the control of the distribution of this wine. Now already before this bill has been enacted we find that they are already trying to decrease the fees for the sale of this wine.

For this reason and many more I now move for the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Woolwich, Mr. Bailey now

moves the indefinite postponement of this bill.

The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker and Members of the House: On the referendum that was offered to the people when this bill was presented at no time did it specify the alcohol content as to what type of wine was to be sold in these stores. And I am sure as my good friend Mr. Bailey said, that maybe it would be a good idea if people were more aware of what they were voting for. But in this case I believe that it should have been specified in the referendum that the table wines were of 14 percent content, and it didn't say that and it didn't say that it had less than 20 percent content.

As far as 17-year-olds selling this wine, this would only be for the checkouts, and this was only brought out because of the 17-year-olds having the right to checkout the beers and the wines but they would have supervision of people over 20 years old. I move that we adopt this amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Woolwich, Mr. Bailey, that the bill be indefinitely postponed.

The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: As I look at this amendment it looks to me as if a hardware store might be able to get a license to sell wines. Now I don't know as I can go along with that.

I wonder how liberal we are going to become in the selling of liquor in this state, wines and so forth. At the 104th session when this bill was presented to us, they told us in all good faith that they were only interested in table wines being sold in grocery stores. Now wines have only been on sale for three months and here we are back again asking for fortified wines.

I hope you go along with the motion to indefinitely postpone and, Mr. Speaker, I ask for the yeas and nays.

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

Mr. TANGUAY: Mr. Speaker and Members of the House: I would just mention to you that the amendment will authorize, what did he say, hardware stores to sell wine and beer and liquor. Well it is already legal; in other words, in our liquor laws at present, if other merchandise, other stock of merchandise, they can already sell wine. Of course you are not changing any liquor laws; all we are doing is permissive legislation to allow us to allow licensees to sell fortified wines.

It was pointed out yesterday there is only a difference of about four percent in alcoholic content, and I doubt very much that when our constituents in different areas voted for wines, they did not vote for table wines, they were under the impression that the grocery stores were going to handle wines. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I haven't often injected myself into these wet and dry bills. In general I have thought that I would let well enough alone. I am neither a dry nor a wet; I am neither a boozer nor a teetotaler. But I am fast arriving at the conclusion that I am going to lean toward the side of the drys pretty fast.

Two years ago when we voted on the authorization for grocery stores to sell table wines, the proponents went into great lengths in describing table wines, that they were only up to 14 per cent, that it would be very difficult for anybody to get drunk on them, that they wanted them in the stores, our liquor stores were overburdened with them, they weren't moving, that there were a class of people, little old ladies, retired school teachers, widows, that would not go near liquor stores.

Now that is the absolute fact; that is true. Now any of you who have stood in these grocery stores the last few months and watched

the bottles being put in grocery baskets can realize that that is true. But I wonder if these little old ladies and the retired school teachers would want us to keep raising up the alcoholic content, getting a foot in the door to keep increasing it.

If we are going to do that, we might just as well move to open everything up, let anybody buy any kind of liquor and sell it in the store. I think that a lot of people have been for that and a lot of people would be now, but apparently the State of Maine is not.

It seems like all of these things try to edge into our legislature every two years. They try to get an extra hour of staying opened. They try to stay open on — I believe we had a bill anyway to stay open on Election Day and several holidays. They have got Sunday sales to a certain extent. So that gradually it is an encroachment upon the rights that some people have to say — “well now today there isn’t going to be very much liquor sold, today we can feel that we aren’t going to see people in barrooms drinking, and so on.”

Now another aspect. I am not a moralist, but how many of you read the newspapers and see the news on television, hear it on radio, of accidents caused by alcohol? I have never preached this before, but it is getting to be one of our chief problems in this country — alcohol.

You read the statistics on the amount of alcoholic liquors consumed in this country per capita, for instance, compared to Canada. There are a lot of countries in the world that have had liquor all the history of their countries and they treat it respectfully. There are so many of us in this country who do not treat it respectfully. We rave about our younger set having no more respect for their parents. A good many times they are justified in having no respect for their parents.

You see shows on television, you go to the movies, and what do you see when two or three people get together? The first thing

they want to do is to take a drink. It is getting to be a terrible social problem and now it is getting into our high schools. How soon is it going to be down into the grades?

So this bill is just merely another encroachment and, as I say, I don’t often inject myself into it; but I certainly second Mr. Tanguay’s motion that this bill and all its papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I certainly didn’t intend to get into this discussion. However, I have sat here listening to the arguments and I am sure that the great majority of my constituents would be disappointed if I did not express my thinking on this matter at this time.

I feel that the liquor interests are moving too fast in this matter. I recall the argument as referred to by the gentleman from Norway, Mr. Henley, that were made at the time of the last session. I certainly hope that we do not grant this further encroachment, if I might refer to that, at this time. If I should happen to be here two years from now, which I probably won’t, and they should ask to have vodka sold in these stores I would oppose that at that time too.

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

Mr. LAWRY: Mr. Speaker and Members of the House: I would just like to concur with the remarks of my good friend from Perham, Mr. Bragdon. I, too, having been here two years ago heard the same arguments that Mr. Henley brought to our attention and they are just as valid today as they were then, and I hope we all vote to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: I certainly would be amiss after the telephone calls and the many peo-

ple who have taken the time to come to the house and ask me to at least vote against this law. Some of them are even selling the wines and they think they have got wines enough in the store right now and they see no reason for increasing the amount. So I am most certainly going along with the indefinite postponement.

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

Mr. MANCHESTER: Mr. Speaker and Members of the House: As a retailer I would just like to point out a couple of things. There are only three or four wines we can't have now and what few we sell it would make no difference whatsoever as far as our profit is concerned, but there are several people every day coming in and wanting to know where the port is and the sherry or the muscatel, and they get very upset because they have got to go across town to the liquor store. We carry about all the others and there are just these three or four that we can't handle, and it is very confusing for the customer.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: You know normally you hear me talk about referendums and constitutional amendments and this sort of thing and I don't get into a hassle on liquor; and I don't know exactly why I should this morning except I hear this constant talk about referendum. I thought that a few years ago we passed a law that these local option questions shouldn't be submitted to the people, only after somebody had brought in a petition with a certain number of names on them, so we wouldn't have them cluttering up our ballot. I voted for that. I thought it would be a pretty good idea. But every year since then we seem to be having something more that will have a referendum on some sort of a liquor question. I can't see why we should clutter up the ballot with it.

I don't see as this nit picking — I don't really see why this is relevant. It is kind of a nit picking

sort of a thing. It doesn't really do too much. But, the darn thing going out for referendum, people asking why, and you had this thing up for referendum two years ago, and now you are coming up again, and I think there will be just as much confusion as ever. I don't think there is any necessity in cluttering up the ballot any more and I think I will vote against this.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I was not going to speak on this bill this morning but to me I look at it like it was an economy measure. If we could get rid of all the wines in our state liquor stores, in the first place it wouldn't cost us so much money to operate the liquor store.

I feel that it is coming fast, it is not going to be at this session of the legislature, nor at the next; but I would say within seven or eight years that this state should get out of the liquor business. When we are going to do \$38 million worth of business and only clear a \$13 million profit, I think it is time we had a looksee how much it is costing us to operate these stores.

Now I don't see any letdown as far as involvement is concerned, whereby they talk about teenagers, we bring in these little old ladies, who half the time send somebody else to buy their wines anyway. They don't want to be seen; that is true. Or they go out of state and they buy it. It is to keep our customers, the customers who are the people of this state and others who come into this state, from being confused to where they are going to go to buy a bottle of wine.

Let us put it all back in the state liquor stores, or put it all in the grocery stores, one or the other. I don't care which, as far as I am concerned it doesn't do anything for me; except that what I want is to be able to go into a store and get the label that I want to buy, which is not available now in our state liquor stores. And that is one of the reasons that I want to put these wines in the grocery stores — for variety,

and that is the only thing. I hope that the motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I certainly wasn't completely serious when I made the comment about putting vodka in the stores two years from now. However, after listening to the remarks just made by the gentleman down front, I feel that I came nearer hitting the nail on the head than I thought at the time I made the remark.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I will not take too much time. I don't usually get into these affairs either, but I rise in concurrence with what Mr. Bragdon from Perham has just said. I hope that you indefinitely postpone this thing.

The SPEAKER: The Chair recognizes the gentleman from Alton, Mr. Barnes.

Mr. BARNES: Mr. Speaker and Members of the House: I am afraid that my constituents would disown me if I didn't get up and say at least a half a dozen words against this bill. I realize that my home town is very close to the Town of Enfield. I also realize according to the testimony that I have heard in the past that passage of this bill would seriously affect the health of some kindly old souls up there, who are more or less dependent upon wine for their longevity, the soundness of their teeth. But nevertheless in spite of all this I wish to go on record as being definitely opposed to it, and I hope you will support the motion to indefinitely postpone. Thank you.

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

Mr. SHELTRA: Mr. Speaker and Ladies and Gentlemen of the House: The only comment that I would like to make this morning is that in our particular segment of the state our population triples during the summer

months; and this in itself creates turmoil and travel congestion and confusion, not only between the tourists, but ourselves as well.

So we have some of the would be wine customers going into the grocery stores, not being able to obtain the purchase of their choice, then conversely they have to turn around and ultimately proceed toward the liquor store. I think you are only adding so much more to this unnecessary confusion. I think the case in point here is the fact that it is obtainable in either one place or the other, so let's all have it at the grocery store where it belongs; and please vote not to indefinitely postpone this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I didn't intend to bore you this morning with anything about a bill of this nature. I just heard the Town of Enfield mentioned, and I just thought I would call to your attention that this town is so small that we don't have one of these stores that sell wine. Most of the kind souls in my area make their own wine, and they put whatever contents they want in it. If they want 21 percent by volume, they know just how to make it 21 percent by volume.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Woolwich, Mr. Bailey, that Bill "An Act relating to Retail Sale of Fortified Wine," House Paper 656, L. D. 897, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bailey, Baker, Barnes, Bartlett, Bernier, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Bustin, Carrier, Churchill, Collins, Curtis, A. P.; Donaghy, Emery, D. F.; Evans, Finemore, Gagnon, Good, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Hewes, Immonen, Kelley, K. F.; Lawry, Lee, Lewin, Lincoln, Littlefield, Maddox, Mahany, Marstaller, McNally, Millett, Mosher, Page, Parks, Porter, Rand, Rollins, Scott, Shaw, Shute, Simpson, T. R.; Starbird, Stillings, Susi, Trask, Tyndale, Webber, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Albert, Ault, Bedard, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Call, Carey, Clemente, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, T. S., Jr.; Dam, Dow, Doyle, Dudley, Dyar, Faucher, Fecteau, Fraser, Gauthier, Genest, Gill, Goodwin, Hancock, Hodgdon, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lebel, Lessard, Lewis, Lizotte, Lund, Lynch, MacLeod, Manchester, Marsh, Martin, McCloskey, McCormick, McKinnon, Mills, Morrell, Murray, Norris, O'Brien, Orestis, Payson, Pontbriand, Pratt, Rocheleau, Ross, Sheltra, Simpson, L. E.; Slane, Smith, D. M.; Tanguay, Theriault, Vincent, Wheeler, Whitson.

ABSENT—Carter, Clark, Crosby, Cyr, Drigotas, Emery, E. M.; Farrington, Hanson, Herrick, Jalbert, Jutras, Lucas, McTeague, Santoro, Silverman, Smith, E.H.

Yes, 64; No, 70; Absent, 16.

The **SPEAKER**: Sixty-four having voted in the affirmative and seventy having voted in the negative, with sixteen being absent, the motion does not prevail.

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

Bill "An Act relating to Open Season for Fishing in Lakes, Ponds, Rivers, Brooks and Streams" (H. P. 672) (L. D. 909)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

**Third Reader
Tabled and Assigned**

Bill "An Act Transferring Services to Alcoholics and Drug Addicts to the Bureau of Mental Health" (H. P. 674) (L. D. 911)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The **SPEAKER**: The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. **GOOD**: Mr. Speaker and Ladies and Gentlemen of the House: This little bill, L. D. 911, that was rejected last year has sneaked in here again this year. In my opinion it is a very bad bill. It is an attempt by the Department of Mental Health and Corrections to take over the budget of the Division of Alcoholic Rehabilitation of the Health and Welfare Department, with absolutely no provision to absorb the present personnel of the Division of Alcoholic Rehabilitation, or to use the many years of combined experiences of the men now employed there that have been working with this particular problem.

