

# 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**

Thursday, March 22, 1973

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

Prayer by the Rev. Mr. James W. Fletcher of Poland.

The journal of yesterday was read and approved.

**Order out of Order**

Mr. Flynn of South Portland presented the following Order and moved its passage:

ORDERED, that Catherine Emery and Betsy Snow of Portland be appointed Honorary Pages for today.

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

**Papers from the Senate**

Bills and Resolution from the Senate requiring reference were disposed of in concurrence, with the following exception:

Bill "An Act to Establish the Maine Telecommunications Commission" (S. P. 440) (L. D. 1505)

Came from the Senate referred to the Committee on State Government.

In the House: On motion of Mr. Kelleher of Bangor, referred to the Committee on Public Utilities in non-concurrence and sent up for concurrence.

**Non-Concurrent Matter**

Bill "An Act Relating to Educational Research" (S. P. 99) (L. D. 244) which was indefinitely postponed in the House on March 20.

Came from the Senate with that body voting to insist.

In the House:

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

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

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that the House adhere.

The Chair recognizes the gentleman from Augusta, Mr. Bustin.

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

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

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a division. Last week I think we took very decisive action on this measure. I think we should not insist and ask for a Committee of Conference. I believe that we should adhere to our previous action.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't really have too much to say on this. It seems to me that the bulk of the debate and the major reason for being against this was the way it was going to be funded — that is taxing the municipalities in order to study educational research.

My only motive for moving for a Committee of Conference is to see if we can adopt the principle of somehow finding some way to fund the educational research, which is absolutely necessary in this state. So if we have a Committee of Conference, maybe we can work something out, that is all.

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

A vote of the House was taken.

35 having voted in the affirmative and 82 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Donaghy of Lubec, the House voted to adhere.

From the Senate: The following Joint Order: (S. P. 449)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, March 26, at 10 o'clock in the morning.

Came from the Senate read and passed.

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

#### **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 Committees:

##### **Agriculture**

Bill "An Act Relating to Disposal of Deceased Animals" (H. P. 1206) (Presented by Mr. Dam of Skowhegan)

Bill "An Act Authorizing the Commissioner of Agriculture to Investigate Certain Farming Practices" (H. P. 1207) (Presented by Mr. Cooney of Sabattus)

Bill "An Act Relating to Delinquent Dog Taxes" (H. P. 1208) (Presented by Mr. Dam of Skowhegan)

(Ordered Printed)  
Sent up for concurrence.

#### **Appropriations and Financial Affairs**

Bill "An Act to Create Community Industrial Buildings in Maine" (H. P. 1217) (Presented by Mr. Silverman of Calais)

(Ordered Printed)  
Sent up for concurrence.

#### **Business Legislation**

Bill "An Act Relating to when Merger or Consolidation of Corporations Becomes Effective" (H. P. 1209) (Presented by Mr. Brown of Augusta)

(Ordered Printed)  
Sent up for concurrence.

#### **Judiciary**

Bill "An Act Relating to Possession of Marijuana for Personal Use" (H. P. 1210) (Presented by Mr. Brown of Augusta)

(Ordered Printed)  
Sent up for concurrence.

#### **Labor**

Bill "An Act Relating to Preference for Maine Workmen in the Construction of Public Works" (H. P. 1211) (Presented by Mr. Tierney of Durham)

Bill "An Act to Amend the Employment Security Law" (H. P. 1212) (Presented by Mr. Tierney of Durham)

(Ordered Printed)  
Sent up for concurrence.

#### **Legal Affairs**

Bill "An Act Authorizing Beano or Bingo on Sunday at Agricultural Fair Associations" (H. P. 1213) (Presented by Mr. Trumbull of Fryeburg)

Resolve to Reimburse Mrs. Wellington E. Fifiel of Patten for Payment of Malt Liquor License (H. P. 1214) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)  
Sent up for concurrence.

#### **Marine Resources**

Bill "An Act to Allow Coastal Wardens to Inspect Licensees" (H. P. 1215) (Presented by Mr. Greenlaw of Stonington)

(Ordered Printed)  
Sent up for concurrence.

#### **State Government**

Bill "An Act Extending the Hours of the Maine State Library" (H. P. 1216) (Presented by Mr. Brown of Augusta)

(Ordered Printed)  
Sent up for concurrence.

#### **House Reports of Committees Leave to Withdraw**

Mr. Cottrell from the Committee on Taxation reporting Leave to Withdraw on Bill "An Act to Allow Sales Tax Exemption for Veterans Organizations for Materials Purchased for Capital Improvements" (H. P. 806) (L. D. 1062)

Report was read and accepted and sent up for concurrence.

#### **Divided Report**

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Resolution Proposing an Amendment to the Constitution to Implement the Administration of Justice by Permitting Eight-man Juries for Trials of Certain Criminal Cases (H. P. 173) (L. D. 215)

Report was signed by the following members:

Mr. TANOUS of Penobscot  
— of the Senate.  
Messrs. HENLEY of Norway  
GAUTHIER of Sanford  
PERKINS  
of South Portland  
Mrs. BAKER of Orrington  
Mrs. WHEELER of Portland  
Mrs. WHITE of Guilford  
Mrs. KILROY of Portland  
— of the House.

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

Report was signed by the  
following members:

Messrs. BRENNAN of Cumberland  
SPEERS of Kennebec  
— of the Senate.  
Messrs. DUNLEAVY  
of Presque Isle  
McKERNAN of Bangor  
CARRIER of Westbrook  
— of the House.

Reports were read.

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

The Resolution was read once  
and assigned for second reading  
the next legislative day.

#### Divided Report

Majority Report of the Commit-  
tee on Judiciary reporting "Ought  
to pass" on Bill "An Act Repealing  
the Law Making Relatives Respon-  
sible for Persons Receiving  
Hospital Care" (H. P. 318) (L. D.  
436)

Report was signed by the  
following members:

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

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

Report was signed by the  
following members:

Messrs. CARRIER of Westbrook

GAUTHIER of Sanford  
HENLEY of Norway  
— of the House.

Reports were read.

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

The Bill was read once and  
assigned for second reading the  
next legislative day.

#### Divided Report

Majority Report of the Commit-  
tee on Judiciary reporting "Ought  
to pass" as amended by Committee  
Amendment "A" (H-120) on Bill  
"An Act to Impose a Fee for  
Waiving the Waiting Period before  
Marriage" (H. P. 646) (L. D. 862)

Report was signed by the  
following members:

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

Messrs. PERKINS  
of South Portland  
CARRIER of Westbrook  
GAUTHIER of Sanford  
HENLEY of Norway

Mrs. WHITE of Guilford  
Mrs. BAKER of Orrington  
Mrs. WHEELER of Portland  
Mrs. KILROY of Portland  
— of the House.

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

Report was signed by the  
following members:

Mr. BRENNAN of Cumberland  
— of the Senate.  
Messrs. DUNLEAVY  
of Presque Isle  
McKERNAN of Bangor  
— of the House.

Reports were read.

On motion of Mrs. Baker of  
Orrington, the Majority "Ought to  
pass" Report was accepted and the  
Bill read once.

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

The Bill was assigned for second  
reading the next legislative day.

