

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

**April 23, 1973 to June 5, 1973**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Monday, April 30, 1973

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

Prayer by the Rev. Father Hilary Cameron of Gardiner.

The members stood at attention during the playing of the National Anthem by the Nokomis Regional High School, of Newport.

The journal of the previous session was read and approved.

**Papers from the Senate  
Report of Committee  
Ought Not to Pass  
Tabled and Assigned**

Report of the Committee on Education on Bill "An Act Appropriating Funds to Expand Post-secondary Educational Opportunities in Maine's Mid-coast, York County and Lewiston-Auburn Areas" (S. P. 538) (L. D. 1691) reporting "Ought to pass"

Came from the Senate read and accepted.

In the House, the Report was read.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to ask the House chairman, or any members of the Education Committee what the price tag is on this bill?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to any member of the House who may care to answer.

The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: The price tag on this bill at the present time is really not decided, due to the fact that there will be some amendments to this bill a little bit later on. I don't know the exact amount.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Not being a member of the Appropriations

Committee, let me just give the first news that the gentleman from Kennebunkport will learn today, the price tag on this bill ranges around the area of a half a million dollars.

Now this little gem that comes before us here was supposed to come in the form of community college for York County and my area. But I hollered loud enough to a certain gentleman about a community college that we don't need in my area, that the word community college was dropped and this was included, which would bring more CED programs in our area, which are held at the University of Maine at the CMVTI. I think the time has come for these programs here to have a thorough looksee.

I can give you one example, for instance, from looking over this document here, running into a little item last week where one certain gentleman who works at the institution, which is one of my favorite subjects, is getting \$13,000 to teach, and he wrote to the Mental Health and Corrections for an adjustment of his contract. On the side he was getting a little job working for the Mental Health and Corrections Department. He was getting \$14,000 for about one day's work a week. He was getting \$13,000 — and I can document this with fact — he was getting \$13,000 to teach on a full-time basis, which is on an average of 12 to 16 hours a week anyway, and my favorite subject at Orono or Gorham, or wherever you might have.

Now this thing, no matter where you cook it or how you cook it, could only wind up on the Appropriations Table and in the round file before it is all over.

We can push this around back and forth to the enactment stage, it can wind up on the Senate Calendar, which you can see now has got nearly three pages full, and clutter up the calendar and it will cost us "X" dollars a day to have this thing bounced around and on the table and reconsidered. I avoided that last week when I moved to kill my own bill. I have one money bill. I am waiting for it to come up. I think it is going

to be a divided report and if it is, I am going to kill that. I move, Mr. Speaker, that this little bauble and all accompanying papers be indefinitely postponed and when the vote is taken, I ask for the yeas and nays.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the indefinite postponement of L. D. 1691 and all accompanying papers and requests a roll call.

The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, I move this lie on the table one legislative day.

The SPEAKER: The pending question is on the motion of the gentleman from Kennebunkport, Mr. Tyndale, that this matter be tabled pending the motion of Mr. Jalbert of Lewiston to indefinitely postpone Bill and all accompanying papers and tomorrow assigned. All in favor of tabling one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

57 having voted in the affirmative and 46 having voted in the negative, the motion did prevail.

### Divided Report

Majority Report of the Committee on State Government on Resolution Proposing an Amendment to the Constitution Changing the Legislature to a Single Chamber, Unicameral System, with Single Member Districts (S. P. 273) (L. D. 798) reporting "Ought to pass"

Report was signed by the following members:

Mr. CLIFFORD

of Androscoggin  
— of the Senate.

Messrs. FARNHAM of Hampden  
BUSTIN of Augusta  
COONEY of Sabattus  
CROMMETT

Mrs. GOODWIN of Millinocket

Mrs. NAJARIAN of Bath

— 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. SPEERS of Kennebec

WYMAN of Washington

— of the Senate.

Messrs. CURTIS of Orono

GAHAGAN of Caribou

STILLINGS of Berwick

— of the House.

Came from the Senate with the Majority "Ought to pass" Report accepted and the Resolution passed to be engrossed.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I move we accept the Majority "Ought to pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Portland, Mrs. Najarian, moves the acceptance of the Majority "Ought to pass" Report.

The gentlewoman may proceed.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: This may not be an idea whose time has come, but I think it is a very good idea. In earlier times the Senate was intended to represent a different economic element or geographic area than the House; plus, I believe, they elected U.S. Senators. Since the Supreme Court ruling of one man, one vote, both Houses must be based on population. Our two houses today are very similar. Both are elected with the same terms, they are paid the same salary. The majority party is almost always the same. We have similar staff and joint committees. The two houses differ only in size and district.

