

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, May 20, 1971

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

Prayer by the Rev. Mr. Ondon Stairs of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees**

Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act to Provide Assistance to Maine's Certified Home Health Agencies" (S. P. 458) (L. D. 1376)

Report of the Committee on Natural Resources reporting same on Bill "An Act Regulating the Location, Operation and Maintenance of Major Utility Generation and Transmission Facilities" (S. P. 347) (L. D. 989)

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

Leave to Withdraw

Report of the Committee on Judiciary on Bill "An Act relating to Trespass on Private Roads" (S. P. 221) (L. D. 667) reporting Leave to Withdraw.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

Referred to Next Legislature

Report of the Committee on Natural Resources on Bill "An Act Providing a Moratorium on the Construction of Certain Industries" (S. P. 336) (L. D. 988) reporting that it be referred to the 106th Legislature.

Came from the Senate with the Report read and accepted and the Bill referred to the 106th Legislature.

In the House, the Report was read and accepted in concurrence and the Bill referred to the 106th Legislature in concurrence.

Ought to Pass

Report of the Committee on Taxation reporting "Ought to pass" on

Bill "An Act to Increase Amount of Real Estate Tax Exemption for Paraplegic Veterans" (S. P. 368) (L. D. 1107)

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
Amended in Senate**

Report of the Committee on Legal Affairs on Bill "An Act to License and Regulate Suppliers of Compressed Air Used in Self-contained Underwater Breathing Apparatus" (S. P. 482) (L. D. 1518) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-176) was read. Senate Amendment "A" to Committee Amendment "A" (S-183) was read and adopted in concurrence. Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence.

Tomorrow was assigned for third reading of the Bill.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought not to pass" on Bill "An Act relating to the Sale and Use of Lead Paint" (S. P. 460) (L. D. 1378)

Report was signed by the following members:

Messrs. MINKOWSKY
of Androscoggin
GREELEY of Waldo
—of the Senate.

Mr. DYAR of Strong
Mrs. McCORMICK of Union
Mrs. DOYLE of Bangor
Mr. LESSARD of Lisbon

Mrs. CUMMINGS of Newport
— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (S. P. 585) (L. D. 1738) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. HICHENS of York
— of the Senate.

Mrs. PAYSON of Falmouth

Messrs. LEWIS of Bristol
CLEMENTE of Portland

Mrs. BERRY of Madison

Mr. SANTORO of Portland
— of the House.

Came from the Senate with the Reports and Bill indefinitely postponed.

In 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 Minority "Ought to pass" Report.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Payson, moves that the House accept the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from Machias, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, I move the indefinite postponement of this Bill and both Reports and would speak briefly to my motion.

The SPEAKER: The gentleman from Machias, Mr. Kelley moves the indefinite postponement of both Reports and Bill in concurrence.

The gentleman may proceed.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: You might say that this Legislature is unique in its uninhibited approach to problems large and small. Over the past four and a half months we have found time to debate a variety of subjects, ranging from the war in Vietnam to the dumping of horse manure in our streams. And undeterred by a lack of knowledge on these subjects, we have bullied landlords, we have demanded more labor benefits from employers, and we have even—God help us—seriously considered a bill making it illegal for citizens to petition their state gov-

ernment for redress from confiscatory taxes. But for sheer lunacy this L. D. 1378 takes the prize by all odds.

Now I feel that my credentials in this respect are impeccable, having sold, and applied, paint since 1939.

The theme of this bill is that children in tenement houses can and do eat the paint off the walls and thus get lead poisoning. Now conceivably this can happen, but it is so rare that on the few occasions that it does happen it makes the newspaper headlines.

Medical World News of February 19, 1971 reports that lead poisoning now occurs not only in ghetto children, but also in the children of middle class parents, and is due to air contamination from cars burning leaded gasoline. Other sources of lead, of course, include foods and in some cases the drinking water.

A child who is exposed to exhaust emissions, or who chews on an empty toothpaste tube, is much more likely to get a dangerous dose of lead than the kid who sleeps in a room with paint peeling from the ceiling. And come to think of it, why would a careful mother permit this, when, by the simple expedient of brushing the ceiling with a broom most of the hazard would be removed? For that matter, of course, few ceilings are painted with lead-based paint; in most cases a latex paint is used, and this contains mercury, not lead.

How would this legislation be enforced? Should building inspectors enter every apartment house, take samples of the paint from the walls and send it to a laboratory for analysis. Or do they wait until a case of lead poisoning occurs and then try to prove that it was paint, not exhaust fumes or other sources which caused this?

Furthermore, this bill demands an impossibility of a landlord. He is required to tell prospective tenants if the paint or plaster contains more than 1% lead. Can any of you tell me the percentage of lead in the paint used in this chamber? Of course not!

Speaking of health hazards, why pick this subject for special legislation? Color TV causes radiation;

copper plumbing causes copper sulphate deposits in drinking water, which is harmful to the liver. There is no legislation on this.

You know a number of years ago some egghead scientist announced that certain types of cellulose, as used in wallpaper pastes, would have a constrictive effect on the bowels if ingested. Should we then amend this bill to include wallpapered rooms on the grounds that sleeping in a papered room might cause constipation?

Now down in Washington County, a number of years ago, we had an old couple that enjoyed quarreling with each other for forty years. One day in the local grocery store they got into a donnybrook and when the good lady run out of air her husband stared at her for a few moments and finally he said: "Mildred, you may not be the most foolish person in the world but you certainly are in contention."

Ladies and gentlemen, I move the indefinite postponement of this bill and its reports. I don't think we should even give it the dignity of a roll call. I would ask for only a division.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: The bill before the House today is a committee rewrite of several bills concerning lead poisoning, two of which I introduced myself. I feel that the committee has, in a sense, emasculated these bills. The legislation which I introduced required that lead based paint carry a label warning to the effect that it did contain lead and that it could cause physical and mental damage to children, a reasonable request in the light of the label on gasoline warning of a lead content. Yet, the committee for reasons unclear eliminated this provision.

The bills which I introduced also provided that when a hazardous lead poisoning problem existed and children were exposed, that the owner of the building would be required to take corrective measures. There are certain high danger conditions for which corrective remedies were written into the bills which I introduced, bills which

were modeled after similar legislation already adopted, amongst others, by the City of Philadelphia.

Examples of those high hazard areas were the corrective maintenance of chipped and flaking lead based paints. Certainly it is reasonable to ask that the dwelling of families with young children be clear of flakes of lead based paints. Another high danger area in my proposed legislation was paint on windowsills. It is an almost automatic thing for young children to place their mouths on windowsills when they look out a window. Yet the committee in its wisdom eliminated these minimal requirements.

I don't believe that anyone can conceivably argue that a problem does not exist. Last year in the City of Portland a blood-lead level study was conducted on several hundred children. The results showed that six percent of the children studied had abnormally high blood-lead levels and that from one to two percent required remedial medical measures to be taken immediately. The results of this study are consistent with studies across the nation, showing from five to ten percent of children under the age of five with high blood-lead levels.

I would like to quote to you from a statement by Julian Chisholm, Professor of Pediatrics at John Hopkins University. He is also the director of the pediatrics section in the Baltimore City Hospital.

"The unfortunate thing about lead poisoning is that by the time the signs and symptoms point obviously to lead poisoning permanent brain damage may already have occurred. There is no remedy for brain damage incurred through lead poisoning.

"The only rational medical approach is prevention since there is no treatment.

"A child by eating one or two fingernail sized chips of paint two or three times a week will over a period of several months develop a lethal lead blood level. Such small amounts may well escape the detection of the mother and so education of the mother to the danger alone is not the answer.

"Since the detection of lead poisoning is difficult and few cities

in this nation are equipped to detect blood lead levels, the vast majority of lead poisoning in children remains undetected.

"Hence children with what appears to be low intelligence levels or physical impairments may actually be bearing the scars of lead poisoning through their entire lives."

At the committee hearing on this bill we heard testimony from qualified medical people to the effect that there is an enormous problem. We also heard testimony from several women with children who had lead poisoning. One woman spoke of her mentally retarded child, this woman was from Portland. The cause of retardation was lead poisoning. At the committee hearing, the Director of the Maine State Department of Health and Welfare spoke on behalf of this bill.

A Mr. and Mrs. Porter, I believe was the name, were the only opponents. They owned an apartment building and felt that passage of these bills would be an unwanted addition to the safety codes enforced on landlords. When one of the members of the committee asked Mr. Porter if any child in his apartment had suffered from lead poisoning, he answered, "Yes"; but they don't know whether his retardation was due to the lead poisoning or whether he was naturally slow.

Although this bill has been weakened greatly it does recognize the problem. It is a corrective step. I hope you support it.

I ask for a roll call, Mr. Speaker.

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

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: Despite the levity of the gentleman from Machias, Mr. Kelley, there is a serious problem in this area where children do chew on woodwork which has lead paint; they don't chew on the walls as he has suggested. The percentage of lead is high enough in old lead paint so it is a problem in old houses. It is impossible to remove the old lead paint, so within the bill there is provision

whereby the landlord would warn prospective parents moving into their houses.

I hope that you will support this. This is a minor proposal and it does deserve our consideration because of the brain damage which can be caused through the injection of lead.

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 Machias, Mr. Kelley, that both Reports and Bill "An Act relating to the Sale of Lead Paint," Senate Paper 460, L. D. 1378, be indefinitely postponed in concurrence. If you are in favor of the indefinite postponement you will vote yes; if you are opposed, you will vote no.

ROLL CALL

YEAS — Bailey, Baker, Barnes, Berube, Birt, Bither, Bourgoin, Bragdon, Brawn, Bunker, Call, Carey, Carrier, Churchill, Collins, Cote, Crosby, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Donaghy, Dudley, Dyar, Evans, Faucher, Fecteau, Finemore, Fraser, Gauthier, Hardy, Haskell, Hawkens, Henley, Hewes, Immonen, Kelleher, Kelley, K. F.; Lawry, Lebel, Lessard, Lewin, Lincoln, Lizotte, MacLeod, Maddox, McCormick, McNally, Morrell, Page, Parks, Pontbriand, Porter, Pratt, Rand, Rollins, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Starbird, Theriault, Trask, Williams, Wood, M. E.

NAYS — Albert, Ault, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Binnette, Boudreau, Brown, Bustin, Clark, Clemente, Conley, Cooney, Cottrell, Cummings, Dow, Drigotas, Emery, D. F.; Farrington, Gagnon, Genest, Good, Goodwin, Hancock, Hayes, Herrick, Kelley, P. S.; Kelley, R.

P.; Keyte, Kilroy, Lewis, Littlefield, Lund, Lynch, Mahany, Marsh, Marsteller, Martin, McCloskey, McTeague, Millett, Mills, Murray, Norris, O'Brien, Payson, Ross, Silverman, Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Tyndale, Vincent, Webber, Wheeler, White, Whitson, Wood, M. W.; Woodbury.

ABSENT — Carter, Cyr, Doyle, Emery, E. M.; Gill, Hall, Hanson, Hodgdon, Jalbert, Jutras, Lee, Lucas, Manchester, McKinnon, Mosher, Orestis, Rocheleau, Santoro, Sheltra, Tanguay, Wight.

Yes, 66; No, 63; Absent, 21.

The SPEAKER: Sixty-six having voted in the affirmative, sixty-three having voted in the negative, with twenty-one being absent, the motion does prevail.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Provide for the Interception of Wire and Oral Communications" (S. P. 390) (L. D. 1145) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. TANOUS of Penobscot

QUINN of Penobscot

— of the Senate.

Mrs. WHITE of Guilford

Mr. HENLEY of Norway

Mrs. BAKER of Orrington

Messrs. PAGE of Fryeburg

HEWES

of Cape Elizabeth

LUND of Augusta

— of the House.

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

Report was signed by the following members:

Mr. HARDING of Aroostook

— of the Senate.

Mrs. WHEELER of Portland

Messrs. KELLEY of Caribou

CARRIER of Westbrook

ORESTIS of Lewiston

— of the House.

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

In the House: Reports were read.

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

Mr. HEWES: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report in concurrence.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves that the House accept the Majority "Ought to pass" Report in concurrence.

The Chair recognizes the gentleman from Bangor, Mr. McCloskey.

