

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, March 12, 1973

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

Prayer by Father Antonio Amato of Lewiston.

The members stood at attention during the playing of the National Anthem by the Belfast Area High School band.

The journal of the previous session was read and approved.

Order Out of Order

Mr. Webber of Belfast presented the following Order and moved its passage:

ORDERED, that Barbara Russell of Belfast be appointed Honorary Page for today.

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

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 422)

ORDERED, the House concurring, that there is appropriated the sum of \$850 from the Legislative Account to the Joint Standing Committee on Judiciary to defray the expenses of the Committee by the Joint Order (S. P. 392) referring the Initiated Bill (I. B. 1), An Act Creating the Power Authority of Maine to the Committee for an investigation and report as to the sufficiency of the petitions.

Came from the Senate read and passed.

In the House, the Joint Order was read and passed in concurrence.

Tabled and Assigned

From the Senate: The following Order: (S. P. 423)

ORDERED, the House concurring, that the Joint Standing Committee on Election Laws is directed to report out a resolution proposing an amendment to the Constitution to change the time for filing an initiative petition.

Came from the Senate read and passed.

In the House, the Joint Order was read.

(On motion of Mr. Birt of East Millinocket, tabled pending passage in concurrence and specially assigned for Wednesday, March 14.)

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

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Placing the Board of Veterinary Examiners with the Department of Agriculture" (H. P. 243) (L. D. 334) which was passed to be engrossed as amended by Committee Amendment "A" (H-41) in the House on February 22.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-41) as amended by Senate Amendment "B" (S-24) thereto in non-concurrence.

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

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Relating to Real Estate Brokers' Trust Accounts" (H. P. 372) (L. D. 501) which was passed to be engrossed as amended by House Amendment "A" (H-63) on February 27.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-53) and House Amendment "A" (H-63) in non-concurrence.

In the House: On motion of Mr. Simpson of Standish, tabled pending further consideration and tomorrow assigned.

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

Divided Report

Majority Senate Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act to Permit Municipalities to Collect a Fee for Lodging House Licenses" (S. P. 132) (L. D. 344)

Report was signed by the following members:

Messrs. JOLY of Kennebec
ROBERTS of York
ALDRICH of Oxford
— of the Senate.

Messrs. EMERY of Rockland
FECTEAU of Biddeford
CONNOLLY of Portland
CAREY of Waterville
— of the House.

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

Report was signed by the follow-
ing members:

Messrs. BRAUN of Oakland
SHAW of Chelsea
FAUCHER of Solon
DUDLEY of Enfield
COTE of Lewiston
SHUTE

of Stockton Springs
— of the House.

Came from the Senate with the
Majority Report accepted.

In the House: Reports were read.

On motion of Mr. Emery of
Rockland, the Majority "Ought to
pass" Report was accepted in
concurrence.

The Bill was read once and
assigned for second reading
tomorrow.

Order Out of Order

Mr. Whitzell of Gardiner
presented the following Order and
moved its passage:

ORDERED, that David Kenney
of Mt. Vernon, Michael Morgan of
Readfield and Sherman Lyons of
Winthrop be appointed Honorary
Pages for today.

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

Messages and Documents

The following Communication:

THE SENATE OF MAINE
AUGUSTA

March 8, 1973

Hon. E. Louise Lincoln

Clerk of the House

106th Legislature

Dear Madam Clerk:

The Senate today voted to Ad-
here to its action whereby it
accepted the Ought Not to be
Adopted report, in non-concur-
rence, Joint Resolution (H. P. 139)
(L. D. 161) relative to Ratification
of the Equal Rights Amendment.

Respectfully,

(Signed)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read
and ordered placed on file.

Petitions, Bills and Resolves

Requiring Reference

The following Bills and Resolves
were received and, upon
recommendation of the Committee
on Reference of Bills, were
referred to the following Commit-
tees:

Appropriations and Financial Affairs

Resolve Providing Funds for
Saco Valley Association for
Retarded Children (H. P. 1094)
(Presented by Mr. Sheltra of
Biddeford)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Relating to In-
surance Trade Practices" (H. P.
1093) (Presented by Mr. Sheltra
of Biddeford)

Bill "An Act Relating to Savings
Bank Life Insurance" (H. P. 1117)
(Presented by Mr. O'Brien of Port-
land)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act Increasing Salaries
of County Officers of York County"
(H. P. 1092) (Presented by Mr.
Sheltra of Biddeford)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Providing for a
Statewide Open Deer Season" (H.
P. 1114) (Presented by Mr. Kelley
of Southport)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Repeal the Law
Providing for Town Workhouses
and Houses of Correction" (H. P.
1121) (Presented by Mr. Whitzell
of Gardiner)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Relating to Positions of Trust for Prisoners in Jails" (H. P. 1090) (Presented by Mr. Hobbins of Saco)

Bill "An Act Limiting Positions of Trust for Prisoners in Jails to Those Prisoners Sentenced to that Particular Jail" (H. P. 1091) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Clarify Procedures under the Municipal Public Employees Labor Relation Act" (H. P. 1100) (Presented by Mr. Flynn of South Portland)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to Carrying Persons on Passenger Tramway" (H. P. 1088) (Presented by Mr. Bustin of Augusta)

Bill "An Act Relating to Name of Maine Commercial Fisheries" (Emergency) (H. P. 1095) (Presented by Mr. Greenlaw of Stonington)

Bill "An Act to Prohibit Smoking in Public Places" (H. P. 1099) (Presented by Mrs. White of Guilford)

Bill "An Act Clarifying Certain Municipal Laws" (H. P. 1118) (Presented by Mr. Emery of Rockland)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act Relating to Sale Price of Liquor" (H. P. 1120) (Presented by Mr. Gauthier of Sanford)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Establish Lobster Fishing Districts, Closed Season on Lobsters and to Limit Number of Traps which May be Fished" (H. P. 1107) (Presented by Mr. Greenlaw of Stonington)

Bill "An Act to Prohibit Lobster Fishing on Saturday During June, July and August" (H. P. 1108)

(Presented by the same gentleman)

Bill "An Act Relating to the Marking of Lobster Traps" (H. P. 1109) (Presented by the same gentleman)

Bill "An Act to Prohibit Lobster Fishing after 4 p.m." (H. P. 1110) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act to Validate Land Title in the Wildlands" (H. P. 1098) (Presented by Mrs. White of Guilford)

Bill "An Act to Provide a Sewerage Research Program" (H. P. 1106) (Presented by Mr. Dyar of Strong)

Bill "An Act Defining Subdivision under Land Use Regulation Law" (H. P. 1102) (Presented by the same gentleman)

Bill "An Act Relating to Definition of Land Subdivisions under Municipal Regulation Law" (H. P. 1103) (Presented by the same gentleman)

Bill "An Act Relating to Definition of Subdivision under Site Selection Law" (H. P. 1104) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Increasing Indebtedness of Eagle Lake Water and Sewer District" (H. P. 1116) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Reorganize the Maine Land Use Regulation Commission under the Department of Environmental Protection" (H. P. 1105) (Presented by Mr. Dyar of Strong)

Bill "An Act Relating to Establishment of Police Certification Program by Maine Law Enforcement and Criminal Justice Academy" (H. P. 1111) (Presented by Mr. Greenlaw of Stonington)

Bill "An Act Providing for a Consumer Member on all Regulatory

Boards and Commissions" (H. P. 1115) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Exempt Diabetic Medical Supplies from the Sales Tax" (H. P. 1096) (Presented by Mr. Binnette of Old Town)

Bill "An Act to Repeal the Law Requiring Publication of a List of Delinquent Taxpayers in the Municipal Annual Report" (H. P. 1112) (Presented by Mr. Simpson of Standish)

Bill "An Act Repealing the Personal Property Inventory and Stock in Trade Tax" (H. P. 1113) (Presented by Mr. Brown of Augusta)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Relating to Motorcycle Operators' Licenses" (H. P. 1097) (Presented by Mr. Goodwin of South Berwick)

House Reports of Committees Ought Not to Pass

Mr. Bunker from the Committee on Marine Resources reporting "Ought not to pass" on Bill "An Act Prohibiting Use of Airplanes and Snowmobiles on Frozen Surface of Part of Sasanoa River" (H. P. 90) (L. D. 111)

Mr. Brawn from the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Concerning the Opening of Vital Records to Genealogists" (H. P. 256) (L. D. 336)

Mr. Haskell from the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Providing for the Payment of Expenses to Members of Institutional Boards of Visitors" (H. P. 344) (L. D. 459)

Mr. Trumbull from the Committee on Human Resources reporting "Ought not to pass" on Bill "An Act Relating to Legislation Affecting Penobscot Tribe of Indians" (H. P. 350) (L. D. 465)

Mr. Farnham from the Committee on State Government reporting "Ought not to pass" on Bill "An

Act Creating a Second Assistant County Attorney for Somerset County" (H. P. 403) (L. D. 532)

Mr. Perkins from the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act to Terminate Use of Identifying Numbers on Scrapped or Junk Cars" (H. P. 666) (L. D. 872)

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

Referred to the Committee on Fisheries and Wildlife

Mr. Mills from the Committee on Human Resources on Bill "An Act Prohibiting Hunting, Trapping and Fishing on Indian Lands by Non-Indians" (H. P. 351) (L. D. 466) reporting that it be referred to the Committee on Fisheries and Wildlife.

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

Referred to the Committee on Education

Mr. LaPointe from the Committee on Human Resources on Bill "An Act Relating to Schooling of Indian Children" (H. P. 557) (L. D. 767) reporting that it be referred to the Committee on Education.

Mr. Talbot from the Committee on Human Resources on Resolve Appropriating Funds for Construction of Early Childhood Facility for the Passamaquoddy Tribe at Pleasant Point (H. P. 615) (L. D. 813) reporting that it be referred to the Committee on Education.

Reports were read and accepted, the Bill and Resolve referred to the Committee on Education and sent up for concurrence.

Leave to Withdraw

Mr. Emery from the Committee on Human Resources on Bill "An Act Requiring Municipal Consultation on Aid to Dependent Children Applications" (H. P. 80) (L. D. 93) reporting Leave to Withdraw.

Mr. Cote from the Committee on Legal Affairs on Bill "An Act to Annex Certain Territories to the Town of Howland" (H. P. 231) (L.

D. 311) reporting Leave to Withdraw.

Mr. Brown from the Committee on Labor on Bill "An Act Relating to Medical and Other Personnel in Certain Industries" (H. P. 238) (L. D. 319) reporting Leave to Withdraw.

Mr. Dunleavy from the Committee on Judiciary on Bill "An Act to Provide for Freedom of Information" (H. P. 278) (L. D. 356) reporting Leave to Withdraw.

Mrs. Kilroy from the Committee on Judiciary on Bill "An Act Relating to Freedom of Access to Meetings of Local Agencies" (H. P. 276) (L. D. 382) reporting Leave to Withdraw.

Mr. Dunleavy from the Committee on Judiciary on Bill "An Act Relating to Penalty for Breaking and Entering in the Daytime" (H. P. 428) (L. D. 577) reporting Leave to Withdraw.

Reports were read and accepted and sent up for concurrence.

Leave to Withdraw Covered by Other Legislation

Mr. Evans from the Committee on Agriculture on Bill "An Act to Establish a Colt Stake Program for Maine Standard Bred Horses" (H. P. 18) (L. D. 18) reporting Leave to Withdraw as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Relating to the Rendering of Treatment and Services to Minors for Drug Abuse without Parental Consent" (H. P. 163) (L. D. 205)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN of Cumberland
— of the Senate.