#### Consent Calendar First Day

(H. P. 480) (L. D. 625) Bill "An  
Act Relating to Use and Possession  
of Spray Paint Cans in State Con-  
trolled Areas" — Committee on

Natural Resources reporting "Ought to pass" in New Draft (H. P. 1218) (L. D. 1536)

(H. P. 500) (L. D. 653) Bill "An Act Amending the Uniform Flag Law" — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (H-122)

(S. P. 306) (L. D. 969) Bill "An Act Authorizing Municipalities and School Administrative Districts to Secure Competitive Bids in the Construction of School Buildings" — Committee on Education reporting "Ought to pass" as amended by Committee Amendment "A" (S-40)

(H. P. 809) (L. D. 1055) Bill, "An Act Specifying a Time Limit for Return of Marriage Certificates" — Committee on Judiciary 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. 505) (L. D. 657) Bill "An Act Requiring Constructed Public Buildings be Made Accessible to the Physically Handicapped"

(S. P. 227) (L. D. 662) Bill "An Act Extending the Appeal Period under Employment Security Law"

(S. P. 286) (L. D. 833) Bill "An Act to Extend Law Relating to Construction and Effect of Repealing Acts to Include Municipal Ordinances"

(H. P. 643) (L. D. 859) Bill "An Act to Revise the Law Prohibiting the Location of Dumps within 300 Feet of Classified Bodies of Water"

(S. P. 315) (L. D. 981) Bill "An Act Relating to Time Period for Use of Marriage Certificate" (C "A" S-39)

(S. P. 335) (L. D. 1034) Bill "An Act Appropriating Funds to Department of the Attorney General to Print Reports of Two Attorneys General" (Emergency)

(S. P. 364) (L. D. 1078) Bill "An Act Transferring Funds from Appropriations to other Departments to the Department of the Attorney General" (Emergency)

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

#### **Passed to Be Engrossed Amended Bill**

Bill "An Act Relating to Hospital Reports" (S. P. 75) (L. D. 192) (C. "A" S-38)

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

#### **Second Reader Recommended**

Bill "An Act Appropriating Funds for a Local Government Center" (H. P. 766) (L. D. 999)

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

Mr. Carey of Waterville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-114) was read by the Clerk.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: It may get by without anybody asking any questions, but what it does, it changes from unappropriated surplus to the General Fund, to the local government fund the financing of this particular structure. At a time when the state and the country as a whole are facing a wholesale cut-back in social programs, it would seem very inappropriate for us to take \$100,000 out of the surplus account and pay for this building, when in fact the local government fund, which was a fund started two years ago with \$7.7 million is now going to be returning to the community in the coming two years \$14.7 million. And I cannot think of any other agency in the State of Maine that has received a hundred percent increase in their appropriation.

So certainly if the fund has more than doubled and they now have a seven million dollar bonanza over what they had two years ago, they certainly can afford to pay for this out of the \$100,000.

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

Mr. BRAGDON: Mr. Speaker and Ladies and Gentlemen of the House: I move the indefinite postponement of House Amendment "A" and very briefly I will try to explain my position.

As the gentleman has explained, L. D. 999 was a bill to appropriate \$1,000 from the General Fund to the Maine Municipal Association for the construction of a building. This bill had the unanimous approval of the Appropriations Committee. Now for a number of years past, the Maine Municipal Association, which represents municipal governments in the State of Maine, has looked forward to the day when they could get out of their inadequate quarters in two buildings located in the city of Hallowell and have a building more in keeping with the important position which they occupy in the setup of our state and municipal government system. And to see this desire accomplished, over the years they have assessed the municipalities and presently have a building fund of \$80,000.

Now they are anticipating the construction of a building which will cost \$335,000. This particular year, to put their goal into effect, they have requested from the municipalities \$135,000 to bring this fund up to the point where they could do the construction this coming year. They feel this amount, with the amount which was requested from the state, would do this job.

I will now speak to Representative Carey's motion. Before I do I want to say that usually I agree wholeheartedly with the gentleman from Waterville, Mr. Carey. In this instance, I do not. His amendment, perhaps I should say that in the requests that they have made through the municipalities this year, some municipalities have responded. The City of Caribou was one of the first to respond to their request for their share of this building. I am informed from other sources that the Town of Eagle Lake will not participate. Now I think this is exactly as it should be. The towns have the right to make their decisions and I think they should retain that right.

If you vote for Mr. Carey's amendment you will, in effect, be saying that all the towns statewide — you will be appropriating without their consent or anything else — you will be appropriating \$100,000 by this legislature to take a proportional share out of each town and city in the State of Maine. This is their money given to them by a previous legislature. It is their money to do with as they see fit. And I think they should retain the right of making their own decisions. I will never become a part of — go with this legislature, going along and taking over the decision making of appropriations of the municipalities. For this reason, I oppose House Amendment "A" and I move its indefinite postponement.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I will explain briefly the committee's position on this bill. We felt that the bill should be passed out at this time and will go on the Appropriations Table. The success of the Maine Municipal Association in raising money from local sources certainly is going to be a key factor in whether or not the bill is funded in the final days of the legislature. I agree with Representative Bragdon that it seems to me a little bit unorthodox approach for us to attempt to make a decision on money which in the last analysis does belong to all the municipalities in the state. For us to attempt to make the funding decision here, in my view, the approach which has the approval of the Appropriations Committee — a unanimous report out of the committee, that this go along — and meanwhile we see during the course of the next few months the success that the Association has with money raising, which I am sure will be a factor in the final disposition of this item.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I have served on the

Appropriations Committee. Those of you who have been here before have seen us pass bills that have come out of Appropriations unanimously "ought to pass." We have strived and we did before and obviously they still do, to try to put bills out of the Appropriations Committee with unanimous "ought to pass" for the simple reason that they go out onto the Appropriations Table.

If Mr. Bragdon feels so strongly about the Maine Municipal as I do, being a member of the Maine Municipal Association, then I cannot see his objection to this bill, because this bill would guarantee that they would get the \$100,000 to put up their building.

Some of you who have been here before will recall that we spend the last two days of the session just stripping the Appropriations Table. I feel very strongly that unfortunately this would be one of these appropriations that would be stripped at the end — \$100,000 is a lot of money.

The best way to insure that they get their money is to go along with House Amendment "A". And to give you some idea of the bonanza that we as municipalities will enjoy by the 4 percent return from the sales, income and corporate taxes — the way the bill was written back in 1971 and I helped pass that bill, I worked strongly with Percy Porter out of Lincoln to pass that bill, as some of you will remember — we received \$112,000 in the City of Waterville last year, and this coming year we expect to get two hundred and some thirty thousand dollars. We are going to get double the amount of money that we had before. So obviously the money is there to pay for this thing. And if there has been an increase of some \$7 million in that fund, \$100,000 off the top to insure that the building gets put up is certainly not detrimental.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think I would have to agree with the comments that were made by the Representative from Perham, Mr. Bragdon. It seems that this

was a backdoor approach to obtaining this \$100,000 and it is completely wrong. It actually would not be an appropriation from the legislature. It would be withholding some of the funds that they normally would be allocated under another program. I certainly would oppose this amendment.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was one of those who signed the report for the unanimous "ought to pass" on this although I voiced my feeling about it.