Mr. McCLOSKEY: Mr. Speaker and Members of the House: I oppose the motion to accept the Majority "Ought to pass" Report. I oppose this bill with all the strength and courage that I have. I can't imagine a bill such as this that would allow the wiretapping of individuals' homes in the State of Maine. I can't see why this legislation is needed in the State of Maine.

Ninety percent of all court complaints now are motor violations. Maine is the fourth lowest in national crime in the United States. This legislation would simply allow people to have their privacy invaded and I really can't see any need of such legislation. I would hope that you would seriously consider voting against the motion of the gentleman from Cape Elizabeth, Mr. Hewes.

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

Mr. HEWES: Mr. Speaker, Members of the House: I submit that this legislation is needed because criminals are using the most scientific methods that science can devise. I understand that, for example, in supermarkets walkie-talkies are used, or in a bank walkie-talkies are used by people that are attempting to make a theft.

If you look at the bill you will note that there are restrictions. One is that the Attorney General, after a complaint from someone — the Attorney General must get the permission of a court judge in order to allow wiretapping. Further, the maximum time that wiretapping can be done under one grant is for 30 days. So all we are concerned about is the 30-day wire-

tap, at the request of the Attorney General and the approval of a judge. I submit that this is something that the law enforcement officials will need to keep on top of or ahead of criminals.

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

Mr. MARTIN: Mr. Speaker, I would pose a question to the gentleman from Cape Elizabeth, Mr. Hewes. What does this bill do for walkie-talkies?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to the gentleman from Cape Elizabeth, Mr. Hewes, who may answer if he chooses. And the Chair recognizes that gentleman.

Mr. HEWES: In reply to the gentleman's question, although walkie-talkies themselves are not involved, I just wanted to point out that more technological scientific procedures are being used by criminals and of course the telephone is something that is being used by them, and I submit that the law enforcement officials should have this bill to assist them in curbing crime in the future.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: A bill like this presents all of us a difficult and delicate question, between our desire for law and order and protection from criminal elements and our desire for liberty, our desire to be let alone in our homes and in our private communications.

It is difficult to strike a balance on something like this and it is evident from the debate so far this morning that men of good will come down on different sides of the issue. I would only suggest this regarding this bill. It is admittedly, whether you are a proponent or an opponent of the bill, something to be handled with great care and caution, something to be done delicately and not lightly.

I would suggest that there are perhaps certain areas of problems, like problems of internal security and subversion, where there may possibly be an overriding public in-

terest that may require some restriction of our liberties. I would also suggest that this possibly may be the case in the case of organized crime, the Mafia and what have you.

However, we have two basic systems of law enforcement in this country. We have our local system by the states and the municipalities and we have a federal system. The federal system of course involves the FBI, the Bureau of Narcotics, and various treasury enforcement agencies.

I would suggest to you that on the problem of internal security from subversion, the people who owe their loyalty not to the United States but to some foreign power, that that is not handled primarily by our state enforcement agencies, but rather is, and should be, handled primarily by the FBI and federal enforcement agencies.

I would further suggest that organized crime, the Mafia type operation, inevitably involves an interstate operation, not just Maine. And if there is a Mafia in Maine, it didn't start here and they obviously got their communications from outside.

The reason I mention these two areas and the authority of the federal government is this. Because we are dealing with a delicate balance and balancing act and because federal officials, the FBI and other federal enforcement agencies, do have certain very limited powers in these areas, I question the necessity and the wisdom of extending these powers to the state level.

I don't think the State of Maine or our law enforcement agencies here are in the forefront of dealing with any attempts at Communist or other alien subversion. Nor do I think the primary task of fighting organized crime and the Mafia is by local agencies; I think in reality this is done by federal agencies. I am not saying that I am in every instance, regardless of the circumstances, opposed to wiretapping.

I think when the nation's security is involved sometimes strong steps must be taken, even if they are distasteful. But I am saying that this is too dangerous an

area to spread it around casually and I consider to spread it to the state level, when we are dealing with a sophisticated criminal or the person who is engaging in subversion, is basically within the jurisdiction of the federal agencies, which frankly have better resources to deal with this sophisticated type crime than our state agencies do.

So considering that it is a very dangerous tool, I don't think we should put it in other hands. I think that we should recognize that there is federal law in the area and our front line of defense against both subversion and organized crime is really with federal agencies. They have the tool, it is a dangerous tool, and I would ask you to consider it carefully before you spread it downward to the state level.

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

Mr. LUND: Mr. Speaker and Members of the House: Sometimes because of the use of certain words it is possible to arouse great emotions and concerns which may in some cases tend to becloud an issue: I think wiretap is probably one of those words, because it suggests secrecy and all kinds of disagreeable things to us.

But upon an examination of what our present situation is now with regard to this law enforcement tool, and the reasonable steps that this bill would seek to carry out, I am at a complete loss to understand why the good gentlemen who are seated down in the left-hand corner this morning so unanimously seem to oppose this legislation. In the first place, and I will be happy to be corrected if I am in error in this, it is my understanding that we have no law in Maine at the present time which makes wiretapping illegal. I will repeat that so you all have a chance to think about it. We have no law in Maine at present which makes wiretap illegal. Therefore, all of the things that the good gentleman has spoken of which would be possible under this bill are possible today

without any legal controls whatsoever.

That means that any private individual who wants to do these things, not just law enforcement people, anybody who wants to do these things, apparently can do it in Maine today without legal sanction. If a competitor wants to find out who another businessman is shipping his merchandise to, as far as I know he can wiretap and find out who the customers are and what the going price is. If a person wants to snoop and find out what his wife or husband is doing, and use a wiretap, private detective, what have you, as far as I know there is no law prohibiting this. So in the first place we are starting out with a relatively clean slate.

Now secondly, what this bill would do would be to require that a wiretap be approved by the courts of the State of Maine before they could be carried on. Now what could be more reasonable than asking for court approval before carrying on a wiretap? And I would like you to take a look if you would at L. D. 1145; that is the bill which we are talking about, and look at page five of the bill if you would. I would like to touch briefly upon the findings which must be made by the court in order to issue an order authorizing a wiretap. At the bottom of page 5, if the judge determines that there is probable cause for belief that a person is committing, has committed, or is about to commit the designated offense; probable cause to believe that particular communications concerning that offense will be attained through the interception; normal investigative procedure has been tried and has failed or appears reasonably unlikely to succeed; and reasonable and probable cause for belief that the facilities are to be intercepted in connection with the person's name, and so on.

So we have a bill which seeks to impose judicial control with the provision for a hearing before the court, with time limits on the period by which the wiretap can be carried on. In other words, we have a bill which seeks to obtain

judicial control over an area which is wholly without state regulation at the present time.

Now I might say that I share the concern of the gentlemen who have spoken in opposition. I share their concern about unreasonable invasion of privacy, but I am completely at a loss to understand why this bill should concern them in view of the fact that it replaces a complete void in our present law. I therefore would hope that the House would—may I inquire what the pending motion is, Mr. Speaker?

The SPEAKER: The pending motion is the motion of the gentleman from Cape Elizabeth, Mr. Hewes, to accept the Majority "Ought to pass" Report.

Mr. LUND: Thank you. I would hope that the House would vote in favor of the pending motion to support the Majority "Ought to pass" Report.

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

Mr. CALL: Mr. Speaker and Members of the House: I hope that you will vote against the motion to accept the report which would make this law. My main reason for opposing this bill is that it won't work anyway. And I will tell you why.

Police can now stop interception with a device known as a scrambler. The police have these scramblers, because it has been told, the supermarket thieves, and other thieves are equipped with everything. But a scrambler will make it impossible because of something that causes an awful racket, and just throws off the communication. These thieves just can't get the police calls.

If this bill passes, as I said, it won't work anyway, because the supermarket thief will provide himself with a scrambler, and the police attempt at interception will just go all to pieces.

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

Mr. MORRELL: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the remarks by Mr. Hewes of Cape Elizabeth, and Mr. Lund of Au-

gusta. I think this is a reasonable bill. It has got reasonable safeguards in it.

I think that all of the laws we pass here are sensitive and have to be enforced with great delicacy. And this is one of them. But I certainly would have great confidence that within the restrictions set forth in this bill that the judges and the Attorney General on a state level have full qualifications to enforce this properly and in our interest.

And rather than say that we should extend it down to the state level, I think we are moving that area up to the state level.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of my position on the Minority Report on this. I think I agree with the proponents of this measure that it is a balanced bill in the way it is drafted. However, I think the issue you have to weigh here today is really the very key issue between our individual and basic rights on one hand, the rights of your privacy, freedom from invasion of your privacy, freedom from illegal searches and seizures from illegal search and seizures versus the problem of having the government possibly with some excesses interfere in our lives.

Perhaps some of you know people who have had their wires tapped, and the feelings they have on this matter. So I think when you make your decision you must balance these two, and realize on one side you have got certain basic human rights which our Constitution has provided for, and you have to weigh against that whether the threat of organized crime is sufficient to warrant this bill. I think this is the key thing you have to weigh.

I don't disagree that the bill is properly worded. I think also you have to consider the practical aspects of this bill. More often than not on a wiretap you are going to have the police listening for hour after hour of people sleeping and coughing, flushing toilets and other matters, when

they could be directing their attention and their energies more often than not to actually cutting down crime by using proper law enforcement procedures.

Now it was recently stated, a few months ago, by an elected official from this state that as we see the excesses on the left through demonstrations, we must guard against repression from the right. Now I think as you weigh your considerations on this bill you must realize that this does pose a certain repressive tactic which we must caution against and we must be very concerned that the government both at state and federal level not continue to interfere in our lives.

Mr. Speaker, when the vote is taken, if it hasn't already been asked, I ask that it be done by roll call.

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

Mr. GAGNON: Mr. Speaker and Ladies and Gentlemen of the House: It disturbs me a little that every time a measure such as this comes up that we hear the same old story that the poor little individual out in the street is going to have his rights violated. It is kind of ludicrous for anyone to believe that the state authorities that this involves are going to be interested in tapping Ed Kelleher's wire or mine. I don't think they would find much interesting conversations. But if they wanted to I would be perfectly willing to have them on it.

To stop and think about this, we don't live in a glass house in this state. We have as much problem with organized crime here as any other place in the country. This bill, with its reasonable controls, is going to do nothing more than give our authorities the necessary tools in which to combat this problem.

I would hope that we don't get into this seeming endless rut of worrying about the average individual who is not going to ever come in contact with this particular situation, and give our people something to work with. I would hope you support Mr. Hewes's motion on this.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Caribou, Mr. Kelley's remarks are based on, I would say, a complete lack of understanding of what this procedure involves. In the first place a wiretap does not involve any more a policeman sitting at a phone who ought to be out directing traffic. The standard procedure now is to use a tape recorder which is activated only when there is a voice or a sound going on. The tape recorders that have this feature are nothing new or novel. They are available on the market for household use at very modest price, and they can be hooked up to a wiretap so that the tape recorder only runs when there is something being said, or noise going on.

I can appreciate that people may disagree with regard to the merits of the bill, but I would like to pose a question to any one of those who have spoken in opposition to this bill, or anybody else who has knowledge about it. I would like to ask them to point out what laws we now have in the State of Maine which regulate or restrict wire-tapping. My understanding is that there are none.

The SPEAKER: The gentleman from Augusta, Mr. Lund, poses a question through the Chair to anyone who may answer if they choose; and the Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would attempt to answer, or at least suggest an area of answer to the question of the gentleman from Augusta, Mr. Lund. And I would like to preface the answer by stating this, I have both fondness and respect for the gentleman from Augusta, Mr. Lund, and the gentleman from Cape Elizabeth, Mr. Hewes. I believe them to be responsible people without evil motivation of any kind regarding this bill. I wish that Mr. Lund, and I am certain he would, would extend the same courtesy to those on the other side of the bill.

Now he said a couple of things here. Number one, the matter of the Mafia. It has been said that organized crime exists, as I recall the statement, exists as much in Maine as it does anywhere else. I don't know if any of us know for certain, but my own suspicion at least regarding the area from which I come, is that it is not as prevalent in the Town of Brunswick as it is in the City of Boston, or the City of New York.

