

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

Tuesday, April 27, 1971

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

Prayer by the Rev. Mr. Stephen Getz of North Anson.

The members stood at attention during the playing of the National Anthem by the Sanford Junior High School Band.

The journal of the previous session was read and approved.

**Papers from the Senate
Reports of Committees**

Ought to Pass in New Draft

Report of the Committee on Fisheries and Wildlife on Bill "An Act relating to Size Limit of Trout" (S. P. 376) (L. D. 1112) reporting same in a new draft (S. P. 548) (L. D. 1687) 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 Legal Affairs reporting "Ought to pass" on Bill "An Act relating to Theft of Trade Secrets" (S. P. 379) (L. D. 1134)

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

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

**Ought to Pass with
Committee Amendment**

Report of the Committee on Fisheries and Wildlife on Bill "An Act relating to Permits for Keeping Certain Wild Animals in Captivity" (S. P. 375) (L. D. 1111) reporting "Ought to pass" as amended by Committee Amendment "A" (S-101) submitted therewith.

Report of the Committee on Public Utilities on Bill "An Act Creating the Rumford-Mexico Sewerage District" (S. P. 488) (L.

D. 1499) reporting "Ought to pass" as amended by Committee Amendment "A" (S-102) 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, 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 Judiciary reporting "Ought not to pass" on Bill "An Act relating to Probable Cause Arrests in Misdemeanor Violations" (S. P. 333) (L. D. 979)

Report was signed by the following members:

Messrs. HARDING of Aroostook
TANOUS of Penobscot
QUINN of Penobscot

— of the Senate.

Messrs. ORESTIS of Lewiston
HEWES of Cape Elizabeth

Mrs. WHITE of Guilford

Mrs. WHEELER of Portland

Messrs. KELLEY of Caribou
CARRIER of Westbrook

— of the House.

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

Report was signed by the following members:

Messrs. PAGE of Fryeburg

LUND of Augusta

HENLEY of Norway

Mrs. BAKER of Orrington

— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

On motion of Mr. Hewes of Cape Elizabeth, the Majority "Ought not to pass" Report was accepted in concurrence. (Later Reconsidered)

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought not to pass" on Bill "An Act relating to the Adequacy of Public Utility Service" (S. P. 453) (L. D. 1311)

Report was signed by the following members:

Mr. MOORE of Cumberland
— of the Senate.
Messrs. BARTLETT of South
Berwick
TYNDALE of Kennebunk-
port
MOSHER of Gorham
WILLIAMS of Hodgdon
EMERY of Auburn
CONLEY

of South Portland
MARSH of Hampden
RAND of Yarmouth
Mrs. BERUBE of Lewiston
— of the House.

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

Report was signed by the follow-
ing members:

Messrs. MARCOTTE of York
VIOLETTE of Aroostook
— of the Senate.

Mr. SHUTE
of Stockton Springs
— of the House.

Came from the Senate with the
Minority Report accepted and the
Bill passed to be engrossed.

In the House: Reports were read.
The Chair recognizes the gentle-
man from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker
and Members of the House: This
measure came out of the Public
Utilities Committee with a divided
report, all but one of the House
members signed the "Ought not
to pass" Report. It seemed to the
majority of this committee that
this was unnecessary legislation.
The Public Utilities Commission
has for years been doing this same
thing.

I understand that this was aimed
at the Weld Telephone Company
which got itself into a bad situa-
tion. Now the way this bill is
written it affects all utilities --
telephones, water companies,
electric companies, gas, and
perhaps sewer, just about
everyone. It doesn't seem to me
necessary to clutter up the law
books with special legislation that
affects utilities statewide, when it
is really aimed at one particular
company. This situation has
already been cleared up.

The way I understand it, the
PUC has plenty of power to handle

these situations by compromise the
same as they have been doing
since 1915.

I had trouble in my own district
with two electric light lines trying
to pirate customers. In one spot
the Eastern Co-op Lines came
close to the Public Service
companies. The Co-op was a new
line and they had transmission
problems. The Public Service
started pirating customers and war
broke out immediately. However,
the PUC arranged a compromise,
the Co-op got the bugs out of their
lines, and since 1965 there has been
no problem.

The PUC still has this power.
It can still use it when they need
to. To me a good compromise is
the best way to settle differences,
not someone wielding a big stick.
I hope you will go along with the
"Ought not to pass" Report.

The SPEAKER: The gentleman
from Hodgdon, Mr. Williams,
moves that the House accept the
Majority "Ought not to pass"
Report in non-concurrence.

The Chair recognizes the gentle-
man from Stockton Springs, Mr.
Shute.

Mr. SHUTE: Mr. Speaker and La-
dies and Gentlemen of the House:
As a signer of the "Ought to
pass" Report, I feel I should make
some remarks to clear my position
on this bill. This act is partly
covered in the Maine Statutes,
Section 2301 and 2302 of Title 35,
which provides for the organization
of certain types of utilities;
namely, gas, electric and telephone
under the General Law as set forth
in this section which allows these
utilities to engage in a public utility
business anywhere within the State
of Maine with one prohibition, and
that is, such a utility may not
render a service within an area
where there presently is existing
service or where another utility is
authorized to render a service.

Sections 2301 and 2302, however,
do permit a utility so organized
to render its service where there
is an existing service if such utility
first obtains the consent of the
Commission. The test as to
whether or not that consent should
be granted depends upon a finding
by the Commission that such au-
thorization meets the public con-
venience and necessity.

These sections are in the opinion of the Commission permissive legislation granted to the utilities companies. There is considerable doubt as to whether or not the Public Utilities Commission under the language of these sections would be authorized to require such a utility to render a service where there is already existing service. The purpose of this legislation would give the Public Utilities Commission that authority. Any order of the Commission requiring such a utility to serve would be based upon the same test of public convenience and necessity as now set forth in the statutes.

So would it not seem reasonable to give the same authority to the Commission in the interest of the consumer that the utility companies now enjoy?

The second provision in L. D. 1311 would permit the Commission to consider, in its determination of public convenience and necessity, the cost of such service to the customer. Generally, the test of public convenience and necessity if applied to a utility seeking to serve an area where there is already existing service would be based upon the existing utility's unwillingness or inability to serve either because it lacks the financial ability or other factors to render adequate service.

Under the present PUC laws rates are established upon the value of all of the property of any public utility used or required to be used in rendering its service to the public. Therefore, a public utility could render adequate service at reasonable rates even though those rates could be of such an amount that could be prohibitive to the consuming public even though they did meet the reasonableness under Section 5. For example, the Commission could require a utility to improve its service. The utility could comply with such an order but the rates to support the investment necessary to raise the service to an adequate quality, even though reasonable under the statute, could be of such an amount that the consuming public could not possibly afford such a service, whereas the Commission could

order another utility to render a similar service at a much less cost to the consumer.

This legislation is designed to allow the Commission to have the same rights and privileges as granted to the utilities under the provisions of Sections 2301 and 2302. There is nothing sacred about a utility's franchise. It was a privilege granted by the Legislature in the first place, and the Legislature should attach any provisions which in its wisdom protects or improves the public interest.

It was mentioned at the public hearing on this bill, that this type of legislation has been enacted previously by the Legislature in Private & Special Laws, 1959, Chapter 80, relative to ferry operations in Casco Bay, which state that the Commission has the authority to require the Maine Port Authority to provide ferry service if it is of the opinion that the rates charged by the Casco Bay Lines are of such a degree to be prohibitive to the travelling public. I see no distinction between this type of authority to require a public agency to serve than to require an investor-owned utility to serve, especially when the utility is guaranteed a fair rate of return on its investment.

If you will consider for a moment that a radio or television station must meet certain minimum standards set by the FCC in serving the public, why should not a public utility also meet certain minimum standards?

I feel that this bill is possibly one of the most important pieces of consumer legislation that has come before the Legislature thus far and I hope when you vote on this item you will give fair consideration to the consumer and vote against the "Ought not to pass" Report.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I didn't know too much about this bill, but I was approached by a couple of utility companies to look into it. So yesterday I took it upon myself

to talk with different attorneys in Ellsworth that I didn't think were connected with either of the utilities; and their opinion that they gave me was that the bill was unnecessary, that it would only clutter things up, and that they hoped I would do my best to oppose it.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would doubt the actual effects of this on the present Statutes that are on the books right now. The Town of Weld has been mentioned here this morning. It is a small town and had a real tragedy here last fall. On several occasions the people of the Town of Weld and the Weld Fire Department called on the Public Utilities Commission to straighten out a problem they had in that town. The telephone setup there is the old crank system with a manual switchboard. I understand the operator at the switchboard had been told not to notify people calling in where a fire was, if there was a fire in town.

The particular case that brought this bill about, three children burned to death. Whether or not this was based on poor communications or not will never be known. But I feel where the Public Utilities Commission had been notified of this problem on several occasions, and never did bring anything to a head or any conclusion, and did possibly cause the deaths of three children through this inadequate legislation that is now on the books, it is time that we did review the situation to get something on here to allow the Public Utilities Commission to investigate and bring in a new company to render service to the public.

This is probably a small thing at the present time. There are probably very few independent telephone companies left here in the state. But I do feel that the Commission should have the power to investigate and clarify.

The SPEAKER: The pending question is on the motion of the gentleman from Hodgdon, Mr. Wil-

liams that the House accept the Majority "Ought not to pass" Report in non-concurrence. The Chair will order a vote. All in favor of accepting the Majority Report will vote yes; those opposed will vote no.

A vote of the House was taken.

78 voted in the affirmative and 43 voted in the negative.

Whereupon, Mr. Cooney of Webster requested a roll call.

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 Hodgdon, Mr. Williams, that the House accept the Majority "Ought not to pass" Report in non-concurrence. If you are in favor of accepting the Majority Report you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA—Albert, Ault, Barnes, Bartlett, Berube, Bither, Bragdon, Brawn, Brown, Bunker, Call, Carrier, Carter, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Donaghy, Dow, Doyle, Drigotas, Dudley, Evans, Farrington, Faucher, Finemore, Fraser, Gagnon, Gill, Good, Hall, Hardy, Haskell, Hawkins, Hayes, Herrick, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Keyte, Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, Lynch, MacLeod, Mahany, Marsh, Marstaller, McNally, Mosher, Murray, Norris, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rocheleau, Rollins, Shaw, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Stillings, Susi, Theriault, Trask, Tyndale, Vincent, Wheeler, Whitson, Williams, Wood, M. W.; Woodbury.

NAY — Bailey, Baker, Bernier, Berry, G. W.; Boudreau, Bourgoin, Bustin, Carey, Churchill, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Curtis, T. S., Jr.; Cyr, Dam,

Dyar, Emery, D. F.; Fecteau, Genest, Goodwin, Hancock, Henley, Hewes, Jutras, Kelleher, Kelley, P. S.; Kilroy, Lessard, Lizotte, Martin, McCormick, McKinnon, McTeague, Millett, Morrell, O'Brien, Ross, Santoro, Scott, Shute, Slane, Webber, Wood, M. E.

ABSENT—Bedard, Berry, P. P.; Binnette, Birt, Emery, E. M.; Gauthier, Hanson, Jalbert, Lawry, Lebel, Lucas, Maddox, Manchester, McCloskey, Mills, Orestis, Sheltra, Smith, E. H.; Starbird, Tanguay, White, Wight.

Yes, 82; No, 46; Absent, 22.

The SPEAKER: Eighty-two having voted in the affirmative and forty-six in the negative, with twenty-two being absent, the motion does prevail.

Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees" (H. P. 364) (L. D. 471) which was passed to be engrossed in the House on April 20.

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

In the House: On motion of Mr. Cooney of Webster, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act relating to the Right of Access by Landlords" (H. P. 1253) (L. D. 1573) which was indefinitely postponed in the House on April 13.

Came from the Senate passed to be engrossed in non-concurrence.

In the House:

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

Mr. CARRIER: Mr. Speaker, I move that we adhere.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves that the House adhere to its former action.

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

Mr. ROSS: Mr. Speaker, I move that we recede.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House recede and concur.

The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I oppose the motion to recede and concur on the basis that last week sometime we had quite a discussion on this bill and it was the wishes of the House that this bill be indefinitely postponed, and the vote was 81 to 56.

The bill itself hasn't changed into any form although there have been a few amendments put on our desks that have never been presented. There was an amendment on this bill put on our desks from this House and an amendment presented from the other house, but they were never actually added on to the bill.

I submit to you that this bill is not good for either the landlord or the tenant. There is nothing in this which says that the landlord will have any recourse in case the tenant does any damage or destruction to the property. I think it is an invasion of the property rights of the individual. If the conditions of the contract are broken there is no recourse for the landlord, and I submit to you that it is not good legislation.

But the worse part of it is that it would give rights to the individual but not give any responsibilities or duties to those rights. I submit to you, and I hope that you will vote against the motion to recede and concur, and that we adhere.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I support the motion of the gentleman from Bath, Mr. Ross, to recede and concur. I feel that this is a fair bill that allows both the landlord and the tenant certain responsibilities and certain rights. It allows, if you look at the bill, the landlord to enter for inspection, for repairs, to show the premises to its prospective purchaser or lessee, and to collect rent; only at reasonable hours may he so enter. And he can also enter at any time in case of emergency. I hope that you will support the motion to recede and concur.