I would like to go back, if I may, insofar as the Maine Municipal Association. The Maine Municipal Association was formed in the days when we used to come here — not we, when members of the legislature used to come here actually with a team of oxen and spend five or six weeks here and go home. They had no attorneys; they had nobody to represent them legally, so this association was formed. Since then, of course, we have grown both within the cities and towns and naturally the state has grown thereby, so that all the cities and towns have legal representation.

Now if anyone here would look at the reports that are put out periodically by the Maine Municipal Association, the urban members of the legislature would vehemently oppose some of the measures that the Maine Municipal Association agree with. Some of the rural members of the legislature would also oppose vehemently some of the measures that are presented as "Ought to pass" or "ought not to pass" or they favor or they do not favor or there is no comment that they make.

Now bear in mind that it is impossible, and I realize that, for the Maine Municipal Association to call a meeting of its full membership throughout the state to decide what bill they oppose, what bill they go along with or what bill they don't care to take a stand on.

Now as far as I personally am concerned, I feel that in this day

and age, for instance in my community we have a corporation council that we pay a goodly sum of money. In Portland they have a corporation council fulltime, an office with two people. In Bangor I think they are either fulltime or certainly, as we are in Lewiston, the pay is commensurate to almost — it is a goodly sum of money.

I feel very strongly that in view of the fact that the gentleman from Waterville has put in this amendment, which I think has a lot of merit, I would suggest that the bill be recommitted. If it is not recommitted, then, of course, I will go along with the unanimous report of the committee, which I signed, and I am not going to change my thinking midstream.

I can tell you one thing right now, as far as I am concerned, with the times as they are, I can think of other ways of the state spending funds but to expend money to the Maine Municipal Association, which does business with the towns and cities, to support them to build a building.

And so in view of the fine amendment that I think the gentleman from Waterville, Mr. Carey, who is a former member of the Appropriations Committee, has presented, in view of that, Mr. Chairman, I now move that this bill be recommitted.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalberty, that this Bill be recommitted to the Committee on Appropriations and Financial Affairs. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

97 having voted in the affirmative and 22 having voted in the negative, the motion did prevail.

Bill "An Act Relating to Taxation of Farmland" (H. P. 773) (L. D. 1007)

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

### Passed to Be Enacted Emergency Measure

An Act to Increase Borrowing Capacity of Brewer High School District (H. P. 466) (L. D. 614)

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. 127 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.

An Act Relating to Animal Welfare (S. P. 42) (L. D. 98)

An Act Relating to Costs of Administration of Food Stamp Program (H. P. 165) (L. D. 207)

An Act Relating to Tribal Elections, Governor and Council of the Penobscot Tribe of Indians (H. P. 243) (L. D. 325) (C. "A" - H-91)

An Act to Increase Fees of Deputy Sheriffs (H. P. 297) (L. D. 399) (C. "A" - H-87)

An Act Increasing Borrowing Capacity of Town of Old Orchard Beach School District (H. P. 520) (L. D. 685)

An Act Relating to Registration and Enrollment of Voters (S. P. 238) (L. D. 689)

An Act Relating to Definition of Dependent under Group Life Insurance Policies (H. P. 534) (L. D. 716)

An Act Relating to Health Insurance Policy Reserves (H. P. 535) (L. D. 717)

An Act Relating to Disclosure of Vital Records (H. P. 539) (L. D. 721) (C. "A" - H-92)

An Act Relating to Compensation of Election Commissioners and Clerks of the Indian Voting Districts (H. P. 613) (L. D. 811) (C. "A" - H-93)

An Act Appropriating Funds to Educate and Rehabilitate Persons Handicapped by Deafness (S. P. 445) (L. D. 1377)

An Act to Permit County Commissioners to Contract with Municipalities for Use of Public Dumps and to Assess Costs of Public Dumps (H. P. 1162) (L. D. 1374)

Were reported by the Committee on Engrossed Bills as truly and

strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

### Orders of the Day

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

Joint Order relative to Excise Tax — Privilege of Operating Motor Vehicle (H. P. 878)

Tabled — March 20, by Mr. Morton of Farmington.

Pending — Passage.

Thereupon, the Joint Order was passed and sent up for concurrence.

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

Bill "An Act Repealing Date for Application as a Public Accountant" (H. P. 582) (L. D. 776)

Tabled — March 20, by Mr. Trask of Milo.

Pending — Acceptance of either Report.

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

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

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

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

Mr. McNALLY: Mr. Speaker and Members of the House: I will read to you the communication that I had from one of the public accountants that requested that I submit this bill. He has written it up much better than probably I could express it.

He says, "The present law was passed in 1967 and it was the opinion of most accountants within the State of Maine that a law should be passed governing all Public Accountants instead of just Certified Public Accountants under a dual regulation system. At the same time, the Certified Public Accounts would not consent to these regulations unless the Public Accountants were grandfathered in under the law until June 30, 1969.

After June 30, 1969, there would be a period until June 30, 1974, in which a person could become a licensed Public Accountant by meeting certain requirements and taking a written examination. After June 30, 1974, there would be no more new Licensed Public Accountants and any Accountants licensed after this date would be Certified Public Accountants. At present, to become a licensed Public Accountant, the applicant must pass a written examination prepared and corrected by the National Society of Public Accountants in Washington, D.C.

"Under the present accountancy law, a person has to be licensed in order to hold himself out as a Public Accountant or render an opinion on financial statements. Persons and Corporations not registered under the accountancy law may prepare unaudited financial statements, do bookkeeping services, prepare income tax returns and engage in any other accounting practices as long as they do not hold themselves out as Public Accountants or use the words 'Public Accountant'.

"If the present law is allowed to discontinue the licensing of Public Accountants in this State, it would appear that an injustice will be done to the Small Businesses and persons who depend on Public Accountants to perform the much needed financial services of today. Banks are much more reluctant today to accept financial statements from borrowers unless one renders some kind of an opinion on the financial statements. At the present time, there are not enough Certified Public Accountants in this State to service the many small businesses.

"The most important reason for retaining the Licensed Public Accountants in the State of Maine would be that the purpose of the original accountancy bill was to protect the public from the Unqualified Practitioners. There not being enough Certified Public Accountants to service these Small Businesses and without the Licensed Public Accountants, these unqualified persons would be rendering these services. The qualifications to even sit for the

CPA Exam will eventually be a Masters Degree and this will cause fewer persons to sit for the examination. The rate the State of Maine is increasing in Small Businesses and population is further indication that accounting services cannot be handled by Certified Public Accountants alone.

"Another reason is that a Public Accountant may have a son or daughter who may be planning to eventually take over his practice or even purchase his business. After June 30, 1974, he or she will have to be a Certified Public Accountant.

"We have Registered Nurses and Licensed Practical Nurses, Engineers and registered land surveyors and many other combinations of dual practices; all of which are needed in this State. Why pass laws that benefit a special class of people such as the Certified Public Accountants and do an injustice to the small businesses and other people who need the help of professional people with perhaps fewer qualifications than the Certified Public Accountant but qualified to do the job?"