They want to put Drug Abuse and the treatment of Alcoholics under the same canopy. To the layman this is a good grouping, but actually there is no comparison between the treatment of these two social ills. Although not as uncomplicated as I am telling it, drug abuse is the continued need of the body and soul destroying drugs brought on by voluntary experimentation by persons who would be under normal conditions a well adjusted person.

While the excessive use of alcohol in a great number of cases is brought on primarily by a personality defect, to wit: insecurity, bashfulness, lack of self confidence, speech defect or any number of real or fancied defects of character or personality.

The treatment of these two problems is vastly different and the road to recovery has many different angles. In short, drug abuse can be helped better by scientific and medical treatment in large centers where they are heavily funded federally and have made an extensive study of this problem.

Alcoholism on the other hand, and it has been proven, can best be combatted by some medical attention, but more so by men who have been through the mill, so to speak.

Every one of the counselors in the Division of Alcoholic Rehabilitation are recovered alcoholics and with the exception of the last few years, when a course of study at the Yale School of Alcoholic Studies has been offered, they had only their experience to draw upon and they have been doing a remarkable job.

It has been stated in some circles that the change would draw more federal money for this problem. I have researched this somewhat and find that this is not so. To put a well run division such as the Division of Alcoholic Rehabilitation under the top heavy department of Mental Health and Corrections would undoubtedly result in a less efficient operation and it would cost more money as usually is the case in centralized tactics such as this.

I think this is needless legislation. We have a bill following which is 1613, that combines the two departments, Health and Welfare and Mental Health and Corrections. If they want a consolidation of the deal, then 1613 is the L. D. to consider.

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

(On motion of Mr. Carrier of Westbrook, tabled pending the motion of Mr. Good of Westfield to indefinitely postpone and tomorrow assigned.)

Bill "An Act relating to the Requirement for a Board of Registration" (H. P. 1242) (L. D. 1551)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Binnette of Old Town offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-112) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: This

amendment refers to one of the major items of the bill. At the present time, boards of registration consist of three persons. Two of these are nominated by the political committees and then appointed by the municipal officers. The chairman is appointed by the Governor.

Now this says that the political committees will actually appoint and not just recommend, but appoint two members, and the third will be appointed by the municipal officers of the town, and he must be a member of the party having the most members in it.

The majority of the committee, 9 to 3, felt that this was the fairest way to set up these boards of registration. And I move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that House Amendment "A" be indefinitely postponed.

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

Mrs. BOUDREAU: Mr. Speaker and Ladies and Gentlemen of the House: I reluctantly signed the "Ought to pass" Report on this legislation. I objected to the section that this amendment would repeal.

Members who served with me in the 104th probably remember that I was responsible for a similar bill being indefinitely postponed in that session. But two years have passed, these positions have not been filled, we have a presidential election coming up in 1972. My feeling was that we should have fully staffed, responsible boards of registration. And I guess I felt half a loaf was better than nothing.

I also made it very clear in committee that if this should suffer the fate of some of Representative Ross's election bills that I definitely would reverse my vote, and I still feel that the municipal officials should not have their hands tied and I will support the amendment.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Members of the House: I am opposed to the motion of the gentleman from Bath, Mr. Ross. When the vote is taken I hope it will be by division.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Members of the House: As Mr. Ross has told you, this amendment removes one of the prime features of L. D. 1551. It is my understanding that the Governor has expressed a desire to be relieved of these appointments. Whether this is true or not, the facts speak for themselves. The Governor and Council have failed to act on almost 100 percent of the vacancies which are in over 50 percent of the communities involved.

In several instances the problem dates back four and five years. This matter deals with over one half the population of Maine. If you are realistic you will see that this amendment places the situation right back to the same problem we have now, but perhaps in a different form.

If you vote for this amendment there will probably be no improvement in the situation; we will continue to do what we are doing now. I predict the chaos and confusion will continue if this bill does not pass without the amendment. I urge you to vote for the indefinite postponement measure. Thank you.

Mr. Ross of Bath requested a roll call.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I have heard the fair lady from York make a statement there is a lot of confusion at the present time. Why is there such a confusion? The confusion lies in the fact that we have a Council who is politically oriented, and we have a Governor who is trying to do things that are fair and equal to everyone. Therefore they are at a dead end. The Council will not agree on some of his recommendations, but after all everyone in this House knows

that the Governor himself has the right to nominate. And I think we are trying to take away some of the privileges from the Governor.

So much so that the way this bill is written up, without the amendment, is unconstitutional, because it tells you in there that they can name according to the municipal officers, they will take the largest number of enrolled party members in that community. Now we have a lot of people in many communities who are registered as independents, according to this bill here they have no right whatsoever to be a chairman of the board. And the Governor, on the other hand, has that right, he can name an independent.

The way this bill is written here, there are only just two parties which can be eligible for a chairmanship, and therefore I say this bill is not constitutional. Therefore I hope that my amendment passes.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that House Amendment "A" to Bill "An Act relating to the Requirement for a Board of Registration", House Paper 1242, L. D. 1551, be indefinitely postponed. If you are in favor of the indefinite postponement of House Amendment "A" you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, B r a g d o n, Brawn, Brown, Bunker, Churchill, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Dyar, Emery, D. F.; Evans, Finemore, Fraser, Gagnon, Gill, Good, Hall, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelley, K. F.; Lee, Lewin, Lin-

coln, Littlefield, MacLeod, Maddox, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Parks, P a y s o n, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Albert, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Call, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Dam, Dow, Doyle, Dudley, Faucher, Fecteau, Gauthier, Genest, Goodwin, Hancock, Jalbert, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Lawry, Lebel, Lessard, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, Mills, Murray, O'Brien, O r e s t i s, Pontbriand, Rocheleau, Sheltra, Slane, Smith, D. M.; Tanguay, Theriault, Vincent, Webber, Wheeler, Whitson.

ABSENT — Clark, Drigotas, Emery, E. M.; Farrington, Hanson, Hardy, Jutras, Kilroy, Lewis, Lund, McTeague, S a n t o r o, Silverman, Smith, E. H.; Starbird.

Yes, 73; No, 62; Absent, 15.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-two in the negative, with fifteen being absent, the motion does prevail.

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

Mr. JALBERT: Mr. Speaker, I now move the indefinite postponement of this measure and all of its papers, and I would speak on my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves the indefinite postponement of L. D. 1551. The gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: I have often said on the floor of this House and I have told them in committee, and I have said so in the corridors, that more than generally when it concerns itself with matters of the Appropriations Committee or finances, more than once I have acted in a manner that I thought was right, and even at times I have gone opposed to my own party

thinking, even concerning the front office.

I appeared before the Election Laws Committee this year, and sitting on the Election Laws Committee were two people among the others within the Republican Party that I have a great deal of respect for; namely the gentlewoman from York, Mrs. Brown, and the gentleman from Bath, Mr. Ross, with whom I have proudly been friendly for many moons. I suggested then to the Majority Party within the Election Laws Committee that it was no longer so that you could win elections without the good issues and without the good candidates.

I can hark back to the days when issues like this could be presented and passed without hardly even a murmur from any member of the minority. You see, I can hark back to the days when I was a member of this body when there were 13 of us, and one in the other unmentionable branch; and certainly not a Democrat in the front office. And a continuation of trying to win elections, or trying to rally the voting citizenry of the State of Maine with gimmicks like these has very definitely come to pass. And if you don't believe me, all you have to do is look at the record. And if you don't believe the record, you can look at the record in the future years.

Now immediately we ask, for instance, as an example, for a ruling of the Court on a bill, whether we can go to referendum now or whether we would have to wait. It indicated that the leaders, as I read the papers and listened to the TV, it indicated that the leaders were hoping to go now or during the session in referendum. I have indicated my opposition to this thinking, and I am very happy about the Court's decision, because if the Court's decision had been otherwise than it was, there were some that might have been working not only on Part II, but on Part III and Part IV. And I wanted no part of that.

In as far as mixing this in with the big box, that is a pipe dream; because I can assure you of one thing, we are going to take a little

look at those petitions. We are going to have a little something to say about the big box.

Going back to the issue here, I would suggest to the gentleman from Old Town, Mr. Binnette, that in that my motion to indefinitely postpone will not prevail, and I speak of him as a good seated member of the Election Laws Committee, that he need have no fear, because whether this thing is enacted or not enacted, if it is enacted we will see this bauble back with us again, and we will win our point.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I certainly do thank my good friend, the gentleman from Lewiston. Mr. Jalbert, for his kind remarks. I have already explained the committee's feeling on this bill. It certainly is not a gimmick; it is a very logical procedure.

I have nothing else to say about it today, except that I now request that when the vote be taken, it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I am sure the gentleman from Bath, Mr. Ross, didn't realize that I would stick with him any longer than a day; and this has to be the parting day, I guess.

There are basically two problems that bother me, and if we want to be nonpolitical for a moment, let's try that approach. It may not do any good, but let's take a look at it. First of all it says that the Republican and Democratic Committee shall nominate an individual who shall serve as a member of the Board of Registration.

Now it is quite possible in my opinion that either party has in certain communities a certain group that run the Republican or Democratic party that would nominate an individual that ought not to be on the Board of Registra-

tion. It is possible that some of the committees in some of the communities would use it as an avenue to pay off someone, which it ought not to be. I think it is one thing to recommend; but it is another thing that you have to force the committee to appoint that individual.

The second thing that bothers me is the point raised by the gentleman from Old Town, Mr. Binnette, and that is that Independents under the bill would not have an opportunity to sit on the Board of Registration. It is my opinion that Independents are as well qualified to sit on that board as a member of the enrolled party.

And so for those two reasons I would hope that the bill would be indefinitely postponed, and I am fully aware that there are vacancies that exist in the municipalities around the state. I would suggest that perhaps the certain members of both political parties could have some influence upon the corner office and upon the seven members of the Executive Council to see that this problem is taken care of.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Members of the House: In regards to this statement that my good friend from Bath, Mr. Ross, has stated about being jumbled into the office in regard to these people who have not been accepted as chairmen, I will inform the members of this body that there are 24 places that haven't been filled as chairman due to the fact that there is a controversy between the Governor's Council and the Governor.

Some their terms have expired, and they are still on, as the law states that you shall remain on that office until your successor is appointed.

Now it seems to me, as my good friend Mr. Martin said, it would be logical and wise for some of the members in these various communities to sit down and have a conversation with the Governor, and also with the Governor's Council, which is a regular albatross

around his neck. And I think that by sitting together they might be able to resolve it to such a degree that the art of compromise would take precedence over political indulgence.

Now I think that this issue has not only come up before us this year, but I have been down here for a few years, and it seems to crop up always from the same individuals; that they do want to make a change. Why? I don't know. I am afraid that they think they are on a winning team if they do.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that Bill "An Act relating to the Requirement for a Board of Registration," House Paper 1242, L. D. 1551, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Call, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Dam, Dow, Doyle, Dudley, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, Hancock, Immonen, Jalbert, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Label, Lessard, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, O'Brien, Orestis, Pontbriand, Rand, Rocheleau, Sheltra, Slane, Smith, D. M.; Starbird, Tanguay, Theriault, Vincent, Webber, Wheeler, Whitson.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.;

Birt, Bither, Bragdon, Brawn, Brown, Bunker, Churchill, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Gill, Good, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Rollins, Ross, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Bourgoin, Clark, Drigotas, Emery, E. M.; Farrington, Hanson, Jutras, Lund, Santoro, Silverman, Smith, E. H.

Yes, 66; No, 73, Absent, 11.

The SPEAKER: Sixty-six having voted in the affirmative, seventy-three in the negative, with eleven being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

Third Reader Tabled and Assigned

Bill "An Act Prohibiting the Turning Back of Speedometers or Odometers on Motor Vehicles" (H. P. 1244) (L. D. 1553)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Dyar of Strong offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-102) was read by the Clerk.

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending adoption of House Amendment "A" and tomorrow assigned.)

Bill "An Act Affecting Unemployment Compensation During a Stoppage of Work Because of a Labor Dispute" (H. P. 1254) (L. D. 1574)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Third Reader Tabled and Assigned

Bill "An Act relating to Catering at Events and Gatherings" (H. P. 1257) (L. D. 1589)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Tanguay of Lewiston, tabled pending passage to be engrossed and specially assigned for Friday, April 9.)

Amended Bills

Bill "An Act relating to Removal of Packing from Journal Boxes of Railroad Equipment" (S. P. 230) (L. D. 676)

Bill "An Act relating to Black Bass Fishing in Lakes, Ponds and Rivers" (H. P. 673) (L. D. 910)

Resolution Proposing an Amendment to the Constitution to Provide a Shorter Time for Establishing Voting Residence (H. P. 525) (L. D. 687)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolution read the second time, all passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act Limiting the Amount of Money Spent by Candidates Seeking Political Office" (S. P. 398) (L. D. 1011)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Senate Amendment "A" and Senate Amendment "C" and sent to the Senate.