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

Mr. CALL: Mr. Speaker and Members of the House: As has been stated by at least one other, as I have said before, this is a bad bill. Lots of times — and this is one of those instances, we should beware of the person who comes to us and says, "I am going to help you." Now the landlord doesn't need any help as far as access is concerned. More than ninety percent of most tenants are perfectly willing for a landlord to go in their rented premises for reasonable needs, on reasonable occasions.

This is only one of many bills that not only are making life miserable for the landlord, but are violating his rights. I hope that this House goes against the motion to recede and concur and really in effect adhere to our former vote.

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

Mr. LUND: Mr. Speaker, I would like to inquire of any person who opposes the pending motion to recede and concur, I would like to inquire of that person what occasion the landlord would have to go onto the premises where he is denied that right to go on the premises by this bill?

The SPEAKER: The gentleman from Augusta, Mr. Lund, poses a question through the Chair to any member who may answer if they choose. The pending question is recede and concur.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I am going to speak briefly on this. I feel it quite necessary. The House has heard from two attorneys and two landlords, so why shouldn't there be a man in between to speak about it briefly?

I think that the bill is unnecessary, as Mr. Carrier has stated. Who asked for the bill? I don't believe either the tenant or the landlord did. I think you will note at the bottom of the bill that except in case of rent due or emergency there must be a prior notice. So that if the building is up for sale, there must be prior notice to ex-

hibit it. I don't know who is going to interpret just what is going to suit the tenant for prior notice, whether it is going to be an hour, a day or a week. There seems to be no criteria here to go by.

Again, we voted last week overwhelmingly to kill this unnecessary bill. I fail to see why the action of the other body should make any change. So I hope that you will defeat the motion to recede and concur and then we can kill the bill once and for all.

The SPEAKER: The Chair will order a vote. All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

Mr. Henley of Norway then moved that the House adhere.

Whereupon, on motion of Mr. Norris of Brewer, the House voted to insist and ask for a Committee of Conference.

House Reports of Committees Ought Not to Pass

Mr. Birt from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to Welfare Assistance" (H. P. 408) (L. D. 571)

Mr. Carey from same Committee reported same on Bill "An Act to Extend Medical Assistance to Low Income People Not on State Categorical Assistance Programs" (H. P. 474) (L. D. 617)

Mr. Manchester from the Committee on Fisheries and Wildlife reported same on Bill "An Act To Revise the Hunting and Trapping Laws" (H. P. 844) (L. D. 1160)

Mr. Parks from same Committee reported same on Bill "An Act to Establish a Fishway on the Kennebec River Dam at Augusta" (H. P. 1146) (L. D. 1587)

Mr. Henley from the Committee on Judiciary reported same on Bill "An Act relating to Notice Requirement under Tenancy at Will by New Owner or Lessee" (H. P. 151) (L. D. 206)

Mr. Lund from same Committee reported same on Bill "An Act to Provide for Forfeiture of Vehicles Used to Transport Gambling Ap-

paratus, Burglar Tools, Lottery Tickets and Equipment Used to Counterfeit Money" (H. P. 1026) (L. D. 1414)

Mrs. White from same Committee reported same on Bill "An Act relating to Contingent Fees for Legal Services in Certain Cases" (H. P. 1158) (L. D. 1606)

Mr. Williams from the Committee on Public Utilities reported same on Bill "An Act Requiring a Reduced Rate of at Least 50% by Gas, Electric and Telephone Companies for Service to the Elderly" (H. P. 1077) (L. D. 1469)

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

Leave to Withdraw

Mr. Kelley of Southport from the Committee on Fisheries and Wildlife on Bill "An Act relating to Sale of Marine Worms" (H. P. 1050) (L. D. 1442) reported Leave to Withdraw.

Mrs. Wheeler from the Committee on Judiciary reported same on Bill "An Act relating to Reports of Accidents in Parking Areas of Shopping Centers" (H. P. 992) (L. D. 1354)

Mr. Stillings from the Committee on State Government reported same on Bill "An Act relating to the Legislature's Right to Access to Records of State Agencies" (H. P. 1178) (L. D. 1628)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Lewin from the Committee on Fisheries and Wildlife on Bill "An Act to Increase the Fees for Issuing Fish and Game Licenses" (H. P. 1017) (L. D. 1396) reported Leave to Withdraw, as covered by other legislation.

Mr. Norris from the Committee on Legal Affairs reported same on Bill "An Act relating to Sales of Beverages in Nonreturnable Bottles" (H. P. 76) (L. D. 149)

Reports were read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Albert from the Committee on Agriculture reported "Ought to pass" on Bill "An Act relating to

Fees for Marketing and Advertising Farm Products" (H. P. 1047) (L. D. 1438)

Mr. Mosher from same Committee reported same on Bill "An Act to Prohibit False or Misleading Potato Labeling and Branding" (H. P. 1046) (L. D. 1437)

Mr. Brawn from the Committee on Legal Affairs reported same on Bill "An Act relating to Boundaries of Municipalities in Annual Reports" (H. P. 1056) (L. D. 1447)

Mr. Fecteau from same Committee reported same on Bill "An Act relating to Control over Abandoned Automobiles" (H. P. 1123) (L. D. 1542)

Mrs. Brown from the Committee on Natural Resources reported same on Bill "An Act to Clarify the Classification of Certain Minor Tributaries of the Penobscot River" (H. P. 1094) (L. D. 1482)

Mr. Hodgdon from the Committee on State Government reported same on Bill "An Act Establishing the Law and Legislative Reference Library under the Legislative Research Committee" (H. P. 1104) (L. D. 1510)

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

Ought to Pass with Committee Amendment

Mrs. Baker from the Committee on Judiciary on Bill "An Act to Give the Attorney General Authority to Require Certain Telephone Records" (H. P. 909) (L. D. 1254) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-174) was read by the Clerk and adopted, and tomorrow assigned for third reading of the bill.

Divided Report Tabled and Assigned

Majority Report of the Committee on Health and Institutional Services reporting "Ought not to pass" on Bill "An Act relating to Selling Certain Drugs" (H. P. 116) (L. D. 160)

Report was signed by the following members:

Mr. MINKOWSKY
of Androscoggin
—of the Senate.

Messrs. DYAR of Strong
LEWIS of Bristol
CLEMENTE of Portland
Mrs. McCORMICK of Union
Mr. LESSARD of Lisbon
Mrs. BERRY of Madison
Mrs. PAYSON of Falmouth

—of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1292) (L. D. 1693) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. HICHENS of York
GREELEY of Waldo
—of the Senate.

Mrs. DOYLE of Bangor
Mrs. CUMMINGS of Newport
Mr. SANTORO of Portland
—of the House.

Reports were read.

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

Mrs. PAYSON: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report and would like to speak to my motion.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Payson, moves that the House accept the Majority "Ought not to pass" Report. The gentlewoman may proceed.

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: As you can see, a majority of the Committee on Health and Institutional Services voted against passage of the original bill and also against the amended version. We did so for several reasons, which I would like to present to you.

First, at no time during the hearing or in the weeks that have passed since the hearing was any objective evidence of actual abuse of belladonna derivatives sold in proprietary drugs given to us. We were told by several proponents at the hearing that teenagers are buying these proprietary drugs

such as Contac, Sominex and Sleep-Eze in supermarkets and getting high on them, but at no time did we receive evidence other than rumor or opinion.

There is no question but what these items and probably dozens of other different kinds of things, from airplane glue to aspirin, are purchased by youngsters with the idea of experimenting. But it appears that even when taken in extraordinary quantities, these home remedies do not, and cannot, produce highs or hallucinations. There was some talk that Contac would be taken apart and the belladonna particles separated from the other particles. In the first place, it is impossible to recognize the belladonna simply by looking at it.

In the second place, you would have to take apart 50 Contac capsules, and separate by hand 20,000 belladonna particles from the other 40,000 particles contained in the 50 capsules in order to separate out two (2) grams of belladonna which is what is usually necessary for a hallucinatory trip. I suggest that you try this some time with just one Contac capsule to see what a difficult process this would be. All other proprietary drugs sold on the open market, which contain belladonna, cannot be mechanically separated.

We received from the Department of Health and Welfare, statistics on abuse of Contac, which resulted in hospitalization of people in the United States during 1970. Out of a population of 200 million people, 36 cases were reported. One member of our committee, Dr. Santoro, wrote a number of letters to doctors in Maine asking them for information on drug abuse cases involving these proprietary drugs. He received only a few replies and although some of them suggested that the sale of these proprietary medicines be restricted, not one of them were able to report actual abuses.

Therefore, a majority of the committee concluded that although many people think there is a problem — in fact, there really isn't one.

Our second reason for voting against the bill was that Maine law already authorizes the Board of Pharmacy to restrict to doctors' prescriptions any medicines "having a tendency to depress or stimulate which are likely to be injurious to health if improperly used." This is contained in Section 2201 of Title 22 and gives the Board of Pharmacy very broad powers to act. I think everyone on the committee feels that if a medicine is being abused, it should be sold only on prescription. Incidentally, a member of the Maine Pharmacy Board appeared at the hearing in opposition to the bill on the grounds that they were not aware of abuse on any scale which would even justify a hearing.

If a drug or medicine is dangerous and is being abused, its sale should obviously be restricted, but a majority of the committee concluded that this was not the case, and feel that the bill should be indefinitely postponed.

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

Mrs. DOYLE: Mr. Speaker, Ladies and Gentlemen of the House. It is with regret that I must speak against the motion of my House committee chairman, Mrs. Payson of Falmouth. I signed the Minority "Ought to pass" Report and I feel that this is a necessary piece of legislation.

I do not believe that this bill is a panacea for the drug problem, but I do believe that we have documented proof that there have been abuses of these over-the-counter drugs containing belladonna and belladonna derivatives, both by children and by adults. I know personally of one case in the Bangor area.

The statistics that we received were not through the Department of Health and Welfare; they were from the federal government Poison Control Center. In the year 1970 there were 33 cases that were serious enough to be reported to close authorities, of the abuse to a toxic level of the drug Contac. There were 645 toxic dosages reported of the drug Sominex.

Even though this may be a small percentage I do think that these drugs should be under more stringent control than they presently are. I am not recommending that they be under prescription, but I do recommend that they should be under the control of pharmacists. I do not think that this will hurt the proprietary drug industry at all. I do not think efficaciousness of these drugs in question for the ills they are supposed to cure has been proven. If the sale of Contac is restricted I am quite sure that the makers of this drug will come up with something else that will allegedly relieve cold symptoms.

I would like to quote in part from a letter written to me and some other proponents of this legislation, from the mother of a child in Bangor who almost died as the result of being hooked on these over-the-counter drugs. She says in part, "As the story unfolded we discovered that he had been taking, first of all Contac, sometimes six or eight at a time. He had tried taking them apart to get just the belladonna, but finding this too difficult decided to take them whole. The Contac made him quite ill and when the effect wore off he would feel very down.

"That is when he decided to try Vivarin and Cope for a little pick-meup. He then found that they worked pretty well, taken off and on during the day. Then he couldn't sleep at night. So he bought Sominex and Sleepeze. After a while he admits to experimenting with almost anything in the medicine cabinets, even at friends' houses." And this went on and on and this child nearly died. He was treated successfully, medically and psychologically, and is all right today.

I think even one case like that illustrates the need for some restriction on these drugs. His mother was not aware of the problem until the child was sent home from school with signs of illness, although he had been closely observed by both people in school and his family.

She ends her letter by saying, "I firmly believe if there is anything

we can do to control these over-the-counter sales of potentially harmful drugs, any kind of legislation, it must be done." And I agree with her.

(On motion of Mr. Santoro of Portland, tabled pending the motion of Mrs. Payson of Falmouth that the House accept the Majority "Ought not to pass" Report and specially assigned for Thursday, April 29.)

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to pass" on Bill "An Act relating to Licensure of Physical Therapy Assistants and Temporary Permits Under Physical Therapy Law" (H. P. 416) (L. D. 543)

Report was signed by the following Members:

Mrs. CUMMINGS of Newport
 Mr. LESSARD of Lisbon
 Mrs. DOYLE of Bangor
 Mrs. PAYSON of Falmouth
 Messrs. LEWIS of Bristol
 CLEMENTE of Portland
 DYAR of Strong
 SANTORO of Portland
 — of the House.

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

Report was signed by the following members:

Messrs. HICHENS of York
 GREELEY of Waldo
 MINKOWSKY
 of Androscoggin
 — of the Senate.
 Mrs. BERRY of Madison
 Mrs. McCORMICK of Union
 — of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker, I would like to move the acceptance of the Minority "Ought not to pass" Report and would speak to my motion, please.

The SPEAKER: The gentlewoman from Union, Mrs. McCormick, moves that the House accept the Minority "Ought not to pass" Report.

The gentlewoman may proceed.

Mrs. McCORMICK: Mr. Speaker and Members of the House: If you will note on today's calendar item 23, it is an identical bill to item 22. The only difference is the emergency clause. This is a bill to license physical therapists in this state. I cannot see the emergency in this measure. If the other bill goes through they will just have to wait the ninety days after we adjourn. If they are not licensed it does not stop them from working in this state.

We do not have any schools at the present time here that even teach the physical therapist course. We have some that want to put it in. So all we are licensing are graduates from other states who come in here. I feel that this is a little premature. If these other schools, the schools here in the state, are going to have these courses I don't see why it can't wait until we get a few of our own. But nevertheless, I do not see the emergency. This will be covered by the next item on the docket. I don't see that it will hurt these people to wait.