I don't say it isn't there, or it can't be there. I say it is not as prevalent, and I think to say that we have as much organized crime in Maine as they do anywhere in the country just is not accurate. Neither is it accurate to say that we would be forever immune from the threat of organized crime. It is possible that it is coming in. We hear reports regarding land purchases. It is something to watch against. But we don't have many gangland killings that I know of in the State of Maine. I don't think the numbers racket is quite as common here as it is in certain other places. I don't think we have had the instances of corruption of public officials, judges and police officers that there have been in other areas of the country.

So although we will not — we cannot say that we never have any and we won't ever have any, we can say that we don't have the organized crime here in Maine at this time to the extent that they do in the metropolitan areas.

Regarding the question of is there any Maine law applicable in this area now, I would accept the assurances of Mr. Lund that there is not. It seems to me though that we are in Maine under federal law as part of the federal union. And I believe there are at least some restrictions, although they may not be all encompassing in, I think it is Section 301 of the Federal Communications Act.

The question is—the argument it seems to me when it gets to be strong if we avoid questions of disloyalty and so on, we are talking about criminal behavior — the question is really one of organized crime. You know the Attorney General, the Federal Attorney General has an organized crime task force

made up of representatives of the United States Attorney's offices, the FBI, the Bureau of Narcotics, and other federal enforcement agencies. I suggest that these agencies may have a greater level of specialization and skill in dealing with this very sophisticated and difficult problem than the local or even the state police. I suggest that maybe this power has to be used on some occasions, but we ought to limit the number of places in which we repose this power. And the power already exists, as I understand it, under judicial and Attorney General supervision at the federal level.

I don't think it is necessary to bring it down to the state level because I don't think the need has been demonstrated. If, for example, a state law enforcement official in the City of Augusta, or the Town of Brunswick, has information that there is an organized crime problem in either of these communities, he, I am certain, or his superiors, would be in contact with the federal officials. They can get this generally similar type warrant, as I understand it, in federal court. But if we spread this down — and Mr. Morrell, my colleague from Brunswick has suggested, I believe, that it would be spreading it up — you can make an argument that this shouldn't be limited to the Attorney General. If you want to spread it down, if it is a good thing, maybe the County Attorney should have the authority to do this, or maybe a sheriff's department.

I would want to leave this authority in the most sophisticated, highly competent hands, and I don't think that is what this bill does. And although this bill has a feature which declares it criminal to engage in wiretapping, or the interception of communications except as authorized by the bill, I for one feel that our courts, if presented with the question of, let's say, wiretapping on business communications, would fashion a remedy at common law for that.

I don't agree with the statement that your business competitor has the right under our law to intercept business communications. Our law in Maine, as in all the states of the union, consists not only of

statute law, but our common law. And I think there is a common law right of privacy, a common law right to be left alone, which I am confident that our courts would enforce.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am not a legal expert and I am not an attorney. I don't intend to go to school to be one. I am just an old fashioned sort of a citizen. When it comes to law and order, I figure we are all more or less in the same boat, but it disturbs me at times to see how criminals, whether they are the Mafia type or whether they are the type that have a little small organized gang in this state or elsewhere, that the police enforcement division of the government has a hard time to convict these people. And if this document here can help the process of putting any law breakers in jail, I am all for it.

As the gentleman from Augusta, Mr. Lund, stated, there seems to be none on the books now, and I can't for the life of me understand why anyone in this House would argue not to put this law on the books. You can talk on the federal level, well we will talk on the state level. We have got problems in this state. They may not be as great in this state as they are elsewhere across the nation, but we have got them. So why not use this document here this morning to erase some of the problems that we have? I am not planning to defend these people or prosecute them, but I feel if we have got this L. D. here, and I am surprised at the committee report — it really amuses me to look at it, the way it came out — why we cannot adopt it this morning. And I urge the House to support the Majority Report.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I believe that from the debate here this morning, it has become well established that we don't at the

present time in our statutes have any provisions to deal with this area of law enforcement having to do with wiretap. I believe this is an important enforcement tool. I believe that both sides of the debate this morning have, one way or another, established in our minds that this is a reasonable bill, it is adequate, and at this stage I think it behooves us to adopt the "Ought to pass" Report. I hope you will support it in your vote.

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

Mr. PORTER: Mr. Speaker and Ladies and Gentlemen of the House: All our citizens from Fort Kent to Kittery are demanding law and order; I think they should. I look at this bill as a tool for our law enforcement agencies. I think it should be used with discretion. I notice there are safeguards built into the bill. I certainly favor this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I wholeheartedly concur with what has just been said by the gentleman from Pittsfield. He took the words from my mouth and I think this does offer something for both sides. In other words, it would have some safeguards, and I would like to think that in this House they are basically honest people and that they themselves would sit on their telephone and wouldn't be disturbed if someone listened in or it was recorded. And I know that the people that I represent are basically honest. There are very few people that are not. And most of these people—if I am willing that you listen to what they say, and I know in my own case, if you listened to my conversation on the telephone you would probably find it amusing and nothing too serious.

So I hope you will go along with the motion of the gentleman from Cape Elizabeth, Mr. Hewes, because I think it is a reasonable, just piece of legislation.

The **SPEAKER**: The Chair recognizes the gentlewoman from Fal-mouth, Mrs. Payson.

Mrs. **PAYSON**: Mr. Speaker and Ladies and Gentlemen of the House: Two years ago I was the sponsor of the wiretapping bill which was similar to this one. In answer to the gentleman from Brunswick, Mr. McTeague's question about whether the Mafia is in Maine, at that time the Attorney General's office had evidence to the effect that the Mafia had penetrated the southern part of Maine, that it had not reached as far as Portland in effective operation particularly. Where it stands at this point, I don't know, but I assume that it has penetrated even further.

The **SPEAKER**: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. **SILVERMAN**: Mr. Speaker and Members of the House: In listening to the opposition say that some of the reasons we don't need wiretapping is that we don't have the crime problem in our state, I think we could consider the following idea that if you put in safeguards to prevent crime organization here, then we will continue not to have it. If you are lenient towards this, undoubtedly Maine could be ripe for them to come in on.

I feel wiretapping is not going to affect the average Maine citizen in his private rights, but it could be an aid to our police force in protecting our citizens and our children from being victimized by organized crimes, subversion, organized riots and property destruction, which a good many areas of this country are faced with today. And I would like to keep Maine and our good way of life safe and peaceful and would recommend a vote for wiretapping.

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 the desire for a roll call, a roll call was ordered.

The **SPEAKER**: The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that the House accept the Majority "Ought to pass" Report on Bill "An Act to Provide for the Interception of Wire and Oral Communications," Senate Paper 390, L. D. 1145. If you are in favor of accepting the Majority Report in concurrence will vote vote yes; if you are opposed you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Berry, G. W.; Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Carey, Carter, Churchill, Clark, Collins, Conley, Cottrell, Crosby, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Dudley, Dyar, Emery, D. F.; Evans, Farrington, Fecteau, Finemore, Gagnon, Gill, Good, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lund, Lynch, MacLeod, Maddox, Manchester, Marstaller, McCormick, McNally, Millett, Mills, Morrell, Mosher, O'Brien, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, E. H.; Stillings, Susi, Theriault, Trask, Tyndale, Webber, White, Williams, Wood, M. W.; Wood, M. E. Woodbury.

NAY — Albert, Bernier, Berry, P. P.; Berube, Bourgoin, Bustin, Call, Carrier, Clements, Cooney, Cote, Drigotas, Faucher, Genest, Goodwin, Kelley, P. S.; Lebel, Lessard, Lucas, Marsh, Martin, McCloskey, McTeague, Murray, Norris, Sheltra, Slane, Smith, D. M.; Starbird, Tanguay, Vincent, Wheeler, Whitson.

ABSENT — Doyle, Emery, E. M.; Fraser, Gauthier, Hanson, Hodgdon, Jalbert, Jutras, Mahany, McKinnon, Orestis, Rocheleau, Santoro, Wight.

Yes, 103; No, 33; Absent, 14.

The SPEAKER: One hundred and three having voted in the affirmative and thirty-three in the negative, with fourteen being absent, the motion does prevail.

The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, I would ask for reconsideration and hope you would vote against my motion.

The SPEAKER: The gentleman from Calais, Mr. Silverman, moves the House reconsider its action whereby it accepted the Majority "Ought to pass" Report. All in favor will say aye; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

The Bill was given its two several readings. Committee Amendment "A" (S-167) was read by the Clerk and adopted in concurrence the Bill assigned for third reading tomorrow.

**Divided Report
Tabled and Assigned**

Report "A" of the Committee on State Government on Bill "An Act relating to Legislative Counsel or Agents" (S. P. 13) (L. D. 41) which was recommitted, reporting same in a new draft (S. P. 586) (L. D. 1739) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. COONEY of Webster
STILLINGS of Berwick
CURTIS of Orono
MARSTALLER
of Freeport

Mrs. GOODWIN of Bath
Mr. FARRINGTON
of Old Orchard Beach
— of the House.

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

Report was signed by the following members:

Messrs. CLIFFORD
of Androscoggin
WYMAN of Washington
— of the Senate.
Messrs. HODGDON of Kittery
DONAGHY of Lubec
STARBIRD
of Kingman Township
— of the House.

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

Report was signed by the following member:

Mr. JOHNSON of Somerset
— of the Senate.

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

In the House: Reports were read.

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

Mr. DONAGHY: Mr. Speaker, I move the acceptance of Report "B" in non-concurrence.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves the acceptance of Report "B" in non-concurrence.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This bill obviously deals with the effort on the part of the Legislature, or the sponsor, let's put it that way, to make the legislative agents responsible to a higher degree than they are now to state government. As I read the prevalent attitude of this Legislature, I think that preponderance of feeling is in the direction of wanting to do something. I think we are uncertain as to just how we should go about it and just what types of disclosure we should ask for, but I think there is a feeling that we do want to move in this direction somewhat, to give some assurance to the public at large that we are being responsible about it.

So I would hope that someone would move to table this for a couple of days so that we can have informal discussions amongst us about it and perhaps get some sort of a consolidation of opinion.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Donaghy of Lubec to accept Report "B" in non-concurrence and specially assigned for Monday, May 24.

Non-Concurrent Matter

Bill "An Act relating to Contracts of Teachers with Municipalities" (S. P. 183) (L. D. 535) which was

indefinitely postponed in non-concurrence in the House on May 18.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed.

In the House:

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

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

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the House recede from its former action and concur with the Senate. Is this the pleasure of the House?

(Cries of "Yes" and "No")

Whereupon, Mr. Donaghy of Lubec requested a division.

The SPEAKER: The pending question is on the motion of Mr. Norris of Brewer, that the House recede and concur. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

44 voted in the affirmative and 66 voted in the negative.

Thereupon, Mr. Smith of Dover-Foxcroft 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 Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to briefly address myself as to the small matter in this bill once again, because there seems to be some confusion, when talking to some of the members after the discussion of yesterday. I just want to emphasize once again that the issue at stake here is nothing more or less than whether or not teachers who are serving in municipal of-

fices will be able to take increased benefits along with other teachers. It is not whether or not a teacher should be allowed to serve in municipal offices or in any other capacity. They already have that right.

The matter before us is whether or not teachers are going to be allowed to take increases in pay or benefits that other teachers are enjoying. I read to you the other day from Maine Revised Statutes that teachers could not vote on pay increases. They never get pay increases where most municipal offices are concerned and like any other profession or any other working class they cannot vote on anything that has a direct or indirect pecuniary interest to them. They cannot.

This is a simple matter and it is a simple matter of justice. All that I ask is that the teachers not be called upon to make a sacrifice greater than anyone else who desires to serve the public. The matter is as simple as that.

The issue became rather confused last time and I hope that we can keep it to the substance. Are they or are they not going to be allowed to take increases in pay that another body says that they should be allowed to take when their fellow teachers take them?