After receiving that, I put the bill into the hopper and it is as you see it today. Now, I would like to go a little bit farther. I can remember back in the 103rd that this is a bill that had been before the 100th, the 101st and the 102nd and it was only in the 103rd that the public accountants and the CPA's got together and agreed enough so that this was put through and at the time, either Representative Scribner or Representative Robertson made the statement that it wasn't absolutely perfect but it was a start towards what was needed in this state and later on it would probably be revised.

I also discovered by looking back in the book that they so fortunately furnish us about old times, a remark that was made in the hearing and this is by a public accountant who had been a public accountant since 1948. And he said, "I believe in some government body to protect the public but cannot see how this would be

accomplished by creating a CPA monopoly."

Now I have only had one CPA actually call me on the phone and he is a very fine fellow and all that but when I pinned him right down to it, the thing that they don't want this date removed for is they want to become just as well as the lawyers are situated with the laws of today.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I am against the acceptance of this report. I have received several letters from accountants in my area and to briefly sum it up I will take a paragraph out of one of them and it says, I would like to take this opportunity to express my views on L. D. 776. I believe that L. D. 776 is in direct conflict with the public's interest. As a matter of record there was not one party present at the committee hearing who was in support of the change in the law. I believe that the Maine Society of Public Accountants has indicated its opposition to this measure when it voted to oppose such a change in the law.

The membership of this society includes both public accountants and certified public accountants. So I would hope that you vote against the acceptance of the majority report.

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

Mr. HAMBLÉN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to add a few things to what has been said. And the representative from Ellsworth is right. The 100th, 101st and 102nd Legislatures did consider bills to regulate the practice of accounting in Maine. However, the accountants themselves could not agree on grandfather and registration provisions and the bills never got a favorable committee report. Finally in the 103rd Legislature, the two factions were able to agree on a compromise bill. The committee reported unanimously "ought to pass."

The 103rd Legislature recognized that it was desirable to license and regulate accountants and that the state had a positive duty to set high standards to be met by those who would assume the heavy obligations of public accounting. The bill was passed and became the present law.

This present law recognizes the highest professional standards imposed upon CPA's because of their association with the American Society of Certified Public Accountants. The law as written permits public accountants to continue their practice but provides only limited standards for registering new practitioners because of the provision that such registration would cease in 1974.

If this law passes, the State of Maine will, in effect, say that two classes of licensees, with greatly differing requirements of education, experience and examination, will be permitted to offer the same services to the public.

The Internal Revenue Service recognizes the CPA by allowing him powers not extended to P.A.'s. Bonding companies recognize the difference and what is probably the strongest consumer protection agency, the Securities and Exchange Commission recognizes only CPA's for financial reporting.

The person who requested this bill was not at the public hearing and there were no proponents who spoke. The only public accountant present spoke against the bill.

I believe this bill is contrary to public interest and I move that it and all its accompanying papers be indefinitely postponed.

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

Mr. McNALLY: Mr. Speaker and Ladies and Gentlemen of the House: I just want to give out a little bit of information to the House. The reason that there wasn't anybody at the hearing, I unfortunately was in California and it was very kindly presented by another gentleman. And at the time, as you know, at this particular time, I believe that most public accountants are pretty well

tied up with income tax returns. I know this particular one that sent me the written part was, and those who talked with me on the phone seem to be quite busy.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I rise to concur with Representative Hamblen. There is a great difference in the requirements for the two people, for the two occupations. In my opinion from the testimony given, I think that around nine or something like that that have even applied to become public accountants in the last several years. And this certainly would not take care of the growth of businesses here in the State of Maine. And I do think that we can wipe, at least this section, out of the statutes.

The SPEAKER: The pending question is the motion of the gentleman from Gorham, Mr. Hamblen, that L. D. 776 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 28 in the negative, the motion did prevail.

Sent up for concurrence.

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

Bill "An Act Authorizing Use of County Funds for Child and Family Services in Piscataquis County" (H. P. 381) (L. D. 510)

Tabled — March 20, by Mr. Carter of Winslow.

Pending — Passage to be engrossed.

Mr. Carter of Winslow offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-124) was read by the Clerk and adopted.

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

The Chair laid before the House the fourth 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)

Tabled — March 20, by Mr. Ault of Wayne.

Pending — Passage to be engrossed.

On motion of Mr. Simpson of Standish, retabled pending passage to be engrossed and specially assigned for Tuesday, March 27.

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

Bill "An Act Creating Aroostook County Commissioner Districts" (H. P. 55) (L. D. 65)

Tabled — March 20, by Mr. Finemore of Bridgewater.

Pending — Acceptance of Committee Report "Ought to pass"

On motion of Mr. Finemore of Bridgewater, the Report was accepted, the Bill read once and assigned for second reading the next legislative day.

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

Bill "An Act to Establish Information and Referral Service in the Department of Health and Welfare" (H. P. 642) (L. D. 858)

Tabled — March 21, by Mrs. White of Guilford.

Pending — Acceptance of either Report.

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

Mr. DYAR: Mr. Speaker, I would move the acceptance of the majority "ought not to pass" report and would speak briefly.

The SPEAKER: The gentleman from Strong, Mr. Dyar, moves the acceptance of the Majority "Ought not to pass" Report. The gentleman may proceed.

Mr. DYAR: Mr. Speaker, Members of the House: This legislation has a \$286,000 appropriation tied on it for the next four years. At the present time, the Department of Health and Welfare does have a phone available, a Watts line, whereby low-income people or any person in the State of Maine who wants information as to the ser-

vices within the department can call the department and, in most cases, within a matter of minutes be connected with any particular agency that might help them with their problem.

Therefore, it seemed to me and I think some of the committee that this money can be spent better in other areas. If the \$286,000 was available, it would probably do more good going out to people who need the money rather than setting up a new agency to handle referrals.

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

Mr. LaPOINTE: Mr. Speaker and Ladies and Gentlemen of the House: I have some prepared remarks. Essentially what I would like to do is commend Mrs. White for considering putting this bill in the hopper and bringing it before the legislature, because I think it is an enlightened piece of legislation and shows a great deal of vision and farsightedness on her part, possibly on the part of the Department of Health and Welfare.

I wish to share with you some of my reasons for signing the minority report. I believe that many Maine residents are confronted with many human service needs, but they really don't know where to turn when they are facing or confronted with one of these needs. This is what sometimes I refer to as the "tell me where to turn" syndrome. Where does the unknowing and uninformed Maine person turn when confronted with a human need?

Today many Maine people in their daily routines are subjected to disruption, buffeted by some event that requires help in the meeting and the coping with that problem. Many Maine residents suffer from sudden illness, sudden disability. Maine senior citizens are in need of homemaker services, housing and what have you. Furthermore, today the difficulties are complicated by the availability of a vast array of human services provided by both the public and private sector.

Ladies and gentlemen of the House, what happens to a family

today in Bangor or Lewiston, Augusta or Portland, when they are confronted with a problem? Who do they turn to? How do they find out about what services exist, what services are available to them, what service is appropriate to them. What happens to the elderly person, say in York County or Aroostook County or any county for that matter, who, because of her growing age or his growing old, is confronted with a need? To whom and where does that person turn? What happens to the youth who is physically handicapped, suffering from emotional disorder or in the need of psychiatric help? Where does that youth and his family turn in their moment of need? Where does one turn to when catastrophic illness suddenly strikes a happy, active, independent person? Does that person turn to homemaker services, local health departments, State Health Department, voluntary health agencies, the Veteran's Administration, golden age clubs, the Salvation Army, counseling services, Traveler's Aid, mental health clinics, day care, Boy's Club, YMCA, YWCA, vocational rehabilitation, ad infinitum?