As you know, when you passed the licensed practical nursing bill everyone in this House that was here at the time has told me since then that all that they could see that it really did was to up the rates of these people; and I think this is a move in this direction, too.

Thereupon, the Minority "Ought not to pass" Report was accepted and sent up for concurrence.

(Later Reconsidered)

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to pass" on Bill "An Act relating to Licensure of Physical Therapy Assistants" (H. P. 530) (L. D. 692)

Report was signed by the following members:

Mrs. CUMMINGS of Newport
 Mr. LESSARD of Lisbon
 Mrs. DOYLE of Bangor
 Mrs. PAYSON of Falmouth
 Messrs. LEWIS of Bristol
 CLEMENTE of Portland
 DYAR of Strong

SANTORO of Portland
— of the House.

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

Report was signed by the following members:

Messrs. HICHENS of York
GREELEY of Waldo
MINKOWSKY

of Androscoggin
— of the Senate.

Mrs. BERRY of Madison
Mrs. McCORMICK of Union
— of the House.

Reports were read.

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

Mrs. BERRY: Mr. Speaker, I move that we accept the Minority "Ought not to pass" Report.

The SPEAKER: The gentlewoman from Madison, Mrs. Berry, moves that the House accept the Minority "Ought not to pass" Report.

The gentlewoman may proceed.

Mrs. BERRY: Mr. Speaker and Members of the House: This is practically the same bill, as Mrs. McCormick has stated, as the one above and it doesn't do anything except what is in the one above it except for an emergency clause.

Thereupon, the Minority "Ought not to pass" Report was accepted and sent up for concurrence. (Later Reconsidered)

Divided Report

Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Providing Professional Immunity to Certain Persons in Emergency Cases" (H. P. 149) (L. D. 204)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
QUINN of Penobscot
HARDING of Aroostook
— of the Senate.
Mrs. WHITE of Guilford
Mr. HEWES
of Cape Elizabeth

Mrs. WHEELER of Portland
Messrs. HENLEY of Norway
CARRIER of Westbrook
LUND of Augusta
Mrs. BAKER of Orrington
Messrs. ORESTIS of Lewiston
KELLEY of Caribou
— of the House.

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

Report was signed by the following member:

Mr. PAGE of Fryeburg
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Haskell.

Mr. HASKELL: Mr. Speaker, this is my bill. Obviously it would be an exercise in futility to attempt to debate a 12 to 1 "Ought not to pass" Report. However, I am having an amendment prepared that will change this bill from its present status to a bill that would do one thing; that is, to provide immunity to nurses in providing emergency care. The amendment is not ready and I would certainly appreciate it if someone would table this for two legislative days.

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending acceptance of either Report and specially assigned for Thursday, April 29)

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Suspension of Motor Vehicle Operator's License for Speeding Violation" (H. P. 1151) (L. D. 1602)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
HARDING of Aroostook
— of the Senate.
Mr. HENLEY of Norway
Mrs. WHEELER of Portland
Messrs. PAGE of Fryeburg
ORESTIS of Lewiston

CARRIER of Westbrook
 Mrs. WHITE of Guilford
 Messrs. LUND of Augusta
 KELLEY of Caribou
 — of the House.

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

Report was signed by the following members:

Mr. QUINN of Penobscot
 —of the Senate.
 Mr. HEWES of Cape Elizabeth
 Mrs. BAKER of Orrington
 —of the House.

Reports were read.

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

Mr. ORESTIS: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Lewiston, Mr. Orestis, moves that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Scarborough, Mr. Gagnon.

Mr. GAGNON: Mr. Speaker and Ladies and Gentlemen of the House: This is one of my few that I feel rather strongly about. This is my bill. I am not going to take too much time on this. I think it is pretty well self-explanatory. Over the years I have worked with this situation and all during the time that I had to attempt to assist people who had been involved in serious accidents, the majority of them from speeding, I had a feeling of complete inadequacy because you were usually there too late.

During this period I was well aware of the fact that the monetary fine did little or no good. This situation has continued today. I think the only thing that really makes people take notice, or take a little caution to a situation which takes most of the lives today, is the fact that he may lose his license or his right to operate for a period of time if he is caught and convicted. I think it would probably make us all better drivers in this instance.

I am asking you today to possibly vote for the Minority Report that might assist in saving a few lives. This system has been in effect in Connecticut since 1956 and has worked extremely well down there. I have no doubts in my mind that it will here. I would hope that you would go with me today on this, rejecting the Majority Report, so that we might possibly attempt to stop such occurrences as that which happened in Biddeford this past weekend.

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

Mr. ORESTIS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to take one moment to explain the position of the majority of the committee on this bill. No one on the Majority "Ought not to pass" Report is against highway safety. However, this bill would call for the suspension of the driver's license of a driver convicted of speeding twice within one year. We have before the Judiciary many bills which will regulate the Secretary of State's powers of suspension of traffic violators. This is the one of many bills and it is a bill that we felt was repetitious of the other bills and did not specifically point itself towards the overall problem of highway safety.

For instance, this bill could put someone off the road who within a period of twelve months had been convicted of two minor speeding violations — I am talking about eight or nine or ten miles over the speed limit, while at the same time leaving on the road someone who had been convicted of a speeding violation and then of driving to endanger or reckless driving.

We felt that the overall bills before our committee, giving the Secretary of State power to suspend motor vehicle drivers whose records were in bad shape, would supersede this particular bill and would give him the same amount of power that this bill does. It seemed to the majority of the committee that we did not want to clutter the books with law

after law, giving the Secretary of State specific power in each different instance. There are bills before the committee that will give him overall power to suspend and would certainly cover this very situation.

Therefore I would ask you this morning to consider my motion and vote in favor of the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: We are discussing this bill, L. D. 1602, and not any other bill that may or may not be before the Legislature. I ask you, how do we handle the accidents on the highway? How do we promote highway safety? And I submit that one of the better ways is to get the speeding driver off the road for a period of time.

This bill would automatically cause a person convicted of two speeding violations within a year to lose his license for thirty days, and convicted of three speeding violations within a year to lose it for sixty days. Now if a person constantly speeds enough to be picked up, and given warnings, as the police often give warnings, and actually taken to court, and on two different occasions in the same year is convicted of a speeding violation, then I submit one way to curb him is to take his license from him.

As you know, there were about 2,000 more accidents on the highways of Maine this year than last year. Last year we set an all time high for deaths on the highway. There are more automobiles, motorcycles, trucks, motor vehicles on the roads now than ever before, and the conditions apparently are going to become more crowded on the highways.

I urge that you reject the pending motion and support the bill after the motion to accept the Minority Report is made.

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

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

House: I happened to be in Connecticut at the time that Abraham Ribicoff became Governor. One of the first things he did when he was inaugurated was to get a bill passed in the Connecticut Legislature making it mandatory that for their first offense on speeding that they lost their license. You should have been able to hear the howl clear here in Maine, because there was an awful rumpus in the State of Connecticut. However, the bill did stand and the accidents were reduced dramatically. And that bill has been on the books in Connecticut until this year. A first offense, suspension.

This year the state legislature has changed it and it is in the same form as this bill that we have before us now. I think that if we want to stop accidents we must stop speeding, and I think this is one way to do it.

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

Mr. ORESTIS: Mr. Speaker, Ladies and Gentlemen of the House: I certainly don't disagree with those arguments made by Mr. Porter and Mr. Hewes. However, I would point out that I am sure most of you have at one time or another in your driving career gone over the speed limit by some amount of miles, be it eight or ten miles or twelve miles, and this is not an unusual thing; this does not make someone necessarily an unsafe driver.

It seems to me — and I will admit that speeding does contribute to many of the accidents within the state, but it seems to me that this bill is pointed somewhat in the wrong direction. We should be pointing our suspension bills at the driver who is driving with such speed that he is endangering the lives of others or driving recklessly. A bill pointed specifically at the driver who may be convicted of just minor speeding violations can work a hardship on the driving public that will not be reflected in the safety records of the overall drivers in the State of Maine.

Certainly there have been more accidents because there are more

cars on the road. Last year we did set a fatality record in the State of Maine, certainly nothing to be envious of. However, fatalities are down this year by one half of what they were last year.

Now we have a lot of bills coming into the Legislature and it is the duty of the committee to sort out those bills which don't do the job exactly as the Committee feels it should. I urge you once more to reflect upon the fact that the majority of the Judiciary Committee felt that this bill, though certainly a measure that can help, would not help as much as the general powers that are being given to the Secretary of State to cover the exact type of situation.

Mr. Gagnon of Scarborough then requested a roll call.

The SPEAKER: The yeas and nays have been requested, and the pending question is on the motion of the gentleman from Lewiston, Mr. Orestis, that the House accept the Majority "Ought not to pass" Report. 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 Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: I feel that I should speak briefly on this, as a signer of the Majority "Ought not to pass" Report. As has been stated before, the committee, in spite of what my friend Mr. Hewes says, we do have to consider other bills when we are passing a bill; otherwise we would have duplication and crossing up. As Mr. Orestis has also stated, if we pass some of the other bills which we are considering, then a speeding violation could be coupled with the reckless driving violations or minor accident violations, or many other violations, to bring

about actually the same thing by taking the driver off the road.

It seems to me that we are channelizing our thinking here. We are voting entirely on just one violation, and there are dozens of violations which are contributory to our high accident rate. And speeding by no means is the top one. Reckless driving in one way or another and drinking driving are probably the high fatality creators. Now if we pass this one, it is entirely channelized along speeding lines; and again how many of you, or how many of us, do not violate this now and then slightly. It doesn't mean that it puts it within the law, but it does mean that the violator of two speeding violations of maybe five or ten miles over the speed limit, even in a place where there is no other traffic available or around, could cause the loss of a license. Is it better that that person lose a license or that person who has passed when he shouldn't pass, if he passes on a hill, that he is using other means of reckless driving, that he is driving while impaired? Therefore I feel that we should have a bill backing up the Secretary of State, who has a lot of authority now, if he is given certain guidelines within which he can operate. And we do have these other bills in our committee, and they could include speeding just as well as they include the others.

So therefore I hope that you will vote for the Majority "Ought not to pass" on this bill.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I consider this a very poor piece of legislation, for the very simple reason that if you are four or five or ten miles over a speed limit in a 20 or 30 or 40 or 50 mile zone, the officer who apprehends you doesn't have to prove intention of speeding. All he has to say is that you were over the speed limit, and you are automatically guilty of a conviction.

The **SPEAKER**: The Chair recognizes the gentleman from Scarborough, Mr. Gagnon.

Mr. **GAGNON**: Just briefly, ladies and gentlemen. I talked to the Secretary of State and the Director of Motor Vehicles. They are both completely in favor of this measure. They thought it would help them extremely. Our speeding laws are on the books not to be broken, and certainly anyone that knows me should realize that if I can make this great sacrifice certainly it shouldn't be too much of a problem for anyone else.

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

Mr. **CALL**: Mr. Speaker and Members of the House: I feel that this bill is a step in the right direction and I plan to vote against the motion to accept the "Ought not to pass" Report.

The **SPEAKER**: The pending question is on the motion of the gentleman from Lewiston, Mr. Orestis, that the House accept the Majority "Ought not to pass" Report on Bill "An Act relating to Suspension of Motor Vehicle Operator's License for Speeding Violation," House Paper 1151, L. D. 1602. A roll call has been ordered. If you are in favor of accepting the Majority Report you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bernier, Binnette, Boudreau, Bourgoin, Brawn, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cote, Crosby, Cummings, Curran, Doyle, Drigotas, Dyar, Emery, D. F.; Faucher, Finemore, Fraser, Gauthier, Hall, Hancock, Hayes, Henley, Herrick, Jutras, Kelley, K. F.; Kelley, P. S.; Keyte, Lebel, Lee, Lessard, Lucas, Lund, Lynch, Mahany, Marsh, Marstaller, McCloskey, McCormick, McTeague, Mills, Orestis, Page, Pontbriand, Pratt, Rand, Rocheleau, Shute, Slane, Smith, E. H.; Vincent, Wheeler, White, Whitson, Wood, M. E.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brown, Bunker, Bustin, Call, Churchill, Clark, Collins, Cottrell, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Dudley,

Farrington, Fecteau, Gagnon, Genest, Gill, Good, Goodwin, Haskell, Hawkins, Hewes, Hodgdon, Immonen, Kelley, R. P.; Kilroy, Lewin, Lewis, Lincoln, Littlefield, Lizotte, MacLeod, Manchester, Martin, McNally, Millett, Morrell, Mosher, Murray, Norris, Parks, Payson, Porter, Rollins, Ross, Santoro, Scott, Shaw, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Stillings, Susi, Theriault, Trask, Tyndale, Webber, Williams, Wood, M. W.; Woodbury.

ABSENT—Bedard, Berry, P. P.; Emery, E. M.; Evans, Hanson, Hardy, Jalbert, Kelleher, Lawry, Maddox, McKinnon, O'Brien, Shelta, Starbird, Tanguay, Wight.
Yes, 60; No, 74; Absent, 16.

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

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

Divided Report

Report "A" of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Prohibiting the Use of Certain Nonrefundable Beverage Containers" (H. P. 940) (L. D. 1299)

Report was signed by the following members:

Mr. **CLIFFORD**

of Androscoggin
— of the Senate.
Messrs. **CURTIS** of Bowdoinham
CROSBY of Kennebunk
FECTEAU of Biddeford
NORRIS of Brewer
COTE of Lewiston
— of the House.