Mrs. BAKER of Orrington
Mrs. WHITE of Guilford
Mrs. WHEELER of Portland
Mrs. KILROY of Portland
Messrs. PERKINS

of South Portland
McKERNAN of Bangor
DUNLEAVY

of Presque Isle
— of the House.

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

Report was signed by the following members:

Messrs. HENLEY of Norway
GAUTHIER of Sanford
CARRIER of Westbrook
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker, moves the acceptance of the Majority "Ought to pass" Report.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: We are talking here today about a document 205, a very important document concerning people who don't believe that parental consent should remain with the parents and not with strangers. As the present law states, much to my objection in previous legislative sessions, that minors were granted the right to have treatment without parental consent for venereal disease and drug abuse. I believed at that time, and I still do, that this is wrong.

The purpose at that time why I believed it was wrong was first, because I felt very strongly that it was not up to a physician, certain physicians, to determine as to when a child had received full treatment. Many physicians, or a few physicians, believe that some of these venereal disease cases are one short affair. Well, I never believed it, and I don't.

As a parent then and as a parent now, I wanted to hold the right, my right, to actually see if it should ever happen, to see that any child should have full treatment.

Under the bill that was passed, this is not so, because the physician can now and could then give them a treatment without even notifying you. This bill here, what

it brings into now is actually an expansion of the old bill and the expansion is in two or three places.

The old bill limited the physician. He had to report to you within 48 hours, to the parent, if he desired to if he wanted to. If he did not, then he was precluded to report it. But he was never precluded to send you a bill for treatment. And there was no limit as to the amount of treatment either. And he could have hired psychologists, he could hire psychiatrists, he could hire all kinds of experts, refer your child, or anybody else's child to any kind of expert and send you a bill for two, three, four or five thousand dollars. I don't know if this ever happened, but the law gave him the right to do this.

Actually this bill here, aside from giving the physician the right to do so, and treating certain kids without your consent, it also now expands this to give it to the hospitals. Now the hospitals can come into this and give them treatment and then send you a bill, without you even knowing about it. But the worst part of it, ladies and gentlemen, I think, is on the second page at the bottom under section 4185A. It says here that a person certified under this chapter, who renders social work services, now this, not actually holds it down to physicians, now it is expanding it to almost anyone in the medical field.

I think it is very necessary under a program of treatment that the person giving such treatment should be qualified, but I think that this opens it up, really, to many people, because it says, "under no obligation is any one of them obliged to let you know." This is his choice. Well this is not the choice that I want them to have, as far as I am concerned. I do not think it is a wise one. I think that the last bills that we passed were not workable. We mentioned that at the time, that they would not be workable. Now they are back here to give us an expanded bill.

This extends — if you think psychologists are the proper persons to treat your children for drug abuse cases, if you think that the

social workers are qualified people to treat your kids, this is a different thing, this is for you to make a decision.

But I signed the minority "ought not to pass" report, because I think there is morally something involved here. I think if you are interested in your kids you are going to take care of them and you do not want anybody. You make the choice of who you want to treat them, make sure that he has enough treatment. You are responsible for the bill under any circumstances and I suggest to you and I submit to you that this is not a good bill. And I hope that you vote against the present motion to accept the "ought to pass" report.

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

Mr. SILVERMAN: Mr. Speaker and Ladies and Gentleman of the House: I rise today in asking you to vote "ought to pass" on this bill. This is not exactly my bill but our colleague in the 105th Legislature, Representative John Gill, did put a bill similar to this in the 105th Legislature, and having passed on, they have asked me to present this bill to you.

Whether the representative from Westbrook agrees or disagrees with the idea or attitude that minors with the problem of drug abuse or venereal disease should be able to go to a doctor or a hospital for treatment without their parental consent, whether he agrees or disagrees, it is now written on the books. If it is written on the books, then this bill says that an amendment to that bill which stated, "After 48 hours the doctor cannot tell the parent of the child that he is under some type of treatment for drug abuse." I think this is wrong. And if we are going to at least try to work with these young children, who have the problem of drug abuse, it is possible, one would think, that the parent, the person doing the treatment and the child work together, not the person doing the treatment and the child in secrecy working without the parent's knowledge. And I hope you will consider this when you vote.

Secondly, in this bill which is presented today, we are offering the minor child an opportunity to go to the hospital to have treatment. At this time, a child under drug abuse, with the problem — and most of the time when children have this problem, they don't run home. They are out on the streets, they are with a group of other people with the same problem. But we are giving them the opportunity to go to a hospital and get treatment, and I consider this of great and utmost importance.

One thing I would like to rebut the representative from Westbrook is the following: If he does not trust our doctors and our hospitals, that they are going to charge too much money in helping a young child circumvent his problem of drug abuse, then I question his approach to our doctors and our hospitals in this field.

Therefore, I will ask you to vote for the "ought to pass" report in hopes that we can use our medical facilities and our acknowledged people in this field to treat our young children when they have the problem.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I am one of the "ought not to pass" report on this one here. Like Mr. Carrier has mentioned to you, two years ago we passed a bill, and I happen to disagree with my good friend, Mr. Silverman, the doctor has that right today. The child can go see the doctor, physician, psychiatrist and he doesn't have to report and let the parents know that this child has been to see him. But when it comes to the point that you expand it to the hospitals or to anyone that this boy wants to contact and it is wide wide open, I disagree with that.

I think the doctors have the problem in hand and I think when it goes beyond that, that the parents should know what is going on if they are going to foot the bills, and not only the bills, I think that after it has gotten to that

point, after the doctor has passed it from his hands, and then the child has to go to the hospital, I think that it is about time that the parents know what is going on.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: The argument for the bill, emotionally and perhaps technically, is strong. I opposed the other one in the other session of the legislature, and I still think that we embarked along the wrong road. It seems to me that every one of these laws that we pass just drive a thicker wedge into the gap between children and parents. It just further encourages deceit. God knows, it is bad enough already. It seems too bad that we, a legislative body, put laws on the books which encourages more deceit.

I suppose that there are situations where children become desperate in regards to drugs and they might turn to doctors before they turn to their parents. If so, it has reached a deplorable state. It seems to me if we had the rapport which we should have between parents and children, in troubled times the children would always turn to their parents first.

I am not too concerned as my friend from Westbrook with the money aspects of it. If the doctor wants to take his chances, why I don't suppose I should be concerned with that. But we are — I suppose people would say we always establish precedents when we put laws on the books, so this is nothing new. But so many things that we are doing now are encouraging cleavage between parents and children. I am opposed to a lot of them. I am opposed to a lot of the legal laws relative to and appropriations for the establishment of daycare homes because it seems to me that it is an additional method of dragging the children away from their parents.

I don't know, perhaps there is no other approach to this drug situation and also to the venereal

situation. Nevertheless, having had three of my own children and now I have several grandchildren and two great grandchildren, I feel that I have a stake in the issue, and I still would like to feel that the parents are the most important people in the children's life. I cannot vote for this type of legislation. So I hope you will oppose the motion to accept the majority "ought to pass" report.

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

Mr. EMERY: Mr. Speaker and Members of the House: When this matter came up in the 105th Legislature, I was opposed to it and I did speak on it very briefly. I would like to mention a few points that have not come up yet in the debate which I think we ought to consider.

First of all, I would say that I am a part-time ambulance attendant and on several occasions I have had an opportunity to go to pick up someone who might or might not have been under the influence of drugs and was in an accident.

Now there is a very practical consideration. When someone is taken into the hospital or to a doctor's office who is not able to say what he had taken or if, in fact, he was on some other type of medication and you have really got a problem for a doctor or for an ambulance assistant or anyone else who might render medical care if he does not know what other medication — for example, he might have taken insulin for diabetes or might have been on some other medication even for a common cold, and sometimes you get a bad reaction between different types of drugs, either those that are used in the cure or those that are taken for the heck of it. I think we ought to consider all possible sources of information, and sometimes it might even make the difference between the patient living or dying as to whether or not the doctor or the nurse or the attending physician knows whether or not there is any other medication being provided. I think the parents would know.

Now as I mentioned last year, I am also a little bit disturbed about the parents not knowing whether or not their children have drug problems. I think this is probably one of the most severe problems that we have. I know that there are drugs all over the State of Maine and I think in many cases the parents just don't know this, and they might keep a closer watch on their children and help them if they did know. But my main objection to this is possibly the lack of medical information that might be very necessary before any treatment is rendered. This is what I am a little concerned about and I would be interested from any member of the committee as to whether this particular problem was discussed in committee. I think it is one we have really got to consider before we pass this legislation.

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House accept the Majority "Ought to pass" Report. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

81 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act Relating to Risk Sharing Plans in the Field of Property Insurance" (H. P. 189) (L. D. 229)

Report was signed by the following members:

COX of Penobscot
KATZ of Kennebec

— of the Senate.

Messrs. TRASK of Milo
MADDOX of Vinalhaven
DONAGHY of Lubec
HAMBLÉN of Gorham
JACKSON of Yarmouth
DESHAIES of Westbrook
— of the House.

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

Report was signed by the following members:

Mr. MARCOTTE of York
— of the Senate.
Mrs. BOUDREAU of Portland
Mrs. CLARK of Freeport
Messrs. TIERNEY of Durham
O'BRIEN of Portland
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Trask.

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

The SPEAKER: The gentleman from Milo, Mr. Trask, moves the acceptance of the Majority "Ought not to pass" Report.

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: This is one of those dry insurance bills that no insurance industry wants. The bill is a very, very simply written bill. It is written in layman's language. The bill presently calls for should somebody be refused property insurance that they be entitled to a hearing before the Insurance Commission. Now I find nothing objectionable about that; I find no reason why the industry would oppose that, in the length that they are opposing it.

At the hearing, all the representatives of the insurance industry were there and their whole argument was based on the fact that we did not need this — we did not need this — we did not need this. And over and over I asked the same question of these gentlemen, had they ever heard the term "area hazard" being used before? Insurance company after insurance company denied that they had heard this term until the very, very last insurance company. He did recognize that they did have an insurance area phrase, that the insurance industry did use this term and it was used mostly in Watts and Bedford-Stuyvesant and places where they had riots. Well,

in those areas I believe, yes, they do use that term.

Here in Maine or New England they use a term called "red lining" which to my way of thinking is the same thing. And what this means essentially is that the insurance companies will block out whole areas of cities and congested areas of the towns and they try to withdraw their liability from these areas. Any insurance they have written in that area, slowly they try to withdraw from that liability. They will inform their agents, although it is very, very difficult to get an agent to say that his insurance company has so instructed him, although I do have one letter from a very large insurance company in Portland where their insurance companies have instructed them not to write insurance in different areas of the city.

This is a very important piece of consumer legislation to my way of thinking and I can't urge you enough to read Legislative Document 229, because all it calls for, should somebody either buy a piece of property or make some home repairs, if you are convinced that you perhaps do a siding job or roofing job on your home to bring it up to code enforcement perhaps, maybe you have no mortgage on that piece of property and you have to get it mortgaged to do this repair work. You go ahead and do the work, the bank loans you the money, and then 60 days later you discover that you have no insurance because your insurance company refused to write the insurance, not because of the dwelling but because of where the dwelling is located. And then the bank, of course, has to foreclose on their mortgage because you haven't complied with the state law as far as supplying property insurance.