Order Out of Order

From the Senate: The following Order: (S. P. 539)

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "An Act to Allow Electric Utilities to Participate in the Construction of Certain Utility Facilities" (S. P. 518) (L. D. 1403)

Came from the Senate read and passed.

In the House, the order was received out of order by unanimous consent, read and passed in concurrence.

Passed to Be Enacted Emergency Measure

An Act relating to Aids to Navigation and Regulatory Markers and Removal of Hazards for Safe Passage of Watercraft (S. P. 116) (L. D. 295)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 122 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Authorizing Use of Name Maine School of Underwater Diving (S. P. 320) (L. D. 934)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 108 voted in favor of same and 12 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Service Retirement of Liquor Inspectors (S. P. 245) (L. D. 706)

An Act to Clarify the Laws Relating to Milk and Milk Products (H. P. 377) (L. D. 492)

An Act relating to Permits for Kindling Out-of-door Fires (H. P. 630) (L. D. 852)

An Act relating to the Transportation of Students to Technical and Vocational Centers (H. P. 669) (L. D. 936)

An Act relating to Candidates by Primary Election or Nomination Petition and Time for Filing Nomination Petition (H. P. 952) (L. D. 990)

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.

Order Out of Order

Mrs. Payson of Falmouth presented the following Joint Order and moved its passage:

WHEREAS, the provision and availability of health care is obviously dependent on health manpower and manpower licensure affects the problems of supply, quality, geographic distribution, and use of personnel; and

WHEREAS, the shortage of health manpower, coupled with increased requirements for health care services, has resulted in a galaxy of new occupational titles; and

WHEREAS, it is estimated that nearly 200 such health occupations now exist and that there will be 20 to 25 supportive personnel for each physician in 1975; and

WHEREAS, it is recognized that needs exist to foster the growth and contributions of the various allied health personnel, to ensure high quality patient care and safety through careful employee preparation and performance, and to allow employers to flexibly utilize existing manpower; and

WHEREAS, it appears that the licensing of additional health care occupations may fractionalize further the provision of health services, impede job advancement for employees, and hinder management in utilizing new knowledge and technological advances; and

WHEREAS, the furtherance of health care services depends on a more unified approach for preparing, developing and using manpower in a safe and flexible manner; and

WHEREAS, no objective study of licensure and regulatory laws having an effect on health manpower utilization in Maine has ever been conducted by the Legislative Research Committee or by any other objective group representing the welfare of the people; and

WHEREAS, it is the responsibility of the Maine Legislature through the passage of legislation to protect the welfare of its citizens and to protect and promote the effective and safe utilization of health care personnel; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Re-

search Committee is directed to conduct a detailed review of all state laws and regulations that relate to utilization of health manpower; and be it further

ORDERED, that the Legislative Research Committee shall report its findings and conclusions, together with any proposed legislation bearing upon the subject of this Order to the next regular session of the Legislature; and be it further

ORDERED, that there is appropriated from the Legislative Account the sum of \$3,000 to the Committee to carry out the purposes of this Order; and be it further

ORDERED, that the Committee shall have the authority to employ such professional and technical assistance as it deems necessary within the limit of funds provided.

The Joint Order was received out of order by unanimous consent and read.

(On motion of Mr. Norris of Brewer, tabled pending passage and tomorrow assigned.)

Orders of the Day

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

HOUSE REPORT — "Ought to pass in new draft" — Committee on Transportation on Bill "An Act relating to Fees for Inspection of Motor Vehicles" (H. P. 281) (L. D. 370) — New Draft (H. P. 1256) (L. D. 1576) under same title.

Tabled — April 2, by Mr. Crosby of Kennebunk.

Pending — Acceptance.

On motion of Mr. Wood of Brooks, retabled pending acceptance and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought to pass in new draft" — Minority (5) "Ought not to pass" — Committee on Judiciary on Bill "An Act Prohibiting Personal Liability of School Board Members" (H. P. 6) (L. D. 6) — New Draft (H. P. 1252) (L. D. 1578) under new title "An Act to Indemnify Public Officials and Employees of the State of Maine"

Tabled — April 2, by Mr. Lund of Augusta.

Pending — Motion of Mr. Orestis of Lewiston to accept Majority Report.

On motion of Mr. Susi of Pittsfield, retabled pending the motion of Mr. Orestis of Lewiston to accept the Majority Report and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought to pass in new draft" — Minority (3) "Ought not to pass" — Committee on Judiciary on Bill "An Act relating to the Right of Access by Landlords" (H. P. 193) (L. D. 250) — New Draft (H. P. 1253) (L. D. 1573) under same title.

Tabled — April 2, by Mr. Carrier of Westbrook.

Pending — Motion of Mr. Hewes of Cape Elizabeth to accept the Majority Report.

On motion of Mr. Call of Lewiston, retabled pending the motion of Mr. Hewes of Cape Elizabeth to accept the Majority Report and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought not to pass" — Minority (6) "Ought to pass" — Committee on State Government on Bill "An Act to Repeal the Prohibition of Publishing a Periodical by the Department of Economic Development" (H. P. 897) (L. D. 1217)

Tabled — April 2, by Mr. Susi of Pittsfield.

Pending — Motion of Mr. Donaghy of Lubec to accept the Majority Report.

On motion of Mr. McTeague of Brunswick, retabled pending the motion of Mr. Donaghy of Lubec to accept the Majority Report and tomorrow assigned.

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

SENATE REPORT — Leave to Withdraw—Committee on Election Laws on Bill "An Act relating to

the Number of Signatures Required on Nomination Papers" (S. P. 32) (L. D. 65)—In Senate, report accepted.

Tabled—April 2, by Mrs. Brown of York.

Pending—Acceptance in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker I move this be tabled for two legislative days.

Whereupon, Mr. Susi of Pittsfield requested a division.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled and specially assigned for Friday, April 9, will vote yes; those opposed will vote no.

A vote of the House was taken. 46 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

Thereupon, the Leave to Withdraw Report was accepted in concurrence.

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

SENATE DIVIDED REPORT—Report "A" (6) "Ought to pass" —Report "B" (6) "Ought not to pass"—Committee on State Government on Resolution Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of gubernatorial Appointments and Their Confirmation (S. P. 167) (L. D. 489)—In Senate, Report "A" accepted and Resolution passed to be engrossed.

Tabled—April 2, by Mr. Martin of Eagle Lake.

Pending—Motion of Mr. Donaghy of Lubec to accept Report "B".

On motion of Mr. McTeague of Brunswick, retabled pending the motion of Mr. Donaghy of Lubec to accept Report "B" and specially assigned for Friday, April 9.

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

Bill "An Act relating to Riding in Trailers" (H. P. 471) (L. D. 599)

Tabled—April 2, by Mr. Ross of Bath.

Pending — Adoption of House Amendment “B” (H-76)

Mr. Simpson of Standish withdrew House Amendment “B”.

The same gentleman then offered House Amendment “C” and moved its adoption.

House Amendment “C” (H-109) was read by the Clerk and adopted.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment “C” and sent to the Senate.

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

HOUSE JOINT ORDER — Re State Controller Furnishing List of State Employees with their Salaries.

Tabled — April 2, by Mr. Bragdon of Perham.

Pending—Passage.

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

Mr. KELLEHER: Mr. Speaker, I move that this lie on the table for one legislative day pending passage.

Whereupon, Mr. Susi of Pittsfield requested a division.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this being tabled for one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken. 46 having voted in the affirmative and 67 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: On this particular order—it is an order that has been introduced for the last several years and it has received passage, and this so-called “snoop book” has been circulated. But personally I have always objected to it quite a bit because I do object to the thought of having salaries of individuals as such published. I feel that gradually, and there has been a good deal said in many areas of our gradual loss of privacy. I believe a person's

individual income and salary is a private thing.

I did last Friday, after the session was over, went over and spent some time with Personnel to find out what information I might be able to get from that department relative to giving us a comparable source of information without individually naming the people as such and putting out a some fifty page report with the names of all the state employees and the salary that they receive.

This pamphlet is available, they said they would make it available without too much trouble. It could be reproduced at a very minimal cost. It gives a list of all the classifications, the pay ranges and then all of the classification. I asked him what the procedure was that they had in handling a request for an individual's income, how much he made. It is their interpretation that they felt that this was confidential information.

If you go to the Department of Personnel as an individual legislator requesting it because of your legislative position, they will probably give it to you. But if you go to them as an individual with no particular authority, they will ask you what his classification might be. If you said that he was the chief game warden, they would tell you that he was in Class 26, and a person in Class 26 received such an income, and they would give you the ranges in which his salary was based. As far as his individual salary as such, they did not feel that this information should be available.

I have also checked out the cost on this, and the cost on it originally would run — two years ago it cost \$1,058. Probably it would run somewhat above that right now. This was printing cost alone. On top of that there is 200 hours of work that would have to be done in Accounts and Control, besides a good deal of work that would have to be done in the individual departments in order to compile this information.

I realize that this could be questioned both ways as to just how much — these people are working anyway, and some people could argue that this is questionable that there is any cost involved in here.

Certainly the printing cost is a factor.

Usually it will take about two months in order to get this information out, so I am sure that this booklet would not be available until sometime at the very end of the session.

I feel strongly on this personal invasion of privacy and the printing of all of the names, and I would therefore move the indefinite postponement of this order.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Members of the House: The fact that the sponsor of this joint order is not in his seat today, I would like to have someone move to table it until tomorrow.

Whereupon, on motion of Mr. Binnette of Old Town, retabled pending the motion of Mr. Birt of East Millinocket to indefinitely postpone and tomorrow assigned.

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

HOUSE JOINT ORDER — Re Submission of I. B. No. 1 "An Act to Repeal the Maine State Income Tax" to the people. (H. P. 1241)

Tabled—April 2, by Mr. Susi of Pittsfield.

Pending—Passage.

Whereupon, on motion of Mr. Susi of Pittsfield, the House Joint Order was indefinitely postponed.

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

Bill "An Act relating to Precautions at Railroad Crossings" (H. P. 1240) (L. D. 1527)

Tabled—April 2, by Mr. Genest of Waterville.

Pending — Adoption of House Amendment "A" (H-100)

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

Mr. GENEST: Mr. Speaker, I would now move the indefinite postponement of House Amendment "A" and would speak briefly to my motion.

The SPEAKER: The gentleman from Waterville, Mr. Genest moves the indefinite postponement of

House Amendment "A". The gentleman may proceed.

Mr. GENEST: Mr. Speaker and Ladies and Gentlemen of the House: I think that it should be noted at the outset that Section 818 of Title 35, which L. D. 1527 seeks to repeal and replace, relates itself strictly to temporary railroad crossings and not to highway crossings that are protected either manually or by flashing red lights and bells.

A temporary crossing is where the railroad tracks intersect with a camp road, a farm road, or a woods operation road, usually on a temporary or seasonal basis. L. D. 1527 would eliminate the necessity of a team or vehicle being stopped at a temporary crossing, the driver or occupant getting out of such team or vehicle and looking up and down the railroad tracks to see that the way was clear before proceeding across.

In the interest of safety, however, L. D. 1527 would still require a team or vehicle to stop at a safe distance from the nearest rail of such crossing and the operator, by looking and listening, determine that no trains are approaching in either direction before proceeding across. House Amendment "A" of this bill would permit the driver of a team or vehicle to proceed at virtually any speed over a temporary railroad crossing without stopping to determine if the way was clear.

More often than not the view at such crossing is obstructed by trees, bushes, etcetera. I have personally witnessed a tragic accident where a man was killed instantly as a result of coasting in his automobile down a camp road onto the railroad tracks; he never reached the other side.

In the interest of safety, therefore, I urge you to support my motion to indefinitely postpone House Amendment "A" to L. D. 1527 and I urge your support in the passage of this bill without amendment. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker and Members of the House: I presented House Amendment "A" to this bill. The House Amendment,

as the gentleman from Waterville says, takes out the provision that a car must stop at one of these temporary railroad crossings. However, I would point out that the amendment leaves in the fact that the operator has to determine whether or not anything is approaching on the track.

I think we all know that no one comes to a full stop at these temporary crossings or other crossings and that this amendment really reflects the practice that is now being followed by practically all people. It still leaves the responsibility on the driver and I think we shouldn't have to make lawbreakers out of everybody crossing a temporary railroad crossing, just to say that it is for a safety reason. I think that the safety is there and this reflects the present practice. Thank you.