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: These increases in pay for the teachers are not something that they are voting for themselves. It is the pay increases that they are entitled to because of added years of service and credits for taking outside studies. And at the present time these pay increases are forbidden to them. This bill would allow them to get merit increases and I hope that you will support the bill.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: When a person serves upon a school board in the municipality in which they are a teacher there is a trading body between them

and they do set theirs. They are not bound to the scale. That is the minimum that they are allowed. They can allow more. And I don't think that if we are not allowed as a councillor to serve on the school board, and we cannot hold two offices, we as a councillor and an assessor cannot draw pay. I don't see why these people should do it and if they want to do it within this municipality then they should resign their job and take it on an equal basis with everyone else. And I hope that you will vote against this motion.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am still opposed to this measure and having served over twenty years in the capacity on the local level and served with some of these people I can tell you for sure that this is not a good bill to accept.

Now let us assume for a minute you have five of these city solicitors or councillors or whatever you want to call them and two of them do happen to be teachers. Do you realize that this makes three and so that refrain from voting, so that this means that only three people decide the destiny of this piece of legislation whatever it may be before them. And so I see no good thing that this bill can serve and I don't think that there is a shortage of talent. Now maybe years ago when there were a few talented people in each one of these little towns this may have been the case. But today nearly everybody where I come from is quite well educated and there is a lot of talent there and we don't have to put one man to do two or three jobs. There is plenty of people to go around and plenty of talent. We don't have a shortage of talent. We don't have it home where I come from and we don't have it here, and I hope the motion does not prevail.

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

Mr. MILLS: Mr. Speaker and Members of the House: In the debate that we have had the

previous days and what we are hearing here this morning, the mere fact that they insist on wanting to serve this way is the thing that is scaring me now.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly I would say that my good friend Mr. Brawn from Oakland, is confusing the issue. The people are allowed to do this now. It is not a question of their having to resign or their not having to resign. All that they are asking for is to be treated equally with any other member of society. So I hope that you will go along with the receding and concurring this morning.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: To clear the air, a person who is an assessor and is elected to an office in this position cannot serve on a school board. So if this teacher was to be elected as an assessor when the year was up they would have to resign as a teacher. This is a state law now, so Mr. Norris is in error.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: As I have said, Mr. Brawn is confused. It has nothing to do with school boards, nothing to do with school boards, it is simply serving as a selectman or on the city council. It has nothing to do with school boards.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I think I can speak on this open minded because I have a son that is a school teacher and has been for thirteen or fourteen years and I don't think he is being abused in any way, shape or form; and I also can speak as a member of the school board for a lot of years, and as a town official for a lot of years, which probably I am

not proud of because it is too much work for the money that you get. But I am strictly against this recede and concur because I believe that any member of this House that has ever been on a board of arbitration or as the spokesman for the school directors I believe that they will find that this bill isn't necessary and I hope you will vote against it, to recede and concur.

The SPEAKER: The yeas and nays have been ordered. The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that the House recede from its former action and concur with the Senate on Bill "An Act relating to Contracts of Teachers with Municipalities," Senate Paper 183, L. D. 535. If you are in favor of receding and concurring you will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Albert, Bartlett, Bernier, Berube, Birt, Boudreau, Brown, Bustin, Churchill, Clark, Clemente, Collins, Cooney, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Farrington, Faucher, Gagnon, Gill, Goodwin, Hall, Hancock, Haskell, Herrick, Immonen, Kelley, P. S.; Kelley, R. P.; Keyte, Lawry, Lebel, Lessard, Lewis, Lincoln, Lucas, Lund, MacLeod, Maddox, Martin, McCloskey, McTeague, M i l l e t t, Morrell, Murray, Norris, O'Brien, Parks, Porter, Ross, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Stillings, Susi, Tanguay, Theriault, Trask, Tynedale, Vincent, Wheeler, White, Whitson, Woodbury.

NAYS — Ault, Bailey, Baker, Barnes, Bedard, Berry, G. W.; Berry, P. P.; Binnette, Bither, Bourgoin, Bragdon, Brawn, Bunker, Call, Carey, Carrier, Carter, Conley, Cote, Crosby, Cyr, Donaghy, Dow, Drigotas, Dudley, Dyar, Emery, D. F.; Evans, Fecteau, Finemore, Fraser, Gauthier, Genest, Good, Hawkens, Hayes, Henley, Hewes, Jutras, Kelleher, Kilroy, Lee, Lewin, Littlefield, Lizotte, Lynch, M a h a n y, Manchester, Marsh, Marstaller, McCormick, McNally, Mills, Page, Payson, Pontbriand, Pratt, Rand, Rocheleau, Rollins, Scott, Shaw, Sheltra,

Shute, Silverman, Smith, E. H.; Starbird, Webber, Williams, Wood, M. W.; Wood, M. E.

ABSENT — Doyle, Emery, E. M.; Hanson, Hardy, Hodgdon, Jalbert, Kelley, K. F.; McKinnon, Mosher, Orestis, Santoro, Wight.

Yes, 67; No, 71; Absent, 12.

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

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

Mr. DONAGHY: Mr. Speaker, I move we adhere.

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

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

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that we insist, which has priority.

Whereupon, Mr. Cote of Lewiston requested a division on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House insist and ask for a Committee of Conference. All in favor of the motion will vote yes; those opposed will vote no.

A vote of the House was taken. 76 having voted in the affirmative and 58 having voted in the negative, the motion did prevail.

Non-Concurrent Matter Tabled and Assigned

An Act relating to Voters Resigning or Removed from the Voting List (S. P. 561) (L. D. 1701) which was indefinitely postponed in non-concurrence in the House on May 18.

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

In the House:

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

Mr. ROSS: Mr. Speaker, I move that we recede and concur, and I would request that somebody table this item for two legislative days.

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

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

Mr. BRAGDON: Mr. Speaker, I move that this matter lie on the table for two legislative days.

Whereupon, Mr. Starbird of Kingman Township requested a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled and specially assigned for Monday, May 24, pending the motion of Mr. Ross of Bath to recede and concur will vote yes; those opposed will vote no.

A vote of the House was taken. 66 having voted in the affirmative and 53 having voted in the negative, the motion to table did prevail.

Non-Concurrent Matter

Resolve Providing Retirement Benefit for Clyde Walker of Hallo-well (H. P. 319) (L. D. 419) which was finally passed in the House on March 17 and passed to be engrossed on March 10.

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

In the House: The House voted to recede and concur.

Non-Concurrent Matter

An Act Providing for Prescription of Generic Drugs Rather Than Brand Names (H. P. 879) (L. D. 1200) which was passed to be enacted in the House on May 12 and passed to be engrossed as amended by Committee Amendment "A" on May 6.

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

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act relating to Public Utility Transmission Lines" (H. P. 918) (L. D. 1264) on which the House accepted the Majority "Ought to pass" Report of the Committee on Public Utilities on May 6 and passed the Bill to be engrossed on May 17.

Came from the Senate indefinitely postponed in non-concurrence.

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

Non-Concurrent Matter Tabled and Assigned

Bill "An Act relating to Public Utilities Providing Gas Service and Valves on Their Distribution" (H. P. 946) (L. D. 1305) on which the House accepted the Minority "Ought to pass" Report of the Committee on Public Utilities on May 12 and passed the bill to be engrossed as amended by House Amendment "A" on May 13.

Came from the Senate with the Majority "Ought not to pass" Report accepted in non-concurrence.

In the House: On motion of Mr. Martin of Eagle Lake, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act relating to Vacation and Sick Leave of Certain Employees of Highway Department" (H. P. 1063) (L. D. 1454) on which the House accepted the Minority "Ought to pass" Report of the Committee on Transportation on May 17 and passed the Bill to be engrossed on May 18.

Came from the Senate with the Majority "Ought not to pass" Report accepted in nonconcurrency.

In the House:

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

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

The SPEAKER: The gentleman from Enfield, Mr. Dudley moves the House recede from its former action and concur with the Senate.

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

Mr. BARNES: Mr. Speaker and Members of the House: I object to the motion of the gentleman from Enfield, and I would like to give a few of my reasons why this bill was presented.

At the present time vacation credits are accumulated at the

rate of one day for each month, and a month is considered for the purpose of these computations to contain approximately 172 hours. Sick leave credits are also accumulated at the same rate. This bill would, if it was enacted, allow credits to accumulate for the number of hours exceeding 172 per month.

As an example, if an employee worked an average of ten hours overtime per week for a period of say five months, he would have about 210 hours of overtime and as a result he would earn approximately 1¼ extra days of vacation.

I would like to point out also that this extra time that is accumulated wouldn't cost the state one red cent. I worked for the Highway Department 36 years, and I have yet to see the time when they have ever hired anybody to replace a man when he is on vacation or when he is sick. At this time the work is absorbed by the employees within the department.

Employees that would be affected by this legislation are the men who are responsible for keeping our highways open and passable during the winter months. They are on standby notice 24 hours of every day from the time the first snow storm arrives until the last of March or the first part of April. After each day's work they must be where they can be reached in the event of snow, sleet or freezing rain. And if you have ever driven during a northeaster, and I am sure that most of you have, you can appreciate the problems of these men who operate their equipment through these storms in all kinds of weather, sometimes 16 to 18 hours on end, stopping only to fuel up or to get out and tow a vehicle out of a ditch or lay down on their backs to change blades and so and so forth.

I doubt very much if these employees receive any benefits at the hands of this economy-minded body, and the enactment of this bill would bring fringe benefits which would not cost the state, as I have said, one cent. It would help to boost the morale of this class of employees who feel that

they are constantly getting the dirty end of the stick.

When the vote is taken, I would hope that you would reject the motion to recede and concur, and I ask for a roll call.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I concur with nearly everything the gentleman from Alton has said, Mr. Barnes. I originally agreed with the man. I am just being realistic.

This report comes from the Senate in non-concurrence. In other words, they are not going to pass it, and it is my opinion that they mean it. And so with the way the time is going by here and where we are continually passing things by, I think the time is drawing near and the Fourth of July is getting near, and I just seem to know when the jig is up, so to speak and when you are beat. So when you are beat you might as well take your defeat and recede and concur and we will go on to another matter, because this could go on until after the Fourth. So I don't disagree with what Mr. Barnes has said, I am merely saying that for the sake of expediency we may as well recede and concur and go on to the next item.

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 Enfield, Mr. Dudley, that the House recede from its former action and concur with the Senate. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bernier, Berry, G. W.; Birt, Bither, Bourgoin, Bragdon, Carey, Carrier, Carter, Clark,

Clemente, Cooney, Cottrell, Crosby, Dam, Drigotas, Dudley, Faucher, Fecteau, Gagnon, Hancock, Hayes, Hewes, Kelleher, Kelley, P. S.; Lawry, Lebel, Lesnard, Lizotte, Lynch, Maddox, Manchester, Marstaller, Martin, McTeague, Morrell, Mosher, Parks, Payson, Porter, Pratt, Rand, Rocheleau, Scott, Sheltra, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Tanguay, Tyndale, Vincent, Webber, Whitson, Wood, M. W.

NAY — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Berry, P. P.; Berube, Boudreau, Brawn, Brown, Bunker, Call, Churchill, Collins, Conley, Cote, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Donaghy, Dow, Evans, Finemore, Fraser, Gauthier, Genest, Good, Goodwin, Hall, Hawkens, Henley, Herrick, Jutras, Kelley, R. P.; Keyte, Kilroy, Lee, Lewin, Lincoln, Littlefield, MacLeod, Mahany, Marsh, McNally, Millett, Mills, Murray, Norris, Page, Pontbriand, Rollins, Shaw, Silverman, Simpson, T. R.; Theriault, Wheeler, White, Wood, M. E.; Woodbury.

ABSENT — Binnette, Bustin, Cummings, Doyle, Dyar, Emery, D. F.; Emery, E. M.; Farrington, Gill, Hanson, Hardy, Haskell, Hodgdon, Immonen, Jalbert, Kelley, K. F.; Lewis, Lucas, Lund, McCloskey, McCormick, McKinlon, O'Brien, Orestis, Ross, Santoro, Shute, Starbird, Susi, Trask, Wight, Williams.

Yes, 56; No, 62; Absent, 32

The **SPEAKER**: Fifty-six having voted in the affirmative and sixty-two having voted in the negative, with thirty-two being absent, the motion does not prevail.

Thereupon, the House voted to insist and ask for a Committee of Conference.

On motion of Mr. Martin of Eagle Lake,

Recessed for one hour.

After Recess

The House was called to order by the Speaker.