How does a person today, who is confronted with a vast array of the services that I mentioned above and the many more that went unmentioned, how does he find out which service is appropriate for him? Many of the people who are in need go about looking for help in a hit or miss fashion and believe me, when a person is under stress, he does not shop around very long and usually he stops and his need gets unmet.

The bill before you today calls for the establishment — and I grant Mr. Dyar his complaint with the bill, it does have a very high cost — but where does this person go? Where does this person turn? I think that the services that are called for in this particular piece of legislation are very enlightened and very much in order.

Last fall, a local planning organization in Portland completed a report on emergency services and one of their first recommendations was the establishment of a

24-hour information and referral service to help people in their time of need.

I do not suggest to you, Mr. Speaker and ladies and gentlemen of the House, that the way the bill is written right now, specifically calling for as much money as it does and the 13 personnel, is well written. I do believe and I think that you will agree with me that there is a need for this sort of service within the Department of Health and Welfare, within the Department of Educational and Cultural Affairs and within any other department that has been established to meet the needs of the people of Maine.

I have here in my hand right now the Maine Departmental Telephone Directory, which in all likelihood probably could easily meet the needs of a lot of people but not everyone has this. I think that what this bill calls for, its concept and what it will do for the people of Maine is very important and I hope that you will not accept the majority report, give a lot of consideration to accepting the minority report, possibly sending it to Appropriations and the Appropriations Committee, in their great wisdom, will think of some way of looking at the fact within the programs that are established to meet the needs of the people in the State of Maine and find some money to fund this program.

On motion of Mr. Simpson of Standish, tabled pending the motion of the gentleman from Strong, Mr. Dyar, to accept the Majority "Ought not to pass" Report and specially assigned for Tuesday, March 27.

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

Bill "An Act Relating to Recording Municipal Ordinances Relating to Land Control" (H. P. 858) (L. D. 1001)

Tabled — March 21, by Mr. Cooney of Sabattus.

Pending — Passage to be enacted (S. "C" - S-36)

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Members of the House: I have an amendment to offer. I have checked with the sponsor and he has no objection. I have also checked with the chairman of the committee, but I do have to wind it back through several motions. So if you will bear with me, I will begin.

On motion of Mr. Cooney of Sabattus, under suspension of the rules, the House reconsidered its action of March 19 whereby it voted to recede and concur, and on further motion of the same gentleman, the House voted to recede.

On further motion of the same gentleman, under suspension of the rules, the House receded from the adoption of Senate Amendment "C".

The same gentleman then offered House Amendment "A" to Senate Amendment "C" and moved its adoption.

House Amendment "A" to Senate Amendment "C" (H-125) was read by the Clerk and adopted. Senate Amendment "C" as amended by House Amendment "A" thereto was adopted.

On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Monday, March 26.

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

Resolve, to Reimburse Audrey G. Pray of Hersey for Loss of Poultry by Foxes (H. P. 554) (L. D. 734)

Tabled — March 21, by Mr. Emery of Rockland.

Pending — Acceptance of either Report.

On motion of Mr. Emery of Rockland, retabled pending acceptance of either Report and specially assigned for Monday, March 26.

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

Bill "An Act Eliminating Waiting Period under Employment Security Law" (H. P. 560) (L. D. 739)

Tabled — March 21, by Mr. Goodwin of South Berwick.

Pending — Motion of Mr. Brown of Augusta to accept Majority Report "Ought not to pass"

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

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: There are several proposed amendments to this proposition. There are some who feel that some good may come out of it and because of this confusion one thing and another, I move that we recommit this matter to the Committee on Labor, Joint Committee.

Thereupon, recommitted to the Committee on Labor and sent up for concurrence.

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

Bill "An Act Relating to Seizing Firearms Equipped with a Silencer" (H. P. 357) (L. D. 472)

Tabled — March 21, by Mrs. Baker of Orrington.

Pending — Acceptance of Committee Report.

On motion of Mrs. Baker of Orrington, retabled pending acceptance of the Committee Report and specially assigned for Tuesday, March 27.

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

Bill "An Act Relating to Bilingual and Bicultural Education" (S. P. 62) (L. D. 165)

Tabled — March 21, by Mr. Birt of East Millinocket.

Pending — Acceptance of Majority Report "Ought to pass" as amended by Committee Amendment "A" (S-12)

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

Mr. GAHAGAN: Mr. Speaker and Members of the House: I would only like to call the attention of the House to the differences between the majority "ought to pass" report and minority "ought to pass" report in new draft.

If you would refer to your booklet, the minority "ought to

pass" report in new draft is L. D. 1376. You will note that the committee was unanimously in favor of bilingual education. There is no question of our intent here. However, we did feel that in the minority position that these teachers who are teaching bilingual courses should be subject to certification by the State Board of Education in both course content and the language of instruction.

Another difference between L. D. 165 and L. D. 1376 is that we have asked that these bilingual courses be only offered for a four-year period. In the statement of fact under L. D. 165, which is from the majority, the intent is expressed "Federal bilingual education grants are for a five-year period and cover five grades. An amendment to the statutes is necessary in order that Maine schools may participate in programs in grades three and four."

This bill, L. D. 165, does not do this. The new draft, L. D. 1376, does.

Now I am from a community where we have a bilingual education program and it is Caribou. We have a very successful program which is presently being operated in grades one and two. Now, I have spoken to the Superintendent of Schools in Caribou and the principals and the various teachers of this bilingual program and they are in favor of going through to grade four.

Now, I have risen because I feel it very important for the cause of bilingual education that I call to your attention the federal enabling legislation which funds bilingual and bicultural programs.

There is no question that the federal government is in favor. Under Title 7 the federal government states, "In recognition of the special educational needs of large numbers of children of limited English speaking ability in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational policies, to develop and carry out new and imaginative elementary

programs designed to meet these special educational needs."

Now I wholeheartedly support bilingual education but I don't want to jeopardize it by passing a bill which I feel places our ability to receive funds for bilingual education programs in jeopardy. Therefore, I hope that you would consider this in looking over L. D. 1376 and consider accepting the minority "ought to pass" report in new draft.

The SPEAKER: The pending question is the motion of the gentleman from Caribou, Mr. Gahagan, that the House reconsider its action whereby it accepted the Majority "Ought to Pass" Report.

The Chair recognizes the gentleman from Van Buren, Mr. LeBlanc.

Mr. LeBLANC: Mr. Speaker and Members of the House: I too am from an area where we have this program and I favor this bill, L. D. 165, of lifting the restrictions in bilingual education. This act passed in 1969. I believe that any statutes preventing or restricting the use of a child's native tongue deprives him of equal education opportunity which he or she has.