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

Report was signed by the following members:

Messrs. **QUINN** of Penobscot
KELLAM of Cumberland
— of the Senate.
Messrs. **BRAWN** of Oakland
EMERY of Rockland
GAUTHIER of Sanford
— of the House.

Reports were read.

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

Mr. NORRIS: Mr. Speaker, I move that the House accept Report "A" "Ought not to pass."

The SPEAKER: The gentleman from Brewer, Mr. Norris moves that the House accept Report "A" "Ought not to pass."

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

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: As you know, this piece of legislation proposes to ban or prohibit the use of nonreturnable bottles and cans containing beer and pop. I am sure you are all aware of the need for this piece of legislation. You can see it every time you drive down a main highway. I am sure you are also aware of the disadvantages it is going to cause certain people. But I believe that the overwhelming advantage it could bring to the whole State of Maine far outweighs any of these disadvantages to certain individuals.

I would therefore hope you would vote nay on Mr. Norris's motion to accept Report "A" "Ought not to pass" and to accept Report "B" "Ought to pass."

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I arise to oppose the motion of the gentleman from Brewer, Mr. Norris, to accept Committee Report "A" on L. D. 1299. I wish only to observe that governments of democracies for all time have had as their goal the creation of laws that most adequately reflect the wants and needs of the people. And certainly the quest of this goal motivates the actions of most members of the House most of the time.

It is my conviction that the people of Maine want this bill, that they are asking for this bill, and I believe that most people of Maine are prepared and are willing to make whatever small sacrifices that are necessary to help their environment in this most significant way. I hope you will oppose the motion and subsequently accept Report "B".

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to stand with Mr. Ault. I did serve on this committee, and I dare say that there was one of the largest crowds turned out to this hearing that I have ever seen at any hearing here in Augusta.

As I ride down the freeway each morning, for six weeks they have been picking up bottles and cans along the side of the road. I stopped and I talked with the foreman, and he says this has been one of the worst years that he has ever seen of bottles and cans. They had these big garbage containers, the plastic ones, and I dare say half the length of this room one of those was full.

So when we heard the testimony in our room that only 17 percent of the litter was cans and bottles, I kind of doubt the testimony. Now if this was only 17 percent, which they said was a very small figure, if my figures serve me right, 17 into 100 only goes approximately six times, and if six concerns are doing all the littering within our state, I think we better get rid of one sixth of this and this will save our country and our state in beautification. And I stand with Mr. Ault.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: Our committee heard this L. D. as well as legislation for more stringent litter control, and it was obvious to me that what the proponents of this bill are really after is to stop the littering of our highways, not only with bottles, returnable or nonreturnable, but with all litter. Enforcement is the problem with our present litter control legislation, and of course behind it is the unanswered question of solid waste management dealing with what we ultimately do with solid waste once it reaches a dump.

The question that this Legislature must come to grips with is not simply legislation such as this, which only requires a deposit upon soft drink and beer bottles, but

what this state intends to do with the underlying problems of litter on the highways and disposal of solid waste. I do not feel that focusing our entire attention upon one industry which would, should this legislation pass, be very seriously affected economically, and which is not to blame for throwing litter onto our highways, would be either responsible or equitable.

I think this Legislature must, rather than adopting arbitrary and piecemeal legislation, bring itself to grips with the basic problem and I would hope that you would join me in accepting the majority report on this bill and would further recommend that the entire problem with which we are faced be sent to Legislative Research which could recommend to the next legislature or a special session a broad, rather than narrow, solution to the entire problem.

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

Mr. EMERY: Mr. Speaker and Members of the House: I am also a signer of Report "B" "Ought to pass." Now if you will notice, there are only signers of this report, and the other two were absent. So I am not entirely sure whether we are a minority or a majority.

At any rate, there are several points that I think we ought to bring out in this debate. First of all, I would not consider this to be piecemeal legislation. I think that despite the fact that 17 per cent of the litter on Maine's highways may be bottles, we must realize that bottles are very dangerous. I have never heard of anyone cutting his foot on a dixie cup. And we also must remember that most other pieces of litter, including cans that rust, are eventually degradable. Bottles just sit there and plastic just sits there.

Now on the question of nonreturnable bottles versus returnable bottles, it seems to me that with returnable bottles at least we have a vehicle by which some of the litter, some of the bottles that evidently will always be left on the highway will be returned. Nonreturnable bottles will just sit there. No one has any incentive to pick

them up unless he works for the Highway Department. And, incidentally, it costs a quarter of a million dollars a year to pick up bottles and litter off Maine's highways.

Now I can remember a few years ago when I was in grade school and also in high school when we would have various clubs and organizations, we would have bottle drives. We would go and collect an untold number of bottles from beside the roads and people's basements. And this was a very convenient way to raise money, but it also accomplished something else. It removed some of these bottles from circulation. It took them out of homes; it took them off the sides of the streets and got them back to the distributors.

Now what impressed me, among other things, was the saving to the consumer through the use of returnable bottles. There was testimony from a man representing the Coca Cola Company that the consumer will save 29 cents on a six-pack of Coca Cola if he buys it in returnable bottles. Now very few people would take change from their pocket and throw it out the window. This is what you do every time you don't return a returnable bottle to the store. Therefore there is an incentive to return it.

Other people have testified before the committee that this would have little or no effect. The people would still continue to throw their bottles out the window. This may or may not be so; but at any rate, there is still a chance, there is still an opportunity for someone or an incentive for someone to pick these bottles up and return them to the store and get them off the street. This, I think, is a very important factor.

Now as far as the suggestion of the gentleman from Lewiston, Mr. Cote, that we send the whole of the problem to Legislative Research, this might be a good idea. But here we have a sensible piece of legislation that will work, that will aim at one of the most dangerous and unsightly problems that we have, which is bottles. Bottles bring on another problem. Bottles thrown out in the woods

will act as a prism. Although we have no statistics, it is known that some forest fires have been caused by sunlight filtering through the glass at such an angle that it would ignite dry leaves and grass. This is another factor that we must consider as well as the safety factor.

So I think all of these things put together, it would be very wise for us to accept Report "B," the "Ought to pass" Report, and take a first step in getting some of this litter, some of the glass, off the sides of our roads.

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

Mr. FECTEAU: Mr. Speaker and Members of the House: As an ex-retailer, I was in that business for 24 years, and on the weekend I inquired of my children what they thought of this bill. And they said, "Dad, don't you remember the job that we had to do when we had to sort out these bottles, and these bottles would come back so darned dirty and all full of all kinds of material that wasn't fit in those bottles like kerosene and oil and anything like that? You want us to give you an idea of how we feel on these bottles? We are not buying returnable bottles right now because we feel it is more sanitary for us to buy these beverages in the nonreturnable bottles." So just to give you an idea of what it is.

And furthermore, if you pass this bill, each retailer will have to have a special place in order to receive those bottles because the Sanitary Department, if they happen to go in and inspect those stores and see all this mess, they are liable to lose their license for operating their place of business. So they would have to have a special place to keep those bottles and sort them out.

I feel that something else should be done to clean up the mess, but this is not the right way of doing it.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I spoke at the hearing and perhaps some of you were there, but those that weren't, I would like to give you

a few statistics. You remember a couple of weeks ago that Mr. Ault asked us as we drove home if we would look at the most attractive part of our journey home and see how many bottles there were along the side of the road. I can see that my friend from Oakland, Mr. Brawn, stopped. I am amazed because I follow him some days and I didn't think he ever stopped. But I can well see how he can hang on to trees in hunting raccoons because he is quite lively.

But however, I drive right along myself and I thought that this was poor judgment of Dave asking us to go slow enough home on a Friday afternoon to count bottles. But as I got up Route 95 on the Interstate, lo and behold, in front of me they had been all bagged for me, so I could see no reason why I shouldn't at least stop to count them.

I got out and looked at the bags two or three times along this stretch of road that I counted these bags, and almost entirely these bags were cans and bottles. Some of the other rubbish was stacked up alongside the bags, and in about four miles I counted 58 of these bags.

Now I thought in being used to bagging apples, that most of them would hold about two bushels. But trying to be fair, I called the Highway Department and asked them the size of these bags and they were thirty-gallon bags. So figuring that most of them were about two-thirds full or over, I thought this would be fair and so at twenty gallons in each bag, there would be 1,160 gallons of this trash in four miles, or in other words, 290 gallons a mile, or if by bushels it would be 29 bushels a mile. This is a lot of trash and we are paying for this to be picked up. I tried to get the figure through the Highway Department of what it cost per mile, but I only got the figure that Mr. Emery here gave what it cost all over the state.

I have been asked by farmers to oppose this. They bale hay. You know, a lot of people think that the country doesn't belong to anybody and so they go out and have their fun and throw their bottles in the fields and this type of thing, and

the farmers are getting glass in their bales of hay and feeding it to cattle and are having difficulties this way. It costs the visit of a veterinarian many times for the farmer. And I, myself, as a housewife, had much rather take back a bottle than to have my garbage can cluttered up with it. And I would ask, who are we trying to cater to here in the state, the big business or the small taxpayers?

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

Mr. MANCHESTER: Mr. Speaker and Members of the House: I rise to support the Majority "Ought not to pass" Report on this bill and would like to point out a few reasons why. For one thing, the retail personnel will be forced to handle unsanitary cans and bottles from the checkout counter to the back room. I have had them come in with cockroaches in them, bugs, and everything imaginable, which had to be completely kept away from any of your processing areas. There is no room in storerooms at this time for these bottles. There will have to be additional sheds built outside. And we certainly don't want our children risking life and limb on the side of the highways picking up bottles for a few cents.

All the vending machines, all the bottles will have to be brought back to the stores, which will be an added expense to them.

Last Saturday in the Portland area less than a hundred people were interested enough to bring less than one ton of glass back to the Cocoa Cola, Pepsi Cola and Cotts Plants in the Greater Portland area during the five-hour collection period, from 11 a.m. to 4 p.m., which had been well advertised in all mediums for two weeks.

Mr. Smith of Waterville requested a roll call.

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

Mr. GILL: Mr. Speaker, I would like to pose a question to anyone that might answer; this is a question presented in a serious vein. Just what would protect our younger people or anyone from

crossing over the border into the State of New Hampshire where they have got the nonreturnable bottles and driving to a dump and perhaps getting three or four thousand of these, throwing them into a little truck, driving back across the border and collecting for these bottles?

The SPEAKER: The gentleman from South Portland, Mr. Gill, poses a question through the Chair to any member who may answer if they choose.

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

Mr. NORRIS: Mr. Speaker and Members of the House: To answer Representative Gill's question, that was one of the things that was brought up at the hearing. There would be nothing of course to prohibit them from bringing bottles across the border.

While I am on my feet, to be very brief, we had a good hearing. At one time we asked for a show of hands in the hearing room, and it seemed that practically every person in the hearing was a proponent of the bill. We went into the opponents, and after we got into that we asked for a show of hands for all of the people opposed to the bill, and practically every person in the room raised their hands, or at least this is the way it looked to me, and I was sitting down front.

Now I would simply submit — and I signed the "A" Report on this — that people and not solid waste — solid waste is the problem, but the people are the problem, and particularly on the litter. It is the people that are throwing these bottles and cans and plastic containers, that was not amended in the bill, along the highway. It is the people that are doing it.

There are companies in the state at the present time that furnish drinks in returnable bottles, and the returnable bottles along with the nonreturnable bottles are ending up along your highways and in your woods and along your rivers and streams. So I submit to you that this legislation, along with the litter legislation, along with the solid waste management

problem, should be studied, and we should come in the next legislature, as Mr. Cote suggests, with legislation to take care of a gross problem. It is a terrible problem, but it certainly needs a lot of study, and we shouldn't discriminate against two small phases of this problem.

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

Mr. SANTORO: Mr. Speaker and Members of the House: I would like to inject a little bit of humor in this rubbish discussion here. I remember a few years ago, I had been practicing medicine, and they would bring the urine in the bottles, and soft stools in containers, and I would throw it in the rubbish bag afterwards. At the end of the week the garbage man would come along and pick up all these bottles. That was his first idea, pick up all the bottles because they were returnable bottles. Now after you see the fate of those bottles, now I hate like hell to see this back again. (laughter)

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to give you my two or three reasons why I voted for Report "B". First we were told at the hearing, like Mr. Emery mentioned to you, that it costs the consumer, the family people, 29 cents more per six-pack, which is 30% more than the nonreturnables.

Number two, we had a letter from the head of the Forestry Department that these bottles do start fires in the fields and all around where they are thrown.

And thirdly, this costs the state also, we were told, \$205,000 a year to collect. So if this bill can help in any way to reduce this cost quite a lot I think it is worthwhile.

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

Mr. AULT: Mr. Speaker and Members of the House: I would like to answer Mr. Gill's ques-

tion, if I may. I believe he asked what would stop the young people from going over to New Hampshire and getting a truckload of nonreturnable bottles and bringing them back here and getting a refund. Is that correct? Well, I would think that it would be obvious to any store owner when he sees one of these nonreturnable bottles, that says no deposit-no return on it, that he wouldn't give them any money.