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

Mr. GENEST: Mr. Speaker and Members of the House: What this boils down to is whether one highway crosses another highway or whether a road crosses a railroad track. At the point of the intersection somebody has got to stop and make certain that the way is clear.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I don't believe anyone in this House is as familiar with temporary railroad crossings as I am. I have crossed them for years and years and we still use them and we always continue to use them. I think stopping in some cases is correct. I think it is the best thing to do, but I don't think that you should get out and look up and down the track because you don't need to. Usually temporary crossings are on straight stretches of track, which gives you a view in both directions. Sometimes it is a menace to stop, especially with loaded trucks, because if you stop with a loaded truck and you start to approach again, then you sometimes stall on the railroad. I wonder which is the best.

I will go along with the bill, but I don't care to go along with the amendment. I hope that the amendment is indefinitely postponed.

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

A vote of the House was taken.

105 having voted in the affirmative and 15 having voted in the negative, the motion did prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

SENATE REPORT — "Ought to pass in new draft" — Committee on Judiciary on Bill "An Act relating to Disturbing Schools" (S. P. 222) (L. D. 668) — New Draft (S. P. 530) (L. D. 1547) under same title. — In Senate, Report accepted and Bill passed to be engrossed.

Tabled — April 6, by Mr. Martin of Eagle Lake.

Pending — Acceptance in concurrence.

Thereupon, the Report was accepted in concurrence, the New Draft read twice and tomorrow assigned.

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

Bill "An Act Revising the Laws Relating to Licensed Small Loan Agencies" (H. P. 552) (L. D. 728)

Tabled — April 6, by Mr. Susi of Pittsfield.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, I move that L.D. 728 be indefinitely postponed and would speak to my motion.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Smith moves that L.D. 728 be indefinitely

postponed. The gentleman may proceed.

Mr. SMITH: Mr. Speaker and Members of the House: I requested that this piece of legislation be tabled last week because I had very strong suspicions that it contained certain provisions that I believed to be contrary to the public interest of the State. Upon a very close reading — and I took a close reading of the bill, I have determined that this does contain some very very detrimental features which we ought to discuss very briefly before we go any further with this.

As you will recall, at least those of you who were in the 103rd Legislature, in 1967 the Maine Legislature passed what was called the Small Loan Act. The general intent of this act was to bring some semblance of regulation to the small loan industry, an industry that was then notorious for its unabashed abuses of treatment of the public, its unethical business practices, and the damage that it wrought many an unwary borrower. That notoriety is no less appropriate today than it was in 1967.

The people with whom small loan companies generally do business are people who need a small amount of money, or a relatively small amount of money, for a relatively short period of time. The typical individual, for instance, with whom the small loan company might do business with is one who needs \$1,000 for a period we will say of 36 months.

Under a typical repayment plan the individual would repay this thousand dollar loan at a rate of \$41.00 a month, at a true interest rate of 25.8%. The finance charge would be \$410 on the loan of \$1,000. In addition, he would frequently be required to pay \$28.34 for life insurance and \$33.00 for health insurance to an insurance company, which is really a paper creature of a small loan company.

That insurance company has the same board of directors, the same personnel, the same office. Then at the end of the first month after making all of these payments, he would be required to begin his re-

payment. This, my colleagues, is nothing short of highway robbery in its highest form. But yet the small loan companies are not satisfied.

Under the Small Loan Act of 1967, the 25.8% interest on this typical example that I have given you would be reduced to a more reasonable rate if the unfortunate borrower found himself in a position where he could not repay the loan under the difficult terms laid down by the small loan company. It would be after 36 months that this would have to be reduced. This is known as the "36 month rule." It is an integral part of the Small Loan Act passed by the 103rd Legislature.

Although L. D. 728 gives the appearance of retaining the 36 month rule, it in fact does not. The bill says in Section 2, Subsection 4 as amended, no small loan agency "shall rewrite any new contract of loan where the principal of the new loan contract does not exceed the unpaid balance of the prior loan contract." The practical effect of this subtle and devious language is to circumvent or eliminate the 36 month rule, the very underpinning, as I have stated, of the Small Loan Act passed by the 103rd Legislature and an item of great importance to consumer protection and public interest of this state.

Let us go back now to that \$1,000 loan of which I spoke just a moment ago. Under the provisions of the current law, we saw that after the initial 36 month period during which the interest rate was in excess of 25% — and sometimes it is even higher by the way — the interest rate must be reduced to 8% to allow the borrower a reasonable chance to pay off the loan, the principal and the interest.

Under the provisions of L. D. 728 we are told that the unpaid balance at the end of the 36 month period may not be rewritten, but yet the catch is if the principal of the new loan contract is in excess of the previous unpaid balance this rewrite of the contract would be possible, and would constitute a new loan to which the previous high 25% or even higher interest rate would apply. All that would

be required to construct this new loan would be a one-penny addition to the previous unpaid balance, and Subsection 4 as amended in L. D. 728 would allow a new loan at the previous high interest rate.

Mr. Speaker, I would like to quote one paragraph of a letter that I received from an interested individual, and I will conclude. And the letter goes like this:

"The very approach that the small loan industry has taken, belies its unwillingness to seek reform. The primary objective of the 36-month rule was to enable the borrowers to get off the loan company merry-go-round of endless loans at high interest rates. Among the abuses disclosed in 1967 was the practice of not," I repeat "not collecting full payments from debtors in order to maintain a high return of interest without reduction of principal, by a concerted practice by the industry to retain customers on continuous high interest loans flipping became the rule."

And flipping is what I have been talking about, flipping this loan over and over and over, after 36 months at high interest rates. Flipping means not only the renewal or extension of an existing loan but it also means maintaining the borrower at the highest loan level that the borrower can be compelled to pay. Thus once at that level, once that level is established, the borrower is pressured, cajoled, even enticed, into periodic rewrites with some fresh money added, to maintain the loan maximum. While some borrowers can and do utilize this procedure to their benefits a large percentage of borrowers, the ones for whose benefit the 36 month rule was enacted, are gradually drained of their economic viability and strength.

Once caught in this merry-go-round the hapless borrower continues to pay and rewrite endlessly, until forced into bankruptcy or other drastic relief.

Mr. Speaker and members of the House, I hope that today we can indefinitely postpone this. I hope that we will do it because I don't want to undermine the protection that the people of the state now have from the small loan industry,

and I don't want to undermine the hard work of past legislatures. So I would hope that you would go along with me on indefinite postponement of this bill, and when the vote is taken, Mr. Speaker, I would request that it be taken by the yeas and nays.

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

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I wish to report to you for the Business Committee that two bills came before the committee dealing with small loans this session. The other bill having to do with this same subject was L. D. 727. L. D. 727 was reported out by the committee unanimously as "ought not to pass." This bill would, in effect, have allowed the small loan companies to increase their interest rate from the present 1½ percent monthly to 2 percent as well as removing the 36 months provision, which prevents the rewriting of these small loans.

Now we get into L. D. 728. L. D. 728 deals only with the 36 month provision. There was plenty of testimony before the committee both pro and con, and after giving the matter due consideration, the committee agreed that the present law which prohibits the rewriting of loans within the 36 month period was very drastic and actually works as a hardship against a certain class of people.

I hope that you will vote against the indefinite postponement motion.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: The question before us today is not whether you like or dislike finance companies. The question is whether these finance companies have legitimate right to do business in the State of Maine. Now they are licensed by the State of Maine and they come under the control of the Bank Commission. The Banking Commission appeared before our committee that unanimously voted to have this bill "ought to pass."

Some of the facts that Mr. Smith has brought out are history. These are facts of many many years ago, before the finance companies changed their requirements. They are no longer required to have life insurance or health and accident insurance or disability insurance on a loan. When he quotes payments including all this amount of insurance, this is not fact. You no longer are required to have life insurance or that type of insurance. I grant you, in days gone by that was an abuse, but this abuse has been eliminated now.

We are the only state in the nation that has this 36 month finance restriction. Now this prevents the borrower with good credit from going back to the place he has been doing business with and taking out additional loans. We are not asking that everybody that has a loan has to rewrite their loan periodically. We are asking for the person who wants to go back and borrow more money for additional purchasing power. He gets a \$10 raise in pay and he wants to buy a washing machine for his wife. He wants to go back to that finance company and be able to finance this merchandise. And the bill as it presently is written does not allow them to do this.

Many people don't qualify for bank loans and credit union loans. They have to do business with these small loan companies. To eliminate the small loan company would create a void in the borrowing power of the people of the State of Maine. We are not in love with them, but they certainly have a place in the industry.

Section 4 that Mr. Smith spoke of, dealing with the case of flipping or revolving, whatever title you want to give it, this section was written by two prominent lawyers at the request of the Business Committee. We requested that Dana Childs and Bob Marden write this provision, this amendment to the bill, that would prevent the practice of flipping. And they have written this amendment and they assured us that this would prevent the practice of flipping or rolling, and the Business Commit-

tee felt that this was unanimous "ought to pass."

Therefore, I hope you will vote against the motion of indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion to indefinitely postpone of Mr. Smith. If the Legislature passes this bill, we will wipe out the reform law that now protects the small wage earner from the abuses of the small loan companies.

Many of you will recall, as Mr. Smith pointed out, that the 103rd Legislature passed a bill to keep the small loan companies from pushing so many of our working men and women quite often into the case of wage earner plans and bankruptcy. Today the small loan industry once again seeks to have you enhance their problems at the expense of thousands of Maine men and women.

Prior to the 103rd Legislature, the loan companies had a shameful practice of not trying to collect full payments from borrowers. This allowed them to continue to collect at exorbitant interest without reducing the principal to any appreciable extent, if at all.

What these loan companies used to do was to renew or extend the existing loan after 36 months and thus were able to charge the incredibly high rate of interest in the range of 30 percent. At the end of the first 36 month loan period, as it approached, the loan companies would then often pressure or cajole or even entice our Maine people to rewrite their loans. The obvious result was quite often a merry-go-round in which our Maine people were forced to pay excessive interest rates for several years, again without reducing the amount of the principal. Quite often, as I noted, this would end up in bankruptcy court.

The 103rd Legislature saw fit to end this. The law they passed made it illegal for loan companies to renew and extend loans beyond 36 months. If a Maine citizen now owes some money over 36 months,

on the 36 months balance, he only has to pay 8 percent interest on the prior balance.

The bill before us today would change all this. It would make it legal once again for all the old unfair practices of the loan companies to exist which we all deplore. L. D. 728 would once again allow them to milk our Maine people with a high interest rate of 30 percent after the first 36 month loan period.

If you pass this bill all the loan company would have to do is re-write a loan after the first 36 months and continue to charge the high rate of interest. If a borrower owed a bill after the first 36 months, the loan company would then only have to loan him a few cents or a dollar or five dollars. Once this minimal amount of money is loaned, the loan company would then be able to charge the regular high rate of interest. In other words, this bill, if passed, would work a hoax and a mockery on our present 36 month rule.

If you wish to repeal the reforms of the 103rd, and if you wish once again to allow the small loan companies to indiscriminately charge a high rate of interest for an indefinite period of time, then you should vote against this motion. But if you believe that the Maine people have a right to be protected against unfair lending practices, then I would urge you to vote for this motion.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: You have listened to experts in finance borrowing, loans, legal opinions. I would like to have you listen for a few moments to someone who is only wondering, and as I have wondered before, I wondered in the 103rd and I opposed the passage of this restrictive legislation.

I ask this legislature, when are we going to stop trying to baby the people? You are listening now to one who has been bitten by loan sharks. I borrowed one time, I have borrowed several times, I have been caught in a chain reaction of extending loans, but I

didn't like it so I didn't any more. It seems to me that we should let the people make their own decisions on a lot of this stuff.

Now I do know from experience, not my own, but from experience of some of my constituents, that the 36 month limitation is a hardship to a certain type of people.

Now to leave that, just for a moment, where would we have been in bygone days to try to control the loans and the financial workings of some of the stores that used to carry farmers and seasonal workers year after year with no specific system? They carried them because they thought it was good business and because that type of people needed carrying.

We have a type of people, as probably we always will, who will buy things and they just about get by all their lives. They need to buy things on time. They make commitments when they purchase these things, and a good many times things come up and they can't make their payments. If they buy an old truck, for instance, the farmers to do a little logging, a little work, the truck may last him three years and maybe it does not, probably it does not, so at the end of possibly 30 months the truck plays out on him completely. He has got to have another one. So with this limitation, what does he do? He either is not able to get it there, or else he has to go elsewhere to try to find some credit to buy a truck. Pretty soon, because of this limitation, he may owe two or three hundred dollars on his other deal. But he cannot get refinanced since this law was passed in the 103rd.