The Governor, in his special message on January 30 states: "I will support legislation to permit bilingual education beyond grade two. Since Congress has authorized funds for bilingual education, no additional appropriation is required. An abundance of research indicates children taught to read and write in the language of their home, and then taught in English are more fluent in both languages than under the present system. Further, given our growing ties to Quebec and Europe, there can be little doubt of the wisdom of encouraging bilingual education."

There are 177 bilingual programs in the United States, 34 different languages. Experience during the last five years with federally funded follow-through programs and the federally funded Title 7 Bilingual Education program is indicative of the importance for a child to be taught in his native tongue as well as in English. The

objective in the use of a foreign language in the schools is not to develop a separate ethnic person but to develop a fully bilingual child with ability to communicate readily in the national tongue.

We have a program in the valley, I mentioned before and here is what the Heuristique Inc., an education evaluation research company, has to say about our program. I will read it in part because the report is pretty long but the first paragraph reads: "We have reviewed data collected on the St. John Valley Bilingual Program to assess the effect of participation in it on the students acquisition of English skills. It is our opinion that participation in a bilingual program has not retarded their English skill acquisition."

And the last paragraph I will state because I think that Mrs. Berube from Lewiston will come through with an amendment. It reads: "Of course, it is most important that bilingual education programs be thoroughly planned and professionally implemented, as has been the case in your program. I would suggest that those individuals in the Legislature responsible for the bilingual bill visit your project to see first-hand how effectively such a program can operate."

The federal Title 7 at present does limit the bilingual education for five years. It doesn't specify any grades. You can teach it from the third grade on to the eighth grade or else you can teach it from kindergarten to four and for this reason I believe that we should vote in favor of the bill as it is.

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

Mr. MURRAY: Mr. Speaker and Ladies and Gentlemen of the House: As I understand this bill now the motion before the House is reconsideration and I would urge you to oppose the motion. The House has already accepted the majority "ought to pass" report with the committee amendment.

What this bill will do is legalize bilingual education throughout the school system and not limit it to the second or fourth grade. The present law limits it to the second

grade. If the committee report "B" was accepted, it would limit it to the fourth grade. I think that if we, two years ago or four years ago when the first bill was passed, found there was merit in bilingual education and if certain people feel that there is merit in bilingual education to the fourth grade, I can't follow their reasoning that there is not merit in four through eight or even into high school.

I think that it is our job in our educational systems to enhance the resources and abilities children bring with them to school. We don't try to bring people into our school system and mold them into a certain form and let them go out the way we would like everyone to look, all the same. I think that it is very important that when young people come in and they can speak a foreign language, that our system is flexible enough so that they will go out of that school system better able to speak English and French or English and whatever other native language we are dealing with.

I think that it is a real important thing for the State of Maine to go on record as reaffirming its position of a few years ago which is continuing to offer bilingual education to more and more students. So I oppose the motion on the floor for reconsideration and hope that you will all vote that way.

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

Mr. GAHAGAN: Mr. Speaker and Members of the House: I am not sure if everyone is really clear on this. The federal enabling legislation provides these grants for bilingual education programs throughout the school system, that is correct. However, the State of Maine saw to it that we restricted the teaching of bilingual education to grades one and two. This new piece of legislation, L. D. 165, would open up the possibility for bilingual courses throughout the school system.

Now, the purpose of bilingual education is to enable non-English speaking students to gain an understanding of the English language. Now, the reason for teach-

ing bilingual, which is to teach a course say in math or a non-language course in a foreign language is to get them to understand the English language so that they can continue on in the school systems to learn the English language. So this legislation is to provide for a transition from the speaking of a foreign language into the speaking of the English language; and as it says in the federal legislation, "It is to provide the establishment, maintenance, and operation including acquisitions of necessary teaching materials and equipment designed to meet the special educational needs of children of limited English speaking ability in schools having high concentrations of such children. The programs are early childhood educational programs related to the purposes of this title and it is designed to improve the potential for profitable learning activities by these children." We want to make sure that non-English speaking children are able to speak the English language.

I would like to reconsider to put in the provision that they are certified in both the course content that they are teaching; whatever course it is, they have to be certified by the State Board of Education and certification in the language that they are teaching.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Gahagan, that the House reconsider its action whereby it adopted the Majority "Ought to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

50 voted in the affirmative and 57 voted in the negative.

Thereupon, Mr. Gahagan of Caribou 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 of the gentleman from Caribou, Mr. Gahagan, that the House reconsider its action whereby it accepted the Majority "Ought to pass" Report.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: As I look at the two bills that are before us, coming from a country that has English as a major language, I certainly would like to support the minority report. I would agree that bilingual education right now has gone for two years and has done a fine job. But I do not know as I am ready to open it up to the point where we have it wide open all the way through the school system. I believe that if we want to go to a five year program that we should go in that type of a step. I would urge that you do reconsider so that we have a chance to accept the minority report.

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

Mr. MURRAY: Mr. Speaker and Ladies and Gentlemen of the House: I believe if you read the bill you will notice that the bill has a lot of safeguards in it. And I think that if you have any trust in your superintendents of schools and your local school boards, in the Commissioner of Education, in the State Board of Education and in the final say of this legislature, I do not think you will have to worry about programs coming into the school systems that will be detrimental to the children they are supposed to be serving. I think that we have enough safeguards in this bill so that these programs will be beneficial and that they will protect the resources and the abilities that some children have when they go into school.

I strongly urge you to oppose the motion for reconsideration.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I feel sure that the gentleman from Bangor is right, that such programs might be beneficial. I would refer you to the very good job Mr. Gahagan has done of giving you the history of this bill and I would go along with Mr. Simpson in the light of the history of the bill. This was started out to help children that were born into families that used other than the English language to adjust to English so that they could meet their obligations in the schools and in society and still have their so-called native tongue. I thought that if they were born in the United States they might as well have English as a native tongue, but evidently from the testimony, this is not true. I would hope that you would go along with Mr. Gahagan.

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

Mr. BITHER: Mr. Speaker and Ladies and Gentlemen of the House: I had to rise because I could not let Hayes Gahagan go along on this alone. I signed that minority report, or report "B", or now as it is known, 1376. I think that it is the best bill. I hope no one goes home crying about this because there is not enough difference between the two, I do not think, to fight about it all day.

But I would like to point out this to this group. This bilingual education, just in case you are thinking that it only refers to some of our French people and French Canadians, you are wrong. This refers and deals with any area that has a high concentration of people in another language. Who is coming in on this? The Indians can come in on it. The group of Russians down in Richmond can come in on it. Any area that has a high concentration of people with another language can come in on this very thing, and I just wanted to add that. I do go along with Hayes Gahagan and I hope that you will reconsider.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to ask a question to anyone who can answer and I would like to pose a question through the Chair. It seems to me in section one of either one of these bills, it would allow teaching the courses at the high school level after the grammar school level is finished and in one case of course it limits it to the first four grades. Does that mean then, that you commence again at the high school level when you reach that age?

The SPEAKER: The gentleman from Farmington, Mr. Morton, poses a question through the Chair to anyone who may answer if he desires. The Chair recognizes the gentleman from Caribou, Mr. Gahagan.

Mr. GAHAGAN: Mr. Speaker and Ladies and Gentlemen of the House: In reply to Mr. Morton. In high schools now you can already take a foreign language. That is no problem. What we are doing is amending the privilege of taking a foreign language in high school and adding the privilege of taking not more than one non-language course per semester. This is in addition to the bilingual aspects of the first four years and actually has confused the intent of this legislation.