The industry opposes this. They keep saying there is no need for it, there is no need for it. Then you talk to someone who has had insurance refused, they won't believe there is no need for it. So I present this document 229 as a risk-sharing plan. All it calls for, should somebody find themselves in the position where they cannot

get insurance or they cannot get insurance at a reasonable rate. As it presently is, they have no recourse. The insurance is just refused or they pay a prohibitive premium. But should they find themselves in this position, all the bill calls for is that they are entitled — they are entitled to appear before the insurance commissioner, explain their side of the story and let the insurance commissioner decide whether their property is insurable or uninsurable. I don't find any objection to that at all.

I ask you to reject the majority "ought not to pass" report and accept the minority report and let us hear from the insurance industry.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: This all sounded very simple brought into laymen's language and perhaps into the language of another salesman — I happen to be one—although at the present time I am not a salesman for any fire insurance company. I happen to be a broker who is actually not an active broker; but as a broker, I try to get insurance for people who find difficulty in getting coverage.

I am not too sure that this may not be the opening guns of a congressional campaign, but in any case there was no instance of any policy of insurance being rejected or refused in the City of Portland.

Now I am not sure what the term was, I think it was something about area risk or something like that. It truly is not used in Maine. It was set up and I did read about it in magazines in reference to Watts and Bedford-Stuyvesant and some of those places, but we don't have them in Maine and we have no need for this type of insurance in Maine. If we did, it is quite probable that the insurance companies not only would want them but would encourage them because they like to do business, too. But they want to do it on a basis of need because this is where you make money, when you have a need you cover that need.

At the present time there is no need for this in the State of Maine, despite what a law professor says about areas that were denied insurance. I wish Professor Spanogle had come up and told the committee about it because we would have been happy to have listened to him. As a matter of fact, one young gentleman came in and told us with tears in his eyes how consumers in Portland were being put upon and we suggested that he come back to the next session with some specifics. He came back to the next session and went through the routine again of all the problems but no specifics.

I don't think that we can be asked to pass legislation for something that might happen in the future. If and when it happens, there will be ample time to instruct the insurance companies to offer pool insurance if they haven't already gone to the insurance commissioner and asked to be allowed to do it on their own so that they can continue to offer protection to the people of the State of Maine, as they now are doing, and on the basis of needs at that time. If we made a law today, Lord knows what the need would be; maybe four years, maybe six years, maybe never. But let's worry about the problems we have today, not somewhere in the future.

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

Mr. DYAR: Mr. Speaker and Members of the House: I hesitate to speak on this bill. I think possibly the gentleman from South Portland did not go far enough in this piece of legislation. He possibly should cover the automotive insurance industry, life insurance as well as fire. I have been through the mill myself.

I spoke out against the industry in the 104th Legislature. I had my fire insurance cancelled, I had my automobile insurance cancelled, I had my life insurance cancelled, and to this day there is no agency in the state where I can go to protest. The commissioner cannot hold a hearing.

I think Mr. O'Brien has hit a nail on the head. He has hit some tender spots and he has only done half the job. I think we should consider this legislation. It should be amended to cover all phases of the industry. This past summer I came to Augusta several times with constituents who had insurance policies cancelled, both fire and automobile, and they have no source whatsoever. They didn't even offer a towel to cry on.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I honestly didn't know what I was going to do on this legislation this morning; but after listening to the remarks made by Mr. O'Brien, it seems to me that this is a necessity. I think this House should pass this piece of legislation. I think it would be good for the consumers in this state. I think we would be doing our constituents a favor by accepting the report of the bill in putting this particular legislation on the books. I think it is a protection for the people that we represent.

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

Mr. DAM: Mr. Speaker and Members of the House: I can truly say I didn't intend to speak on this, but since my good friend Mr. Dyar has, I think I will rise to support him.

I do have a bill going into the hopper a little later dealing with insurance and I think this is one area here today, L. D. 229, that will help the people in the state a lot, as well as when my bill is presented I think it will too.

I would like to cite just one instance of where the insurance companies are getting away with murder in the State of Maine in my belief. Last January I had a fire. I was here in Augusta when it happened and I am not a fat cat but I am not on relief. I get along quite well. But what the insurance companies in this state hold over the people's head when you have a fire, they deny you the payment of the policies some-

times — not sometimes, I correct this to all instances — and they put a burden on the people. And to show you how rotten the insurance companies operate in the State of Maine, I will cite the instance I am speaking of.

If your house burned down, and in my case it was a garage, they will not pay you for the property insurance until you are ready to settle for the personal insurance. Now if this happens to someone who needs the money real badly, the insurance company makes out like bandits because there are people who will settle for a lot less money. Well, it so happens I can still eat today and tomorrow or maybe the next day, God willing, so I haven't settled yet. I shall hold out until I get what I want. But when they tell me that I am supposed to go out in the snow, 10 or 15 or 20 below zero weather and dig out tools and implements out of the snow and present them an estimated value before they can settle on real estate, this shows you how rotten they are operating in the State of Maine. They are willing to insure the people as long as they have got a good chance at making money; but when you have a loss, the first thing they do is wipe off 20 percent of the insurance right off the top of the policy. So if you have a \$10,000 policy, they start talking about you were insured for \$8,000. And this is not under the co-insurance clause. This is the general practice being used in the State of Maine by the bandits and the bandits are the insurance company.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: The article in the Portland Press Herald that was passed out to you this morning concerns a survey performed by one University of Maine student who believed that a problem exists. But if you read the article carefully, this survey was conducted over a year ago by one student. I submit to you that this is not significant.

At the public hearing held a few days ago on this L. D., there was

not one factual incident introduced to support this bill. The proponent related a lot of hearsay, a lot of "I heard tells," or "someone told me," but absolutely nothing that could be supported by factual evidence, even though this bill was held up in committee for over a week to allow the introduction of supporting data.

Prior to the public hearing, I had the opportunity to interview Portland's City Manager, John Menario. Mr. Menario stated that he had kept a very careful and complete file on the availability of property insurance in Portland for over four years; and in his opinion, and I quote, "There is no problem in the Portland area with obtaining insurance coverage on insurable property." This is from Portland's own City Manager.

I submit to you that this is significant. Mr. Menario's file also contained a letter from a Portland consumer organization known as Combat. I am certain that most of you have heard of this consumer organization. This letter was addressed to the City Manager and was very, very recent. The letter clearly stated that Combat could find no problem in the Portland area with consumers obtaining adequate insurance coverage for their homes or businesses. And I can assure you, ladies and gentlemen, this is a very resourceful organization and if they can find no problem, there is no problem.

I submit to you that this is significant. We are being asked to set up some form of standby legislation that will probably require staffing and funding in anticipation of a problem that does not exist.

It would seem to me that we have enough legislation on our hands right now with existing problems without becoming involved with anticipated or imaginary problems.

If this bill is passed and insurance companies are forced to provide fire insurance for slum landlords on buildings which at times are hardly fit for human habitation, make no mistake about it, the additional costs will be passed on to the consumer in the way of increased fire premiums.

And the person who maintains his property properly, safely, who takes pride in ownership, will be subsidizing the slum landlord, the derelicts, the condemned buildings. Therefore, ladies and gentlemen of the House, I would urge you to accept the majority "ought not to pass" report.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Speaking in my capacity as a legislator from Eagle Lake and as a member of the Aroostook County delegation, I would like to just relate to you the stories that we have been through in Aroostook County dealing with fire insurance cancellations.

About ten years ago we were told that if we were to hire a fire marshal with Aroostook County funds that there would be less danger of people losing their insurance on potato houses in Aroostook County. As you may recall, we had some major problems at that time with fire throughout Aroostook County involving potato houses, and so we proceeded to hire a fire marshal which we are still paying for with county funds the sum of about \$10,000 a year.

In 1967, I can recall coming to this legislature and not really feeling that Aroostook County ought to share the burden of having its own fire marshal, saying that the state ought to assume its responsibility and therefore we ought to do away with that investment that Aroostook County was making. I was told at that time by the industry in Aroostook that if we did that, people who owned potato houses would lose their coverage, and so we withdrew ourselves from finally taking the money out of the budget and we left it in. Lo and behold, insurance companies started leaving Aroostook as if there was a rat somewhere in one of the potato houses and they wanted to see who could get out the fastest.

I know there are legislators here from Aroostook County who are involved with potato houses and I am sure that they can relate the

problems to you. And over the years, as I see it, in Aroostook they have developed a desire of reacting to the situation by saying that we won't insure a potato house, and I know in my own area, my own legislative district, of a number of potato houses that are totally uninsured, not because they are that bad a risk, as far as I am concerned, but because certain companies have decided that they are a risk and there is no place for them to go. I think that if this doesn't resolve the problem, it may help to bring that situation to somehow making the problems that Aroostook County farmers face not quite as desperate as it is.

Even though I had no intentions of speaking on the bill, I find myself deeply involved because of the things that we have been through. And so I would ask you to vote for the minority "ought to pass" report and against the pending motion.

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

Mr. LAWRY: Mr. Speaker and Members of the House: I hesitate to rise but I did feel that one thing should be pointed out. The 105th authorized a study committee during the interim to study a number of aspects of the insurance problems and amongst them was risk sharing or the assigned risk pool for property insurance which I believe is what 229 is concerned with. If recollection serves me correctly, this was advertised well but I don't believe that one proponent showed up to speak on behalf of what this legislation purports to cover and I thought you should have that information before you make up your mind whether to accept or reject the report of the committee.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker and Ladies and Gentlemen of the House: I think one thing has been clearly brought out here that there are major resentments against insurance companies and in some of this I perhaps share. The thing

that bothers me about this is we are talking about a specific area, we are talking about homeowners insurance, fire insurance in the cities. I am extremely reluctant to give the Insurance Commission the power this bill provides. With great respect to the commission and the commissioner, I cannot justify providing the blank check to develop a forced insurance pool. It is a tool that would be tempting to use, tempting to use before all the normal avenues have been explored. Often agents fail to seek out the coverage available on the open market. They could fall back on the Insurance Commission to force a source of coverage where one already existed under present policies.

I see government providing protection to its citizens when needed and when the free enterprise system cannot provide such protection. I do not like the idea of government collecting powers that are unneeded now. There is also the temptation for any governmental agency to use its powers and justify the retention of its powers by such use.

The problem this bill is intended to solve is not a problem in Maine at this time. Let us deal with what exists, not with bridges over rivers that we have not yet come to. I hope you will support the recommendation of "ought not to pass".

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker and Ladies and Gentlemen of the House: Just a point of information in clarity. Professor Spanogle of the University of Maine Law School is a man of no little import. He is the author of the Maine Uniform Commercial Code and I am sure he would not make these statements in regards to the insurance industry that you have on your desk unless he had thoroughly studied them. He is a gentleman of great knowledge and, of course, this is his opinion but I am sure these remarks are made after careful study and I go on record as supporting the minority report "ought to pass."

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

Mr. BRAWN: Mr. Speaker and Members of the House: I didn't intend to speak on this but when I hear a gentleman tell me that the commission knows all what's in these policies, I am surprised. I just got hit with a loss.

Now if I pronounce this word right, it is the only word I can't say in the English language and it's squirrel. They did come down my chimney in my cottage. I had two brand new picture windows. They knocked them all to pieces so the glass fell out in the winter. They come down a big fireplace. I had three other brand new ones put in. I just had them in there four months. I went to my insurance company and they said, "Have them fixed, we will pay for it." I had these windows fixed, brand new and put them in. Then the fellow came from Portland, the inspector. He said, "You didn't read your policy very good. It says 'rodents'. We will not pay for them." I came down to the Insurance Commission. They said, "Why sure they have got to pay." They said a gray is not a rodent. He is protected. He is a game animal in the State of Maine. We took out Webster's Dictionary and Webster's Dictionary says a squirrel is a game animal. There was nothing I could do but pay.