Non-Concurrent Matter

Bill "An Act relating to Suspension of Motor Vehicle Operator's

License for Speeding Violation" (H. P. 1151) (L. D. 1602) which was passed to be engrossed as amended by House Amendments "A" and "C" in non-concurrence in the House on May 17.

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

Messrs. WYMAN of Washington

JOHNSON of Somerset

JOHNSON of Somerset

KELLAM of Cumberland

In the House: On motion of Gagnon of Scarborough, the House voted to insist and join the Committee of Conference.

The following Communication: (S. P. 592)

STATE OF MAINE

Senate Chamber

President's Office

Augusta, Maine

Mr. Harry N. Starbranch

Secretary of the Senate

Augusta, Maine

Dear Mr. Starbranch:

The Committee on Reference of Bills has met and decided to extend the date by which all bills must be reported out of committee.

All bills and resolves must be reported from all committees by 5:00 p.m. on May 26, 1971.

Respectfully,

(Signed)

KENNETH P. McLEOD

President of the Senate

The Communication was read and ordered placed in file.

Messages and Documents

The following Communication:

The Senate of Maine

Augusta, Maine

May 19, 1971

Hon. Bertha W. Johnson

Clerk of the House

105th Legislature

Dear Madam Clerk:

The Senate today voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Legislative Service under the State

Retirement System" (H. P. 633) (L. D. 863). The President appointed the following members of the Senate to the Committee of Conference:

Senators:

ANDERSON of Hancock
 CARSWELL
 of Cumberland
 BERNARD
 of Androscoggin
 Respectfully,

(Signed)

HARRY N. STARBRANCH
 Harry N. Starbranch
 Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

Mr. Scott of Wilton presented the following Joint Order and moved its passage;

WHEREAS, substantial legislation is pending before this Legislature relating to the insurance industry and affecting all citizens of the State; and

WHEREAS, said legislation reflects tremendous changes nationwide in the philosophy, coverage and cost of insurance which require careful scrutiny in light of action by other states and the federal government; now, therefore, be it

ORDERED, the Senate concurring, that a special interim legislative commission be established to study the matters of no-fault automobile insurance pool underwriting associations for fire and extended coverage insurance, formation of pool associations by school administrative districts cancellation and nonrenewal of agencies and policies and inclusions of mental illness and treatment by psychologists under health insurance plans as well as rate filings by insurance companies and rating bureaus.

The commission shall report such findings and suggested legislation to the 106th Legislature as will best serve the interests of the people of Maine. The commission shall give due consideration to the insurance laws of other states and the experience therein, and shall consult and cooperate with the Maine Insurance Department and the Attorney General.

The membership of the commission shall be constituted and appointed as follows: Two members shall be members of the Senate of the 105th Maine Legislature, to be appointed by the President of the Senate; 3 members shall be members of the House of Representatives in the 105th Maine Legislature to be appointed by the Speaker of the House and 4 additional members to be appointed by the Insurance Commissioner who, together, shall represent the various Maine insurance constituencies who shall serve without compensation.

The Insurance Commissioner and the Attorney General shall also serve on the commission in an advisory capacity only; and be it further

ORDERED, that the special committee shall have the authority to employ professional and clerical assistance as they deem necessary within the limits of the funds provided, and that the members shall be reimbursed for their actual expenses incurred in the performance of their duties under this order, such sums to be paid out of legislative account, and be it further

ORDERED, that there is allocated to the special committee from the legislative appropriation, the sum of \$1,500 to carry out the purpose of this Order. (H. P. 1348)

The Joint Order received passage and was sent up for concurrence.

Mr. Cottrell of Portland presented the following Joint Order and moved its passage:

WHEREAS, the Supreme Judicial Court has upheld action of the United States Congress in granting the right to vote to citizens 18 years of age in national elections; and

WHEREAS, high school seniors are in their 18th year and are completing their 12th and final grade of the Maine public school system; and

WHEREAS, they are the intended beneficiaries of an educational system which involves so many of our hopes and so much of our wealth; and

WHEREAS, the constructive comments of such persons might well serve to better the system of

education and improve communications between generations; now, therefore, be it

ORDERED, the Senate concurring, that the State Commissioner of Education be authorized and directed to instruct the principals of our high schools to solicit letters of constructive criticism written by high school seniors on any matter involving school affairs, toward the end of improving efficiency and increasing learning. Such letters to be collected under the supervision of the senior class officers or senior members of student councils and mailed at school expense to the Secondary School Education Department, University of Maine, Gorham for analysis in their courses of education and future reference; and be it further

ORDERED, that the Director of said Secondary School Education Department at Gorham be directed to present the findings of said analysis at the next special session of the Legislature; and be it further

ORDERED, upon final passage of this Order that copies be immediately transmitted to the Commissioner of Education and Director of Secondary Education at Gorham, as notice of the intended survey. (H. P. 1349)

The Joint Order received passage and was sent up for concurrence.

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

Mr. LIZOTTE: Mr. Speaker, I would like to inquire if the House is in possession of House Paper 619, L. D. 830.

The SPEAKER: The answer is in the affirmative. The House is in possession of Bill "An Act relating to Steel Guardrails on the Maine Turnpike," House Paper 619, L. D. 830, on which the House voted to insist and ask for a Committee of Conference on yesterday.

Mr. LIZOTTE: I would now move that we reconsider our action whereby we moved to insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Biddeford, Mr. Lizotte, moves that the House reconsider its action of yesterday whereby it voted

to insist and ask for a Committee of Conference.

Whereupon, Mr. Lee of Albion requested a division.

Mr. Vincent of Portland then asked for a roll call.

The SPEAKER: 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 Biddeford, Mr. Lizotte, that the House reconsider its action of yesterday whereby it insisted and asked for a Committee of Conference. If you are in favor of reconsidering you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Albert, Bailey, Bedard, Bernier, Berube, Binnette, Boudreau, Bourgoin, Brawn, Call, Carey, Carrier, Carter, Churchill, Clark, Clemente, Conley, Cooney, Cottrell, Curran, Cyr, Dam, Dow, Drigotas, Emery, D. F.; Farrington, Faucher, Fecteau, Gagnon, Genest, Gill, Good, Goodwin, Hancock, Immonen, Kelleher, Kelley, P. S.; Kilroy, Lawry, Lebel, Lessard, Lewis, Lincoln, Littlefield, Lizotte, Lucas, Mahany, Manchester, Martin, McCloskey, McTeague, Mills, Murray, O'Brien, Parks, Pontbriand, Rocheleau, Ross, Santoro, Sheltra, Slane, Smith, D. M.; Smith, E. H.; Tanguay, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson, Woodbury.

NAYS — Baker, Barnes, Berry, G. W.; Berry, P. P.; Birt, Bither, Bragdon, Brown, Bunker, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Evans, Fine-more, Fraser, Hall, Hanson, Hardy, Haskell, Hawkins, Hayes, Henley, Herrick, Hewes, Kelley, K. F.; Kelley, R. P.; Keyte, Lee, Lewis, Lund, Lynch, MacLeod, Maddox, Marsh, Marsteller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Pay-

son, Porter, Pratt, Rand, Rollins, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, White, Wood, M. W.; Wood, M. E.

ABSENT — Ault, Bartlett, Bus-tin, Cote, Donaghy, Doyle, Dud-ley, Dyar, Emery, E. M.; Gau-thier, Hodgdon, Jalbert, Jutras, McKinnon, Orestis, Starbird, Wight, Williams.

Yes, 71; No, 61; Absent, 18.

The SPEAKER: Seventy-one having voted in the affirmative, sixty-one in the negative, with eighteen being absent, the motion to reconsider does prevail.

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

Mr. NORRIS: Mr. Speaker, hav-ing voted on the prevailing side, I now move that the House recon-sider its action whereby it voted not to recede and concur with the Senate.

The SPEAKER: The gentleman from Brewer, Mr. Norris, now moves that the House reconsider its action of yesterday whereby it failed to recede and concur.

The Chair recognizes the gen-tleman from Biddeford, Mr. Li-zotte.

Mr. LIZOTTE: Mr. Speaker and Ladies and Gentlemen of the House: My reason to bring L. D. 830 back to us this morning, I am sure that we are not well in-formed of the amendments on this bill. First I would like to ex-plain the two amendments that came from the other body, which were filing 171 and filing 170. Fil-ing 171 merely states that if the turnpike is turned over to the Maine Highway Commission it will be up to the discretion of the Governor as to when these safety barriers will be put up, as to the time.

On filing number 170, we have changed the words 'steel guard-rails' and inserted in place there-of the words 'safety barriers'. The reason for this is that if the en-gineers find something better than steel guardrails, they have the right to do so. And we also have changed the time element on this to make this more palatable. We have given them to December 31, 1974.

It has only been two months since the snowdrift has disappeared from the median strip on the turn-pike, and if you have seen the in-formation sheet you would notice that if we would have had the safety barriers on the Maine Turn-pike just two days ago — we had an accident in Hallowell, which is on the Maine Turnpike, and two people were injured. But if these barriers had not been there we might have had a much great-er tragedy. Imagine that this car would have been permitted to cross the median strip and hit another vehicle in the opposite lane — there might have been fatalities rather than injuries.

I hope once again that you will all join me and vote to recede and concur with the other body.

The SPEAKER: The Chair recognizes the gentleman from Kenne-bunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker and Members of the House: Because of the apparent confusion about the various amendments, I would hope that somebody would table this for two days so that we may study them.

The SPEAKER: The Chair recognizes the gentleman from Brun-swick, Mr. Morrell.

Mr. MORRELL: Mr. Speaker, I move that we table this for two days.

Whereupon, Mr. Vincent of Port-land requested a division.

The SPEAKER: All in favor of tabling the motion to reconsider for Monday, May 24 will vote yes; those opposed will vote no.

A vote of the House was taken. 43 having voted in the affirma-tive and 84 having voted in the negative, the motion to table did not prevail.

The SPEAKER: The Chair will order a vote. All in favor of the motion of the gentleman from Brewer, Mr. Norris, that the House reconsider its action of yesterday whereby it failed to recede and concur will vote yes; those op-posed will vote no.

A vote of the House was taken. 77 having voted in the affirma-tive and 50 in the negative, the motion did prevail.

The SPEAKER: The pending question is to recede and concur.

All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 52 having voted in the negative, the motion to recede and concur did prevail.

House Reports of Committees Ought Not to Pass

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Provide the Elderly and Lower Income Residents of Maine Prescription Drugs and Other Medical Services" (H. P. 955) (L. D. 1316)

Mr. Carter from same Committee reported same on Bill "An Act to Provide Funds for Additional State Office Space at Augusta" (H. P. 981) (L. D. 1343)

Mr. Shaw from same Committee reported same on Bill "An Act relating to Death Benefit from Accrued Sick Leave of State Employees" (H. P. 730) (L. D. 992)

Mr. Scott from the Committee on Business Legislation reported same on Bill "An Act Creating the Maine Consumer Credit Code" (H. P. 1140) (L. D. 1676)

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

Leave to Withdraw

Mr. Lund from the Committee on Judiciary on Bill "An Act Repealing the Law Relating to Sterilization" (H. P. 529) (L. D. 691) reported Leave to Withdraw.

Report was read.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I wish that the committee report would be accepted, but I just want to make this word of explanation.

I submitted two bills concerning sterilization. There are two kinds of sterilization, voluntary and involuntary. The bill concerning voluntary sterilization was passed to be engrossed by the House and it is now in the other body for action. This is the bill relating to our

present statutes on involuntary sterilization.

The bill was totally redrafted. It is a very complicated bill. I knew that we would not get satisfactory action at this time because of the exigency of time, and I asked that this bill be withdrawn.

Thereupon, the Report was accepted and sent up for concurrence.

Mr. Good from the Committee on Labor on Bill "An Act relating to Apprentices Preference to Maine Workmen and Contractors" (H. P. 853) (L. D. 1166) which was recommitted, reported Leave to Withdraw.

Mr. Donaghy from the Committee on State Government reported same on Bill "An Act to Organize a Division of Housing within the Environmental Improvement Commission" (H. P. 658) (L. D. 888)

Same gentleman from same Committee on Bill "An Act relating to Salaries of Commissioner of Education and Commissioner of Parks and Recreation" (H. P. 1100) (L. D. 1506) reported Leave to Withdraw, as covered by other legislation.