However, I would just inform the gentleman that a student, intending to major in French or Russian, whatever foreign language, in college, should be given the opportunity to explore other areas of that language while in high school.

The first paragraph, under section one of 1376, provides that he can take an additional course in a foreign language to be taught in that foreign language. That is only one course. Grades one through four, you are allowing more than one course to be taught. If there is any more confusion, I would just hope that you have faith that 1376 is within the guidelines of the federal regulations which enable the funding for these programs and that myself, if I may speak again Mr. Speaker, for a third time.

The SPEAKER: The gentleman Mr. Gahagan requests unanimous

consent to speak a third time. Is there an objection? The Chair hears none, the gentleman may proceed.

Mr. GAHAGAN: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Bangor, Mr. Murray, is correct that we should encourage bilingual education, and I support this wholeheartedly. There is no question. However, speaking from a school which has had very great success in bilingual programs, we are concerned that we don't go too far all at once.

The first time this went through the legislature, we allowed it for grades one and two. This time, let's try two more years and make an assessment. Let's see how it looks in two more years. We do not want to rush into this because we may be making a terrible mistake. But this does not mean that we should defeat the concept of bilingual education.

I urge that you reconsider and go on to accept a minority report.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I think that the question posed by the gentleman from Farmington, Mr. Morton, ought to be responded to. The answer is yes. Under the minority report, you could teach up to the fourth grade in either language or any language and then back in the high school you would then allow them to go back and teach an additional course other than the foreign language in that native tongue, which is kind of a disparity I think in the minority report.

In the majority report, as I view it, that particular option would remain up to the eighth grade, then obviously a continuation into the high school program. So if you want a continuation step or a continuation program at all, then the majority approach is the best approach between the two. We have to be careful about how we respond to whether or not the federal government allows this or doesn't. The federal law allows it,

period. It does not limit it to four grades or two, et cetera; it is an unlimited program.

Secondly, keep in mind that the limitation that we imposed upon this two years ago—or maybe it is four now, it must have been, because it was sponsored as I recall, by the gentleman from Madawaska, Mr. Levesque, and he has been two sessions out of here — the federal government at that time allowed only a two-year program. Since that time, the federal government has broadened the program because they feel that it is a very meaningful type of approach, and that is why the approach is being brought here today.

I think the majority report is the way to approach the problem. I must admit, though, I was not aware that the gentleman from Standish, Mr. Simpson, came from a bicultural, bilingual area and had been faced with the problem like I have and some of us who come from those areas. Because if you do, you are aware of the problems that arise and we are trying to face and trying to solve and this basically is the approach, the right approach. I would hope that you would I guess at this point oppose the motion for reconsideration, because that clearly is the majority report, which I think is the way that it ought to go. I keep in mind that I am speaking not as a floor leader at all but as a legislator from an area which has the problem, and we are in a real bind with this.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Gahagan, that the House reconsider its action whereby it voted to accept the Majority "Ought to pass" Report on Bill "An Act relating to Bilingual and Bicultural Education" (S. P. 62) (L. D. 165). A roll call has been ordered. All those in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berry, P. P.; Birt, Bither, Bragdon, Briggs, Bunker,

Cameron, Chick, Churchill, Cooney, Cressey, Crommett, Curtis, T. S., Jr.; Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Ferris, Flynn, Gahagan, Garsoe, Hamblen, Haskell, Herrick, Hoffses, Huber, Hunter, Immonen, Lewis, J.; Littlefield, MacLeod, Maddox, Maxwell, McCormick, McKernan, Merrill, Mills, Murchison, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Sproul, Stillings, Trask, Walker, White, Willard.

NAY — Albert, Berube, Binnette, Boudreau, Brawn, Brown, Bustin, Carey, Carrier, Carter, Chonko, Clark, Conley, Connolly, Cote, Cottrell, Curran, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Evans, Faucher, Fecteau, Fine-more, Fraser, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jacques, Jalbert, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, McHenry, McTeague, Morin, L.; Morin, V.; Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Peterson, Ricker, Rolde, Santoro, Smith, S.; Snowe, Soulas, Susi, Talbot, Tanguay, Theriault, Tierney, Tyndale, Webber, Whit-zell, Wood, M. E.

ABSENT — Dam, Farley, Hancock, Henley, Hodgdon, Jackson, Kelley, Knight, Lewis, E.; McMahon, McNally, Palmer, Pontbriand, Sheltra, Smith, D. M.; Trumbull, Wheeler.

Yes, 59; No, 73; Absent, 17.

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

Thereupon, the Bill was read once.

Committee Amendment "A" (S-12) was read by the Clerk.

Mrs. Berube of Lewiston offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-115) was read by the Clerk and adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was assigned for second reading the next legislative day.

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

Bill "An Act Relating to Definition of Real Estate Broker" (H. P. 390) (L. D. 519)

Tabled — March 21, by Mr. Hoffses of Camden.

Pending — Motion of Mr. Trask of Milo to accept Majority Report "Ought not to pass"

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

Mr. TRASK: Mr. Speaker and Ladies and Gentlemen of the House: I hope you will go along with the motion of the committee, the motion of "ought not to pass." This bill came out of committee 11-2 "ought not to pass." This bill, if it was enacted, would require a real estate broker to handle almost any real estate transaction, even to selling your own land for you. If anyone was in the development business of land along with their other staff, they would have to hire a real estate broker.

Now there has been an amendment drawn up that is on your desks but I don't see as that changes the intent of this bill at all, so I would urge you to accept the "ought not to pass" report.

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

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

Bill "An Act Relating to Protection of the Public Water Supply" (H. P. 1191) (L. D. 1457)

Tabled — March 21, by Mr. Rolde of York.

Pending — Motion of Mr. Simpson of Standish to reconsider passage to be engrossed.

Thereupon, Mr. Simpson of Standish requested permission to withdraw his motion, which was granted.

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

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

Bill "An Act to Clarify Certain Provisions of the Maine State Retirement Law" (S. P. 76) (L. D. 193)

Tabled — March 21, by Mr. Shaw of Chelsea.

Pending — Passage to be enacted.

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

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

House Order relative to House Rule 49-A

Tabled — March 21, by Mr. Simpson of Standish.

Pending — Passage.

On motion of Mr. Simpson of Standish, retabled pending passage and specially assigned for Tuesday, March 27.

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

Bill "An Act Restricting the Use of the Name Accountant Unless Registered as a Public Accountant" (H. P. 1171) (L. D. 1410)

Tabled — March 21, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I would move that this bill and all its accompanying papers be indefinitely postponed and I would speak briefly to the motion.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy moves the indefinite postponement of L. D. 1410 and accompanying papers. The gentleman may proceed.

Mr. DONAGHY: Mr. Speaker and Members of the House: Unlike the prior bill that we have had on accountants and accountancy earlier today, this is very definitely a protective item for people who are well able through their professional abilities and recognition to protect themselves. CPA's are licensed to make profit and loss statements, all this sort of thing;

and when they do this, their actions are recognized by banks and other financial institutions as being right.