So when the gentleman stands up here and tells me that the commissioner knows what is in these policies, maybe they do, but I got stuck and the man himself didn't know.

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

Mr. TALBOT: Mr. Speaker and Ladies and Gentlemen of the House: Believe me, I go along with the gentleman from Skowhegan. I was not going to speak on this bill at all. But I must take exception, I think, with the gentleman from Westbrook and Mr. Menario as far as insurance goes in the City of Portland. I will give you one example and that was an example of my own, my wife and I. We lived for nine years in a

second floor apartment and could not get insurance at all because the insurance company says the houses were built too close.

The example I want to give you is this: I have four children. I worked at night; and every night I went to work, at least once during that night you heard a fire engine. Everytime you had to wonder, and this was along the period when I was doing quite a bit of struggling financially with jobs, children, finances. How would you like to go to work in the evening, at night, hear a fire engine, not knowing where it is and wondering if you have lost everything because you could not get any fire insurance.

I think it is an awful thing when people cannot at all get insurance for something that they struggle for in this day and age. So I would sincerely hope that you would vote for the minority report "ought to pass."

Mr. Rolde of York requested a roll call vote.

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

Mr. LaPOINTE: Mr. Speaker and Ladies and Gentlemen of the House: I was not going to speak on this issue this morning and I say that with all sincerity because on Thursday morning I read Jim Brunelle's column where it said freshmen usually are not supposed to speak or something to the effect that freshmen usually don't speak, open their mouths until their eyes are open, or something like that and I know that Mr. Brunelle was fooling around with cliches.

What I would like to try to help you with this morning is not addressing yourselves or myself to cliches but possibly set the record straight relative to Mr. Menario. I just left the House and called Mr. Menario on the phone. The call had to go through the switchboard and I indicated to his secretary and the switchboard operator that it was relative to debate that was taking place on the House floor. I said, "Mr. Menario, had you received a phone call from Representative Deshaies, my good friend from Westbrook from where I happen to be from

also." He said, "My phone call record book records that I had received an incoming call from Mr. Deshaies on March 9 but did not have an opportunity to return the call." I said, "Mr. Menario, in any way did you say to anyone from the House of Representatives that there was no problem relative to accessibility and availability of property insurance in the City of Portland?" He said, "Tom, you have my complete file on this. I have shared it with you and you, in turn, have given it to the Business Legislation Committee of the 106th Legislature."

He also told me that he had run an ad in a Model Cities publication a few years ago asking anyone whether they felt that they were having a problem in the acquiring of property insurance. At the time the ad was run they received about six responses. Mr. Menario further stated and reemphasized to me on the phone this morning just a moment ago that there is a problem relative to the availability of property insurance in the City of Portland. His file indicates this. Some of the material in the file is dated but all that this shows is those people who have contacted his office relative to the availability of property insurance in the City of Portland. There are numerous unreported cases.

Relative to the comments about Combat, I personally received a letter from Mr. Sam Baruch, the Executive Director of Combat, and he indicated to me relative to the bill that is being discussed on the floor this morning that it was a good bill and there was a need for this sort of activity relative to the insurance commissioner. It is to provide insurance for the people of the State of Maine.

There seems to be a lot of confusion here now this morning relative to this matter. There seems to be a lot of hard-core data that could really prove conclusively that there is a need for this sort of insurance. There are a lot of scattered stories, tidbits of information from the City Manager's office in Portland. There are comments being made that this was studied by the Legislative Research Committee last year, the year before. Nobody

came to the fore. Nobody came to the fore at the public hearing relative to this matter except for myself; and even then I was not too sure, and I had to go out and gather this information together. And so in the absence of concrete fact, that seems to be an argument to say that there is no problem. Ladies and gentlemen of the House, I submit to you that there is a problem. It happens to be an urban problem, a problem that doesn't come to the surface that clearly. Probably we must have to have a more aggressive insurance commissioner but there is a problem.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I think that the last gentleman sort of summed it up for us in favor of forgetting about this until there is a need. There were six cases reported by or found by Mr. Menario two years ago. We are talking about today.

As far as one of our other speakers, I am very sorry to differ with him but if he had a life insurance policy in any legitimate company in the State of Maine that was cancelled for anything other than payment of premium after two years, I would like to know about it. I am sure that we might get rid of the insurance commissioner, if he isn't doing something about it. There is a way, if there are misstatements in the application or something like that, of a company getting off a risk before the two years are up; but after two years, it just is not done except for the nonpayment of premium.

This is not quite as true in the automobile insurance field. There is definitely an assigned risk pool in the auto field. As a matter of fact, in the fire field there is a means of paying a little higher premiums and getting something. If you were to have a risk that isn't up to snuff as perhaps some of the potato houses — perhaps I shouldn't say the potato houses in Aroostook, some of the people that own the potato houses or store the potatoes in the potato houses

are not quite the moral risks that they might be. There is a way of getting insurance by paying a higher premium. I think that we have taken enough time this morning on this. I hope that you will go along with the majority "ought not to pass" report.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I will be very brief but I would like to set the record straight. In the register that you received, my occupation is listed as rentals. I am not a slum landlord and that is not why I am defending this bill because the record also shows in the 104th and the 105th, I supported every bill that would give the tenants a right to better housing and give them legal action against landlords that have slum housing. I do have apartments, but my apartments are good apartments. I get a good rent return, better than most people in my area, and sometimes I will buy a building and it is a little dilapidated. I can let it sit maybe three or four years before I do the work; and that might be classified as a slum should any newspaper want to come to Skowhegan and take a picture, and I have two such buildings now. But they have not been rented for some time and they will not be rented until they are completely renovated. I want to set the record straight.

The other thing is, I am not in the class of being uninsurable. This fire loss that I had was the first fire loss in real estate that I have ever had. It is just that I hate the way the insurance companies put the pressure on people to make them settle for less than they are entitled to.

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

Mr. CONNOLLY: Mr. Speaker and Ladies and Gentlemen of the House: A couple of points briefly I would like to make. Mr. Donaghy rose two times. The first time he rose he said that we should not support this bill because there

were no cases that had been reported where people had been refused insurance. The second time that he rose he said that we should not vote for the bill because there were six cases that had been reported but that they had happened two years or so ago.

I would just like to make one point, that when I heard this bill was coming up last week, I called friends of mine in Portland whom I knew had been faced with this situation. They presented me with documented evidence that on three different occasions with three separate insurance companies in the past two years they had been denied fire insurance on their home which they owned not because their home did not come up to code standards but because it was in a low-income neighborhood and there were slum dwellings on either side of their house.

One point in response to Mr. Jackson when he talked about the insurance companies and the free enterprise system. The free enterprise system is based on not providing services for people but on making a profit. That is what the insurance companies are in business for. This is a good bill and it shouldn't be defeated today.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: As representative from Brunswick I would like to say that number one, I hope I will only speak once on this bill. Number two, I feel that as Mr. Connolly has pointed out the industry protesteth too much there is no problem. They say at first there is no problem and it came to my mind somewhat questionable. Then they say there used to be a problem two years ago but there isn't one now.

Apparently, there is some confusion in their minds as to whether or not there is a problem. The only thing that they are certain of is that they don't want any public regulation. I think sometimes we forget what our basic job is in the scheme of government; and basically, we do have a free enterprise system in this country and in certain areas of

insurance I think it is done rather well. In other areas it is not. But what we do under free enterprise, which is the basic system in our country, is we have private industry doing things in an unregulated fashion as long as they can do them well enough to satisfy the public interest. That is what we are trying to do here. We are not setting up a state insurance company, although I would suggest, Mr. Speaker, that over the years the insurance industry, the casualty insurance industry, persists in a shortsighted, hard-hearted attitude, that it may become necessary in the future to have the public do what private companies cannot do or will not do. This bill is a moderate — a compromise measure. It seeks not to have the public directly provide this service but rather to have the insurance companies and the insurance industry do what they should do voluntarily otherwise.

I don't expect, Mr. Speaker, that the insurance industry is wanting to call on me for advice; but if I were to give them any and if they were to read the history of this country and no other country, they would stand warned because when the people become irate and when this House and members of this House become irate due to the attitude, the shortsighted attitude of the industry, if this bill is not put through and if measures like this to give consumers half a break are not put through, the steam will build up and there will be a reaction. The current monopoly which private enterprise enjoys in the field of writing this insurance may not persist forever.

I think Abraham Lincoln said, Mr. Speaker, that government should only do those things for the people that the people or free enterprise cannot do well themselves. I think free enterprise should try to do this.

Mr. Speaker, it seems to me that insurance, particularly fire insurance, on one's own home is an absolute essential today. It is as important to your homeowner as getting water on the property or having a sewer line. We provide those services through public utilities. Some of them are

governmentally owned like most of our local water districts, although some are privately owned. It is as important as electricity, fire insurance is, because really you can't own your house because you can't have a mortgage without it.

Yet, as I understand the law today and what this bill seeks in part to correct, the insurance company — because usually I think the agent is trying to help the insured — but the insurance company can with reason sufficient to itself, not subject to any review or any impartial person, decide to turn you down for coverage. I think we all know from our experience and from the experience of our friends and relatives, once you are turned down by an insurance company you are blackballed and you have a devil of a time ever getting that same type of insurance through any other company. It is not that you are building too close to the other building. It is not that your electrical system is not proper or any of these objective factors, it is rather that you have been turned down once and you have been blackballed. The idea is once you have been turned down, I guess they are going to continue to turn you down.

Mr. Speaker, it seems to me that there is a right or there should be a right in this society to purchase insurance on your home, fire insurance on your home, at a cost proportionate to the risk — and I fully recognize that the risk varies with various cases — through the private insurance industry. If the industry is not providing that service, then the public has the responsibility to provide to people so they can own their homes. We are dealing with something pretty fundamental here.

By the way, one last comment, I am a little bit surprised at some of the people who are connected with the insurance industry saying that we should not do anything, that we should not buy that insurance until the building burns down. The whole principle of insurance — and I think it is a good insurance — is that it is prudent to look ahead and see whether

there is a developing problem and not to wait until the barn has burned down before you buy insurance on it. Some people are being hurt now in Portland. People who may be hurt may often be the poor or the unfortunate but you have heard testimony from members of this House as to what has happened to them.

I think it is time for us to pass this bill for two reasons; number one, it is a reasonable, mild bill. Number two, I think it is time to send a message to the casualty insurance industry in this state that unless they get on the stick and start doing what they are supposed to do and trading fairly with people, both regarding claims and rating and coverage, that there may be another approach to the problem. This is a reasonable approach, gentlemen, and I hope we can go along with it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Looking at the date, looking at the calendar, looking at the time, I think the time has come for us to act on this bill and start working on the unmentionable branch.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Brunswick, Mr. McTeague, I believe, has defined the issue before us quite well. I think that what is going through our mind is the question: Does this warrant our intervention? And I think that here in Maine we have, so far as possible, allowed matters that can be handled in the private sector to be handled in the private sector.

So, I would like to share with you my experience as it relates to the broad question rather than to the specific bill. I believe that there has been abuse of Maine people by insurance companies. I think that this has developed because our insurance companies have generally been controlled by insurance people in the interest of the companies, quite often to the

exclusion of the interests of the public.