Reports were read and accepted and sent up for concurrence.

Mr. Rocheleau from the Committee on Business Legislation on Bill "An Act relating to Health Insurance Coverage for Mental Illness" (H. P. 382) (L. D. 497) reported that it be referred to the 106th Legislature.

Report was read.

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

Mr. SMITH: Mr. Speaker, I would like to have item 9 tabled for two legislative days.

The SPEAKER: The gentleman from Waterville, Mr. Smith, moves that this matter be tabled for two legislative days.

Thereupon, Mr. Scott of Wilton requested a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled pending acceptance of the Report and specially assigned for

Monday, May 24, will vote yes; those opposed will vote no.

A vote of the House was taken, 46 having voted in the affirmative and 64 having voted in the negative, the motion did not prevail.

Thereupon, the Report was accepted and sent up for concurrence.

Mr. Scott from the Committee on Business Legislation reported same on Bill "An Act Establishing a Pool Underwriting Association for Fire and Extended Coverage Insurance" (H. P. 697) (L. D. 940)

Same gentleman from same Committee reported same on Bill "An Act relative to Cancellation Termination of Authority or Modification of Contracts Between Insurance Agents and Insurance Companies" (H. P. 983) (L. D. 1345)

Same gentleman from same Committee reported same on Bill "An Act relating to Insurance Rate Filings" (H. P. 1138) (L. D. 1567)

Mr. Good from the Committee on Labor reported same on Bill "An Act Providing Collective Bargaining Rights for Employees of the State and the University of Maine" (H. P. 1119) (L. D. 1590)

Mrs. Lincoln from same Committee reported same on Bill "An Act Granting State Employees and Employers the Right of Collective Bargaining" (H. P. 1160) (L. D. 1610)

Reports were read and accepted, the Bills referred to the 106th Legislature, and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Gill from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Cost of School Construction for State Aid" (H. P. 223) (L. D. 305) reported same in a new draft (H. P. 1340) (L. D. 1759) under same title and that it "Ought to pass"

Mr. Shaw from same Committee on Bill "An Act to Authorize Bond Issue in the Amount of \$1,440,000 for Parking Garage Facility for the Capitol Complex at Augusta" (H. P. 1110) (L. D. 1515) reported

same in a new draft (H. P. 1341) (L. D. 1760) under title of "An Act to Appropriate the Amount of \$1,440,000 for Parking Garage Facility for the Capitol Complex at Augusta" and that it "Ought to pass"

Mr. Scott from the Committee on Business Legislation on Bill "An Act Prohibiting Insurance Licenses for Banks and Savings and Loan Associations" (H. P. 931) (L. D. 1285) reported same in a new draft (H. P. 1342) (L. D. 1761) under title of "An Act Prohibiting Insurance Licenses for Banks, Savings and Loan Associations and Credit Unions" and that it "Ought to pass"

Mr. Dyar from the Committee on County Government on Bill "An Act relating to Time of Sending County Estimates to Secretary of State and Municipalities" (H. P. 957) (L. D. 1318) reported same in a new draft (H. P. 1343) (L. D. 1762) under same title and that it "Ought to pass"

Mr. Wight from same Committee on Bill "An Act Increasing Salaries of County Officers of Cumberland County" (H. P. 1113) (L. D. 1532) reported same in a new draft (H. P. 1344) (L. D. 1763) under title of "An Act relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County" and that it "Ought to pass"

Mr. Donaghy from the Committee on State Government on Bill "An Act to Regulate Industrialized Housing under the Maine State Housing Authority" (H. P. 827) (L. D. 1118) reported same in a new draft (H. P. 1345) (L. D. 1764) under same title and that it "Ought to pass"

Mr. Hall from the Committee on Transportation on Bill "An Act Providing for Full-time Offices for Registration and Licenses for Operation of Motor Vehicles" (H. P. 280) (L. D. 369) reported same in a new draft (H. P. 1346) (L. D. 1765) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

**Ought to Pass
Printed Bills**

Mr. Lund from the Committee on Judiciary reported "Ought to pass" on Bill "An Act Revising the Laws Relating to the Maine State Prison" (H. P. 458) (L. D. 613)

Mr. Kelley from the Committee on Labor reported same on Bill "An Act relating to Late Filing of Answers to Petition for Award under Workmen's Compensation Law" (H. P. 889) (L. D. 1210)

Mr. Lee from same Committee reported same on Bill "An Act to Extend Period When Incapacity Results under Occupational Disease Law" (H. P. 1030) (L. D. 1417)

Mr. Silverman from the Committee on Legal Affairs reported same on Bill "An Act to Repeal a Restriction on Municipal Investments" (H. P. 1167) (L. D. 1621)

Mr. Cooney from the Committee on State Government reported same on Bill "An Act relating to Preserving Historical Materials by the State Museum" (H. P. 204) (L. D. 270)

Mr. Donaghy from same Committee reported same on Bill "An Act Establishing the Maine Commission on Drug Abuse" (H. P. 1179) (L. D. 1629)

Same gentleman from same Committee reported same on Resolve Authorizing the Forest Commissioner to Convey the State's Interest in Certain Lots in Franklin County" (H. P. 1191) (L. D. 1641)

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

**Ought to Pass with
Committee Amendment**

Mr. Good from the Committee on Labor on Bill "An Act Increasing the Period for Benefits for Partial Incapacity under Workmen's Compensation Act" (H. P. 854) (L. D. 1167) reported "Ought to pass" as amended by Committee Amendment "A" (H-302) submitted therewith.

Mr. Cooney from the Committee on State Government on Bill "An Act relating to Prerequisites of Insurance of Mortgages by Industrial Building Authority, Recreation Authority and Municipal Securities Approval Board" (H. P. 895) (L.

D. 1215) reported "Ought to pass" as amended by Committee Amendment "A" (H-303) submitted therewith.

Mr. Donaghy from same Committee on Resolve Authorizing the Forest Commissioner to Convey the State's Interest in Certain Lots in Franklin County (H. P. 1190) (L. D. 1640) reported "Ought to pass" as amended by Committee Amendment "A" (H-304) submitted therewith.

Mr. Marstaller from same Committee on Resolve Authorizing Forest Commissioner to Convey Certain Land in Island Falls (H. P. 611) (L. D. 822) reported "Ought to pass" as amended by Committee Amendment "A" (H-305) submitted therewith.

Mr. Starbird from same Committee on Bill "An Act Permitting the Establishment of a Pleasant Point Passamaquoddy School Committee" (H. P. 433) (L. D. 568) reported "Ought to pass" as amended by Committee Amendment "A" (H-306) submitted therewith.

Mr. Stillings from same Committee on Bill "An Act Permitting the Establishment of an Indian Island Penobscot School Committee" (H. P. 401) (L. D. 513) reported "Ought to pass" as amended by Committee Amendment "A" (H-307) submitted therewith.

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

Divided Report

Majority Report of the Committee on Business Legislation on Bill "An Act Authorizing Savings Banks to Convert to Trust Companies to Issue Checking Accounts" (H. P. 1111) (L. D. 1516) reporting same in a new draft (H. P. 1347) (L. D. 1766) under title of "An Act Providing for a Study of Whether Savings Banks Should Offer Checking Accounts" and that it "Ought to pass"

Report was signed by the following members:

Messrs. SCHULTEN of Sagadahoc
DANTON of York
— of the Senate.

Messrs. SCOTT of Wilton
McKINNON
of South Portland
LITTLEFIELD
of North Berwick
MADDOX of Vinalhaven
PRATT of Parsonsfield
SHELTRA of Biddeford
TRASK of Milo
ROCHELEAU of Auburn
— of the House.

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

Report was signed by the following member:

Mr. O'BRIEN of Portland
— of the House.

Reports were read.

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

Mr. SCOTT: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Wilton, Mr. Scott, moves the acceptance of the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, may this item lie on the table for two legislative days pending the acceptance of either report?

Whereupon, Mr. Ault of Wayne requested a division.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of the motion to table for Monday, May 24, pending the motion of Mr. Scott of Wilton to accept the Majority "Ought to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

48 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: I rise to oppose the "Ought to pass" Report and move we accept the "Ought not to pass" Report.

Here I stand again holding the short end of the stick, but I don't

think I am alone. Let me give you a little history on this bill. It was first presented as a very very negative bill, just to get something in the files before the cloture date. It was then redrafted into bill L. D. 1516, and a public hearing was held.

At this hearing it was obvious that 1516 was just selfish motivation on the part of the commercial banks to have their way — so a new draft calling for a study.

Now the commercial banks know that this question is already being studied by the federal government, called the Hunt Commission. This report will come out sometime next September or October. What they really want is a moratorium. They could care less about the study. They know what the Hunt Commission report is going to say. What they really want is a moratorium. This moratorium would lock out the savings banks for at least 2½ years, regardless of what the Hunt Commission reports.

This question is also before the courts. At the hearing the commercial banks readily admitted that they expect an answer to this question to come from the courts sometime in October.

Now what this moratorium, regardless of what the courts say, they would still lock the savings bank out for 2½ years.

I see no reason for the second section of this document which is the so-called moratorium. Even if the Supreme Court decides that they have the right to offer checking accounts under this law, the moratorium would deny the savings banks the right to offer these accounts for 90 days following the next regular session of adjournment. This could mean October or even November of 1973.

If the law courts say that the present law permits them to offer checking accounts, why should they deny the public the freedom of choice of where their checking account shall be?

There is already a study in progress at the presidential commission, the Hunt Commission, it has been going on for over a year now. This commission report will be available in November. Surely much sooner, if they really want

a study they'll have that study much sooner than waiting 2½ years for this moratorium.

Let me read a couple of comments from the Bank Commissioner at this hearing.

Now at the hearing the Bank Commissioner said this, "1516 is retaliatory legislation and has no place in the legislative halls or before legislative committees. This proposed legislation is not sponsored by the Maine Savings Bank Association but has been proposed and encouraged by the Maine commercial banks in retribution."

He also said, "We should wait until the results of the report of the presidential commission, the Hunt Commission, studying all matters relating to all financial institutions are released and it would be premature to make any significant changes at this time at this level."

This was the banking commissioner making these statements so I urge you to vote for the "Ought not to pass" and when the vote is taken I ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from North Berwick, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker and Members of the House: Inasmuch as I signed this report I think that I should perhaps say a word.

First of all, let me make it very clear that the savings banks do not want checking accounts, and secondly, the savings banks are very much in favor of this moratorium so I hope that you will go with the majority report.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: Perhaps I should say first that I am associated to some degree with the banking industry. The original bill, I think, did disturb me. Primarily because I don't feel that the Legislature or any legislature should act only with deliberate speed in altering any laws concerning the banking structure of this state until they have thoroughly investigated the impact of any piece of legislation upon the people of the state.

I was pleased to see on the calendar today that it had been submitted under a new draft. I concur with the wisdom of the Business Legislation Committee. I think that a study and the impact of the legislation should be thoroughly covered. This committee would not only have the results of its own deliberations but it would have the forthcoming Supreme Court decision and also have the results of a more comprehensive and exhausting study now being conducted by the federal government.

I hope you will go along with the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Jefferson, Mr. Clark.

Mr. CLARK: Mr. Speaker and Members of the House: This bill in its original form, presented by the commercial banks in the State of Maine, most certainly was in a form that required a savings bank to really be taken over and operate as a commercial bank.

I am sure that we are all familiar with the custom and tradition of the mutual savings banks who have offered an outstanding service to the people of Maine for over 140 years, their principal business being to receive the deposits of the small depositor and also to assist him mortgagewise in owning a home.

If this bill in its original form were passed we could definitely be practically eliminated from rendering that service. The mutual phase of the organization would disappear. The stockholders would take precedence to the depositors to hold now all the profits accrued and they receive those profits from time to time, by way of extra dividends. This has been customary over the years.

Now I submit to you that this is rather a one-way street. This bill in its original form did not allow a trust company to convert to a savings bank. There was just one way that it could be done. Now they come up with an amended bill with this moratorium attached.

Now I don't know that there are many savings banks in the state that have any desire to offer checking accounts but there is one, and that request was refused by the

Bank Commissioner and the Superior Court has that case under consideration.