One advantage, and there are many, of the single chamber would be a large savings in both public and private money. It would be simple in organization, easy for the public to understand what is happening as well as providing better and clearer press coverage. Checks and balances would still exist with the two-party system, the Governor's veto, the press and the public through opinion and initiative and referendum.

I hope you will vote "ought to pass" and let the people decide whether they want a one-body

legislature and if it would be preferable to what we now have.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: Being on the opposing side, I would like to move indefinite postponement and would speak to this motion.

I think it is very important that we do consider carefully the entire concept of the checks and balances and the method by which our system presently operates. Legislation should be carefully considered, should not be hastily enacted, and I expect that if there were a single body, a unicameralism system, that legislation might indeed be hastily enacted.

It is also quite possible, and we can see an example not too far away, of this situation in which one political party has managed to obtain the necessary two-thirds control of the body and would be able to enact emergency legislation. So I think perhaps one of the arguments that the gentleman from Portland made about the parties providing a checks and balances is not necessarily a valid argument.

I would suggest that there are other reforms which are needed and which we will, I hope, consider and perhaps enact; such as single member districts which would, in the case of the Maine House, provide the different kind of representation that the gentle lady was discussing. I think there are other members of this body who are as familiar, more familiar probably than I am, with some of the concepts involved here and they want to speak.

The SPEAKER: The gentleman from Orono, Mr. Curtis, moves the indefinite postponement of this Report and Bill.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: A one-chamber system of government exists in only one state, Nebraska. They have one 50-member body called the Senate. I don't really know how it works, but of course it is an entirely different state than ours. Certainly

there has been no hue and cry from other states to follow suit.

This bill calls for one 75-member body called the House of Representatives. At least the omnipotent Senate is willing to give up their distinguished title of Senator. It is said that the bicameral system originated in England, where aristocracy is represented by the House of Lords and the common man by the House of Commons. If this were true here, our Senate would only be representing the high-hat, wealthy snobs. Thank goodness there aren't too many of these in Maine, and I would hate to depend on them for my votes. I do say our Senators would not fare too well.

The only way here the Senate represents a different constituency is the fact that they represent more people from different towns. In this respect, some of their constituents may have different ideas on specific subjects than those from smaller areas which we represent. However, in the overall they are no different or better than we are, and in the farther analysis we are all working for the best interests of the State.

It is a good thing to have two separate bodies review each piece of legislation. This is commonly called, this has been mentioned before, the system of checks and balances. And this is really in the best interest of the overall public. We pass things which they object to and often we kill some of their schemes. Several times this year this has happened in both instances. With almost 2,000 pieces of legislation, it is good to have as many reviews of each individual item as possible because certain things might just slip by.

In my opinion, this bill is a perfect example of why we should have two different bodies. I don't feel that this is either progressive or sensible legislation. I feel that we should usurp our prerogative and vote for what I consider common sense, and I certainly support the motion to indefinitely postpone and request 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 Orono, Mr. Curtis, that this Report and Bill be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Cameron, Carey, Carrier, Churchill, Conley, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Deshaies, Drigotas, Dunn, Dyar, Farley, Farrington, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Good, Greenlaw, Hamblen, Hancock, Haskell, Henley, Herrick, Hobbins, Huber, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LeBlanc, Lewis, E.; MacLeod, Mahany, Maxwell, McCormick, McHenry, McMahon, McNally, Merrill, Mills, Morin, L.; Morton, Murchison, Murray, Norris, O'Brien, Palmer, Parks, Peterson, Pratt, Ricker, Rolde, Rollins, Ross, Simpson, L. E.; Sproul, Strout, Susi, Theriault, Tierney, Trask, Trumbull, Tyndale, Walker, Wheeler, White, Willard, The Speaker.

NAY — Berube, Bustin, Chonko, Clark, Connolly, Cooney, Davis, Donaghy, Dow, Emery, D. F.; Farnham, Goodwin, H.; Goodwin, K.; Jacques, LaCharite, LaPointe, Lawry, Lewis, J.; Lynch, Martin, McTeague, Morin, V.; Mulkern, Najarian, Perkins, Pontbriand, Shaw, Smith, D. M.; Smith, S.; Soulas, Talbot, Tanguay, Webber, Whitzell, Wood, M. E.

ABSENT — Binnette, Bunker, Carter, Chick, Crommett, Dam, Dudley, Dunleavy, Evans, Faucher, Genest, Hoffses, Knight, Littlefield, Maddox, McKernan, Santoro,

Sheltra, Shute, Silverman, Stillings. Yes, 94; No, 35; Absent, 21.