Now, there are others who do accountancy work and this bill simply takes the word "a accountant" out of the dictionary so that our CPA friends would not have to alert the public through advertising and their own good works with the banks and other financial institutions, make the public aware that when you want a certain grade of work you go to a CPA. But we just shouldn't — for instance if we had a young man come into town who wanted to advertise for a job to let people know he was available, he couldn't say that he was an accountant even though he had been working as an accountant for several years in the past and has had good experience. I just don't think it is fair and I hope that you will go along with me on the indefinite postponement of this bill.

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

Mr. TRASK: Mr. Speaker and Members of the House: This bill came out of Committee with an "ought to pass" report of nine to three. We had several proponents of the bill. There were no opponents and it appeared to us that this was a protection for the public.

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

Mr. CARRIER: Mr. Speaker and Members of the House: This is one of the few good bills that I have put in this session. Actually, this is not a real tremendous bill in the sense that anybody is going to make a reverse turn of 190 degrees in order to get out of advertising as an accountant. Actually this bill, all it does is it defines what an accountant is.

I have talked to many friends who you would consider accountants and this will not stop them in any way from doing their present work, and I am well aware that they are going to use such terms as fact analysis or something like that, any kind of an ana-

lyzer of accounting procedures. This is all right as far as I am concerned. The only reason this was put in, actually it was put in at the request of some people who belong to the accountant association to define what an accountant is and you can also find a definition under the Revised Statutes 32. We started to define what the accountant is.

Now there is nothing big and great about being an accountant as such. If you have the qualifications, if you have made the studies and you have the technical knowledge, all you have to do is apply to take the exam and the exam is apparently simple according to the statute. And to use the phrase somebody else said before, it doesn't even say you have to pass it in order to be an accountant.

So actually, this here is actually, if you want to call it that, a consumer legislation, which I hate to use; because I think as much as we are worried about the consumer, I think that this in itself is a protection for them and the fact that actually if you were advertised as an accountant, you should be one. And nobody is precluded from taking the test as such.

Now, I don't think that this is an unusual departure from anything. You have many people with any amount of degrees in order to show their qualifications, have certain titles, such as M.D.'s, or O.D.'s or D.O.'s or D.E.D.'s or something, doctors of Education, and wherever they get their degrees this is not questioned. Some of them get it the logical way. Some of them get it the technical way and others get it from many other ways.

So actually, this bill is put in against a possible fraud, against a possible misrepresentation to the public, and I actually believe it is a good bill. It is not intended, and I do not think it is so, a protective item for the accountants. If it would be so and if I thought it would have been so, I can tell you very clearly now that I would not have put the bill. I think it is a good bill. I think you should

support it. I think it has its first and second reading and it should have been gone down the line a long time ago, and I sincerely hope that you do vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: This bill reflects protectionism in the extreme. It, in fact, restricts the use of the word "accountant" to a very narrow application. What it actually does, it is saying to all those people who possess record keeping, bookkeeping, accounting skills, is that you can't use my word anymore. I support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: I would like to ask a question through the Chair. In advertising, the state advertises say for an accountant I, an accountant II, accountant III, or accountant IV. These people are not necessarily registered. They are not CPA's but they take tests and they are qualified in the area in which they work, and I was wondering if this would affect these people.

The SPEAKER: The gentleman from Chelsea, Mr. Shaw, poses a question through the Chair to anyone who may care to answer. The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: This would not affect anyone in that classification. Any firm or business may still use the title "accountant" within their profession or in their business.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I heartily agree with the gentlewoman from Portland on this answer. However, I would call the attention of all of you to the actual L.D. 1410 and the definition given in there on paragraph seven. "No person

shall sign or affix his name or any trade or assumed name used by him in his profession or business, with any wording indicating that he is an accountant or auditor." Now, in other words, you can't say that you are an auditor. You can't say you are an accountant unless you have a degree, which I believe is one of the things necessary to become a CPA. You must sit for an examination for so many hours and pass that examination and become a CPA and this is a very laudable thing if you do it, but there are many people who have pushed a pencil and made a living for their wives and children and they are good citizens without becoming CPA's and I think they should be allowed to use the dictionary word "accountant" or "auditor" so long as they are not doing it to defraud anyone.

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

Mr. TRASK: Mr. Speaker and Ladies and Gentlemen of the House: I quote just one thing that was said at the hearing. They indicated, one of the proponents, that no one uses the word "lawyer."

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

Mr. HAMBLÉN: Mr. Speaker and Ladies and Gentlemen: I have already said most of what I want to say. I would like to get out of here too because I have some tax returns to do.

This law did not affect the many persons who prepare tax returns or provide bookkeeping services. These people were not and are not registered by the state. The State of Maine and many other institutions will not accept financial statements prepared by these unregistered people. Yet some of them advertise as accountants.

The Maine Board of Accountancy believes that such advertising is misleading to the public and proposes this change in the law to stop it and thereby allow the public to better judge the quality of service and the availability of such service. I would request a division on this motion to indefinitely postpone.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Having been in business this many years and having employed these people — I personally hire two different accountants. Neither one of them is certified and they have been in business for many years. One of them worked ten years as an accountant for the Internal Revenue before retiring and he has done some accounting for me for nearly ten years. The other one has worked nearly as often for me and neither one of these is registered.

I think in the small outlying areas we seldom have a certified accountant. However, they have a sign, they are notary publics and they have a sign in the window, accountants. They have a well established business and I am satisfied that they are doing a good job. They have done a good job for me, both of these people.

I think we are getting in an area, at least in my area, where we are stepping on some very qualified people. They don't see the necessity of being certified because they never have been and they have been doing this all their life and doing good work. I am a little bit timid on this bill. I don't think we should pass it.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that Bill "An Act Restricting the Use of the Name Accountant Unless Registered as a Public Accountant," House Paper 1171, L. D. 1410, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 70 having voted in the affirmative and 44 having voted in the negative, the motion did prevail.

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

Mr. DONAGHY: Mr. Speaker, I would move reconsideration and ask everyone to vote against me.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves the House reconsider its action

whereby this Bill was indefinitely postponed. All in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

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

House Order relative to Justices of Supreme Judicial Court.

Tabled — March 21, by Mr. Simpson of Standish.

Pending — Passage.

Thereupon, the Order received passage.

On motion of Mr. Martin of Eagle Lake, the House reconsidered its action of yesterday whereby Bill "An Act Increasing the Number of Superior Court Justices and Official Court Reporters" (S. P. 61) (L. D. 187) was passed to be engrossed.

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

House Amendment "B" (H-123) was read by the Clerk and adopted.

On motion of Mr. Henley of Norway, tabled pending passage to be engrossed and specially assigned for Monday, March 26.

Mr. Farrington of South China was granted unanimous consent to address the House.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I had distributed on your desks a letter from the Insurance Commissioner and a small statement at the bottom. This is giving you food for thought over the weekend because we are offering an amendment to the bill that is now tabled and it is assigned for Monday asking the insurance people to pay for the loss of tax when an automobile is damaged.

This will give you something to think about this weekend because it is apt to be somewhat controversial.

On motion of Mr. Birt of East Millinocket,

Adjourned until Monday, March 26, at ten o'clock in the morning.