I know of several farmers up home that because of that finally landed more or less on welfare, because their line of business was seasonal, it was uncertain, and I know of small loan people that were, perhaps one would say unorthodox in a way, a bank probably wouldn't have done business in that way. But they did it according to law; they were inside the law at that time. They did refinance after the 36 months or before the 36 months. They refinanced any time they wanted to. They depended upon the credit of the individual.

It seems to me that if we keep on legislating and saying just exactly what people can do in their relationships with business that by and by people won't even have to think; we will think for them.

I urge you to repeal this unfair law on the 36 month limitation. We attempted to in the last legislature. As far as the 103rd legislating such far-reaching legislation, it was only a small margin that it got by at that time. There were a lot of people who thought as I do, and I think there are a lot of you that think as I do now, that we should not restrict them to that point. And I urge you to oppose the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker and Members of the House: I would like to call the members of the House attention to Business Committee Amendment "A", that they are speaking about abuses, and this amendment would prevent those abuses. I could call your attention to the fact that the courts, if the courts find that said licensee, meaning the loaner, has evaded this 36 months restriction just for the sole purpose of flipping or rolling, again choosing your own title, the courts may declare the whole contract null and void.

And while I am on my feet let me add some other facts concerning this legislation. In 1968 when this practice went into effect, this restriction went into effect, there were approximately 120 small loan agencies throughout the State of Maine, that all these agencies employed approximately 5 or 6 people. At the end of 1970 there were 30 offices still remaining in Maine. This is a reduction in employment of almost 500 people. If someone was going to close a factory that employed 500 people, this body would be up in arms trying to save that industry. Here we have an industry that is going out of business because of this restriction and no one seems to get too concerned about it.

In tax dollars, we are all talking about tax dollars the past couple of months here, in 1968 this industry paid \$800,000 in taxes to the

State of Maine. In 1970 they paid \$390,000 in taxes. Their tax payment to the State of Maine has been cut in half. Now this industry certainly deserves to exist in the State of Maine.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I have looked at the amendment, at the original bill, and listened to the debate, and one of the principal questions seems to be whether the bill as before us in its amended form prohibits flipping, or whether it does not. Those who apparently favor the bill seem to be suggesting that the bill does prohibit this practice of flipping, of going beyond the 36 months at the high interest rates, of perhaps 25, perhaps 30, in that area.

My suggestion is this, from looking at Committee Amendment "A", if you will look on the first page under Arabic numeral IV you will see that there is a sentence there that could be construed as a safeguard to the borrower. It is the last sentence in paragraph four, and it reads:

"Notwithstanding the foregoing, if the court finds that said licensee rewrote said contract for the purpose of evading the effect of section 3081, the court may refuse to enforce all or part of the loan contract."

Let me suggest this regarding that sentence which I just read. Number one, it says "may," not "shall." It leaves something up in the air, and with the greatest respect to the Business Legislation Committee and whomever drafted this amendment, I suggest that it is a rather unusual approach to legislation to basically say to the court, "If you feel that the intent of rewriting was to violate the anti-flipping provision you can wipe out a penny on the loan, or \$3,000 on the loan, or any part in between; but you don't have to do anything." I call this what I think it is; it is a hoax.

If this bill that is before us in amended form does not seek to reinstitute the practice of flipping, then why are the people who see no objection to flipping so strongly

in favor of it? I feel that the language here involved is double talk, and I can't imagine this legislature passing a law from a point of view of simple logic that says, "Mr. Judge, if you find this happening you can do this, you can wipe out a \$3,000 loan, or you can wipe out three cents on it, or you can wipe out nothing." Who is trying to pull the wool over who's eyes here?

I do think the history of the industry and the abuses which are admitted even by the proponents of this bill are interesting. I guess reform is always possible in individuals and in corporations; and I know there is more joy in heaven over one sinner repented than a hundred saved. But I kind of suspect that these particular leopards have not changed their spots.

I would like to mention some of my personal dealings with small loan companies. Fortunately, I have not been in the position recently, of late, that I have had to borrow from them. But I have had family members that have. And I have had a close family member many years ago, near the end of the Second World War, that had them knock on the door. And they are not always pleasant people with their collection practices.

But let me tell you something more recent. I have handled a fair number of cases involving wage earner and bankruptcies. And this is really a tragic situation when they come into your office, they are in debt typically somewhere between two or five thousand dollars or more. Very often the marriage is unstable, about to break up. Often leads to divorce and undesirable effects on families. And almost uniformly — and I admit that I handled more bankruptcies two or three or four years ago than I do now — but almost uniformly I found that these people were victims.

They were victims of a form of addiction. Perhaps in a financial sense as bad as addiction to dope would be in a physical sense. And they were victims — I didn't know the word flipping then — but they were victims of flipping. They were addicted over a lifetime to the high interest rates, and the no collection practices, no com-

plete collection, because they want to keep them addicted, of the small loan companies.

The particular reason I think behind this legislation that says 36 months and that is enough is this. If a man borrows money — and to take the example of Mr. Henley, he needs a truck or whatever he needs, and it comes to be 36 months or close to it and he can't repay the loan, or he wants to make another loan, anyway, he needs an addition onto his loan, and he wants to go back to the same friendly old finance company that lent him that money at 25 or 30 per cent, what is wrong with that? It may be, it is possible that he may have a good business reason to buy a truck that he can do logging with to take another loan.

I suggest what is wrong with flipping, and the reason the action of the 103rd Legislature was wise is this. The current law does not say the man cannot make another loan. It says he can't make another loan from the same finance company he made the first loan from.

Why did we act that way two sessions ago? Because we wanted to take the incentive away from that particular finance company to encourage the man to make it easy to do this, to keep him on the narcotic.

Mr. Speaker, I hope that the members of this Legislature will see fit to act in regard to the interest of the consumers and people that really need help, working people and poor people, as we have in the past legislatures.

In my particular town the number of finance companies has decreased. I view that as not a great shame. Perhaps there are many reasons for it; the general economy has been off for the last few years; interest rates that finance companies pay banks when they borrow the money have gone up. But we have done something about it in Brunswick. We have two very fine credit unions that were initially associated with particular churches, and you had to be a member of the church to join that credit union. We have done away with that now, and anyone regardless of their religious membership or lack of it is eligible to join the

credit union and to receive a loan from them. And not at 25 or 30 per cent, but at one per cent a month, which is 12 per cent a year.

Maybe that can't happen in every community in Maine, but I think it can happen in some. And I know if we let the people get back on more than 36 months of economic dope we are not doing them any favor and we are not doing their families any favor, and we are going to increase the bankruptcy rate in the State of Maine.

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

Mr. ORESTIS: Mr. Speaker and Ladies and Gentlemen of the House: I too have had experience with the bankruptcy and wage earner situations where the people that the gentleman from Norway Mr. Henley suggests we are trying to baby, have gotten onto a merry-go-round that they are never able to get off. I feel that the elimination of the 36 month rule would put many people back on this merry-go-round.

The very people that we are trying to protect don't ask what is the annual interest rate. Even though they receive a copy of the disclosure statement, they don't check to see that the interest rate is 18, 20, 25 per cent figured out as an annual interest rate. All they want to know is, what will it cost me per month. And at the end of that 36 month period, if they can continue borrowing an additional small amount of money, and continue paying on and on at that 25 per cent, they are going to do it as long as it still costs them only that 30 or 35 per month. They don't mind if they are not reducing the principal. They don't mind if they are paying pure interest, as long as it is that monthly payment.

And I feel that we are not babying the consumer. The unemployment rate in my area has gone over ten per cent now. These people are going to look for money while they are looking for jobs. Some of them will have no alternative but to borrow. Some of them will have no alternative but to borrow from a small finance company. It is these people that

I want to baby or protect. It is these people that I don't want to put back on that merry-go-round.

I urge the members of this House to support the motion to indefinitely postpone. Don't do away with the protection which previous sessions of this legislature have fought so hard to give to the people of Maine. At a time in our history when our economy is at such a state in the State of Maine and in the urban areas where, as factories close, unemployment grows and grows higher, we cannot afford to take away this protection. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker and Members of the House: In this debate it has been brought out, I think, that most of these abuses and practices about which we are hearing were corrected in the 103rd. We are not asking for those to be reinstated; we are only asking for the 36 month limitation to be repealed as stated by Representative Henley.

This causes a hardship to the poor fellow who cannot go to the bank, and has to go to a loan company, because this is a risky credit deal, and it will not be tolerated by any banks. And I really think you are causing a hardship and a restriction that hinders the normal flow of business, the normal procedure of business to the little buyer and the little seller. And I hope you will vote against the indefinite postponement of this bill. It came out of committee unanimous "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: There has been a considerable amount of talk here today about how there is going to be a certain class of individuals, a certain class of borrowers that are going to suffer if this 36 month rule isn't repealed. I have done a little bit of work on this, and I contest that point. I think it is a farce, and I would like to read a statement by Mr. Elmer Campbell,

who is the Banking Commissioner.

"Figures are available by the small loan companies indicating that the reduction of their loans is catastrophic. It is true that there is a large reduction in the total of their loans but that does not necessarily indicate that the public is suffering from their inability to obtain loans.

Other sources are available and it is amazing to see the great increase in credit union loans in comparative periods.

From December 31, 1966 to December 31, 1969 loans of small loan companies decreased \$11 million.

During this same period credit unions in Maine increased their loans by \$29,750,000.

During 1970 it is estimated that credit unions increased their loans by an additional \$13 million.

These figures seem to prove that consumers are properly provided with credit even with the decrease in small loan companies and the consumer has the advantage of much lower interest rates.

The Department of Banks and Banking has received no complaints from the public concerning the closing of small loan companies and it is the belief of the Commissioner that the public is able to obtain proper loans."

Thank you very much.

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

Mr. McTEAGUE: Mr. Speaker, a parliamentary inquiry.

The SPEAKER: The gentleman may pose his inquiry.

Mr. McTEAGUE: Mr. Speaker, the gentleman from Dover-Foxcroft moved indefinite postponement of the bill. Does that include all accompanying papers?

The SPEAKER: It certainly does. The answer is in the affirmative.

The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the

members present having expressed a desire for a roll call, a roll call was ordered.

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

Mr. SHELTRA: Mr. Speaker and Members of the House: Being a member of the Business Legislation Committee, I feel it only fair that I express an opinion here. We did vote unanimously that this bill ought to pass. I mean, it seems to me that there are many aspects, many ways that you can look upon this situation.

If we are going to play Robin Hood and try to protect everybody, you should also be thinking about the small businessman. Say if he makes an outlay of money and the public doesn't reimburse him, where is he? Who sympathizes with him? How many small businesses go into bankruptcy over the years? Or in one given year?

I had the opportunity to serve as a wage earner appraiser for Judge Poulos out of Portland, and I appraised many of these rural properties. As a matter of fact, it took me quite a bit of investigating even to find some of these individuals. They had moved so many times. But you can't tell me that they don't know what they are doing. I feel that they do know what is going on and with them this is a way of life. And where they can find a buck they are going to get it, but they certainly could be in worse hands than these small loan agencies who are licensed to operate throughout our state. I think they will seek other means which I feel perhaps could be even worse. So consequently, I am against this indefinite postponement of this bill. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Dover-Foxcroft, Mr. Smith, that Bill "An Act Revising the Laws Relating to Licensed Small Loan Agencies," House Paper 552, L. D. 728, be indefinitely postponed. A roll call has been ordered. All in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Bernier, Berry, G. W.; Berry, P. P.; Ber-

ube, Bourgoin, Bunker, Bustin, Carter, Churchill, Collins, Cooney, Cottrell, Curran, Curtis, T. S., Jr.; Cyr, Dow, Doyle, Emery, D. F.; Evans, Finemore, Fraser, Gagnon, Gauthier, Genest, Good, Goodwin, Hewes, Immonen, Kelley, P. S.; Lawry, Lebel, Lee, Lessard, Lincoln, Lucas, Lynch, MacLeod, Manchester, Marsteller, Martin, McCloskey, McNally, McTeague, Millett, Morrell, Mosher, Murray, Orestis, Porter, Rollins, Ross, Shute, Simpson, T. R.; Smith, D. M.; Susi, Therriault, Webber, Whitson, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Ault, Bailey, Barnes, Bartlett, Bedard, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Call, Carey, Carrier, Clemente, Cote, Crosby, Cummings, Curtis, A. P.; Dam, Donaghy, Dudley, Dyar, Emery, E. M.; Faucher, Fecteau, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hodgdon, Jalbert, Keyte, Lewin, Lewis, Littlefield, Lizotte, Maddox, Mahany, Marsh, McCormick, McKinnon, Norris, O'Brien, Page, Parks, Payson, Pontbriand, Pratt, Rand, Rochelleau, Scott, Shaw, Sheltra, Simpson, L. E.; Slane, Starbird, Stilings, Trask, Wheeler, White.