A couple of experiences I have had this past year, and they are certainly not the only experiences I have had in this field, I will tell you of. First, a man about 70 years old who had bad health for a long time, his wife in the same condition and had been unable for a long time to pass a medical exam in order to get insurance came to me and said, "I have read in the newspapers about this Art Linkletter insurance and it doesn't require any medical exam. It does pay good benefits and it does have a reasonable premium and I believe that Mother and I should take out policies with Art Linkletter because he is a real nice guy. He loves kids." So I hadn't paid that much attention. I am sure that you had seen these flyers that have been coming in the newspapers, widely advertised and as he recited the benefits and premiums, I knew enough about it to know it wasn't so. I did not have the information there and I asked him to let me check into it. So soon it came in the newspapers and I looked and I read and I read and I read and I could not see but what it was just the way the man had understood it to be; in fact, he would receive benefits to a certain amount on payment of premiums at a certain level.

You know, it was the next day before I found it. It said accidental. Well, o.k. So it's taking advantage of the public just to an unbelievable degree and just to test my own stupidity against my neighbors, my business friends, college graduates, advanced degrees, everything else, I showed them this advertisement and they could not find it either where the loophole was in this thing that was victimizing Maine people all over the place.

I went to the insurance commissioner and he spent about an hour and a half explaining to me why they could not do a thing about it, why we have to just stand by and watch Maine people be victimized by such an outrageous arrangement as we were being

exposed to. That was my first experience.

Right on the end of that a fellow about 60 years old spent something like 25 or 30 years with one of our major companies, had taken out accident insurance at the highest level possible, paid something like \$300 or \$400 a year for the full period of this with one of the big companies, Aetna or one, I forget. Then he had, while working, a heart attack which completely wiped him. He can't walk up a set of stairs. He can't drive his automobile downtown. Every doctor involved recognizes that he is hopeless. He never is going to do another thing and when he went to get his disability settlement under this; sorry, no soap. So he asked me to come with him down to the commissioner. I came down and he looks at it and he says, "Sorry, this one has the 'pencil selling clause.' " And I asked, "What is the 'pencil selling clause'?" Well, the courts have found that if this clause is in a policy, so long as a person is able to sit on the pavement and sell pencils, he is able to contribute to his own support and, therefore, isn't qualified to draw the benefits under this policy.

Well, knowing this man who had for 25 years acted in good faith and made every payment just as he had agreed and the thought that when and if there were such an unfortunate thing happen to him as had happened to him, that he would be eligible to benefits as described in the policy. To say that I was disturbed about this is to put it very mildly and then we had some more conversation, well, there isn't a thing you can do about this.

So I asked the question and I pose it before you here today: How many people in the State of Maine today who have these policies who have "pencil selling clauses" in them know that should something happen to them, they aren't going to get a thing out of it? And this outrages me and I hope it does you and I feel the insurance industry is taking undue advantage and I believe that we are going to have to move on it and get some people other than insurance

people involved in this whole proposition because I feel that this is the function of the Maine Legislature, to be concerned about the people in Maine. I feel that the people in Maine have been and are being victimized by the insurance companies and I am not sure that this bill we have before us is much of an answer, but we will have other opportunities. I hope this has some of the effect on you it has had on me.

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

Mr. CARRIER: Mr. Speaker, Members of the House: I was holding my energy back for some other bill that is coming up later on today, the little that is left. This has gone beyond the point where this is realistic. In the first place, I just will say a few words on the comments that have been said here which I think are erroneous.

We are talking here now about fire insurance. We are talking about fire insurance, we are not talking about anything else. This is fire insurance. In the first place, some of the speakers said that under the state law that the banks cannot mortgage property which is not insured but where they have their property insured will be cancelled. Well, let me say to you that I don't believe this is true. I don't believe as has been said in the House, I don't believe if the so-called professor from the University of Maine says so, this is not so, because I can prove to you that you can mortgage property. I can call up right now and have some mortgage money for any wildland right now or I can call up and have a mortgage on any property that I want to buy right now with no insurance.

So, wherever these statements come, to my knowledge, it is erroneous. You do not have to have insurance in order to get mortgages. I am talking about mortgages from lending institutions, not private mortgages. So, if we are going to talk about something, let's stick to the facts. We can disagree on the approaches. We can disagree on the whole bill but I think let's stick to the facts here. I still say that the banks

can take mortgages and will take mortgages without proof of insurance.

Now in the first place, I feel this: I will say very clearly that I hold a valid insurance agent license and that I have owned — without conceit, I say very truly that I have owned a few properties around this state and I still own some properties around this state. But I object very much, not because it is a personal thing to me because it isn't, of some people here that refer to people as slum landlords or slumlords or to those who quote in this beautiful article here that we also knew that you get high rents from bad tenants. Well they can call me a slumlord if they want to as long as they also recognize that the bad tenants do exist.

I will say to you that it would be very interesting to know why insurance, fire insurance policies, have been cancelled. And whether they stand up here or not, I can almost assure you that the reason why so many fire insurance policies are cancelled is usually not because of a loss, it is usually because of non-payment and nobody will get up in this House or anywhere and say that their policies have been cancelled for nonpayment. This is a matter of pride. There could be a lot of circumstances why somebody does not pay, but a lot of fire policies and other policies have been cancelled because of nonpayment.

I would also find it very interesting to see how many of the proponents who claim that the insurance company does this and that and they won't do this and that, how many they themselves ever had insurable property, real estate property. This is always a thorn in my side when we talk about something and you have all the experts that get up and say this and say that. You check on their record and they never owned property or if they owned some, some are very undesirable locations.

I was subjected one time of owning some property in Portland in an undesirable location. When I bought it, I knew it was and when I got rid of it, I knew it was and

at that time I did not have any trouble at all to get insurance on it. I did not get it from the company that I represent. At that time I was not an insurance agent and when the renewal came, they still came and renewed the thing. I realize that things have changed but I say to you that if you ever have half decent property, that it will be insurable and they will insure it.

On the other hand, I always hold to the fact that anybody that is in business should hold the right and does hold the right to insure whoever he wants to. He can insure who he wants to or associate with who he wants to, sell to who he wants to or anything else. This, I believe, is his right, not somebody else's right and I don't think that any company should be — aside from not paying the insurance company and for not meeting their obligation — if the need arises that they should be blackballed because they refused to insure certain people.

I feel very strongly that most of the insurance companies do the best they can. It is a very common thing for all of us, I suppose, to attack any part of the industry that you want to, insurance or otherwise or some people that you just don't care what they stand for but on the other hand, this is our privilege and I submit to you and I will tell you this, that recently the company that I represent paid over \$13,000 on a homeowner's policy. They never cancelled the policy. They almost doubled the policy amount and I think that this was a fine, good gesture.

As far as this editorial is concerned, I think it carries very little weight, if any at all. I suggest to you that this was before the committee. Many members of the committee are very knowledgeable in your insurance field and at this particular time I hope that you support the "ought not to pass" report.

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

Mr. GAUTHIER: Mr. Speaker, Members of the House: I would like to say to you that I am a retired insurance agent. I retired

last year on fire business. I would like to answer Mr. McTeague. I have been looking for him but he is not sitting in his seat.

Mr. McTeague wants to force the insurance companies to take insurance on these slum buildings that are not insurable. I say to him, if that is what he wants to do, why not get after the banks to take the mortgages on these buildings. You don't force the banks to take mortgages on slum areas if they feel that it is not worth the mortgage. Well why make one industry, force them to do it when you don't do it to the other? It seems to me that it is unreasonable to ask to do that.

The SPEAKER: The Chair recognizes the gentleman from Lisbon, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Members of the House: I would like to bring, if I could, the issue back into focus a bit because, of course, we are not talking about cancellation of insurance at all, we are talking about coverage, initial coverage of insurance. In response to the statement just made by the gentleman from Sanford, we are not talking about slum buildings either.

We are talking about insurable property which exists in an area which might be termed run down. In other words, a building which is perfectly livable and perfectly insurable, has not been able in the past in Portland to be able to get insurance, not because of the building itself but because of the buildings which surround it and this is the evil we are trying to attack.

I hold in my hand — and I did not want to bring it up and I waited and I do it very slowly and with some reservations but I must do so in response to Mr. Carrier's remarks. I hold in my hand the report upon which this newspaper article is based and the obvious question in your mind and in my mind is, well, why wasn't this report made earlier? Why wasn't it brought to committee? So I ran down Mr. Hamilton and I said, "Why didn't you bring this report? Why didn't you bring the people who gave you the evidence into our committee?" He smiled at me because perhaps in my youthful

exuberance and I am too naive, and he said, "Jim, the people who gave me this evidence were the very people involved in the 'red lining' and the very people who gave me this evidence work for private insurance companies and for them to come before your committee would mean the end of their career."

Mr. Speaker, members of the House, I would certainly hope that we would reject the minority report on this bill.

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

Mr. GAUTHIER: Mr. Speaker, Members of the House: I would like to answer my good friend from Lisbon Falls. I was in the insurance business for 40 years until I retired and I am talking about fire insurance business at this time and any good property, I don't care whether you were in Sanford, if there were bad buildings around them, I never had an insurance company cancel or refuse to write the business because that building was in good shape. They have always accepted. In all my years, 40 years, not one was rejected because of the condition of the building next door.

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

Mr. HENLEY: Mr. Speaker, I am neither an insurance man, nor landlord nor a rental but I would like to know, like some of the others perhaps, who do not understand insurance too well, does this bill subsidize insurance companies with taxpayers' dollars? Maybe somebody can answer me that.

The SPEAKER: The gentleman from Norway, Mr. Henley, poses a question through the Chair to anyone who may care to answer.

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

Mr. O'BRIEN: Mr. Speaker, I would like to answer that very briefly. Absolutely not. All this bill asks for is the insurer or the potential insurer to have a fair and just hearing before the commissioner, that is all. No money involved.

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

Mr. CARRIER: Mr. Speaker, Members of the House: I take objection to the answer because I think if you look back indirectly, it could be subsidized with the taxpayers' money because if you turn around and you buy a house under Title 235 or 236 or whatever you want to call it, go on forever, the thing is that the insurance and everything else might not be in total subsidized by the taxpayers' money, but the mortgage is—and I would not be surprised if the insurance part of it would be, too.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Hamblen.

Mr. HAMBLEN: Mr. Speaker, Ladies and Gentlemen of the House: I signed the majority "ought not to pass" report. For one thing, there was no documented evidence that there was a need for this insurance coverage. Two, the insurance commissioner himself, although he would like the authority, stated that there was no immediate need for this bill. And thirdly, I have heard many private comments here from people who have suffered at the hands of insurance companies, but I don't think that the insurance commissioner should have the powers that he would get if this bill were passed. I am still going to have to vote not to pass on the bill.

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 those 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 Milo, Mr. Trask, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Relating to Risk Sharing Plans in the Field of Property Insurance" House Paper 189, L. D. 229. All those in favor

of accepting the Majority "Ought not to pass" Report will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Ault, Baker, Berry, G. W.; Bragdon, Cameron, Carrier, Carter, Chick, Cressey, Davis, Deshaies, Donaghy, Dudley, Dunn, Evans, Ferris, Fraser, Gauthier, Hamblen, Henley, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Lawry, LeBlanc, MacLeod, Maddox, Merrill, Morton, Parks, Pratt, Rollins, Shaw, Simpson, L. E.; Stillings, Theriault, Trask, Trumbull, Walker, White, Willard.

NAYS — Albert, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Brawn, Brown, Bunker, Bustin, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dam, Dow, Drigotas, Dyar, Emery, D. F.; Farnham, Farrington, Faucher, Fecteau, Finemore, Flynn, Gahagan, Garsoe, Genest, Goodwin, K.; Greenlaw, Haskell, Hobbins, Jacques, Jalbert, Kelleher, Kelley, R. P.; Keyte, Knight, LaPointe, Lewis, E.; Lewis, J.; Lynch, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McTeague, Mills, Morin, V.; Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Ricker, Rolde, Ross, Shute, Silverman, Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Talbot, Tanguay, Tierney, Tyndale, Webber, Wheeler, Whitzell, Wood, M. E.