The SPEAKER: Ninety-four having voted in the affirmative and thirty-five in the negative, with twenty-one being absent, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

#### Order Out of Order

Mr. Smith of Exeter presented the following Order and moved its passage:

ORDERED, that Marie Tardy, Nancy Leonard, Chris Peterson of Newport and Stephen Wiers of Palmyra be appointed Honorary Pages for today.

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

#### Non-Concurrent Matter

Bill "An Act Prohibiting Bringing Animals Into Food Stores" (H. P. 986) (L. D. 1306) on which the House passed the Bill to be enacted as amended by Committee Amendment "A" (H-188) on April 19.

Came from the Senate with that body insisting whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-188) and Senate Amendment "A" (S-90) in non-concurrence.

In the House: On motion of Mr. Bustin of Augusta, the House voted to recede and concur.

#### Non-Concurrent Matter

Bill "An Act Relating to the Appointment of Clerks of the Judicial Courts" (S. P. 456) (L. D. 1428) which the House indefinitely postponed on April 26.

Came from the Senate with that body insisting and asking for a Committee of Conference.

In the House: On motion of Mr. Kelleher of Bangor, the House voted to adhere.

#### Non-Concurrent Matter

Bill "An Act Increasing License Fee for Nurserymen" (H. P. 1019) (L. D. 1342) which the House indefinitely postponed on April 26.

Came from the Senate with the Bill Passed to be enacted in non-concurrence.

In the House: On motion of Mr. Webber of Belfast, the House voted to insist.

### Orders

Mr. Birt of East Millinocket presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that there is appropriated from the Legislative Appropriation a sum sufficient to pay the Passamaquoddy Indian representative a meal allowance for an additional 10 days' attendance during the Regular Session of the 106th Legislature. (H. P. 1467)

The Order was read and passed and sent up for concurrence.

### House Reports of Committees Ought Not to Pass

Mr. Dudley from the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Relating to Payments by Town of York to York Harbor Village Corporation" (H. P. 990) (L. D. 1310)

Same gentleman from same Committee reporting same on Bill "An Act Relating to Payments by Town of York to York Beach Village Corporation" (H. P. 992) (L. D. 1312)

Mr. Brawn from same Committee reporting same on Bill "An Act Creating the Swimming Pool Licensing and Safety Act" (H. P. 994) (L. D. 1271)

Mr. Farnham from the Committee on State Government reporting same on Resolve Authorizing Director of Public Improvements to Convey Land in Hallowell to Highest Bidder (H. P. 1293) (L. D. 1681)

Mr. Susi from the Committee on Taxation reporting same on Bill "An Act Relating to the Sales Tax on Motor Vehicle Fuel Used on Farms" (H. P. 852) (L. D. 1126)

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

### Leave to Withdraw

Mr. Trask from the Committee on Business Legislation on Bill "An Act to Regulate Settlements of Total Loss under the Maine Insurance Code" (H. P. 1336) (L. D. 1755) reporting Leave to withdraw.

Mr. LaCharite from the Committee on Education reporting same on Bill "An Act Providing for Drug Education in the Public Schools" (H. P. 1304) (L. D. 1712)

Reports were read and accepted and sent up for concurrence.

### Ought to Pass in New Draft New Draft Printed

Mr. Kelley from the Committee on Fisheries and Wildlife on Bill "An Act to Regulate the Size of Shotgun Shells for Hunting" (H. P. 1268) (L. D. 1643) reporting "Ought to pass" in New Draft under New Title: "An Act to Regulate the Size of Shot in Shotgun Shells for Waterfowl Hunting" (H. P. 1466) (L. D. 1891)

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

### Divided Report

Majority Report of the Committee on Business Legislation on Bill "An Act Relating to Credit Unions" (H. P. 602) (L. D. 793) reporting "Ought to pass" as amended by Committee Amendment "A" (H. 293)

Report was signed by the following members:

Messrs. MADDOX of Vinalhaven  
TIERNEY of Durham  
DESHAIES of Westbrook  
O'BRIEN of Portland  
TRASK of Milo  
Mrs. BOUDREAU of Portland  
CLARK of Freeport

— 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. COX of Penobscot  
KATZ of Kennebec  
— of the Senate.  
Messrs. DONAGHY of Lubec  
JACKSON of Yarmouth  
HAMBLIN of Gorham  
— of the House.

Reports were read.

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

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

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

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

Mr. DONAGHY: Mr. Speaker, I would ask that this be tabled for one legislative day, pending acceptance of either report.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves this matter be tabled for one legislative day. All in favor of tabling one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative and 56 having voted in the negative, the motion did not prevail.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I will ask for a division on this, but may I debate at this point?