ABSENT — Clark, Conley, Driegas, Farrington, Gill, Hanson, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Kilroy, Lund, Mills, Santoro, Silverman, Smith, E. H.; Tanguay, Tyndale, Vincent, Wight. Yes, 64; No, 66; Absent, 20.

The **SPEAKER**: Sixty - four having voted in the affirmative and sixty - six in the negative with twenty being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought to pass" — Minority (5) "Ought not to pass" — Committee on Health and Institutional Services on Bill "An Act relating to the Rendering of Treatment and Services to Minors for

Drug Abuse Without Parental Consent" (H. P. 391) (L. D. 506)

Tabled — April 6, by Mr. Lee of Albion.

Pending — Motion of Mrs. Payson of Falmouth to accept Majority Report.

The **SPEAKER**: The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. **PAYSON**: Mr. Speaker and Members of the House: This bill would allow minors to seek treatment for drug abuse without parental consent. The committee sent out a divided report, 8 "ought to pass" and 5 "ought not to pass."

During the public hearing, many testified that minors from nine years of age on up will not admit to their fathers or their mothers that they are drug users. As a result, these minors are not receiving the help they desperately need. The minors are afraid of the strong reaction of their parents.

I was, therefore, particularly interested in an article I read last Saturday written by Margaret Mead, the world's best known writer on anthropology. The article, "Drugs and Us" appeared in Harper's Bazaar last month in which she said, "We need laws that permit young addicts to legally seek help without involving their parents. Clinics which can operate legally and give early help to frightened adolescents would make a difference. These children are more frightened of hurting, shocking or enraging their parents than they are of anything else."

I hope that you will vote to accept the Majority "Ought to pass" Report. Thank you.

The **SPEAKER**: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. **DYAR**: Mr. Speaker and Members of the House: As a signer of the Minority "Ought not to pass" Report, I feel that I should bring this to the attention on the floor of the House some of the fallacies in this bill.

The House Chairman, the gentlewoman from Falmouth, Mrs. Payson, has referred to proponents of the bill at the committee hearing.

Last night I was privileged to attend a meeting on drug abuse

and there were two members from the Rap Center in Bangor there, and their song and dance basically was the same thing we heard in committee. One gentleman who spoke stated that he was a member of the armed forces and that he had done everything possible he could to get out and he did get out. He had been hooked on drugs since age 16 and he told us last night that he was off drugs. He also said that he counseled everybody that he could in methods to stay out of the armed forces, how to beat the draft and everything else. He also stated that Friday of this week there would be a drop of crystal in the City of Bangor. He was asked if law enforcement people would be notified of this drop of hard drugs, and he said no, that the underground in Bangor would take care of it. We asked who the underground in Bangor were and he said there were two or three hundred of his friends who were drug users and ex-drug users who were trying to control the illegal transportation of drugs within the State of Maine. It occurred to me that they also might be in the business of funnelling drugs into a source where they might benefit themselves.

Now in checking with the Attorney General, or Courtland Perry, I asked him seven questions in regards to this bill. Question number one was how long could this treatment be continued without the parents notification. And his answer to me was there was no limitation on the time that a doctor could treat a youth without notifying the parents.

I also asked who would be responsible for the bill. And his answer to me was that inasmuch as the doctor took this minor into his confidence and gave him the privilege of being treated without notifying the parents, that he would probably jeopardize himself as far as the position of privilege if he did bill the parents.

Another thing that did bother me was the minor who was on drugs who was being treated by a doctor without notifying the parents. What if this child was

under the influence of drugs and caused damage to the public, public property? In this case the parents still would be liable for any damage that this youth did.

Another thing that bothered me considerably was the right of a person to treat a youth was basically breaking the law. As I understand it now, the law states that it is illegal in the State of Maine to use or possess drugs. The question in my mind is whether or not a social worker, an osteopathic doctor or a psychologist or a medical doctor could treat this person without notifying some law enforcement officer. Now in the answer that I received from the Attorney General's office, he states, "An osteopathic physician or a social worker rendering treatment to a minor wherein he obtains actual personal knowledge of a minor's violation of the penal provisions of Title XXII, Chapter 551, Subchapter 2, Drugs; Title XXII, Chapter 557, Narcotics; Title XXII, Chapter 558, Sale and Possession of Cannabis, the osteopathic physician or social worker becomes subject of Title XVII, 902 provides. "Whoever having actual knowledge of the actual commission of a felony cognizable by the courts of this state, conceals, or does not as soon as possible disclose or make known the same to some one of the judges or some officer in charge of enforcement of criminal law of the state shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 years or by both."

Now of all the seven questions I asked answers on, they all left considerable doubt in my mind as to whether or not this bill, as written, would benefit the minors of this state who were seeking treatment without notification to their parents.

As a parent myself with four sons, I would be rather hesitant to have my children treated for a drug problem and not know about it.

In talking with medical doctors and osteopaths who are working with the youth who are on drugs, they tell me that in nine cases out of ten that these children are on

drugs because of their parents at home. And they feel that they have got to do treating at home before they can solve the problem with the child.

With this in mind I would hope that we would not accept the Majority Report and I will refer this bill to the Committee on Judiciary. And if in looking over this bill they feel that some of these things should be cleaned out, some present statutes repealed in order to make this bill workable, I would go along with it.

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

Mr. WHITSON: Mr. Speaker and Ladies and Gentlemen of the House: I feel perhaps that I understand the problems of drug abuse to a greater degree than many members of this legislature. I feel this way partly because I am young; but more important, I have young friends and unfortunately some have abused drugs. Let me make this clear, the drug problem is no longer just a problem; it is a blight, a social disease. It is not just in our colleges, it is in our high schools; and unfortunately it is not just in our high schools, it is in our grade schools. To cure this disease will demand a more open-mindedness than has been shown to now. All of us are going to have to learn what the drugs and their various effects are.

Let us also realize that alcohol is a drug and perhaps more damaging a drug than some which young people are abusing. Naturally this oftentimes dependence on alcohol while at the same time chiding our youth for their irresponsible abuse is hypocrisy. This does not help our case with the young.

I draw your attention to the remarks made by Mr. Henley earlier in the day to the effect that alcoholism is a serious problem in this state. What I am saying is that all of us must make a greater effort to understand the drug abuse problem in this state so that we will be qualified to respond intelligently.

It seems to be the philosophy of many that the troubles of our youth can be handled in the woodsheds at their parents hand. I maintain that if the problem wasn't prevented in the woodsheds in the first place, it is very unlikely to be corrected there.

Doesn't it seem to you, my fellow legislators, that if a youth realizes that he has a drug problem and seeks help, that help should not depend upon parental consent? There are times when it is very difficult to communicate with a parent and there are times when society has such a stake in a problem that parental consent is waived. Venereal disease is such a case and parental consent is not needed to treat a juvenile.

I maintain that drug abuse is also a similar social disease in which for the benefit for society, as well as the youth, parental consent should be waived.

Yesterday I spoke with a psychiatric aide who told me that they are not permitted to treat a juvenile in the most dire of circumstances due to a drug abuse problem until they have the names of his parents and then the parental consent. Oftentimes young people in a situation of this nature will refuse to reveal their parents' names.

This is good legislation, open-minded legislation, I hope that it passes.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: Drug abuse in the State of Maine, it is a big problem. There has been some talk about the problem is going away. It is not going away, it is growing by leaps and bounds all the time. Possibly we, or some of us have thought possibly it is going away because we have heard so much about the fight against the drug problem.

I would like to point out that this bill is in no way intended to teach people how to avoid the draft, as Representative Dyar has suggested; it is no way to establish

a form of drug distribution, as the gentleman has stated; and I would like to interject that according to the law that he quoted, that he has some knowledge of this drop of acid coming in, and I would suggest that he notify the authorities.

We are getting this confused with questions of law. The only greater way to kill the bill is to try to offer a lot of amendments.

When I was first approached on this bill, I had some reservations because I am somewhat over the age of forty, so therefore I think the life in a family is an important matter. If all the parents were taking care of their children as they should be there would not be a drug abuse problem. However I ask myself, why do they want this? So I took the time and I inquired of clergymen, of priests, and of counselors of these young people who work in the Rap Centers, a lot of church groups, and I talked to doctors. And the overall result was that we have to bear this on our conscience. There are children, young people, that would rather even go back to drugs or to take their life than they would to go to their parents at a certain time. And if this condition exists, it is not the fault of the children, it is the fault of us parents.

So therefore, are we going to say, "Go ahead, stay on drugs or go back to drugs?" Or someday they will just bring a boy in because he has got an overdose. A doctor will not be required to treat him because it will be gone by this time. So therefore, I feel that it has got merits. And when a boy comes in after dropping some lysergic acid, or crystal, as they call it, and this is interesting, that two years ago the average age of one dropping crystal was 20 years, today it is 13 and 14 years old.

It is not uncommon for children to come in with drug abuse problems now at 9 and 10 years old. And this is the type of stuff they are dropping it into their arm with. Here is a plastic piece of glass with a rubber tip. They

will gouge a hole in their vein and squeeze it in. And this comes with your speed and your amphetamines and that type of thing, and your barbiturates. And again here is something that some doctor was using. It is a type of syringe that is used once. It comes with something in it already. They use it and throw it away. Well, somewhere they found these things, and this is what they are using to put into their arms too.

And we are now graduating from a minor drug abuse problem. We are now in the area of morphine and speed, amphetamines and barbiturates. This is not a pretty story, but you want to remember, it is not the fault of the kids either. It is the fault of the parents. It is the fault of this state legislature if we do not permit them to seek the proper type of help.

When they are on a bad trip they don't want to go home and face their parents; they want to go to someone that can help them. And believe me, these people that are working in this drug abuse area, the doctors are spending a lot of their time at it, and there are a lot of them, these doctors know the right time to approach the parent. And by the same token, this is an important part, that they know the right time to approach the parent. Because there is no point in just treating an individual if the overall condition is not corrected.

Almost all problems related to drug abuse come from the family, that fine institution of which we all pride ourselves in, the family. But why do we have so many of these children that feel they have got to experiment, they have got to get away? All I can say is, I think with the adoption of this bill it will save some lives. And in my opinion if it just saves one life it will be worth it. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: I have a son 18 years old. I should feel very bad if I thought that boy couldn't come home to me or if he did get in difficulties they

did not let me know. Blood is thicker than water.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Mrs. Doyle.

Mrs. DOYLE: Mr. Speaker and Members of the House: I was one of the signers of the Majority "Ought to pass" Report, and I strongly support this legislation, both as a nurse and as a parent.

I think that the gentleman from Strong, Mr. Dyar, has brought several red herrings into the issue. I can't see any connection between the draft situation and the drug situation. I would like to remind the gentleman that law enforcement officials did testify for this bill at the committee hearing, law enforcement officials from Cumberland County.

In Penobscot County, I can assure the gentleman that the Bangor Police Department and the Penobscot County Sheriff and the Penobscot County Attorney are all working very diligently on this problem, and are aware of the problems that exist in Bangor and the greater Bangor area.

I support this legislation because I think it is time that we all recognized that the drug problem does exist in Maine, and that this is a logical way of dealing with it.

School counselors and others are hampered in their attempts to deal with children on drugs because when they recognize that the problem has become a medical one and recommend medical treatment the child in question is most apt to turn down the counselor's advice and not submit to treatment because his parents would have to be informed of the problem. Then the child escapes to friends of dubious character and intention, and his initial problem becomes one of greater dimensions.

It was brought out in committee testimony that many of the children being counseled by a local agency for drug abuse are between the ages of 13 and 15 years of age. It was also brought out that many of the drugs that are being abused are not drugs that are currently illegal to possess.

Parents, no matter how conscientious they may be, do not have complete control over their

children 24 hours a day. If my children were having problems I would far rather know that they had access to proper counseling and care, even without my knowledge, than to have their problems increase without any qualified person being legally able to intercede on their behalf.

Naturally we would prefer that our children come to us with their problems. But if for any reason they cannot, they should be able to seek competent help elsewhere. Thank you.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Members of the House: Of course parents want to know. In fact we would all be hurt if we found our children couldn't come to us for help. But what I think should be brought out is that no matter how good the parents are, they will have the very children that we think the most of, the intelligent, the curious, the ones that want to experiment. The ones that in my generation were looked up to, they were the leaders in their group. These are the children that are experimenting with some of these things, not realizing perhaps the dire consequences of experimenting, and how it can lead to really hopeless cases of addiction.

Now these children are very well aware of their parents' feelings. They know how disappointed their parents are going to be, and shocked. They also know their parents are going to be ashamed and perhaps ashamed to such an extent that they will forbid them to get any help locally for fear word will leak out that these children are involved in such a shameful, horrible activity.