ABSENT — Birt, Briggs, Carey, Dunleavy, Farley, Good, Goodwin, H.; Hancock, Herrick, Hodgdon, Kilroy, LaCharite, Littlefield, McNally, Morin, L.; Santoro, Sheltra, Susi.

Yes, 44; No, 87; Absent, 19.

The SPEAKER: Forty-four having voted in the affirmative and eighty-seven in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted. The Bill was read once and assigned for second reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting Ought to pass on Bill "An Act to Permit Furloughs to Inmates or Prisoners from County Jails" (H. P. 562) (L. D. 741)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN of Cumberland
— of the Senate.
Mrs. BAKER of Orrington
Mrs. WHITE of Guilford
Mrs. WHEELER of Portland
Mrs. KILROY of Portland
Messrs. HENLEY of Norway
PERKINS
— of South Portland
McKERNAN of Bangor
DUNLEAVY
— of Presque Isle
— of the House.

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

Report was signed by the following members:

Messrs. CARRIER of Westbrook
GAUTHIER of Sanford
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

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

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker, moves the acceptance of the Majority "Ought to pass" Report.

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

Mr. CARRIER: Mr. Speaker, I move this be tabled for one day.

Thereupon, Mrs. Baker of Orrington requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that this matter be tabled pending the motion of Mrs. Baker of Orrington to accept the Majority "Ought to pass" Report and tomorrow assigned. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 81 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

Consent Calendar First Day

(H. P. 4) (L. D. 4) Bill "An Act Repealing the Law Prohibiting Use of Motor Vehicles on Frozen Surfaces of Part of Sasanoa River" — Committee on Marine Resources reporting "Ought to Pass" in New Draft under New Title "An Act Relating to Use of Motor Vehicles on Frozen Surfaces of Part of Sasanoa River" (H. P. 1122) (L. D. 1283)

(H. P. 165) (L. D. 207) Bill "An Act Relating to Costs of Administration of Food Stamp Program" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S. P. 97) (L. D. 300) Bill "An Act Relating to Compensation and Expenses of the State Board of Hairdressers" — Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 340) (L. D. 455) Bill "An Act Reducing the Amount of Bonds Authorized for Student Housing" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass."

(H. P. 342) (L. D. 457) Bill "An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration, and the State Liquor Commission for the Fiscal Years Ending June 30, 1974 and June 30, 1975" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 343) (L. D. 458) Bill "An Act Reducing the Amount of Bonds Authorized for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for Fiscal Year Ending June 30, 1964" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 361) (L. D. 476) Bill "An Act Relating to Custodian for Beneficiary under Uniform Gifts to Minors Act" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 393) (L. D. 522) Resolve Providing for Purchase of Copies of History of Livermore — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S. P. 207) (L. D. 551) Bill "An Act to Revise the Maine Municipal Bond Bank Act" (Emergency) — Committee on State Government reporting "Ought to Pass"

(H. P. 430) (L. D. 579) Bill "An Act Including Representative of a Council of Governments under State Retirement System" — Committee on Veterans and Retirement reporting "Ought to Pass"

(H. P. 443) (L. D. 592) Resolve to Reimburse the Town of Scarborough for Damage to Property by Escapees from the Boys Training Center — Committee on Legal Affairs reporting "Ought to pass"

(H. P. 491) (L. D. 645) Bill "An Act Repealing the Law Requiring Municipalities to Remove Worthless Trees within the Limits of Ways and Streets" — Committee on Legal Affairs reporting "Ought to Pass"

(S. P. 252) (L. D. 703) Bill "An Act Relating to Creditable Service under State Retirement Law for Certain Teachers" — Committee on Veterans and Retirement reporting "Ought to Pass"

(H. P. 555) (L. D. 735) Bill "An Act Relating to Jurisdiction of County Enforcement Officers in Fresh Pursuit" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 640) (L. D. 856) Resolve Providing Funds for the Purchase of Copies of the 'History of Winthrop, Evolution of a Maine Community' — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 673) (L. D. 880) Bill "An Act Relating to Change of Name and Shareholders of the Federal Employees' Credit Union of Maine" — Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 702) (L. D. 907) Bill "An Act to Clarify the Law Relating to Fishery Inspection" — Committee on Marine Resources reporting "Ought to Pass"

(H. P. 703) (L. D. 908) Bill "An Act to Clarify the Law on

Handling of Polluted Shellfish" (Emergency) — Committee on Marine Resources reporting "Ought to Pass"

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

Consent Calendar

Second Day

(H. P. 431) (L. D. 580) Bill "An Act Relating to Beano or Bingo Licensing"

(H. P. 599) (L. D. 790) Bill "An Act Relating to Committee Functions at State Political Conventions"

(H. P. 1087) (L. D. 1255) Bill "An Act Relating to Registration and Enrollment at a Municipal Caucus"

No objection having been noted, were passed to be engrossed and sent to the Senate.

Passed to Be Engrossed

Bill "An Act Changing the Name of the State Board of Hairdressers to the State Board of Cosmetology" (H. P. 284) (L. D. 358)

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

Mrs. Boudreau of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-83) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent to the Senate.

Bill "An Act Relating to Content of Ballots" (H. P. 442) (L. L. 591)

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

Mr. Ross of Bath offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-80) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. ROSS: Mr. Speaker and Members of the House: This bill was sponsored by the gentleman from Gardiner, Mr. Whitzell, and I am sure he will explain it in detail. It entails changing the square you vote in from the right hand side to the left hand side to make

it easier for older people or people with poor eyesight to vote rather than try to follow all the way across the ballot.

Now my amendment puts the last name first, because candidates are known by their last name in balloting. This, of course, is a common procedure in other things in order of names. It is found in many forms from your Internal Revenue forms to your driver's license and so forth. And this would make it still easier. You could read the last name, not bother to go any further, and just place a check mark in front of it.

I hope that the amendment will be adopted and then we could discuss the entire project.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended and sent to the Senate.

Second Reader Tabled and Assigned

Bill "An Act Relating to Safety of Dams" (S. P. 410) (L. D. 1176) (Emergency)

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

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

Passed to Be Enacted Emergency Measure

An Act Relating to High School Equivalency Certificates (H. P. 272) (L. D. 379) (C. "A" H-68)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Engrossed

An Act Relating to Apportionment of Cost of Reconstruction of Railroad Grade Separation Structures on Nonfederal Aid - State Highways (S. P. 136) (L. D. 348) (H. "A" H-62)

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

Orders of the Day

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

Bill "An Act Relating to Permits to Practice Hairdressing and Beauty Culture" (H. P. 312) (L. D. 414)

Tabled—March 7, by Mr. Dyar of Strong.

Pending—Acceptance of either Report.

On motion of Mrs. Baker of Orrington, the Minority "Ought to pass" Report was accepted.

The Bill was read once and assigned for second reading tomorrow.

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

Bill "An Act Relating to Selecting Chairman of and Length of Tenure of the Members of the State Board of Hairdressers" (H. P. 315) (L. D. 433)

Tabled—March 7, by Mrs. Boudreau of Portland.

Pending—Acceptance of either Report.

On motion of Mr. Norris of Brewer, retabled pending acceptance of either Report and specially assigned for Wednesday, March 14.

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

Bill "An Act to Establish within the Department of Indian Affairs a Bureau of Indian Police" (H. P. 377) (L. D. 506) (C. "A" H-65)

Tabled—March 7, by Mr. Simpson of Standish.

Pending—Acceptance of Committee Report.

On motion of Mr. Binnette of Old Town, retabled pending acceptance of the Committee Report and specially assigned for Wednesday, March 14.

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

Resolution, Proposing an Amendment to the Constitution Reducing Residence Requirement for Voting to Thirty Days. (H. P. 9) (L. D. 9)

Tabled — March 7, by Mr. Birt of East Millinocket.

Pending — Passage to be enacted.

On motion of Mr. Birt of East Millinocket, tabled unassigned pending passage to be enacted.

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

Bill "An Act Relating to Hunting from Public Ways" (H. P. 160) (L. D. 202) (H. "C"-H-70) (C. "A"-H-32)

Tabled — March 8, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and tomorrow assigned.

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

Bill "An Act Providing for Field Examiner for Election Division of the Department of the Secretary of State" (S. P. 151) (L. D. 385) (C. "A" - S-18)

Tabled—March 8 by Mr. Ross of Bath.

Pending—Motion of Mrs. Baker of Orrington to reconsider indefinite postponement.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: If we should reconsider this, I would later offer a very simple amendment, which changes just one word in the title. The term now used in the title is "Field Examiner." It is not the proper description for the job designation. I intend to change that from examiner to field advisor.

We discussed in detail the need for this job the other day, so I will not go into it very deeply. Clerks and election officials need briefing. Even the most knowledgeable clerks, those from Lewiston, Portland and so forth are solidly behind this idea.

Last year, some officials gave firm rulings completely against the election laws, only because they didn't know. The deputy secretary covered as much as possible of the state, but it is physically impossible for one man working alone to cover the entire amount in that length of time. But wherever he went, even to the towns of those of you who claim you do not need this assistance, the remarks were always complimentary. And without exception, they said that they had learned more from their discussion than any other time in their lives. And with the changes every year, the job becomes even more essential.

As further evidence, the U. S. District Court in the district of Maine said there was absolutely no uniformity in the voting lists throughout Maine. And as you know, these lists are now used to select jurors. This is most difficult, to be fair and impartial with these type lists, and without standards and uniformity. They want to know if we plan any remedial action in this session of the legislature.

Of course, we have other bills pertaining to voting lists, which are even more important. But once some of those are passed, to inform the election officials, you must have something like this. A field examiner would be a tremendous help to keeping up our election laws in Maine and I hope that we reconsider.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: My position today has not changed any more from what it did last week. I am very much against this bill. And I am against the hiring of these two people because I will tell you why. If you care to take a look at the budget that was prepared for you, under the General Fund Current Services budget, there is an increase already before the Appropriations Committee for eleven people in this department. Now that is eleven more than they have got at the moment. And if you want to go a little further into the Gen-

eral Fund expansion of new activities budget, there is a request for three additional people. Now that is 14 more people for the Secretary of State's department. I am not saying that they don't need these people. But I am saying that we don't need Mr. Ross's bill here this morning, because if there is a request for 15 more people, in our budget, for this coming session, I don't believe that we need this bill of Mr. Ross's to hire two additional people.

I argued the other day that my voting lists in my particular city were A okay and to my knowledge, they are. I think that Mr. Ross brought out a valid point, saying that due to election changes in law that these people have to be contacted by the Secretary of State's Office, due to the new election rule. But we don't have to hire 17 or 18 more people. They already have a bunch of requests in now for 11 in the Current Services and three more in the expanded services. I say no, we vote not to reconsider this morning, it is unnecessary.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: As a member of this committee that signed this bill "ought not to pass," I think I have some very good reasons. First of all, I think I quite adequately explained it the other day. Two people or one person is not going to properly advise every town or city in the State of Maine. If this was the case, I might have looked at it in a little different light. This is not the case. If they start these new services, like I told you the other day, a foot in the door. This is going to end up with a lot of people on the payroll, before they are done and the advice from down there is not necessarily any better than some town clerk who has been town clerk for thirty or forty years.