Which brings up another interesting point that came out at the hearing. One of the bottlers said that they had always supplied and do supply returnable containers right now, but the people just don't bring them back. And one member of the committee asked him, "You do have it stamped on the nonreturnables that there is no deposit and no return. Do you have it stamped on the returnables that they are refundable?" And he said, "No, we never do this." This piece of legislation would require that they do do this, and I think this would help the problem.

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

Mr. EMERY: Mr. Speaker and Members of the House: Another point that I think we ought to bring out is the enforceability factor. Now we have another bill in Legal Affairs which would provide for a litter control act. And essentially all this bill would do is to impose some very very strong and I think unfair penalties, far in excess of the offense that had been committed. But the important point here is that, although you may drive down a highway and see all kinds of litter on the road, whether it is cans or plastic or paper or bottles, out of every two or three hundred pieces thrown on the side of the road, I doubt very much if any law enforcement official is going to see any more than one or two of them. You can't very well arrest people for throwing trash on the road unless you see them do it.

Now this points out the fact that you have got a basic enforceability problem with this particular

bill. But the nonreturnable bottle bill that we are debating here today is enforceable because we can require that only returnable bottles be sold in Maine. This we can do. And including in this factor what I mentioned before about the kids picking the bottles up and the incentive to remove them from the side of the roads, we have a bill here that can work. It has worked in other states. In fact the State of Vermont passed a similar bill a few weeks ago. I think we ought to give it some very serious consideration.

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

Mr. GILL: Mr. Speaker and Members of the House: In reading over Legislative Document 1299 possibly I have interpreted it wrong, but it more or less states that they shall not sell them, etcetera, that is commonly known as soda pop or soft drink for consumption in this state, and in a container which does not possess a refund value of at least four cents.

Now this doesn't state that it cannot be a nonreturnable bottle. This simply states that the bottle shall have a value of four cents. And I submit that the situation that exists is, your bottling plants are geared up for the production of nonreturnable bottles, they have got a great stock of these bottles, of course, all over the country, and they are used. And it is my understanding that it would be more financially proper for the companies to continue to use the same bottle they are now. And that is the reason why I asked that question. And according to this bill it does not state that the bottle has got to be that of a returnable nature.

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

Mr. BARNES: Mr. Speaker and Members of the House: Everything has been pretty well covered, so about all I can say is, let's ban the can and throttle the bottle.

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

Mr. CROSBY: Mr. Speaker and Members of the House: As a signer of the "Ought not to pass" Report I feel that I should justify my stand. I think that this bill is discriminating against a small segment of the state in that it includes only two of the industries, that is the beer bottlers and the soft drink bottlers.

For your information, at the hearing it was brought out that probably the soft drink bottlers are as interested in cleaning up the litter as anybody. In fact they have started a recycling program, and I am sure that all of you people who come from the metropolitan area of Portland have seen the advertisements where there are four recycling stations set up in the city. I heard on the news this weekend that there was approximately one ton of glass collected over the weekend.

Now it would seem to me if all of these people that were at the hearing the other day were as interested in anti-litter laws as they appear to be, that they would have worked hard over this weekend to take these glass bottles back and have them recycled.

There is another thing, that we are talking about beer bottles and soft drink bottles. Now that we have put wine into our grocery stores there is nothing that says that you can take an empty wine bottle back and get four cents, and I am sure that we are going to see wine bottles distributed along the side of the road as well as beer bottles, because according to statistics, wine is gaining in popularity every day, and I am sure that it is not all consumed in the home.

So I will go along with Mr. Cote in his suggestion that this be turned over to Legislative Research. I think that it is much more of a problem than we can handle right here by this little bill, and it is something that has got to have the cooperation of everybody in the state. As was brought out, bottling plants do not litter, it is people. And as long

as people litter our highways we are going to have the problem.

Another thing that is in this bill is that bottles taken out of a dispenser are exempt. How many gas stations along our roads have bottle dispensers where people stop for their gas and oil, pick up a few Cokes or soft drinks, ride along the road and when the bottle is empty, toss it out? There is nothing that will prohibit perhaps in the future some enterprising company from putting out a dispenser that will dispense six-packs of beer or six-packs of soft drinks. This is purely possible.

So I think that we have to give this a lot more study and consideration before we pass an emotional bill.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: As a sponsor of one of the returnable bottle bills in this Legislature, I feel I should have something to say on this bill. I firmly approve of it; I shall vote for it. I hope that the majority of this House votes for it. It is a good bill.

We are not necessarily picking on certain industries any more than any other. They are named here. We recognize that there is a problem in other areas, but at the moment it is not as great. Pop bottles and beer bottles at the moment are the chief offenders.

Now I think it makes a great deal of sense to take a bottle that has been filled and take it back and fill it again and again and again. Now there are those that have told you here this morning that it makes more sense to fill the bottle once, throw it away, or take it to a recycling plant, smash it up or melt it up, and make more bottles and fill them once and proceed through the same process all over again.

I feel it is far more sensible to take the bottle and keep refilling it until the thing is worn out, if it ever does wear out, and then what is left then you can recycle it. But to just take a bottle and use it once and then melt it down and use it over, it just doesn't make sense.

This is a good bill. It will clean up litter, because despite the fact that people throw bottles out and throw cans out, even though there is, I think, a hundred dollar fine for doing so if they are caught, there are also just as many little boys and girls that will trot right along behind those cars that are throwing them out and pick them up. I know I did when I was a kid, and I presume kids today are no different than they were then, if they can get a few cents out of a bottle. I think the bottles would be cleaned up at relatively little expense to anyone.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Just one thing I would like to take exception to with my good friend, Representative Starbird from Kingman Township. I do think that this has been overplayed on the fact that the children can travel along these high speed highways that we have with the amount of traffic we have on the roads today, that the children out there picking up bottles would certainly be a much greater harm than any litter.

The SPEAKER: A roll call has 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 Brewer, Mr. Norris, that the House accept Report "A" "Ought not to pass" on Bill "An Act Prohibiting the Use of Certain Nonrefundable Beverage Containers," House Paper 940, L. D. 1299. All in favor of accepting Report "A" will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bailey, Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Call, Carey, Carrier,

Churchill, Clark, Clemente, Collins, Conley, Cote, Cottrell, Crosby, Curran, Curtis, A. P.; Dam, Donaghy, Drigotas, Dudley, Emery, E. M.; Evans, Faucher, Fecteau, Fraser, Genest, Henley, Herrick, Hewes, Jutras, Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lincoln, Lizotte, Lucas, Lynch, Maddox, Mahany, Manchester, Marsh, McKinnon, Mosher, Norris, Orestis, Parks, Payson, Pontbriand, Pratt, Rand, Rocheleau, Ross, Santoro, Scott, Shaw, Simpson, T. R.; Slane, Stillings, Tanguay, Theriault, Trask, Webber, Wheeler, White, Wight.

NAY — Albert, Ault, Baker, Barnes, Bartlett, Bernier, Berry, G. W.; Brawn, Brown, Bunker, Bustin, Carter, Cooney, Cummings, Curtis, T. S., Jr.; Cyr, Dow, Doyle, Dyar, Emery, D. F.; Farrington, Finemore, Gauthier, Gill, Good, Goodwin, Hancock, Haskell, Hawkins, Hayes, Immonen, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Lewin, Lewis, Littlefield, Lund, MacLeod, Marstaller, Martin, McCloskey, McNally, McTeague, Millett, Murray, Page, Porter, Rollins, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, E. H.; Starbird, Susi, Tyndale, Whitson, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Bedard, Berry, P. P.; Gagnon, Hall, Hanson, Hardy, Hodgdon, Jalbert, McCormick, Mills, Morrell, O'Brien, Sheltra, Vincent.

Yes, 73; No, 63; Absent, 14.

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

Sent up for concurrence.

The **SPEAKER**: The Sergeant-at-Arms will escort the gentleman from Bridgewater, Mr. Finemore, to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Finemore assumed the Chair as Speaker pro tem and Speaker Kennedy retired from the Hall.

Passed to Be Engrossed

Bill "An Act to Prohibit the Importing and Introduction to our Coastal Waters of any Uncertified

Marine Species" (S. P. 513) (L. D. 1370)

Bill "An Act to Increase Fees for Junkyards and Auto Graveyards" (H. P. 616) (L. D. 827)

Bill "An Act relating to Fees of Municipal Police Officers as Witnesses" (H. P. 709) (L. D. 955)

Bill "An Act relating to Weight Tolerance for Vehicles Loaded with Road Salt" (H. P. 726) (L. D. 971)

Bill "An Act relating to Political Designations on Nomination Petitions" (H. P. 806) (L. D. 1079)

Bill "An Act relating to Transcript in Hearings in Cases Where a Person is Acquitted of Murder by Reason of Mental Disease" (H. P. 884) (L. D. 1205)

Bill "An Act to Correct Inconsistencies in the Town Election Law" (H. P. 1049) (L. D. 1439)

Bill "An Act relating to the Retail Sale of Wine in Department Stores" (H. P. 1171) (L. D. 1630)

Bill "An Act to Provide Funds for the Construction and Equipping of a Maine Information Center at Kittery" (H. P. 1290) (L. D. 1689)

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

Tabled and Assigned

Bill "An Act relating to Search by Coastal Wardens" (H. P. 1291) (L. D. 1690)

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

(On motion of Mr. Tyndale of Kennebunkport, tabled pending passage to be engrossed and tomorrow assigned.)

Resolution Proposing an Amendment to the Constitution to Provide for the Selection and Duties of a Lieutenant Governor (S. P. 545) (L. D. 1678)

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

Passed to Be Enacted

An Act relating to Use of Weapons in the Allagash Wilderness Waterway (S. P. 307) (L. D. 901)

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

**Enactor
Tabled and Assigned**

An Act Creating the Cumberland County Recreation Center (S. P. 404) (L. D. 1221)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Members of the House: It was my understanding at the Cumberland County delegation meeting the other day that there was going to be an amendment put into this changing the amount of the bond issue for \$5 million to \$3.5 million and it was going to be done in the other body, and we don't have that amendment here. And I would request that somebody table it for one day so that we can see why.

Whereupon, on motion by Mr. Marsteller of Freeport, tabled pending passage to be enacted and tomorrow assigned.

An Act relating to Criminal Trespass in Buildings and on Premises (S. P. 532) (L. D. 1568)

An Act relating to Regulations for Upland Game and Fur-bearing Animals (H. P. 390) (L. D. 505)

An Act to Establish a Colt Stake Program for Maine Standard Bred Horses (H. P. 476) (L. D. 837)

An Act to Change the Method of Filling Vacancies in Office of Register of Deeds (H. P. 665) (L. D. 894)

An Act relating to Fees for Recording Marriage Intentions and Issuing License (H. P. 812) (L. D. 1085)

An Act to Repeal the Prohibition of Publishing a Periodical by the Department of Economic Development (H. P. 897) (L. D. 1217)

An Act Providing that House Trailers on Land Owned by the Owner of the Trailer Shall be Taxed as Real Estate (H. P. 924) (L. D. 1276)

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.

At this point, Speaker Kennedy returned to the rostrum.

SPEAKER KENNEDY: The Chair thanks the gentleman from Bridgewater, Mr. Finemore, for serving as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Finemore to his seat on the Floor, amid the applause of the House and Speaker Kennedy resumed the Chair.

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

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

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

Mr. BINNETTE: Mr. Speaker, I now move that House Paper 1242, L. D. 1551, be indefinitely postponed.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, now moves that L. D. 1551 be indefinitely postponed.

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

Mrs. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: This is the bill that changes the method of appointment of your registration boards at the town level. I will not go into the details again. This matter has come before us because we do have a problem where these boards are not being filled to their full complement. I think that the bill is a fair approach to both of the major parties.

I submit that independent voters are important, but they have refused to take their responsibilities sufficiently enough to become involved in party affairs. This is an answer that independents should be appointed as heads of these boards.

This bill does offer a solution to keep our registration boards at full strength. I submit further that the registration boards need

to do their jobs because they are a very primary function to keep the voting list correct.

The municipal officers in many instances may be in a better position to know who should best serve. I therefore ask you to vote against the indefinite postponement motion, and I ask for a roll call.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: In my opinion this bill offers changes which would make an improvement in the political process and I hope you would support it.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: We have been through this three times now, and I can assure you that the vote isn't going to change. I can assure you of one other thing, that this bill is going to be back before us.

I offered at one point during the debate on this issue originally that perhaps some form of a compromise could be arrived at. However, it has been decided by the Republican Party, or I should say the Majority Party, that this is not to be. And so, let me inform you, if you don't want to bother anyone any further with this bill, that you might as well take care of it now because it isn't going anywhere. And rather than kid ourselves by it being on the law books, we might as well solve the problem today and it won't be before us again.

If you insist on persisting in having this bill go any further, then I can assure you the course of action that will take place.

The SPEAKER: The pending question is on the motion of the gentleman from Old Town, Mr. Binnette that this Bill be indefinitely postponed. 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 Old Town, Mr. Binnette, that 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, Bernier, Berube, Binnette, Boudreau, Bourgoin, Call, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Dam, Dow, Doyle, Drigotas, Dudley, Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, Hancock, Jutras, Kelleher, Keyte, Kilroy, Lawry, Lebel, Lynch, Mahany, Manchester, Marsh, Martin, McKinnon, McTeague, Mills, Murray, O'Brien, Pontbriand, Rocheleau, Slane, Smith, D. M.; Smith, E. H.; Starbird, Tanguay, Theriault, Vincent, Webber, Wheeler, Whitson.