These are the children that I think are intelligent enough to go for help quickly before it is too late. And I think that we should trust the doctors. After all a doctor is, by the very case that he is a doctor, we know that he is an intelligent man, and he is not going to continue to treat a child without telling the parents unless he feels it is absolutely necessary to the cure of this child that the parents remain out of it. And if he is not

in the position to know exactly what the parents — how they feel about it, he has methods of his own to find this out.

I think this is an important bill and I hope it passes.

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

Mr. MORRELL: Mr. Speaker and Members of the House: As the parent of four, I would hope that if one of my youngsters was unfortunate enough to get into the kind of situation that has been described that they would feel comfortable in coming to us. But if they were afraid to do this, I would certainly hope that an avenue of assistance was available to them that would relieve them of the fear of our being notified. And I would certainly hope that we go along with this legislation.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Members of the House: I have considerable reservations about this bill. Now I have been called by some of my younger colleagues the old fogey, 22 going onto 96. But be that as it may. And also the gentleman from Brewer, Mr. Norris, in committee, may I add. But anyway, I think that some of the debate this morning on this particular issue points out one of the basic problems that we have with drug abuse. And that is that there is a hesitancy on those officials, those authorities who know about drugs, whether they be law enforcement officials, or whether they be the doctors or the nurses or the drug counselors, to give information to the people who need it.

Now one thing that disturbs me very much is that this bill would encourage young drug users not to divulge the very information that the law enforcement officials need to combat the problem. And I think that the emphasis should be put on stopping the flow of drugs into the state, eliminating the drugs from their source, and not worrying about whether one or two users of drugs are going to re-

ceive a hard time from their parents when they return home.

I think we spend too much time worrying about whose face is going to be saved than we do where the drugs are coming from. Now I realize that with this particular piece of legislation the basic problem is, how are we going to render necessary medical assistance? And I am going to be hard put to vote in favor of this bill for the reasons that I have mentioned.

I don't like the attitude that the only people that are qualified to discuss drugs with youths are those that have been on drugs or know people that have been on drugs. I don't like the ideas that I have seen in some communities where the drug counseling centers, or the drug abuse centers are manned by hippies, manned by those who have a very liberal attitude toward the use of drugs. Many of them have indicated that they are in favor of legalizing marijuana, which I definitely am not in favor of.

And I do think that we would be doing the parents of the State of Maine a grave injustice to take the initiative for responsibility for their own children away from them. Now I have no children. I am not married. But I think that when that time comes, if it does, I am going to want to know the problems that my children have, and I am going to accept the responsibilities to find out as much as I can about drug problems and any other social problems that may involve my children.

But I would hope that this legislature would vote against this bill, and would try to come up with another measure that would both provide for the treatment of individuals on drugs, but at the same time would provide for the knowledge of the parents for their own good and also the knowledge of law enforcement officials as to the source of the drugs that the individual in question got into.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I am married; and I do have children.

And I would certainly hope that if one of my children got into the circumstance that they needed assistance without my consent that it be given. Thank you.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I have been to several family doctors, and they all have told me that they do not favor this and that they would not treat a child. I even paid for an office call Monday so I could get in to see the doctor to ask him about this.

In my opinion this bill would only encourage children to try drugs if they know their parents are not going to know about it. One representative asked me if I didn't trust the youth of today. I like young people as well as any and I have had four myself, but I think that young people are only human. For example, I have seen right here in the House among our legislators a vote changed when a roll call is requested, in other words, when people back home would know how they voted. When they didn't know it, it was different.

And our children are no less human than their parents. In my mind, the sponsors of such legislation do not have any consideration of the parent's responsibility, or the fact that a child has a responsibility to their parents. Permissiveness is a priority. With a VD bill last year, two bills this year on drugs, and contraceptives without parents' knowledge or consent, and the abortion bill, perhaps these people would like to have us turn our children over to the state before they learn any moral values at all. Or better still, perhaps we could send them to Russia where this machine of state parenthood is already set up.

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

Mr. GILL: Mr. Speaker and Members of the House: I would like to point out this is not a bill to legalize the smoking of grass. Evidently that gentleman knows a little bit more about grass than I. This is not a bill that if you vote

on it you are going to either condone the people with long hair or short hair. This is what troubles me.

People bring up these things that they think would be an unpopular stance, so they say long hair this and that. Well, let me tell you that some of these former drug addicts can get across to teenagers much quicker than our psychologists, psychiatrists, and some of our long hair professors, if we have to use that terminology.

I would like to point out that I can tell this, because I have spent a lot of time in speaking before groups on drug abuse, anywhere from two to three years. I finally gave up. They don't want to listen to me. And we got the answer. We have some former drug addicts now that go around to the schools at the assemblies, and they will speak to as many as two and three hundred students, it will be just as quiet; and they come home and they will talk to you about the discussion. And this is what gets through to them.

The fact that we pass this, I don't think there is going to be a lot of kids run out and try drugs. I know in our town they passed an ordinance that you wouldn't be able to walk against the traffic light; and then that didn't work too well. So they put in a crosswalk, and they said that if someone is on the crosswalk a car will have to stop. Well, I don't recall too many people going out just trying it out to see if the cars would stop. And I think this kind of relates to what the lady said.

As far as the comment about doctors, I agree. There are a great number of doctors in this state that are scared of a person that has a drug problem. There are a great number that are scared of people that have got a problem of drinking. But thank goodness, things are changing in this area. We have a lot of doctors now that are spending a lot of their time in these two areas.

There once was a time that a doctor that I know of didn't want a patient that looked like they might expire on him. He used to transfer them out. But you are

just talking about a few doctors here. Thank goodness we have got doctors, and times are changing, that can relate to these drug problems, and believe me it is an important part of the treatment of an individual for the problems at home to be straightened out. And a doctor or psychiatrist would try to do this as soon as possible.

The time is not when the kid is coming in on a bad trip, because of some problem possibly at home; possibly he just got an overdose, possibly he used one of these types of a syringe that was not in a good condition, and he developed some type of a sickness or an infection.

But please, let's not look upon this as a way to avoid the draft and the marijuana problem, or we are going to encourage all the young people to go out and try drugs. I sincerely believe that this bill will be able to save some lives.

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

Mr. LUCAS: Mr. Speaker and Ladies and Gentlemen of the House: I would like just briefly to comment on the fact that we certainly will need a cooperative gathering of minds on the drug problem in our state. And I would like to relate to you a feeling that I have generated over the past year in serving on the Citizen's Advisory Panel to the School Committee in the City of Portland. And that simply is that there is no clear-cut answer to the drug problem, that we are certainly going to have to look to new ways of doing things. And I would concur with Mr. Gill from South Portland in saying that we are attempting here; fortunately we have not lost any lives in Maine yet to the drug situation, but that may not be long standing. We are talking here about offering a young daughter or a son, perhaps of a member of this body, perhaps not, but we are offering them a chance to seek help, and by denying them help we would in fact be doing an injustice to the people of Maine.

This is not permissive legislation. This is innovative legislation. It certainly is needed for these

times, and I would hope that you would support this.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: I would like to commend Mr. Gill on his fine speech, probably the best he has delivered so far this session, and I would hope that he would get angry more often.

Last session we passed similar legislation to this permitting juveniles to be treated for various problems, presented medical problems.

As for the point brought up by Mrs. Berry on our voting one way down here and feeling another way, I would relate that this same problem is true with the juveniles, for the teenagers. They feel one way but they act another way, unfortunately. And they don't always turn to the parents.

I would hope that you would support this measure. I feel that it is a very good measure and a very necessary measure. Thank you.

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

Mr. WHITSON: Mr. Speaker and Members of the House: Mr. Lucas did mention the fact that there have been no deaths from the drug problem. However, I personally know of cases in which children for one reason or another were forced to hold counsel from their parents, from the authority, from anyone, and put in a position where they attempted to take their own life. There are different reasons for holding counsel; from the point of view of an old man who will beat the living glory out of you, to a child who absolutely respects and loves his parents, and for this reason he won't hurt them. And this is what it will do if they find out his problem.

I submit that this is, as I have said before, good legislation, and I expect good things of this legislature.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Ladies and Gentlemen of the

House: I have been around this legislature quite a few years, if you consider 24 quite a few; I have been here that long. And I have listened with a great amount of interest to the debate on this measure this morning. I think I can safely say that it is going to be one of the most difficult decisions for me to make to decide how to vote on this bill as it now stands.

Somehow I recognize that there is a lot of merit in the argument of the gentleman from Strong and the gentleman from Rockland. If we are going to be here longer, is there any possibility that we could come up with a bill that will contain some of the desirable things that this bill lacks? I recognize that. Communication. Isn't there a medium somewhere where we can get more communication, where we can get more communication to the law enforcement people? I hesitate to vote with the majority of the committee this time. Although if possibly we could only have one choice, I would have to do that.

If there is any hope that we could defer decision or vote with the minority of the committee in a hope that this could go possibly back, as may have been suggested, to some other committee that might come up with a bill that would contain some of the things that this one obviously lacks, I would feel like going along with the minority. I think after these few remarks I will sit down, and I don't know yet which way I am going to vote.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: As you know, this proposed piece of legislation intends to revise the present law which allows treatment for venereal disease in minors without the consent of the parents or the need to inform them, the parents of it. From all I have read and heard from doctors with whom I have spoken, the rate of cases of venereal disease, which was skyrocketing when this piece of legislation was passed, has continued to do so.

Now we all know that we have a drug problem in Maine. We have one in Wayne, but we are trying to do something about it in Wayne. We have had informal gatherings of parents where we have discussed the problem and urged them to go back to their children and communicate with them. And we have seen results already in particular cases.

I believe that if we pass this permissive piece of legislation, the same that is happening in regards to VD right now is going to happen in drug abuse. But more important, I believe that if we legislate another wedge between the young people and their parents where communication between the two is so important now in regards to their problems, it is going to be bad for the future society. And I hope that we will reject the majority report and accept the minority report.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Members of the House: As a member of the committee who signed the "ought not to pass" report, I shall be brief in my statements, but I would like to reiterate what I said last week, I feel that we are treading on thin ice with this bill. I certainly agree with Representative Bragdon that possibly more study should be given to the bill and possibly we could come up with something that would be acceptable to the majority here.

I certainly would hope that you would go with the minority report.

The SPEAKER: The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Payson, that the House accept the Majority "Ought to pass" Report on Bill "An Act relating to the Rendering of Treatment and Services to Minors for Drug Abuse Without Parental Consent," House Paper 391, L. D. 506. The Chair will order a vote. All in favor of accepting the Majority "Ought to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

91 having voted in the affirmative and 37 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read twice and tomorrow assigned.

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

Resolution Proposing an Amendment to the Constitution to Change the Time for Filing an Initiative Petition (S. P. 382) (L. D. 1139)

Tabled — April 6, by Mr. Birt of East Millinocket.

Pending — Final passage.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: There has been some change in the feeling on this bill as the result of a recent Supreme Court ruling, and I would move that we send it back to committee.

Thereupon, on motion of Mr. Donaghy of Lubec, under suspension of the rules, the House reconsidered its action of March 31 whereby the Resolution was passed to be engrossed.

On further motion of the same gentleman, the Resolution was recommitted to the Committee on State Government in non-concurrence and sent up for concurrence.

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

An Act relating to Retirement Allowance for Former Governors (S. P. 521) (L. D. 1419)

Tabled — April 6, by Mr. Henley of Norway.

Pending — Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I rise with regret that I must oppose this bill. I feel that the bill is something that opens the door to ill use possibly in the future.

In the first place, the bill has been changed a little out of context. The original bill stated that a former governor who had served

four years, two two-year terms or one four-year term. I do not say that I would go along with that bill. But now this rewrite states that any former governor having served one year only as governor.

Now I have been given to understand that this bill was presented for a definite purpose. Probably the purpose is wonderful and I regret that I do have to oppose it. But if the bill was supposed to aid my own brother, I still think I would oppose it. It establishes a precedent which I am not in favor of. Of course that is only being consistent on my part because I have opposed several of our legislative broadening of pension and retirement rights. I feel that with the cost of government as it is today and with our constituency so insistent that we keep that cost down, in the first place that we should be using some care as to how we propose legislation which is going to extend an unlimited cost into the future.

Secondly, I am a little concerned that again the same trend that everyone who gets into trouble and comes to the legislature and we will make it right for them.

We have people in the legislature here, and undoubtedly through the past many dedicated people who served, not only two, not only four, not only six or eight, but people who have served in a dedicated way, losing money every session from their professions to come here and work. We have got several in the legislature now. And if we are going to set up retirement benefits for people who dedicate a good portion of their lives to public office, why I think we should consider a lot of those also. They are definitely worthy. Now I am opposed to any type of retirement and pension benefits that are not set up in statute and that are not contributory.