I know of a case in the last election where they gave three different opinions in the same day on a certain item. So their advice may not be so official. So to advise these people, with one or two

personnel in the whole state would not accomplish anything except a foot in the door, number one. And my other point is, that we so soundly defeated this the other day that we shouldn't have to chew this all over again. I hope that we do not reconsider.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I, too, opposed that measure, when it was presented before us on the grounds that I think that they have enough correspondents and enough of these ballot clerks and election clerks who can read and write properly. They can follow instructions. They don't have to have a man come up there and spend an evening with them. Because a lot of time these people who come up, which I have had occasion to know in the past, that when they left, some of those people were so confused they didn't know what they had come there for. And I also believe, from what the representative from Bangor said, that if they are going to increase their department to 11 men, I don't see why they should have to have two more along with it, because these men are no more efficient than what they came up with decisions last fall, prior to the election on the first floor, I think we are going to be more confused than ever. So therefore, I still continue my belief that we should move for indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I spent, believe me, nine solid hours on Part I Budget. Now I want to assure the gentleman from Bangor, Mr. Kelleher, and I am not going to get into this charade, but I am going to assure him of one thing, that out of the nine solid hours that I spent over the weekend on Part I, a few minutes were spent on the department that he was talking about. If we hire 11 additional men in that department, I will join the Republican party.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I seriously doubt if we are going to add 11 new people in the Secretary of State's office. Furthermore, I believe the gentleman from Bangor will find that these are to go to the Archives department, if any of them go. Secondly, the two new additional people that have been requested, one is for a seasonal clerk, the second one for a microfilm reader and printer.

I went down to the basic principle of our democratic system and that is the elections. That is what makes and breaks the democratic system. When we have election laws in the state that are to be interpreted by the clerks in our different municipalities, then I think it behooves us to do everything in our power to make sure that our election laws are adhered to and that they are understood.

And what we are asking for today is for an advisor to go in and work with these people on a yearly basis. And I defy anybody here to say that there is any municipality in this state, that there isn't a clerk there that doesn't periodically, at some time or other, seek the advice of the Secretary of State's Office because they do not understand the laws and how they apply.

I realize we have many municipalities that have a very good clerk and people who thoroughly understand the election laws. However, I think we should take a look at all the municipalities in the state and not just a few because I have five towns, and I would submit to you that at least three of those towns have a very confused attitude about the election laws in this state and need help and need help drastically.

I urge you to reconsider our action so that we can accept this and have this field advisor, as needed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Before I make my comments, having sat

here for a few semesters, I have gotten to a point where sometimes I might be able to read minds. The gentleman from Standish, Mr. Simpson, can rest at ease. I am going to stay where I am and I hope that he stays where he is and we will all be even. In any event, I am not going to go into — I think I am known here as not exactly the most liberal of members of the legislature.

I am going to leave this one thought with you and it is this. Although I have many, many years of service on the Appropriations and Financial Affairs Committee, time and time again, the head of the department of Secretary of State would be the sole departmental head who would come before the Appropriations Committee and say, "Everything is in order. I have got enough money, as a matter of fact, I have got too much money and I would like to turn some back." And that went along all right for a period of time. But believe me, somewhere along the time, it hurt and that is where that department from head to toe has gotten hurt.

Now there is nobody in this House, past, present and future, who would be more conservative than I am when it comes to the Part I, Part II or any bill that involves money.

And there is nobody, frankly, however I have supported the front office politically very, very, very definitely and done my job of work in a very hard way. There is nobody, however, I will admit, who has at times taken issue with some of the programs somewhere along the line, and I say it, because the record shows it. But by the same token, somewhere along the line, sometimes some of these things, the new programs, might prove to be good.

In this particular instance here, I have a member of my family who is now retired, and I spoke to her last evening in the sunny south. I talked to her about this bill for a couple of minutes and she informed me that this might prove to be very much an educative bill. If this in any way would set up and open up a new bureaucracy, I would be the first one to be against it.

Praise has been given to the department for the work that they have done. Now, if they had a couple people to do more work, it might be done in a more efficient manner. If you go into several of our areas in Maine, you will find their voting lists are in excellent order. You will find also, that many of them know a great deal about what goes on insofar as the election laws are concerned. But in many other areas of the state, the reverse is in order on both counts.

I am not making a big issue of this thing but I am saying to you this: I consider the process of voting as you do, very sacred, and this in my opinion, would be a step in the right direction. Somewhere along the line, money must be spent. Somewhere along the line, money must and will be saved.

Personally, I think this is a sound program and I wish you would adopt it because I think it is money spent in the right area. Money spent in the right area, is good. Money spent in the wrong area, is bad and I think on many an occasion I have risen and I will, before the session is over, on several areas, I assure you, speak against measures if I stand alone.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: To my knowledge there is no emergency on this bill, and if it did pass, and it got reconsidered and it passed, it would end up on the Appropriation Table, and I think it is unnecessary. As far as I am concerned, the budget document says right here that they are requesting 11 more people in the Current Services Budget and they are asking for three more in the expanded services budget. This is not necessary. Now if the department is so understaffed down there that they haven't been explaining the election laws over the years, I don't agree with this argument, I don't buy it one little bit because I know that the Secretary of State's Office does go into the various communities in our state. For instance, they may come to Bangor and they would ask the surrounding

towns, the people who are elective offices in the communities around my town and they come in and they explain the changes in the election laws.

This is not needed. It is not needed today and it is not needed tomorrow. The Appropriations Committee, that very influential committee, is hearing for 14 more people down in this office and I say that we should give the proper respect to this bill. We killed it the other day, let's not give it any more reconsideration and send it on its merry way this morning.

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

Mr. ROSS: Mr. Speaker and Members of the House: Just very briefly, I know you all want to go to lunch. To answer Mr. Kelleher from Bangor, this is not my bill, it is dubbed so because it came out of the Election Laws Committee and I am chairman of the Election Laws Committee. It is the bill of the gentleman in the other body. I believe it is a good bill. It does not talk about 15 people, it talks about one person and one stenographer and that is all.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't think anything has been said yet about what this man's duties would be. In other words, he has no really official capacity other than to advise and I do not think anything has been said about where the problem is that they want to correct.

Now, the problem is not a serious one in my opinion and some towns do have some deceased people on the voting list and they are going to advise them that they should be taken off and these people already know that. It is just a question of some time, getting it done.

The other thing that is involved is something like \$40,000, the price tag of \$40,000 and I think there is a hundred people in this state that \$40,000 could better be spent to see if they can make their life a little more pleasant, rather than

trying to do something to harass people back home a little more and I think that when you get home after this session is over, one of the questions you are going to be asked, especially you new members, is what makes the cost of government go up every year and what makes state government so high. Well, I can tell you now so you will know ahead of time that it is when we come down here and hire a lot more personnel at \$40,000 a year and \$50,000 somewhere else. When this is finally totalled up, it makes state taxes a lot higher while the same people are still living here that was living here the year before.

So, they think — and I think they have some right to think — that we have to find all of our ward heelers a job when we come down here. So we have to make a lot of state jobs and we seem to bear that thinking out every time we come here because the employees' book gets thicker every year. It is two here and two somewhere else but it all adds up to a lot of people before we leave here and this would be a good place to start knocking off two. Now, we have already done it and I hope we do not reconsider.

Mr. Simpson of Standish requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, I move this item lie on the table two legislative days.

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

Mr. KELLEHER: Mr. Speaker, I respectfully ask for a division and that we get rid of it this morning.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that this matter be tabled for two legislative days. All in favor will say yes; those opposed will say no.

A viva voce vote being doubted by the Chair, a vote of the House was taken.

Thereupon, Mr. Birt of East Millinocket requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 Standish, Mr. Simpson, that L. D. 385 be tabled two legislative days. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Birt, Bither, Boudreau, Bragdon, Brown, Bunker, Cameron, Churchill, Clark, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Donaghy, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Flynn, Fraser, Gahagan, Garsoe, Goodwin, K.; Hamblen, Haskell, Henley, Huber, Hunter, Immonen, Jackson, Jalbert, Kelley, Kelley, R. P.; Knight, Lewis, E.; MacLeod; Maddox, Martin, McHenry, Merrill, Morton, Murchison, Norris, Palmer, Parks, Pratt, Ross, Shaw, Shute, Simpson, L. E.; Snowe, Soulas, Stillings, Trumbull, Walker, White, Willard, Wood, M. E.

NAY — Ault, Berry, P. P.; Berube, Binnette, Brawn, Bustin, Carrier, Carter, Chick, Chonko, Conley, Connolly, Cooney, Cote, Crommett, Dam, Davis, Deshaies, Dow, Drigotas, Dudley, Faucher, Fecteau, Ferris, Finemore, Gauthier, Genest, Greenlaw, Hobins, Jacques, Kelleher, Keyte, LaPointe, LeBlanc, Lewis, J.; Lynch, Mahany, Maxwell, McCormick, McKernan, McMahon,

McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, O'Brien, Peterson, Pontbriand, Ricker, Rolde, Rollins, Silverman, Smith, S.; Sproul, Talbot, Tanguay, Theriault, Tierney, Tyndale, Webber, Wheeler, Whitzell.

ABSENT — Albert, Baker, Briggs, Carey, Dunleavy, Farley, Good, Goodwin, H.; Hancock, Herrick, Hodgdon, Hoffs, Kilroy, LaCharite, Lawry, Littlefield, McNally, Perkins, Santoro, Sheltra, Smith, D. M.; Susi, Trask.

Yes, 61; No, 65; Absent, 24.

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

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman of Orrington, Mrs. Baker, that the House reconsider its action whereby it indefinitely postponed this matter.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I am not taking any violent issue by any means with the gentleman from Bangor, Mr. Kelleher, nor the gentleman from Enfield, Mr. Dudley, because 99½ percent of the time I agree with them anyway and the same in reverse.

Now in all honesty and fairness, however, you know every department asks for more help. Now I can show you in the budget book and I am sure that the gentleman from Bangor, Mr. Kelleher can show you in the budget book where some departments have asked for 60, 70, 80 more people. The fact that the Secretary of State Department asked for 11 people more in their department and three others later on, certainly doesn't mean that they are going to get them. I can guarantee you that they are not going to get them. And I am sure that any member of the Appropriations Committee would stand up and also probably agree with me.

I had a member of the House for whom I have a tremendous amount of respect say to me at

the beginning of the session, "Louie, I am not going to vote for any bills at all that call for more help or any more employees in the State of Maine". And I partially agreed with him. Somewhere along the line, however, some measures do come up that might require more help, might cost a little money, but might pay off in big dividends. And I just happen to feel that this is one area.

I just feel very very strongly that if these two jobs are allowed, the bill can even be further amended and I think frankly, the Secretary could be done away with. I think we could probably leave it just as a person who would be put in the field. I know for a fact. You talk about the work that is being done now, no human being can travel the length and breadth of this State of Maine, and then when he gets done start doing it all over again and spending time and able to do the efficient job that we would hope would be done. I know what it is to travel the length and breadth of the state because I did it on a small project that I tried to put through. I did it one-half the travel the first time and the entire length and breadth of the state the second time and believe me, it was quite a task. I wound up in one of my second homes for three weeks after I got done.

I know what this work here would entail, Mr. Speaker, and members of the House. I know the intentions behind this. In my opinion, it is absolutely of a non-partisan nature. It could prove to be very helpful. It would prove to educate a great many people, that the only way you can educate them is by sitting with them and discussing it with them and telling what the situation is.