NAY — Ault, Bailey, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Churchill, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Dyar, Evans, Finemore, Gagnon, Gill, Good, Hall, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Marsteller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, Tynedale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT—Baker, Bedard, Berry, P. P.; Bustin, Emery, D. F.; Hanson, Hardy, Jalbert, Kelley, P. S.; Lessard, Lizotte, Lucas, Lund, McCloskey, Orestis, Parks, Santoro, Sheltra.

Yes, 59; No, 73; Absent, 18.

The SPEAKER: Fifty-nine having voted in the affirmative and seventy-three in the negative, with

eighteen being absent, the motion does not prevail.

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

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

An Act to Amend the Act to Prevent the Pollution of the Waters of Sebago Lake (H. P. 1258) (L. D. 1617)

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

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

Mr. WILLIAMS: Mr. Speaker, Ladies and Gentlemen of the House: Some people have wondered why I, being from Aroostook where the sky is still blue and the grass green when it is not snow covered, where the water for the most part is pure, should be interested in Sebago Lake. I will tell you why. The people of Aroostook and every member of the House has an interest in this bill. It decides whether a small pressure group can change the age old policy of the state.

In the olden days in England, the Lord of the Manor owned the deer in the forest, the birds in the air, the fish in the water and the water in the lake. You all remember the tales of Robin Hood and his merry men who had to fight for their very lives just to live in Greenwood Forest.

When the English settled New England, they changed all this and made the common people the owners of the deer, the birds, the fish and the waters in the lakes. So far they still do.

This bill is about a sort of cove in the extreme south end of Sebago Lake. All the talk you heard the other day was about cottages, sewers, septic tanks, and so forth. Now as a matter of fact, the Portland Water District owns 15 miles of the shore along here. There are no

cottages, there are no sewers, there is one septic tank owned by the Portland Water District. Bathing and other activities are prohibited for two miles above the intake. Mr. Monie now has the authority to buoy off a radius of a hundred feet around his intake.

In the committee we asked him why he was so afraid that a boat passing over an intake 110 feet under the water would pollute the water, and if he was so afraid of that circumstance, why he did not buoy his intake? He said he did not dare to pinpoint the intake for fear of sabotage. His relations with the people of the area being what they are, he could be so right.

Mr. Monie of the Portland Water District appeared before the Public Utilities Committee a few weeks ago and told us in all seriousness that the effluent from his proposed Frye Island disposal plant would not seriously hurt North Gorham Pond. Then he came back a week later and told us that he was worried about a few boats putting out from Chadbourne's Landing lowering the quality of the water in Sebago. Mr. Monie no doubt has water pollution problems, but they come from the raw sewerage being put into the northern watershed, plus the Frye Island development, for which there is no sure answer.

A few years back the Portland Water District could have bought Frye Island for eight or ten thousand dollars. Could it be that this bill is a sort of red herring to cover up the mistakes on Frye Island?

Now I don't stand here to advocate bad water, far from it. The water in the south end of Sebago is pure and will continue to be pure whether you pass this bill or not. If you pass this bill, you will change the long range policy of the state and begin a policy of turning over the waters of this state to small pressure groups, for which, heaven forbid. The policy of multiple use of woods and waters has worked well over many years. Let us continue this policy.

I would now move that this bill and all of its accompanying papers be indefinitely postponed and when the vote comes I would ask for a division.

The SPEAKER: The pending question is on the motion of the gentleman from Hodgdon, Mr. Williams, that this Bill be indefinitely postponed.

The Chair recognizes the gentleman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: The other day we voted in favor of passage of this bill to aid the protection of the water supply of the Greater Portland area. I think multiple use is fine for every part of Sebago Lake, except around the intakes that allow the water from Sebago Lake to proceed down through the pipes to our faucets where we drink it.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: Maine's second largest lake, Sebago Lake, is a class "A" body of water and one of the purest lakes in the world. It is 12 miles long, 8 miles wide and 312 feet deep in the deepest part. As we all know, it is a source of drinking water for the Town of Standish and all of Greater Portland. It is a lake with a very rich heritage.

Sebago Lake Village is at the southern end of the lake and in the area of the problem we are discussing today. Years ago this village was prosperous and dynamic. It flourished with activity around the hotels, restaurants, shops, the Portland Sebago Ice Plant and the railroad station which was larger than Union Station in Portland. This was the hub of the entire region as the steamboats operating on the lake left and returned to the famous Sebago Lake Wharf.

In 1907 the Portland Water District arrived on the scene, and slow but surely they have grown until they have closed off 14 miles of shore frontage in the area and have been a major cause for the deterioration of the area as such that the village today is nearly a ghost town, while all the other

areas in the region are flourishing.

I could go on and on how the Portland Water District has increasingly bought land and closed off more and more of the lake. I could cite instance after instance of intimidation and coercion of the District against the Town of Standish or the people on the lake. It still prevails today and why I don't know, especially when the district should be trying to get Standish to assist them in keeping the quality of the water as it is.

There are six towns bordering Sebago. Standish has the greatest amount of shore frontage of any of them. However, we don't have a single place to swim in the entire lake along our shore frontage since Portland Water District has taken over their pick of land. This came about in 1913, when the so-called two mile limit came into existence.

Now the two mile limit is an area within a two mile radius of the intakes which was created by statute. Nothing is allowed within the area except boating and fishing. There are no buildings or septic tanks within the area, and the entire amount of shore frontage within this area comes to 14 miles, and all controlled and owned by the Portland Water District. And I would like to emphasize that point.

In the debate last week the proponents of this measure sought your vote by crying pollution, and we don't want to drink sewage and so forth. Now I am for the control of pollution, but I am getting sick and tired of the word pollution being used as it is here today to gain sympathetic votes.

The quality of Sebago's water is excellent and has never been better. This is due to the ability of the shorefront owners to cooperate with the Portland Water District, and the Portland Water District also has complete inspection rights of all sewerage systems within 1,000 feet of the water's edge completely around the lake. They have a complete inspection team which travels around the lake daily to supervise and inspect these installations and repairs. They also test the quality of

the water daily from fifty different areas surrounding the lake.

So why are they seeking this legislation? I have sat through three public hearings on this same bill, and I have heard the General Manager of the Portland Water District, Mr. Monie, state unequivocally that the pollution was not a factor here nor was the threat of pollution. He stated that the coli count in this area is lower than any time in history and has been very very low for a good number of years. He said that all he wanted was to protect the intakes from sabotage by today's radicals. This is fantasy, as I pointed out to you in the first debate. And just to refresh your memory, nobody even needs to go near the intakes if they wish to sabotage them. These comments were made at a joint meeting of the Standish Planning Board and the selectmen, our town meeting and at the hearing before the Public Utilities Committee.

It has been said on this floor that the Town of Standish has no right to interfere with the water supply of Greater Portland and that if we didn't want our supply protected, then leave Portland's alone. I would remind these people that all the taxable property of the Portland Water District is in the Town of Standish and this includes all their land holdings, buildings, dumping stations, intakes, and the 14 miles of shore frontage which they own. So is all of Frye's Island completely within our territory. Therefore, I feel we have a direct interest in their operation and Greater Portland had better realize it and stop pushing us and telling us what we can and cannot do in our own town. We had better start pulling together. Don't forget, we also drink the water as supplied by the Portland Water District.

The Town of Standish did not vote to have their intakes unprotected. After hearing Mr. Monie and after asking him questions at our town meeting, we voted that there was no need to close any more of the lake, as they felt that this is just another attempt to get the foot in the door. They felt then, and they still feel that if there is

pollution or even a threat of it, then the Portland Water District is obligated to protect our intakes as well as Portland's.

We have constantly had to fight for our rights in this body and in the courts to assure us of freedom of oppression from the district. Just four years ago we went to court to prevent the closing of a landing known as Chadbourne's Landing. We won on a decision by Supreme Judicial Court Justice Donald Webber. He ruled that the Portland Water District had no legal right to close the landing simply because it felt that pollution might occur. And I have that opinion right here in my hand.

Ladies and gentleman, Mr. Monie has told the Cumberland County delegation that this L. D. will close the landing since nobody will be allowed to fish or trespass over the waters if the bill passes. I ask you, are you willing to vote to put my small town back into court again to overrule your action here if you pass this? This bill is just a sneaky way to hopefully circumvent the court decision, and I say it is a pig in a poke.

Mr. Monie's testimony has consistently been that he didn't want to buoy off his intakes which he has the right to do now under the current statutes. And he has said that the dilution factor of the lake was sufficient, that he didn't need to do this and that he didn't want to pinpoint the intakes.

Look at his original plan that he presented to this legislature and then look at what we are asking to accept here today as an alternative. Remember, this is not just an 1,800 foot radius struck from the center of a circle from the intakes, it is a radius struck from a point on the shore, equal distance between the two intake stations, which is 400 feet behind the 1,200 foot intake. This would put the outer perimeter of the arc just a matter of 200 feet beyond the intakes, and he could do this now by the present statutes if he wanted to. Now tell me if this small, particular piece of water that he wants to now close off isn't pinpointing his intakes for sabotage efforts that he says he needs to protect.

My friends, stop and consider these buoys for just a minute. What are they going to stop from entering the intakes? They are not screens; they are not filters, they just sit on top of the water. If there was anything to enter the area, these buoys would be meaningless as the subsurface currents carry them in. You might hear of the debris at the intakes. I have talked with the engineers and divers who clean and inspect them. They have told me that all they ever get is a little moss.

There are no ice fishermen in the area. Smelts and whitefish are caught in much deeper water. Any ice houses in the area in the history of the lake have always been found outside the area and better than a mile away.

Before the Public Utilities Committee Mr. Monie said he was against fishermen. The Department of Inland Fisheries and Game, as well as the Associated Sportsmen's Clubs have opposed this legislation.

I would like to just quote from this book called "Inland Fisheries Management," published by the Resources Agency of California. And throughout the book the multi-use of public water supplies is encouraged and thousands of examples of this type of use are cited, and I would quote here, "the record shows clearly that multiple-use management of domestic water supply resources, being not only ideally suited in many cases to meet this need, can be implemented without dangerous deterioration of water quality required for suitable levels of potability and health. The desirability and feasibility of using domestic water supplies for fishing and other recreational purposes has been demonstrated repeatedly throughout the country, actually dating back long before the advent of World War I! More and more of these are opened to fishing each year, especially near urban centers. The fact that recreational activities at drinking water supplies, especially fishing, do not endanger the public is being increasingly recognized by responsible public health officials.

Through the years there has been no correlation between the bacterial

count of water samples and recreational use. On numerous occasions the highest counts have been at times when no recreation activities were in operation.

No direct relation between the number of fishermen using the watershed and the number of coliforms (bugs which sometimes transmit disease) has yet been demonstrated. Fishing in or reservoirs causes no sanitary or water-contamination problems" (Graham, 1957).

Throughout the country, most progressive operators of public water supply facilities now recognize important public benefits in the recreational uses of their facilities and that they have a dual responsibility to permit such use, wherever it appears feasible, in the interest of maximum environmental public health.

Most states permit recreational fishing use of the public water supplies, usually charging fees to defray added management costs. Many public water supply systems are open to multiple recreational use in varying degrees, from fishing only under a permit system to virtual unrestricted use including swimming; a history of at least 60 years reveals no outbreaks of disease that can be attributed to those uses of the water supply.

The four men of the Third House who have really been browbeating you to pass this bill have presented some unsound reasons, in my opinion. And by the way, I feel it a compliment that it takes four of them hired by the Portland Water District to defeat me and my town.

They have raised the subject of the courts wanting it. This is hogwash, and have you ever heard of such a thing? They have mentioned taxes — in this they better be quiet.

A couple years ago the shore frontage on the lake was increased from \$3 to \$8 a foot. The Portland Water District was put to \$7 a foot. They immediately called my town hall and told our assessors that they were paying a certain amount and no more — take it or leave it was their demand. We said no. That evening

the headlines in the Portland Evening Express read, "Portland Water District to take Standish to court over taxes." It was settled outside the court at the point that they are now paying — four to five dollars a front foot, and everybody else at eight.

We have been asked why can't we compromise? We have compromised over the year and we did just that when it came to the taxes and did offer to give them a reduction in their cost.

This is bad legislation and does not deserve your support. I urge you to vote with me by voting yes to indefinitely postpone. Mr. Speaker, I request that the vote be taken by the yeas and nays.

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

Mr. GILL: Mr. Speaker and Members of the House: I shall try to be brief and not cloud up our waters of Sebago Lake with such talk about taxes they pay to the Town of Standish. I don't believe this legislative document refers to taxes. I would also point out that I don't want to become involved in a fight between the gentleman from Standish and the Portland Water District.

I just happen to represent 25,000 people from the South Portland area, and we are the ones that drink this water. We feel that this amended bill that came out of committee is a reasonable bill.

I would point out there was a statement made the intake pipes were 110 feet below the surface; actually they are 22 feet, so this is why there is some concern.

Evidently the gentleman from Standish is concerned with the fact that this would prohibit the use of snowmobiling and ice fishing in this area. And he seems to dwell on this quite a bit. And I don't know what concern this actually would be to him. I know that I am interested in this as a measure to protect the water supply of Greater Portland.