Again, I know that there are going to be people oppose my stand on this, and they probably have very good reasons. I understand also that there is an amendment to go on it; I see it on my desk, which would add even to the liability of our future budgets. I urge you to read this bill and

see for yourself if you think that we should legislate in this manner. If there are people who need assistance, there should be some way for them to get it. I feel that having briefly served as Governor of this state is not specifically a magic word. I don't feel that they because of that service are any more entitled to consideration than people who have served in other brackets of public life.

And consequently I am going to move for indefinite postponement of L. D. 1419.

The SPEAKER: The gentleman from Norway, Mr. Henley, moves indefinite postponement of L. D. 1419.

The Chair recognizes the gentleman from Kittery, Mr. Hodgdon.

Mr. HODGDON: Mr. Speaker and Ladies and Gentlemen of the House: I arise this morning to oppose the motion of indefinite postponement made by the gentleman from Norway. We have before us this morning a very simple unencumbered bill. We have before us a bill that certainly cannot have any political overtones to it whatsoever. I would even suggest that we have before us this morning a humanitarian bill.

I think we all realize that every Governor who has served this state, especially those in the past, have not received moneys whereby they were able to take their funds and provide for the future. I have read this bill, I was on the committee that heard the bill, and I know of the original bill and I know how it was changed.

It is very well for us to sit here in our smug way and not have any compassion for those who have served this great state and feel as though there should be other means whereby late in life, when they fall upon hard times, that we should ignore it. I think you are all aware, most of you are aware that we do have a condition of a former governor who has come upon hard times.

I would point out to this legislative body that there is a section of this bill that says the only way that this will be paid is upon application. There is nothing auto-

matic to it whatsoever. We are asking for \$5,000 a year, which in my opinion just barely puts it over the poverty level.

I would suggest that if this body votes this bill down it would be a good time for us to hold our heads in shame and slowly back out of these chambers. I urge this body to vote against indefinite postponement. I thank you.

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

Mr. LEWIN: Mr. Speaker and Members of the House: I will try to be brief. This bill is a new draft of L. D. 427 and when it was heard before the State Government Committee it was noted that it pertained to any person who formerly served as Governor of this state for a four-year term or two two-year terms. Now what about a former Governor who served one full term of two years? L. D. 1419 takes care of this.

You will notice that this bill has a small price tag. Also you will notice, as was brought up a few minutes ago, that this allowance will be paid only if the ex-Governor submits a request. And I believe that many of these will never submit a request. I believe that this is a worthy bill, it is a timely bill, and I ask for your favorable consideration and that you vote against indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: I rise to concur with the two previous speakers. I hope that you will vote against indefinite postponement and give me the opportunity to offer the amendments on your desks.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I hope when the vote is taken that you will notice how I vote, if I am the only one; and I hope you will also notice that I shall not be hanging my head in shame. I never did on any vote that I made on the floor of this House and I don't expect to.

I am charged by my constituency to conduct myself in a manner down here in which I feel is to the most advantage to the most people of the State of Maine. I do not feel that specialized legislation aimed at one person, that can have repercussions and move on into the future, which could have benefits to hundreds, is the right kind of legislation. It is not fair-minded legislation.

And I might ask you this. If this person this was asked for was one of our legislators or ex-legislators, representative or senator, if it was one of our ex-constitutional officers, I wonder if we would vote this same amount of money — it is a small amount of money but you carry it on year after year. One more point. There is so much said about poverty level. There is a lot of us who do pretty well on \$5,000 a year or less. And it all depends upon what one does with their money and what their living standards are, and how they get by in life.

But be that as it may, I am still urging the indefinite postponement and that is how I shall vote.

The SPEAKER: The Chair will order a vote. All in favor of indefinite postponement of An Act relating to Retirement Allowance for Former Governors, Senate Paper 521, L. D. 1419, will vote yes; those opposed will vote no.

A vote of the House was taken.

29 having voted in the affirmative and 97 having voted in the negative, the motion did not prevail.

On motion of Mr. Donaghy of Lubec, under suspension of the rules, the House reconsidered its action of March 31 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-110) was read by the Clerk and adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought to pass in new draft" — Minority (2) "Ought not to pass" — Committee on State Government on Resolution Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts (H. P. 208) (L. D. 274)—New Draft (H. P. 1238) (L. D. 1524) under same title.

Tabled — April 6, 1971 by Mr. Susi of Pittsfield.

Pending — Motion of Mr. Donaghy of Lubec to accept Majority Report.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 274, the original bill, would have allowed cities and towns with two or more representatives to be organized into single member districts by a majority vote of the Legislature. For instance, under this legislation the City of Bath would have been divided into two separate Representative districts. The new draft, L. D. 1524, which I had not read until it appeared on our desks last Wednesday, goes far beyond the intent of the original bill. It repeals two entire sections of the State Constitution and would allow a complete reapportionment of the House, possibly dividing Bath three ways and tossing a couple of Sagadahoc's smaller towns into each district. When I signed the "Ought to pass" Report I must have been asleep because I was given to understand that I was voting for the concept expressed in the original bill. I had no idea that I was signing this monstrosity, as probably most of those who signed the petitions to abolish the big box had no idea they were voting for the office type ballot. The Majority Party seems to be full of little surprises lately.

I still believe in the concept of single member districts and in the principle of one man — one vote. I believe this to be in the interests of good government. I cannot, however, commend the Republican Party for supporting such legislation since it is they who are

responsible for our still having at-large districts. Their motives for reform at this particular point in time are indeed suspect as most of our cities are now sending entirely Democratic delegations and we are on the verge of controlling this House without the help of Barry Goldwater.

I am quite certain that most of the people of the City of Bath would have no objections to being divided into two Representative districts, but I am quite sure that they would object to being gerrymandered with several small towns and thus lose their identity as a city. For this reason I now move that the Reports and Resolution be indefinitely postponed.

The SPEAKER: The Chair understands that the gentlewoman from Bath, Mrs. Goodwin now moves that both Reports and Resolution be indefinitely postponed.

The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I shall go forward with my formal presentation although I believe I have just got the indication that I have lost one of the signers of the Majority Report. But it is a pleasure to arise today with the support of the gentlewoman from Bath, the gentleman from Sabattus, and Mr. Farrington who I see is not in his seat either so therefore he will probably not want to speak in favor of the way he signed the bill.

I found that it was quite interesting that the gentlewoman from Bath, that she did mention that she saw this monstrosity on the last day that she signed it. I believe at the time I presented the monstrosity it was at the time of the public hearing. And I would like to say that I have been connected with this type of legislation for a lot more terms than I like to remember.

I would point out that, as she said, that she is pleased to see that all of a sudden we are showing some interest in this. And I would like to just go back to the time that I first introduced this. It was a simple little matter that we would form legislative districts

by a majority vote in the House. And this was going along very well until some certainly very inspired gentleman, who is staring me down, saw fit, and perhaps rightfully so, to see that Governor John Reed received enough votes to pass one of his sales tax proposals.

Frankly, we were lacking a few votes, so there was a little trade made, and all that they did to my bill which was a harmless little thing, they changed it from one half into two-thirds. And since that time this has been a little bit of a problem, even for the Majority Party. And certainly that was about my first term here, and I have learned from the gentleman from Lewiston, and I am still learning. And I tell you one thing, that I would take this gentleman out to a certain steak house and buy him a big feed if this thing got by in this House. And I haven't got the slightest chance that it will.

But now to get back to the issue. What concerns me is that, let's say, a person in Portland has got a little problem they want straightened out with the Department of Health and Welfare. And certainly all of our representatives in Portland are representatives of all the people, we know that. So therefore, this one person calls up the 11 representatives — or is it ten yet? It's now 11, may go to ten — and this gentleman will have these very ten effective legislators descending on the Commissioner. So this man has a lot of strength and muscle for his little problem.

But yet we go three miles south to Scarborough. It might be the same type of person. He might even be employed in the same type or line of work, or he might be employed in Portland, and he finds all he has to represent him when he goes down to Dean Fisher is that very fine and capable gentleman from Scarborough. And then we get in between and we have South Portland. Well, that is truly a thing, because actually we all feel in South Portland that we are on a par with Portland. So therefore, our citizens feel that

with the three of us to represent them, that is just as good as in Portland.

I would like to go back to the statement that was made by my Majority Floorleader at one time. His name is Brad Wellman from Bangor. And Mr. Wellman pointed out that if we permitted this type of legislation to pass Bangor might lose a Republican. I would just like the Republican members of this House to reflect on that fact. And I think we will have to agree that Mr. Wellman was right. They might lose a Republican from Bangor.

And today we may hear, but I doubt it because I don't think anyone will bother even to debate this, that in Chicago or in the State of Illinois, that the courts ruled that it is all right for Congressmen to run at large. I don't know just how many there were. But the reason for this was that the legislature could not get around to apportion the congressional districts.

There is also another court decision that if one branch of the legislature apportioned on one man-one vote, this is truly desirable. And it is almost a matter of convenience that they said, but in the other branch this hasn't got to be necessarily so. Well, I could only conclude from this that evidently in one branch one man one vote is something that is believable; however, in a house of this size they evidently felt in the courts that each individual legislator would not be able to have the same effect. So they threw us all together just to see what we could work out.

And I certainly realize, getting back to the area of Brad Wellman, that the gentleman from Bangor that now represents them, who I believe is not a Republican, Mr. Kelleher, frankly he wants to represent all the people of Bangor, and according to his articles in the paper he certainly does; and he does a fine job of this. And some of the people across the river and in Brewer with his bridge.

But actually I would like to point out to him that he is on the Apportionment Committee right now, and if he would like to join me in supporting this worthy

legislation he could carve himself out a safe and a little district that he would be safe there for years. And I am not trying to make a deal on the floor of the House, but if there is any merit to my suggestion, I hope you would accept it.

But regardless of politics, I believe that you know in your own mind that one man-one vote is truly a wonderful principle. And this is why at the last minute my legislative document was changed. I thought I had a pure piece of legislation to begin with, but it was pointed out it could be much purer if we divided the state into 151 districts. So that was the reason for that. And I certainly think someone was remiss on the Committee on State Government that did not show the fine lady from Bath the redraft of my bill that I presented at the time of the public hearing. And with that I would rest my case, Mr. Jalbert.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: There seems to be quite a question about this redraft including some of us that are on the State Government Committee, and I would hope that somebody would table this for one legislative day so we can check this out.

Whereupon, Mr. Susi of Pittsfield moved that the matter be tabled until tomorrow.

Mr. Martin of Eagle Lake requested a division.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that L. D. 1524 be tabled pending the motion of the gentlewoman from Bath, Mrs. Goodwin to indefinitely postpone and tomorrow assigned. A division has been requested. All those in favor of this matter being tabled until tomorrow will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 65 having voted in the negative, the motion did prevail.

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

Bill "An Act relating to Temporary Loans by the State" (S. P. 489) (L. D. 1381) — In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-56) — In House, Senate Amendment "A" adopted; passage to be engrossed reconsidered.

Tabled — April 6, by Mr. Susi of Pittsfield.

Pending — Motion of Mr. Martin of Eagle Lake to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: As I told you yesterday, it was my opinion that there is no need for this legislation. After speaking with the sponsor and also with the people in the Attorney General's office, they feel that there would be no harm in having it on the books. It basically is what the Constitution says it is. It basically is what the Court says it is. And I have no objection if someone wants to clutter up the law books, and so I would withdraw my motion to indefinitely postpone.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment "A" and sent to the Senate.

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

HOUSE DIVIDED REPORT — Majority (11) "Ought not to pass" — Minority (2) "Ought to pass" — Committee on Education on Bill "An Act to Create a School Administrative District for the Town of Orono" (H. P. 804) (L. D. 1077)

Tabled — April 6, by Mr. Millett of Dixmont.

Pending — Acceptance of either Report.

On motion of Mr. Susi of Pittsfield, retabled pending acceptance of either Report and tomorrow assigned.

The Chair laid before the House a matter tabled earlier and assigned for later in today's session:

Majority Report of the Committee on Education on Bill "An Act Providing for Mandatory Retirement for Teachers" (S. P. 305) (L. D. 899) reporting "Ought to pass" as amended by Committee Amendment "A" (S-49) and Minority Report reporting "Ought not to pass" which Reports and Bill were indefinitely postponed in non-concurrence in the House on April 2.

On motion of Mr. Haskell of Houlton, the House voted to insist on its former action.

On motion of Mr. Carrier of Westbrook,

Adjourned until nine o'clock tomorrow morning.