You know, sometimes it is true that after a meeting is when the first meeting starts. There are a great many people who go to meetings, and they are shy, they are reticent. They do not want to make suggestions or ask questions. Believe me, I don't think I have ever gone to a meeting when there has been a lengthy discussion or a discussion after the meeting that

some good point hasn't been brought out by somebody that I have said to, "why didn't you ask that at the meeting?" They said, "I was afraid to, you know I do not get up and ask questions, I was bashful for one reason or another."

I repeat, I think I would classify myself as one of the more conservative members of the House. I am happy to say that the gentleman from Enfield, Mr. Dudley, feels that this could be spent in another area to a better cause. Maybe so. But I think at least one thing is certain, this measure here could be given the opportunity to rest on the Appropriations Table where it will be resting after it would be finally enacted in this House and go into the other body. But if that happened then, I mean it might be discussed and probably be discarded, along with other matters of some importance, as others have been. I have had my bills discarded that I thought were very important the last two or three days of the session. I think this measure here should really — because of its value, in my opinion — should really be given an opportunity to rest on the Appropriations Calendar for further consideration and consideration as to whether it has more value than the other measure.

I am not all gung-ho about the spending of the money. But I do say this; that this matter here would really pay us off in great dividends in the form of education if we would put it into effect.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: There have been some figures discussed around here as to over-all cost and number of people involved, the number of people requested by the Secretary of State Department. The Governor's supplemental budget, on page 31, L. D. 343, they requested two additional people by the Secretary of State's Department that are authorized by the Governor. There are eleven additional people requested but the

Governor did not recommend them. These two people for additional staff as seasonal clerk and a microfilm reader-printer, as has been pointed out. There are no eleven people recommended by the governor. There are no eleven people that probably will be seriously considered by the Appropriations Committee.

Frankly, I think the intent of this bill is right. The cost of it is around \$16,000 a year, and I think — I would hope that you would support the motion.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I would ask Representative Birt if he would mind getting his budget document out and look on page 288. Now it says there under budget recommendation that they are asking for eleven people. I didn't manufacture it. It was put into the budget that was given to each individual legislator here. And if you want to go a little step further, go over to page 408 and there was a request there under expansion of new activities budget on page 408 of three people. I didn't manufacture it, it was put right here into this document.

And, ladies and gentlemen, I hope you will just hold your vote. This isn't needed. If the Appropriations Committee, in their wisdom, believe that they should have 14 more, 15 more, or 16 more or 24 more, they will put it in and they will pass it because they have the authority. But I do not believe that we have to use the document before us to put two more additional people in when it is already in the budget here.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: It seems to me that we have few enough departments in the state that would spell things out as they are. We have charged this department with informing the municipalities of all rules and regulations having to do with election. And whether we pass this particular document or not, I am

sure under the general authority, those who are charged with these responsibilities may send someone out, may have an assistant under the general fund.

I would like to see more of this action by departments whereby the legislature will know exactly where this money is being spent. I, therefore, think that this is a good move and I hope you go along, and reconsider.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: The number of positions requested by the Secretary of State really is not germane to our discussion here this morning, but I think that it would be very easy to get this information for you. We have heard the request from the departments. Unfortunately, I don't have my own notes with me in regards to this particular department. So I think that it might be well, since it has been made an issue, that this can be clarified very easily if we do table this motion and get the information and bring it in.

I think one thing that may need an explanation in the government reorganization that we had last year, a great many departments — the number of people varied from last year because of the addition and because of the reorganization of the function. I am quite sure that I am right in saying that there hasn't been any proposal heard by the Appropriations Committee for an addition of personnel, anything like eleven people mentioned here and I am reasonably sure that the explanation is the combination of the government reorganization.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: What the departments ask for and what they receive is another thing altogether. The procedure is that what is spent actually, what is estimated to be spent, what the department requests would be, what the department recommendation will

be and what the Appropriations recommendations will be. I guarantee that what the Appropriations recommendation will be will be far less and will be most pleasing to my very good young friend from Bangor, Mr. Kelleher.

As far as page 409 or whatever it is, is concerned, that's what I call the dream part of the budget. That is Part II. You can forget all about that one. That is why I am going with this thing. I am not a dreamer.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: So I can remember what Mr. Jalbert said, I have been here two terms and the two terms I have been here, I have heard that Part II is a dream budget. Well I will tell you something, that dream budget becomes a reality, because it is always in Part I, \$20 million, \$30 million, \$40 million every time we come back here. So I hope that the gentleman is correct in saying that it is a dream and that they are going to cut it down considerably. But this dream he is talking about, as far as Part II, if you people get elected and come back here in the 107th, you are going to see that it is part of Part I.

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House reconsider its action whereby it indefinitely postponed this matter last week. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Birt, Bither, Boudreau, Bragdon, Brown, Bunker, Cameron, Churchill, Cooney, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Donaghy, Drigotas, Dyar, Emery, D. F.; Farnham, Farrington, Ferris, Flynn, Fraser, Gahagan, Goodwin, K.; Greenlaw, Hamblen, Haskell, Henley, Immonen, Jackson, Jalbert, Kelley, Kelley, R. P.; Lewis, E.; MacLeod, Maddox, Martin, McHenry, McMahon, Merrill, Morin, V.; Morton, Murchison, Najarian, Norris, O'Brien, Palmer, Parks, Pratt, Rollins, Ross, Shaw,

Shute, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Stillings, Theriault, Tierney, Walker, White, Whitzell, Willard, Wood, M. E.

NAY — Albert, Ault, Berry, P. P.; Berube, Binnette, Brawn, Bustin, Carrier, Carter, Chick, Chonko, Clark, Conley, Connolly, Cote, Crommett, Dam, Davis, Deshaies, Dow, Dudley, Dunn, Evans, Faucher, Fecteau, Finmore, Garsoe, Gauthier, Genest, Hobbins, Huber, Hunter, Jacques, Kelleher, Keyte, Knight, LaPointe, LeBlanc, Lewis, J.; Lynch, Mahany, Maxwell, McCormick, McKernan, McTeague, Mills, Morin, L.; Mulkern, Murray, Peterson, Pontbriand, Ricker, Rolde, Silverman, Smith, S.; Sproul, Talbot, Tanguay, Trumbull, Tyndale, Webber, Wheeler.

ABSENT — Briggs, Carey, Dunleavy, Farley, Good, Goodwin, H.; Hancock, Herrick, Hodgdon, Hoffses, Kilroy, LaCharite, Lawry, Littlefield, McNally, Perkins, Santoro, Sheltra, Susi, Trask.

Yes, 67; No, 62; Absent, 21.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-two in the negative, with twenty-two being absent, the motion does prevail.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: Once again I rise to oppose the indefinite postponement of the bill. I would hope that you would not indefinitely postpone it. That we would accept the majority report in concurrence and let the bill proceed on its way.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: After listening to the debate here this morning and the figures involved, I don't see anything too far wrong with what we have been doing for the past few years and that is a telephone call or a letter sent from the municipality to the Secretary's office and the reply coming back. I do wonder how much it is going to cost on services when we figure 400 towns or better in the state, two people traveling the whole year round, advising these people if they

can find them in their office in the small municipalities. To me this becomes an expensive operation if it is adopted.

Mr. Ross of Bath requested a roll call vote.

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

ROLL CALL

YEA — Albert, Ault, Berry, P. P.; Berube, Binnette, Brawn, Bustin, Carrier, Carter, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cote, Crommett, Dam, Davis, Deshaies, Dow, Drigotas, Dudley, Dunn, Faucher, Fecteau, Finmore, Garsoe, Gauthier, Genest, Henley, Hobbins, Hunter, Jacques, Kelleher, Keyte, Knight, LaPointe, LeBlanc, Lewis, J.; Lynch, Mahany, Martin, Maxwell, McCormick, McKernan, McTeague, Mills, Morin, L.; Morin, V.; Murray, Peterson, Pontbriand, Ricker, Rolde, Silverman, Smith, D. M.; Smith, S.; Sproul, Talbot, Tanguay, Tierney, Tyndale, Walker, Webber, Wheeler, Whitzell.

NAY — Baker, Berry, G. W.; Birt, Bither, Boudreau, Bragdon, Brown, Bunker, Cameron, Churchill, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Donaghy, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Ferris, Flynn, Fraser, Gahagan, Goodwin, K.; Greenlaw, Hamblen, Haskell, Huber, Immonen, Jackson, Jalbert, Kelley, Kelley, R. P.; Lewis, E.; MacLeod, Maddox, McHenry, McMahon, Merrill, Morton, Mulkern, Murchison, Najarian, Norris, O'Brien, Palmer, Parks, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Snowe,

Soulas, Theriault, Trumbull, White, Willard, Wood, M. E.

ABSENT — Briggs, Carey, Dunleavy, Farley, Good, Goodwin, H.; Hancock, Herrick, Hodgdon, Hoffses, Kilroy, LaCharite, Lawry, Littlefield, McNally, Perkins, Santoro, Sheltra, Stillings, Susi, Trask.

Yes, 67; No, 61; Absent, 22.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-one in the negative, with twenty-two being absent, the motion to indefinitely postpone does prevail.

Sent to the Senate.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Just because I want to reopen, I move that we reconsider our action whereby we moved to indefinitely postpone the last item, and incidentally I was not on the prevailing side so I would be ruled out of order and I would like to speak on that decision.

The SPEAKER: Does the gentleman request unanimous consent to briefly address the House on the record?

Mr. JALBERT: No, Mr. Speaker.

The SPEAKER: For what purpose does the gentleman stand? To move to reconsider our action whereby we indefinitely postponed this matter? The Chair would have to rule the gentleman out of order.

Mr. JALBERT: All right, but I would question that ruling Mr. Speaker but in the meantime I would, in order to be able to speak I would ask unanimous consent to address the House, on the record.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: The reason I am speaking is not because of the fact that the vote was what it was, Mr. Speaker, but in my opinion, and it is a humble opinion, the motion to reconsider, in effect, was really a motion to bring the bill and put the bill alive. In my serious but humble opinion, Mr. Speaker, the motion then that was placed to indefinitely postpone

this measure was not in order. For that reason I would ask, Mr. Speaker, that someone would reconsider this motion who was on the prevailing side and then table that motion so that this measure might be given the fair, honest shake that it was not given this morning by confusing and by confusion and lame talk and by confusion in motion.

The SPEAKER: The Chair would inform the gentleman that the other day the Chair spoke with the former Speaker, four term Speaker, David J. Kennedy of Milbridge and we discussed this very issue and he informed me, suggested to me that the proper motion after we vote to reconsider was then to vote on the particular question itself which was the indefinite postponement motion. So the Chair ordered that way.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: Well my old pappy told me to always pay my bills and you know. In any event, Mr. Speaker, I will take issue with the gentleman from Eagle Lake, Mr. Martin, because between the time that we moved to reconsider there was intervening motions and that was to indefinitely postpone, there was an intervening motion to reconsider our action. So on that basis alone that makes the thing alive. So if the gentleman from Eagle Lake will then acquiesce to my thinking, then he having been on the prevailing side would be in perfect order to reconsider our action whereby we indefinitely postponed this bill and then I hope that the gentleman on my far right would move to table it.

Mr. Finemore of Bridgewater was granted unanimous consent to address the House.

Mr. FINEMORE: Mr. Speaker and Members of the House: I am amazed this morning that the gentleman from Lewiston, Mr. Jalbert would argue this point because we have reconsidered indefinite postponement once and that is all

that can be done in this House.
The gentleman from Eagle Lake,
Mr. Martin is correct. We can't
reconsider.

On motion of Mr. Simpson of
Standish,
Adjourned until nine o'clock
tomorrow morning.