I do not feel that anyone that is in the recreation type of business should feel that Sebago Lake is their own private area, the entire lake, in which their sports-

men can participate. I feel that this is less than one tenth of one per cent of the entire lake area and is a reasonable matter. I do not feel it is up to us to safeguard the recreation business just so they can go close to the intakes of our Portland water supply.

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

Mr. WHITSON: Mr. Speaker and Ladies and Gentlemen of the House: I, and the other members of the Portland delegation, certainly did not condone the actions of the Portland Water District. As evidence of this, I will point out to you the recent bill before this House which received full endorsement from the Portland Water District and which would have been an easy thing to vote for if we were interested only in our self interest. It would have eliminated the potential pollution problem of Frye Island by shipping the effluent to Gorham Pond. However, rather than rob from Peter to pay Paul, we voted against this, against our own interest, because we felt it was fair.

I think it was mentioned earlier, in an earlier debate, one of the many on this issue, that Lake Auburn has a water intake restricted area of 2,600 feet and it serves not nearly the same number of people as the Portland Water District serves, and yet the Portland Water District has only a 100 foot restricted radius. I asked that this be extended for us, the purification and the security of the Portland water supply.

I would also like to point out that the gentleman from Standish, Mr. Simpson, mentioned in the same breath that there is no ice fishing within the Portland Water District's potential zone, and yet at the same time he objected to prohibiting ice fishing.

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

Mr. BERNIER: Mr. Speaker and Members of the House: This debate, as before, sort of confounds me, because I thought we were living in a civilized age. When I was young we thought nothing when I lived on the farm to have the manure pile in prox-

imity to the well. We had many diseases in those days.

Today in the same body of water we have drainage, not only from septic tanks, which do not pass the percolation tests, which makes them not a bit better than a cesspool. And if you don't know what a cesspool is, it is just a rack of logs through which the sewage seeps, supposedly to be purified.

I know the principle here is that the body of water is so big, so large, so immense that there will be dilution to the point where it will cause no harm. I certainly hope so. But like Dr. Santoro said this morning about the bottles, I don't particularly care to be involved where this urine is concerned. Let it stay where it belongs, not in my drinking water, if you please.

Maybe today the water is pure. Why is it pure? Because there are so many chemicals in it. You can open the faucet the first thing in the morning and you can taste that chemical. There is a reason. Of course I understand the situation of the Portland Water District, and if any one for one minute thinks that I am hired by the Portland Water District they can forget it, because I certainly would not speak in this manner.

I say that water is not pure. It is about time that the complacency of the people as a whole be done and over with. Why should a handful of little sportsmen control 240,000 people in greater Portland? Today we are involved. Tomorrow it will be all of you, whether you come from Hodgdon or where else. These are old time ideas; be modern people, be of today.

I tell you, think seriously, thinking this is just a beginning, this is a very small piece of legislation. Why should Standish fight it? Why should the sportsmen fight it? There is still a great big lake that they can involve, which I object to by the way. I don't believe that the two should be combined. But think of us today, or of you tomorrow, and the yet unborn generation.

The SPEAKER: The pending question is on the motion of the gentleman from Hodgdon, Mr. Williams, that this Bill be indefinitely

postponed. 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 Hodgdon, Mr. Williams, that An Act to Amend the Act to Prevent the Pollution of the Waters of Sebago Lake, House Paper 1258, L. D. 1617 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—Ault, Bailey, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bourgoin, Bragdon, Brawn, Carrier, Carter, Clark, Collins, Curtis, A. P.; Curtis, T. S., Jr.; Dow, Doyle, Dudley, Dyar, Emery, D. F.; Evans, Farrington, Fecteau, Finemore, Gagnon, Hall, Hancock, Haskell, Herrick, Immonen, Lawry, Lee, Lessard, Lewin, Lewis, Littlefield, Lund, Lynch, MacLeod, Manchester, Marsteller, McCormick, McNally, Millett, Mills, Morrell, Mosher, Norris, Porter, Pratt, Rocheleau, Rollins, Scott, Shaw, Simpson, L. E.; Simpson, T. R.; Smith, E. H.; Starbird, Trask, Webber, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY—Bernier, Berube, Binnette, Boudreau, Brown, Bunker, Bustin, Call, Carey, Clemente, Conley, Cooney, Cote, Cottrell, Crosby, Cummings, Curran, Cyr, Dam, Donaghy, Drigotas, Emery, E. M.; Faucher, Fraser, Genest, Gill, Good, Goodwin, Hawkens, Hayes, Henley, Hewes, Jutras, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Kilroy, Lebel, Lizotte, Lucas, Maddox, Mahany, Marsh, Martin, McCloskey, McKinnon, McTeague, Murray, O'Brien, Orestis, Page, Parks, Payson, Pontbriand, Rand, Ross, Santoro, Shute, Silverman, Slane, Smith, D. M.; Stillings, Susi, Tanguay, Theriault, Tyndale, Vincent, Wheeler, White, Whitson.

ABSENT—Albert, Baker, Bedard, Berry, P. P.; Churchill, Gauthier, Hanson, Hardy, Hodgdon, Jalbert, Keyte, Lincoln, Sheltra.

Yes, 66; No, 71; Absent, 13.

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

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

An Act relating to Clarifying the Sales Tax Law as It Relates to Gratuities and Service Charges in Eating Establishments (H. P. 1277) (L. D. 1677)

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

Orders of the Day

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

Bill "An Act relating to Duty of State Board of Education Concerning Interscholastic Activities" (H. P. 985) (L. D. 1347)—In House, re-committed to the Committee on Education. In Senate, Bill passed to be engrossed as amended by Committee Amendment "A" (H-94) and Senate Amendment "A" (S-84) in non-concurrence.

Tabled—April 22, by Mr. Millett of Dixmont.

Pending—Further consideration.

On motion of Mr. Millett of Dixmont, the House voted to insist and ask for a Committee of Conference.

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

SENATE JOINT ORDER — Re Secretary of Senate to hire a temporary typist or stenographer (S. P. 551)

Tabled—April 23, by Mr. Trask of Milo.

Pending — Passage in concurrence.

On motion of Mr. Trask of Milo, retabled pending passage in concurrence and tomorrow assigned.

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

Bill "An Act Revising the Laws Relating to Licensed Small Loan Agencies" (H. P. 552) (L. D. 728)—In House, passed to be engrossed as amended by Committee Amendment "A" (H-86). In Senate, indefinitely postponed in non-concurrence.

Tabled — April 23, by Mr. Porter of Lincoln.

Pending — Further consideration.

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

Mr. O'BRIEN: Mr. Speaker, I move the House insist on its former action.

The SPEAKER: The gentleman from Portland, Mr. O'Brien, moves that the House insist on its former action.

Mr. Smith of Dover-Foxcroft requested a roll call.

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

Mr. SUSI: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House recede from its former action and concur with the Senate.

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: We have passed this bill twice and I promise I won't debate it again this morning. I hope you will vote against the motion to recede and concur so that we may insist.

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

Mr. LUND: Mr. Speaker and Members of the House: I hope that the members of the House will vote to recede and concur, because I think that if we were at this session to enact this piece of legislation we would be taking a step backwards.

I think that this legislature in its previous sessions, when it got rid of the abuses that existed in our small loan practices did a good thing, and I hope we will stick by our guns, and not erode the accomplishments that have been carried out.

The SPEAKER: Does the gentleman from Dover-Foxcroft, Mr. Smith, still request the yeas and nays on the receding and concurring motion?

Mr. SMITH: Yes, Mr. Speaker, I 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 Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: Just a word or two. I voted for this action, and I feel that it has been passed twice, we should follow our previous action on it.

Mr. Lund states that we shouldn't step backward. Sometimes we make errors and we have to step backward and I think that was an error when that was passed on that 36-month phase of that law. So I hope that you will defeat the move to recede and concur, and then we can insist.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: It seems to be predestined that this is going to be a lackluster session. We aren't going to set any record certainly. But I would hope that we wouldn't shame ourselves by the regressive action that we would be taking part in allowing this change in this law which was attained by great effort on those before us.

So I hope you will move to recede and concur.

The SPEAKER: The pending question is to recede and concur. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Barnes, Bartlett, Bernier, Berry, G. W.; Berube, Binnette, Bourgoin, Bragdon, Brawn, Bunker, Bustin, Call, Carrier, Carter, Collins, Cooney, Cottrell, Crosby, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dow, Doyle, Dudley, Emery, D. F.; Evans, Faucher, Finemore, Gagnon, Gauthier, Genest, Good, Goodwin, Hall, Haskell, Hawkens, Hayes, Herrick, Hewes, Hodgdon, Immonen, Jutras, Kelley, P. S.; Kelley, R. P.; Kilroy, Lawry, Lebel, Lee, Lewin, Lewis, Lucas, Lund, Lynch, MacLeod, Manchester, Marstaller, Martin, McCloskey, McNally, McTeague, Millett, Morrell, Mosher, Murray, Orestis, Parks, Porter, Rand, Rollins, Scott, Shute, Silverman Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Stillings, Susi, Tyndale, Vincent, Webber, White, Whitson, Wight, Wood, M. W.; Wood, M. E.; Woodbury

NAY — Bailey, Birt, Bither, Boudreau, Brown, Carey, Clark, Clemente, Conley, Cote, Dam, Donaghy, Dyar, Emery, E. M.; Farrington, Fecteau, Fraser, Gill, Hancock, Henley, Kelleher, Kelley, K. F.; Lincoln, Littlefield, Lizotte, Maddox, Marsh, McCormick, McKinnon, Mills, Norris, O'Brien, Page, Payson, Pratt, Rocheleau, Ross, Santoro, Shaw, Sheltra, Slane, Smith, E. H.; Starbird, Tanguay, Theriault, Trask Wheeler

ABSENT — Baker, Bedard, Berry, P. P.; Churchill, Drigotas, Hanson, Hardy, Jalbert, Keyte, Lessard, Mahany, Pontbriand, Williams

Yes, 90; No, 47; Absent, 13.

The SPEAKER: Ninety having voted in the affirmative, forty-seven in the negative, with thirteen being absent, the motion does prevail. (Later Reconsidered)

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

Bill "An Act Transferring Services to Alcoholics and Drug Addicts to the Bureau of Mental Health" (H. P. 674) (L. D. 911) — In House, passed to be engrossed. In Senate, indefinitely postponed in non-concurrence.

Tabled — April 23, Mr. Martin of Eagle Lake.

Pending — Further consideration.

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

Mr. CARRIER: Mr. Speaker, I move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves that the House insist and ask for a Committee of Conference.

The Chair recognizes the gentleman from Westfield, Mr. Good.

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

The SPEAKER: The gentleman from Westfield, Mr. Good, moves that we recede and concur.

The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: This is a bill which last week was debated and this House voted 91 to 26 in favor of the bill. Now this bill comes to us from the other branch, and I submit to you that at least the courtesy should be extended that we have a Committee of Conference.

This bill, very briefly, as was explained last week, will help the unfortunate to solve their problems through educational programs through the Mental Health. The opposition to this bill, as was recognized before in the past year and this year too, comes mostly from chronic alcoholics, or alcoholics that have been treated before and overcome their problem.

Now these people have received the help of all the organizations that are available for their — to help them with their problem. And I don't see what their objection is to extend this help to the new ones who need such help. Is it not only fair to allow treatment to others when you yourself have received treatment? This is what it comes down to.

Alcoholics and drug addicts are recognized at times to be mentally sick, and it comes under Mental Health, and as such that is why we would like to have the alcohol-

ic services transferred under the the Mental Health Department, which would give us additional funds, and which is suggested by all agencies of the federal government that that is where it should be.

Now I know that I feel, and I know that in your good judgment you will see the need of such a transfer, and that you will vote against the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Haskell.

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I had an opportunity yesterday to hear a very interesting speaker at our local Rotary meeting. The speech was by the director of the new mental health clinic in Houlton. And he touched on the problem of treating alcoholics from the point of view of a mental health clinic.

His conclusion was that their greatest success has been by working as a supportive agency to Alcoholics Anonymous, and that they found that this was by far the most effective treatment. Now in effect this is the approach that we are using currently in the State of Maine. The staffing of the present group is made up, and they are using the approach of Alcoholics Anonymous. And I thought it interesting that a person active in the field indicates that the greatest success in this field is through acting as a supportive group for Alcoholics Anonymous. In other words, the current situation in the state is exactly his recommendation, and I would support Mr. Good's motion to recede and concur.

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

Mr. GOOD: Mr. Speaker and Members of the House: I didn't expect to speak on this measure again. I know that time is precious, and I don't want to bore you. But if we are to resolve this measure correctly there are a few things that have to be spoken about if we want to be fair to all concerned.

Some four or five years ago the Division of Alcoholic Rehabilitation refused to approve and help fund a sort of "Half Way Home" for alcoholics in the southern part of the state. The Division of Alcoholic Rehabilitation failed to approve this center because, in their estimation, there was something to be desired in the proposed management, the building they occupied did not pass the safety and fire code and they did not have the money to fund it in the first place. Since that day there seems to have been a veritable vendetta by some few but very vocal individuals against the Division of Alcoholic Rehabilitation.

I wondered why the Division of Mental Health was so interested in this small unit of state government, especially since the 104th Legislature recently placed the Division of Alcoholic Rehabilitation in the Bureau of Vocational Rehabilitation under Health and Welfare pursuant to the recommendation of the Governor's Task Force Study of 1968.