The impact of this moratorium which would not allow a savings bank to make any move toward having checking accounts might be embarrassing. I would take and make this example: Suppose the court decided in favor of the Androscoggin Savings Bank. With this moratorium no bank until sometime in 1973, probably the last of April, can take any part in this sort of an operation. Now there are three other banks in the vicinity of the Androscoggin in Lewiston and it might put them in a very embarrassing position, as you can readily see.

As a member of the Committee on Business Legislation, I did not sign either report. Were I to have signed, I would have signed the Minority "Ought not to pass" Report. Now I didn't sign that for the simple reason that I felt that we should have had a little more time to consult our segment of the industry, who are most certainly involved, and see what their feeling was.

Now I can go on indefinitely but my request is simply this, that we be allowed two days here to discuss this moratorium, learn of its definite effect upon the savings banks, the banks most involved and perhaps we could come up with some sort of an amendment that would be satisfactory and would be fair to all parties concerned.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker and Ladies and Gentlemen of the House: I agree with Mr. O'Brien from Portland in his remarks regarding the spending of more of the taxpayers' money to duplicate a study being made on a federal level. As he points out the result of that study should be available in November of this year. The taxpayers are already faced with paying for 14 Legislative Research studies approved by this House so far this session.

I don't think that the big commercial banks who are the ones who want this study will be hurt

much if we don't have it. I support Mr. O'Brien's motion to accept the "Ought not to pass" Report.

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 Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker and Members of the House: These studies cost money, and I see no reason for the second study. We already have one in progress now.

Now what the commercial banks — this bill is all covered with all kinds of smoke, but what they are really interested in now, the commercial banks presently have the saving banks' money in their vaults. Now if the saving banks have the right to issue checking accounts, no longer will the commercial banks be minding the savings banks' money. And this is one of the real issues also on this.

So I urge you to vote against the "Ought to pass" Report and accept the "Ought not to pass" Report.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I think there is much more involved in this particular piece of legislation than simply checking accounts. Checking accounts deal with money in a banking institution. Now it makes a difference what sort of an institution is handling that checking account. And I doubt if the House in its wisdom understands the implications or changes in the banking laws, and how they affect the people, and how they affect the institutions themselves.

I don't think we should act hastily in accepting any rigid legisla-

tion. I will go along with a study which I hope will satisfy all.

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

Mr. MORRELL: Mr. Speaker and Ladies and Gentlemen of the House: I am also involved in a minor way in commercial banking. It seems to me this is an internal disagreement within an industry, and that the public interest would best be served by such a study and by a moratorium so that we can preserve the status quo until all parties, including the public, can determine what is in their best interest, and solve the question for a future time.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: I will be very candid and frank about this thing today. I am going to support the Sanford Trust Company.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Ladies and Gentlemen of the House: I rise only to urge you to support the motion before us. It appears to me the situation is that complicated that we do need a study. I hope very much you will vote for it.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question please.

The SPEAKER: The gentleman may pose his question.

Mr. KELLEHER: Mr. Speaker, this is to the Committee on Business Legislation. I am sorry that I wasn't here for all of the debate, but were the Banking Commissioners at the hearing, and what was their opinion of this document if they were?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a question through the Chair to any member of the Business Legislation Committee, who may answer if they choose.

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: I would like to answer that question by reading again the Banking Commissioner's statement. "We should wait until the results of the report of the Presidential Commission, the Hunt Commission, which are studying all matters relating to the financial institution be released. It would be premature to make any significant changes at the state level at this time." He also went on to say, "This proposed legislation is not sponsored by the Maine savings banks, but is encouraged by the Maine commercial banks, and it has no place in the legislative halls or in the legislative committee. This proposed legislation is not being sponsored by the Maine savings banks but is proposed and encouraged by the Maine commercial banks."

I think that the Commissioner's feeling is that we should leave things in the status quo as to actually kill the bill and wait to see what the Hunt Commission reports out.

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

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: I think you are all aware by now that this is a genuine, sophisticated cat and dog fight between the commercial bankers and the savings banks. Anything that is as vital as the banking industry to this state I think needs plenty of study before we take any action. I urge you to stick with the Majority Report.

The SPEAKER: The pending question is on the motion of the gentleman from Wilton, Mr. Scott, that the House accept the Majority "Ought to pass" Report on Bill "An Act Providing for a Study of Whether Savings Banks, Should Offer Checking Accounts." House Paper, 1347, L. D. 1766. If you are in favor of accepting the Majority "Ought to pass" Report you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Barnes, Bernier, Berry, G. W.;

Berry, P. P.; Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Bustin, Churchill, Clemente, Collins, Cooney, Cote, Cummings, Curran, Curtis, A. P.; Curtis, T. S. Jr.; Dam, Donaghy, Emery, D. F.; Evans Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Good, Hall, Hancock, Hardy, Haskell, Hayes, Henley, Herrick, Hewes, Immonen, Jutras, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lee, Lewin, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Maddox, Marsteller, Martin, McCloskey, McTeague, Millett, Morrell, Mosher Murray, Norris, Page, Parks, Payson, Pontbriand, Pratt, Rand, Rocheleau, Rollins, Santoro, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Starbird, Stillings, Susi, Tanguay, Trask, Tyndale, Vincent, Webber, Wheeler, White, Whitson, Wight, Williams, Wood, M. W.

NAY — Bedard, Berube, Bourgoin, Call, Carey, Carrier, Carter, Clark, Conley, Cyr, Dow, Dyar, Farrington, Faucher, Goodwin, Hanson, Hawkens, Kelleher, Kelley, K. F.; Kelley, R. P.; Lewis, Lincoln, Mahany, Manchester, Marsh, McCormick, McNally, Mills, O'Brien, Porter, Smith, E. H.; Theriault, Wood, M. E.

ABSENT—Bailey, Bartlett, Cottrell, Crosby, Doyle, Drigotas, Dudley, Emery, E. M.; Hodgdon, Jalbert, Lessard, McKinnon, Orestis, Ross, Woodbury,

Yes, 102; No, 33; Absent, 15.

The **SPEAKER**: One hundred two having voted in the affirmative, thirty-three in the negative, with fifteen being absent, the motion does prevail.

Thereupon, the New Draft was given its two several readings and tomorrow assigned.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Prevention by Landowners of Acquisition of Rights-of-way, Easements and Public Rights by Dedication" (H. P. 708) (L. D. 954)

Report was signed by the following members:

Messrs. **TANOUS** of Penobscot
HARDING of Aroostook
QUINN of Penobscot
— of the Senate.

Mr. **LUND** of Augusta
Mrs. **BAKER** of Orrington
Mrs. **WHEELER** of Portland
Mrs. **WHITE** of Guilford
Messrs. **KELLEY** of Caribou
ORESTIS of Lewiston
— 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
HENLEY of Norway
HEWES of Cape Elizabeth
CARRIER of Westbrook
—of the House.

Reports were read.

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending acceptance of either Report and specially assigned for Monday, May 24).

Divided Report

Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought to pass" on Bill "An Act to Remove the Numerical Exemption from the Minimum Wage Law" (H. P. 570) (L. D. 746)

Report was signed by the following members:

Messrs. **TANOUS** of Penobscot
LEVINE of Kennebec
MARCOTTE of York
— of the Senate.
Messrs. **McTEAGUE** of Brunswick
BUSTIN of Augusta
GOOD of Westfield
SIMPSON of Millinocket
GENEST of Waterville
BEDARD of Saco
—of the House.

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

Report was signed by the following members.

Mrs. **LINCOLN** of Bethel
Messrs. **LEE** of Albion
ROLLINS of Dixfield
KELLEY of Machias
— of the House.

Reports were read.

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

Mr. GOOD: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Westfield, Mr. Good, moves that the House accept the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Machias, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Members of the House: Since this bill is one of considerable interest to small employers throughout the State of Maine and because of the fact that it may precipitate considerable debate. I would appreciate it if some member would table this for two legislative days.

Whereupon, on motion of Mr. Mills of Eastport, tabled pending the motion of Mr. Good of Westfield that the House accept the Majority "Ought to pass" Report and specially assigned for Monday, May 24.

Divided Report

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 994) (L. D. 1356)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
LEVINE of Kennebec
MARCOTTE of York
— of the Senate.

Mr. BUSTIN of Augusta
Mrs. LINCOLN of Bethel
Messrs. LEE of Albion

BEDARD of Saco
GOOD of Westfield

— of the House.

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

Report was signed by the following members:

Messrs. ROLLINS of Dixfield
SIMPSON of Millinocket
GENEST of Waterville
KELLEY of Machias
— of the House.

Reports were read.

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

Mr. GOOD: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report.

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

The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the "Ought not to pass" Report. And of course you might as well know the reason, this is my bill, and I would oppose it on that basis alone if that were the only basis I had to oppose it on. However, this is not true.

I have a great feeling for this bill. I have a great feeling because many times in this session we have heard about human rights. We have heard about discrimination. And if ever there was a bill presented before this body that could carry the title of human rights, or an anti-discrimination bill, this bill is that bill.

I did not expect to get any support from the newspapers of the State of Maine. I did, however, feel I might get an announcement made on the TV stations when the hearing was going to be held. And I was told by the TV, some of the TV stations that they would do this for me. I do not go home at night and sit in front of a TV set to see myself on TV, because each night I have other things to do with my school committee back home.

However, that night I did go home and at the 6:00 o'clock news I listened, and again at the 11:00 o'clock news. There was no announcement made of any hearing. So evidently the TV stations are in cahoots with the newspapers of the State of Maine to deny this right to advertise this, and let the people know when this hearing is going to be held.

I did not expect any support for this bill because to get their support I would have to go to the newspaper boys of the State of Maine. And when the hearing was held the school was in session. The youngsters in this state do not have the money to come to Augusta and lobby for themselves, or to speak for themselves. But the newspapers do have that money, and the newspapers will

readily expend that money to fight against these young people.

I am thankful that a ten-year old boy from the City of Hallowell appeared and supported my bill. He did an excellent job. And there again the newspapers discriminated against this boy when they wrote up the article by saying he appeared nervous before the committee. He was no more nervous before the committee than I have been before some committees when I have represented a bill, or some of you people. This boy did an excellent job. He presented his case.

Now what this bill amounts to and the only thing this bill amounts to is to say that we want to give these young people delivering the papers a fair and decent wage or rate for delivering these papers.

Now I am not opposed to anything that is printed by the paper themself to put in as an insert in their newspapers. What I am opposed to is the fact that many of these inserts are being printed by out-of-state firms and shipped into the newspaper publishing companies of this state, and they are being stuffed into the papers and the boy is not being paid to deliver these. He is being paid to deliver the news.

Now at the hearing a good group of the newspapers, representatives for the paper themselves and the lawyers, they appeared like vultures ready to swoop down and descend on a 10-year-old boy, and as I say, they had the money to do this and this is the way they operate. And this is another case of big business fighting the small man. And these young people do not have the money to stand up and fight this. This is a bill of decency, common sense, and a bill of compassion. And this is something that should not be defeated here today.

Now maybe this bill — and I have heard it is not a good bill and there are some things wrong with it. This may be true. I don't stand here and say I can draft a bill that is perfect, because if I could do this I would be down in Sam Slosberg's office. But I cannot do this.

This bill can be amended. It can be worked out and it can be something that is fair and equitable to the young paperboys of our state. And if ever we have had a chance to show that there is no generation gap between us old fogies sitting here and the younger people, this is the chance to say that we not only relate to the problem, we relate to the answer, that we want to do something.

Now this bill is a good bill. And as this 10-year-old boy testified, that the papers have become so heavy with this trash that is being stuffed in by out-of-state firms that he has his sister help him deliver these newspapers. Now this is two people doing the job and they are getting paid for one.

Now we had a bill here just recently before us with an "ought not to pass." One of the papers said that everything that was entered into the testimony was a mistake. It was not my bill, it was another bill relating to discrimination against politicians as far as the rates are concerned. It just so happens every fact that was presented before that committee was an absolute truth and I testified on that bill also. I took my bills down, what I had paid for political advertising with a cancelled check and even with the rate chart sponsored by the paper. But because the big guns had turned loose, the big guns won out again.