I find now that Dr. Schumacher, Director of Mental Health, wants his division to be designated as the official agency to administer Alcoholic Rehabilitation Services. This would enable his division to be eligible for Federal grants for alcoholism studies under the so-called Hughes Bill.

Dr. Schumacher has tried to leave the impression by insinuation and inference that his Division, namely the Division of Mental Health, has to be the division to administer the funds for the state to be eligible. This is definitely not so.

The Hughes Bill clearly states that for the State of Maine to be eligible, the Governor has to designate one agency to be responsible for the administration and supervision of any grant or funds available under the so-called Hughes Bill.

I have a letter in my hand dated July 2, 1970, where Governor Curtis has already designated the Health and Welfare Department as the agency mentioned.

The Division of Mental Health has no proposed plan for alcoholic

rehabilitation, no trained personnel to carry out such a plan if they had one and they have no plan to expand the present program of the Division of Alcoholic Rehabilitation. The men of this Division of Alcoholic Rehabilitation have had many years of study and experience on this particular problem. I see this as a bit of selfish departmental maneuvering to gain more power for one division at the expense of the other — nothing more. A move of this kind would set back the state program for alcoholism for several years. The irony of the whole thing is that the Hughes Bill hasn't even been funded yet and the prospects as of now don't look good.

I hope my motion carries.

The SPEAKER: The Chair will order a vote. All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken. 87 having voted in the affirmative and 41 having voted in the negative, the motion did prevail.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought not to pass" — Minority (4) "Ought to pass" — Committee on Natural Resources on Bill "An Act Excluding Residential Housing from Site Location Law in Planning Board Communities" (H. P. 785) (L. D. 1061) — In House, recommitted to Committee on Natural Resources. In Senate, Majority Report accepted.

Tabled — April 23, by Mr. Martin of Eagle Lake.

Pending — Motion of Mrs. Brown of York to recede and concur.

The pending motion to recede and concur did prevail.

Mr. Page of Fryeburg moved that the House reconsider its action of earlier in the day whereby it accepted the Majority "Ought not to pass" Report on Bill "An Act relating to Probable Cause Arrests in Misdemeanor Violations," (S. P. 333) (L. D. 979)

Whereupon, on motion of Mr. Hewes of Cape Elizabeth, tabled pending the motion of Mr. Page of Fryeburg to reconsider and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to pass" — Minority (5) "Ought not to pass" — Committee on Election Laws on Bill "An Act Repealing Certain Procedure for Registration of Voters" (H. P. 187) (L. D. 244)

Tabled — April 23, by Mrs. Boudreau of Portland.

Pending — Motion of Mr. Ross of Bath to accept Majority Report.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: To my friend and colleague from Eagle Lake, Mr. Martin, I would like to just mention that we have never debated this item before this year. It is also one of my favorites, and it may eventually come back to us. But I will fight it to the end, I guarantee.

We often find it necessary to make a few minor changes in the election laws, but seldom do we make real major ones, to wit: the elimination of the big box. But by 1960 we had such a conglomerate maze of piecemeal amendments that in 1961, after a four-year study costing \$10,000, we came up with a complete revision updating our entire election law procedure.

In 1962 the Secretary of the State was presented an award in behalf of the State of Maine from the American Heritage Foundation stating that our new revised laws were one of the outstanding in the entire United States. And this law included the stipulation that a person had to go before a registrar or a board of registration, or a city and town clerk, in order to become a registered voter of this state.

Lo and behold then came the famous 102nd Legislature, and with it a dandy, brand new, very drastic change, permitting justices of

the peace and notaries public to do the whole job of registering and enrolling voters. The purpose stated simply, with no malice aforethought, that it would be easier for the new voter and be more democratic in the true sense of the word.

I was opposed to it at the time, and I still am, I could foresee then problems in control and accuracy. It has been proven since that I was right. Sure, a lot of new names have been added, but in a great many cases the information has been wrong. They are not complete, there are many errors, they are not turned in properly; in some instances not only are they registered in the wrong ward, but in the wrong town.

The overall effect has not really been to convenience the voter, but it has just been an annoyance and utter frustration when he finds himself turned away at the polls because he was improperly registered by a bunch of eager, well motivated, but still novice people.

In the Secretary of State's office is a very comprehensive file of comments from registrars, boards of registration and clerks throughout the state. Ninety percent of them disapprove of this new lax method. It is a real cross section of our cities and towns. Some people would indicate that only Republicans are against this. But this criticism comes from towns like Hope, South Paris, Norway, Wilton and so forth; but also from Westbrook, Portland, Waterville, Fort Kent and so forth. In short, the former method was much more orderly, businesslike, accurate and sensible. And aside from this, it gave the voters a sense of responsibility and true accomplishment whether they enrolled Republic or Democrat. And it was not just an easy way out to please a friend.

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, was fully aware that we would be debating this this morning, and we may

eventually debate it again. I think he is right, it is going to come back to us. And I am one of those who believe that if I know what is going to happen in the long run I would just as soon take care of it now, and I don't see any purpose in playing with it.

The gentleman from Bath, Mr. Ross, referred to the 102nd as the "famous 102nd", and I am extremely pleased to hear the compliment. I believe that is the first one he has made to us.

I am sure you all know that the Democrats at that point controlled the legislature, and I am sure you all know that we will do it again. (Laughter)

Let me point out to you that control is not really a problem. The gentleman from Bath, Mr. Ross, referred to clerks who were opposed to this thing from 90% of those people who had written to the Secretary of State's office. Of course, we don't know how many clerks wrote at this point because he hasn't told us that; and he implied that not only did Republican towns oppose this, but as well, Democratic towns, including, for example, Fort Kent. He did not tell you, however, how many of those clerks in the Democratic towns might be Republicans. And so this is another possibility that we ought to check into as well.

Let's just look at the problem. It is a very simple one. The gentleman from Bath, Mr. Ross, repeals a little section of the law that would do away with the cards that we are now using today. Now I just happen to have a voter registration card, and I happen to have a Democratic enrollment card. Now for some reason I don't have that white Republican card. But let me point out to you that there is no reason why this cannot work.

If they are incomplete then they need not be accepted by the boards or the clerks, and there is absolutely no reason for it to be accepted if it is in error. If it is in proper form then it ought to be accepted, and if we are interested in allowing people to participate in a Democratic form of government more easily then

we ought to be interested in keeping this law on the books.

Unfortunately, the gentleman from Bath seems to imply that Democrats are more willing to work, and for that reason I suppose we seem to have done a little better than he has. And if he doesn't watch it, probably in Bath things will change there too. But I really hope today that we don't let this go any further, that we take care of it now, that we don't have to bother with the veto like we did two years ago, and I ask you to in effect vote against it.

So, Mr. Speaker, I would move that the vote be taken by the yeas and nays, and I would move that this Bill and all of its accompanying papers be indefinitely postponed.

The SPEAKER: The pending question now is on the motion of the gentleman from Eagle Lake, Mr. Martin, that both Reports and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoin.

Mr. BOURGOIN: Mr. Speaker and Members of the House: I would like to advise Mr. Ross of Bath that our town clerk is definitely Republican and our town assessors are definitely Republicans, and up home we get along with both parties.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I think that Mr. Ross has agreed that this has been a help to the Democratic Party, it also has been a help to the Republican Party. They have the same opportunity to go out with this card system and register a lot of people who are not registered. I think that you will all agree with me that many people do not register to vote because they do not have the proper opportunity. There are 42 cities and towns in the State of Maine that have boards of registration and there are certain times they cannot register, and these people do not avail themselves of the time.

Therefore this card system is much simpler and we can get them

up there to vote. Furthermore, there is a general apathy amongst the general public not to go to vote because they are not registered, and we all want people to go to the polls. It has been the cry for years and years, of this apathy that has existed amongst our citizens. I think this is the easiest and the best way to get people to register to vote. Perhaps my friend Mr. Ross is worried because we are going to have the 18-year olds and we might be able to corral a few more of those boys in the Democrat column.

I can assure him also that if we wait for the 106th Legislature we might be able to hold some of these laws in place.

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 Eagle Lake, Mr. Martin that both Reports and Bill "An Act Repealing Certain Procedure for Registration of Voters," House Paper 187, L. D. 244, be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bernier, Berry, G. W.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Call, Carrier, Carter, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Dam, Dow, Doyle, Drigotas, Dudley, Dyar, Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, Hancock, Jutras, Keller, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McCormick, McTeague, Mills, Murray, Orestis, Parks, Pontbriand, Rocheleau, Santoro, Sheltra, Slane, Smith, D. M.; Smith, E. H.; Star-

bird, Theriault, Vincent, Webber, Wheeler, Whitson.

NAY — Bailey, Baker, Barnes, Bartlett, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Churchill, Clark, Crosby, Cummings, Curtis, A. P.; Curtis, T. S. Jr.; Emery, D. F.; Evans, Finemore, Gagnon, Gill, Good, Hall, Haskell, Hawkins, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, R.P.; Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marstaller, McNally, Millett, Morrell, Mosher, Norris, Page, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Ault, Bedard, Berry, P. P.; Carey, Donaghy, Hanson, Hardy, Jalbert, McKinnon, O'Brien, Tanguay.

Yes, 69; No, 70; Absent, 11.

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

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought not to pass" — Minority (2) "Ought to pass" — Committee on Election Laws on Bill "An Act Clarifying the Eligibility of Maine Students Attending Institutions of Higher Learning in Maine to Vote" (H. P. 842) (L. D. 1154)

Tabled — April 23, by Mr. Binnette of Old Town.

Pending — Motion of Mr. Ross of Bath to accept Majority Report.

The SPEAKER: All in favor of accepting the Majority "Ought not to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

103 having voted in the affirmative and 23 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

Bill "An Act to Clarify the Regulation-making Power of the Environmental Improvement Commission" (S. P. 311) (L. D. 904) — In Senate, passed to be engrossed.

Tabled — April 23, by Mr. Ault of Wayne.

Pending — Passage to be engrossed.

Mrs. Brown of York offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-176) 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 ninth tabled and today assigned matter:

Bill "An Act to Permit Camp Counselors to Supervise Canoeing" (H. P. 1286) (L. D. 1685)

Tabled — April 23, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

Mr. Martin of Eagle Lake offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-175) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

The Chair laid before the House the tenth 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" — In House, Reports and Bill indefinitely postponed.

Tabled — April 23, by Mr. Brawn of Oakland.

Pending — Motion of Mr. Hardy of Hope to reconsider.

On motion of Mr. Susi of Pittsfield, retabled pending the motion of Mr. Hardy of Hope that the House reconsider indefinite postponement and tomorrow assigned.

Mrs. Boudreau of Portland moved that the House reconsider its action of earlier in the day whereby it accepted the Minority "Ought not to pass" Report on Bill "An Act relating to Licensure of Physical Therapy Assistants and Temporary Permits under Physical Therapy Law" (H. P. 416) (L. D. 543)

Whereupon, on motion of Bunker of Gouldsboro, tabled pending the motion of Mrs. Boudreau of Portland to reconsider and specially assigned for Thursday, April 29.

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

Mr. LUND: Mr. Speaker, may I ask if the House is in possession of item three of the tabled items, L. D. 728?

The SPEAKER: Bill "An Act Revising the Laws Relating to Licensed Small Loan Agencies," House Paper 552, L. D. 728, whereby the House receded and concurred.

Mr. LUND: Mr. Speaker, I would move that the House reconsider its action whereby it receded and concurred and I hope you will vote against my motion.

Mr. O'Brien of Portland then requested that the motion to reconsider be tabled and specially assigned for Thursday, April 29.

Whereupon, Mr. Lund of Augusta requested a division on the tabling motion.

The SPEAKER: A division has been requested on the tabling motion. All in favor that the motion of the gentleman from Augusta, Mr. Lund, to reconsider the action of the House whereby it receded and concurred be tabled and specially assigned for Thursday, April 29, will vote yes; those opposed will vote no.

A vote of the House was taken. 36 having voted in the affirmative and 83 having voted in the negative, the motion to table did not prevail.

The SPEAKER: The pending motion is reconsideration.

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

Mr. O'BRIEN: Mr. Speaker, is this motion debatable now?

The SPEAKER: The motion is debatable. The gentleman may proceed.

Mr. O'BRIEN: Mr. Speaker and Members of the House: This bill originally came out of the committee with a unanimous "ought to pass." The House passed it twice already this session. It came as a complete surprise to me to see it go down in defeat this morning. I hope that you will vote in favor or reconsideration.

The SPEAKER: The pending question is reconsideration. The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

37 having voted in the affirmative and 89 having voted in the negative, the motion to reconsider did not prevail.

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

Mrs. PAYSON: Mr. Speaker, I request that we reconsider our action on item 23 on page five of today's calendar, in view of the fact that this is Mr. Jalbert's bill, the gentleman from Lewiston, and he is absent.

The SPEAKER: The gentlewoman from Falmouth, Mr. Payson, moves that we reconsider our action on Bill "An Act relating to Licensure of Physical Therapy Assistants," House Paper 530, L. D. 692, whereby the House accepted the Minority "Ought not to pass" Report.

Whereupon, on motion of Mr. Scott of Wilton, tabled pending the motion of Mrs. Payson of Falmouth to reconsider and specially assigned for Thursday, April 29.

On motion of Mr. Cooney of Webster,

Adjourned until nine o'clock tomorrow morning.