Now it is time, and the time is here today, that we do not sit back and go with the big guns in the State of Maine. This is a bill of human rights. This is a bill saying that we want to be fair with the people in this state that cannot afford to come to Augusta. And I should hope that you people today would not vote to accept the "Ought not to pass" Report.

And one more thing. The newspapers talked about paying 30 percent to the boys who deliver these papers. I am not a well educated man, but neither do I classify myself as being utterly stupid. Sometimes people have called me a fool and they put my name in front of it. They give me the right label, maybe, as far as they are concerned, but I do not class my-

self as that kind of a fool either. And when they tell about getting 30 percent and you are paying 80 cents a week to have your newspaper delivered and that boy gets 16 cents, 16 cents of 80 cents is not 30 percent in my way of figuring. It is nearer 20 percent.

So again they appeared and they lied before the committee. And I ask you people today in a sense of common decency, in a sense of fairness, in a sense of trying to do right by the people that cannot come here to Augusta to be represented by the high-paid lobbyists, to vote not to accept this "ought not to pass," but to vote for the "ought to pass." Allow it to have its three readings so the amendments can be offered and this bill can be put into a workable condition.

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

Mr. GENEST: Mr. Speaker and Members of the House: At the committee hearing on this bill, there was one proponent who appeared in addition to the sponsor, Representative Dam. There were several newspaper executives and a prominent lobbyist who appeared against the bill. The proponent was a 10-year-old newspaper boy, as has been pointed out by Representative Dam, who testified that when the newspapers contained extra supplements and were too heavy to carry, he had to walk his route twice or get his little sister to help him, with no extra pay.

The newspaper executives complained of the extra cost at one cent per supplement and told the committee of the excellent training these newspaper boys were receiving. I submit to you, ladies and gentlemen, whether you ship or receive your goods by rail, truck or air freight, you pay for each and every ounce. Shouldn't the newspaper boy receive extra compensation for carrying excess weight?

Also appearing before the committee, although neither as a proponent or an opponent, was a representative of the State Department of Labor and Industry. They did, however, leave a statement

with the committee, which I will quote.

"The Department of Labor and Industry heartily endorses the intent of this bill. Advertising inserts are now included almost daily in newspapers for home delivery, and frequently more than one such insert. These add heavily to the load the boys must carry and some additional compensation should be arranged." The Department of Labor and Industry's only objection was the section of the law which this bill seeks to amend.

Since the signing of this report, I have talked to some of the majority signers of the "ought not to pass" and they have indicated that they would support this bill with an amendment. I would urge you to support the Majority "Ought not to pass" Report, until such time as the sponsor can prepare and submit an appropriate amendment for your further consideration.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I am speaking as an individual legislator. I would like to commend the gentleman from Skowhegan, Mr. Dam, on the effort he is making on behalf of the newsboys around the state. And in his behalf, and in behalf of the bill, I would like to relate to you an experience which the gentleman from Lincoln, Mr. Porter, and I have each day here. We are early risers, both of us. We come to the office early and we receive several newspapers. Our wastebaskets are very small, and by the time we empty out these several newspapers of all the advertising supplements, we are starting the day with two full wastebaskets, which is a very frustrating thing day after day.

I would hope that you would support this bill long enough so that we can work with it and see what can be done for the newsboys of Maine and Percy and me.

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the

House: I think that we can today put the proper label on Mr. Dam's name, the Representative from Skowhegan. We give a 'Dam' and we will vote with him.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: As a former newsboy and having spent several years of my youth carrying newspapers from door to door, I support this legislation.

I just weighed a newspaper section about the size and weight of an advertising supplement in the Clerk's office. The section weighed only three ounces; not very much, but still a fifth of a pound. Now consider a newspaper route of 100 papers. That three extra ounces suddenly becomes 20 pounds.

Now it seems reasonable to me that for his additional effort of carrying 20 extra pounds at the beginning and zero at the end, for an average of 10 pounds throughout the route, a newspaper boy should receive an extra dollar, which this bill would provide.

Every year the number of newspaper supplements increases and the result is an uncompensated increase in the work required of newsboys. I believe that this is fair legislation, and if myself and all the former newsboys in this House support this bill, it will pass.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the gentleman from Skowhegan, Mr. Dam. I am married to a newspaper editor, and I hope Mr. Dam will give me a cut rate on one of his apartments if my husband won't let me in tonight.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am also in favor of Mr. Dam, and when the vote is taken I would move for the yeas and nays.

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

Mr. GENEST: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to correct my concluding remarks, and I would urge you to support the Minority "Ought to pass", and oppose the Majority "Ought not to pass" Report.

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 Westfield, Mr. Good, that the House accept the Majority "Ought not to pass" Report on Bill "An Act relating to Compensation for Minors Delivering Newspaper Supplements," House Paper 994, L. D. 1356. If you are in favor of the motion, you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Berry, P. P.; Bither, Bragdon, Cummings, Evans, Good, Lee, Lincoln, O'Brien, Page, Rand.

NAY — Albert, Bailey, Baker, Barnes, Bedard, Bernier, Berry, G. W.; Berube, Binnette, Birt, Boudreau, Bourgoin, Brawn, Brown, Bunker, Bustin, Call, Carey, Carrier, Carter, Churchill, Clark, Clemente, Collins, Conley, Cooney, Cote, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Drigotas, Dyar, Emery, D. F.; Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Genest, Gill, Goodwin, Hall, Hancock, Hanson, Hardy, Haskell, Hawkins, Hayes, Henley, Herrick, Hewes, Immonen, Jutras, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lewin, Lewis, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Manches-

ter, Marsh, Marsteller, Martin, McCloskey, McCormick, McNally, McTeague, Millett, Mills, Morrell, Mosher, Murray, Norris, Parks, Payson, Pontbriand, Porter, Pratt, Rocheleau, Rollins, Santoro, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Susi, Tanguay, Theriault, Trask, Tyndale, Vincent, Webber, Wheeler, Whitson, Wight, Williams, Wood, M. W.; Wood, M. E.

ABSENT — Ault, Bartlett, Cottrell, Crosby, Doyle, Dudley, Emery, E. M.; Gauthier, Hodgdon, Jalbert, McKinnon, Orestis, Ross, White, Woodbury

Yes, 11; No, 124; Absent, 15.

The SPEAKER: Eleven having voted in the affirmative and one hundred twenty-four in the negative, with fifteen being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted. The Bill was given its two several readings and tomorrow assigned.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act Providing for a Feasibility Study for High Speed Rail Service for Maine" (H. P. 1201) (L. D. 1652)

Report was signed by the following members:

Mr. GREELEY of Waldo
— of the Senate.
Messrs. McNALLY of Ellsworth
BARNES of Alton
LEE of Albion
HALL of Windham
CROSBY of Kennebunk
WOOD of Brooks
DUDLEY of Enfield
KEYTE of Dexter
FRASER of Mexico
— of the House.

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

Report was signed by the following members:

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

Mr. LEBEL of Van Buren
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

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

The SPEAKER: The gentleman from Brooks, Mr. Wood, moves the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Bangor, Mr. McCloskey.

Mr. McCLOSKEY: Mr. Speaker, I request that this lie on the table for two legislative days.

The SPEAKER: The gentleman from Bangor, Mr. McCloskey, moves that this matter be tabled pending the motion of Mr. Wood of Brooks to accept the Majority "Ought not to pass" Report, and specially assigned for Monday, May 24. Is this the pleasure of the House?

(Cries of "No")

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

A vote of the House was taken.

43 having voted in the affirmative and 81 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Brooks, Mr. Wood, that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Bangor, Mr. McCloskey.

Mr. McCLOSKEY: Mr. Speaker and Members of the House: I was just trying to do everybody a favor so that we could get out to lunch here, but now that the tabling motion has failed I guess I'll debate my bill. I will try and be brief even though I have spent some time preparing some words for you concerning this proposal.

What this bill would do, it would provide \$75,000 to make a feasibility study for rail transportation in Maine. Now there are three forms of rail transportation that I envision under this bill. One would be the returning of the type of rail passenger service that was ended in Maine in about 1960. Another

form of rail transportation that would be possible would be an upgrading of the existing system which is possible. Or hopefully a study done mainly of the possibility of a high-speed rail transportation system for Maine.

When I first introduced this bill there were many people who came to me and asked me if this was not impractical considering the present state of transportation in Maine. I argued that it wasn't and since I have gotten some publicity on this I have found a great deal of support among the people of Maine for a proposal such as this.

I think perhaps \$75,000 in this year is a great deal of money to expend for a study such as this, but the reason that I submitted the bill was I think that we need to consider now, and perhaps in the future for the State of Maine, a balanced transportation system.

We rely now mainly and principally, almost exclusively on the automobile for transportation in the State of Maine. And yet we have many of our citizens who do not have access to an automobile. For instance, there are approximately 80,000 elderly people who have no car license, and are thus unable to get around the state by means of an automobile, and since bus transportation is lacking there is some need for other methods of transportation in the State of Maine.

Also other features that are desirable with rail transportation and especially high-speed rail transportation is lack of pollution as a result of rail transportation. Presently the automobile contributes 50% to the pollution problem in Maine where rail transportation is virtually pollution free.

Other reasons for the desirability of rail transportation is that there has already been funded from the federal government a large sum of money to study mass transportation for Maine; \$350,000 this year and \$20 million over the next decade. So if Maine is to take advantage of this money we should institute some type of study such as this for rail transportation.

We also find that in the present day the automobile is costly both

in lives and in terms of our environment. More than 200 lives and countless disabling injuries are sacrificed as part of the price for the automobile in this day and age. So I think that we have to start thinking about other means and a balanced means of transportation for Maine. Therefore I have offered this bill. I think that it deserves your consideration if not in this session, future sessions, and I would move that you at least let this bill go on and accept the Minority "Ought to pass" Report so that this bill can lay at least on the Appropriations table where they perhaps can take care of it.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I join the gentleman in opposing the pending motion to accept the "Ought not to pass" Report. I think many times in the course of a legislative session we spend time and money discussing problems and authorizing studies that really are not of vital concern and interest to all of us. And I think if you go back, not to cast aspersions on particular studies, but many of the studies we get into — we heard one discussed today — are essentially studies to try to solve some squabble or disagreement within an industry.

It seems unfortunate that if we have the time and energy and money to spend on this type of effort if we do not have the similar time, effort and energy to spend on a very serious problem confronting the people of Maine.

We are in a very real sense on the tip end of the United States, and our transportation from here is pretty much from here to Boston. I would like to suggest to you for a moment that if it were found to be feasible to use high-speed rail transportation through Maine to Boston, that we wouldn't have to be quite so concerned about the present state of our air travel, because there wouldn't be a soul who would bother to get on the airplane, with all of the inherent delays that are involved in air

travel if he could get to Boston just as fast by train, and if you look at the mathematics I think you will find that he could.

I don't want to dwell on the subject at great length but I think there is merit in a study such as this sort. I would suspect that some of the opposition within the Transportation Committee may have come from the fact that originally the money for this study would have come from the Highway Fund. I think the Transportation Committee is always quite zealous in guarding that Highway Fund against raids. But in the Committee amendment I note that the appropriation is from the General Fund and with the great number of people we have in the State of Maine who are approaching the years when they are no longer able to drive I think if for no other reason than we owe it to the older people of our state who may not be able to drive their own cars, we ought not to kill this study at this early stage.

I hope that you will oppose the motion to vote for the "Ought not to pass" Report in order to keep this alive.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker and Members of the House: I want to agree wholeheartedly with the sponsor of this bill. I think it would be wonderful if the State of Maine

had a better system of transportation in Maine, and in and out of Maine. I agree that I think that we should have a study to see if it is feasible, to see if it would work for the benefit of the state. However, it is just a matter now whether we want to go on record as favoring another \$75,000 or \$100,000 study.

The SPEAKER: The Chair will order a vote, and the question is on the motion of the gentleman from Brooks, Mr. Wood, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Providing for a Feasibility Study for High Speed Rail Service for Maine," House Paper 1201, L. D. 1652, 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.

53 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

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

Committee Amendment "A" (H-308) was read by the Clerk and adopted, and the Bill assigned for third reading tomorrow.

On motion of Mr. Dow of West Gardiner,

Adjourned until twelve o'clock noon tomorrow.