The SPEAKER: The gentleman may debate the matter.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: The reason that I asked for tabling is because today Professor Spanogle will be in the House relative to some committee business and you probably all know that the Research Committee last summer spent a good deal of time on banking and related subjects. Their findings at that time were that the whole banking law should be recodified. The Governor, in his wisdom, agreed and set up a committee of 25 people that are going through, at the present time have started with consultants to recodify the laws.

One of the chief things that is being taken up is the whole philosophy of banking as it is interrelated between savings banks, commercial banks, credit unions, federal savings, and loan associations. It is not just a state affair. There has been a so-called "Hot Report" which some of you people may or may not have had the opportunity to read. There is a substantial amount in here about credit unions and although we will

have before us today a credit union bill, I think this is not a matter of philosophy and I will go along with this bill.

The particular bill we have before us at this time is a bill that changes the whole attitude in relation to credit unions. The credit unions originally — by the way, this is the reason I didn't think this should be debated at this time, it can very well go into a long debate — because of the history of credit unions where people that were related through an employer or a church or something like that, putting their money together to get a little higher rate of interest and then the money being loaned out to these neighbors who have joined in this putting together of their savings as a result of their thrift and perhaps buying a new automobile or a house or something like this. It was pretty easy to do this and well to do this. I am not against credit unions, I think they are fine things. But it was a neighborhood deal or a parish deal.

This bill is asking that this be expanded so — to be specific, we use an illustration that you have a central credit union in Portland or perhaps some other place but the present idea is to have it in Portland. Since I come from Lubec, we will use a dairy in Lubec as an example with three employees. It takes roughly 200 people to make a credit union economical and since there are only three in this credit union in Lubec or possible credit union, they would set it up so the boys in Lubec in the dairy down there would join a credit union in Portland.

It is not necessarily the best thing in the world for the people to send their money to Portland to save, but the other end of this deal is the borrowing. It will not be easy for people in Portland to determine whether or not the borrower in the dairy in Lubec is a good credit risk, whether he really needs this money to go on a trip to Europe or for his new car or whatever it may be and it might be that the other people in the credit union would be jeopardized or their savings would



be jeopardized by this decision. It has been recognized that the basic reasons why it hasn't spread more between areas is because it isn't easy and it is not economical and it is not a good thing to do.

I am suggesting that we wait until after the report of the so-called Spanogle Committee that the Governor has set up and this is all tied in together so that, through the wisdom of the legislature later on, we will put in new bills covering the regulations of not only credit unions but savings banks and commercial banks and all the rest rather than do this on a piecemeal basis. I do not say that we should hold up everything in relation to thrift institutions and our credit unions on day to day things, but I do say that this is something that could very well be put aside until after the report of the Spanogle Committee which the Governor has asked for and which does seem to be, in the thinking of your Research Committee last summer, something that should be handled on an intelligent, thinking basis and the legislature is still going to make the decision when the laws are recodified. Thank you for listening but I do want a division on this please.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: The growth of credit unions has been one of the more interesting programs that have developed in our whole financial program. I think that there have been some real worthwhile accomplishments come out of it, possibly with the help of the legislature in closing out such things as small loan agencies which have preyed on the poorer people who are less able to find areas of borrowing to satisfy their financial needs.

With the movement of small loan agencies out of the state, I understand at the present time there are very few of them left, it has left a real vacuum in many of the smaller communities as to where they can find facilities for borrowing.

The credit unions have been able to develop adequate programs that have worked very successfully mostly in your larger communities, sometimes in your industrial communities, but your small communities do have this real inability to find borrowing facilities. The credit unions feel, in many areas of the state, that they could be able to supply this need. Passage of this bill would allow the development of this type of program in many areas.

I do think this would serve a worthwhile purpose and I hope that when the vote is taken, you will vote to accept the majority "ought to pass" report.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I do not know whether I should get into the act or not. I would like to tell you first that I am not associated with any credit union.

If you look at the amendment, it gives the bank commissioner the power to determine when a number of employees is too small to support a credit union. I think that is sufficient control.

I would also suggest that possibly you might want an additional amendment which would give this bill authority until such time as the bank study committee report is received and acted upon.

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

Mr. HAMBLÉN: Mr. Speaker and Ladies and Gentlemen of the House: I am affiliated with a credit union. It is a community credit union in my town and I have been on the supervisory committee since it was founded several years ago.

I think that we ought to take a real look at this bill. It does several things. One, it creates a statewide credit union. Now, we have heard a little bit of talk on big holding companies and I am sure we will hear a little more. Several days ago we also passed another credit union bill which gave the state credit unions equal

powers with the federal credit unions.

On this bill, we are going just the other way. The federal credit unions are not allowed into a state-wide area. They have to go into only a small community or business. Where it is contrary to the federal credit union, the central credit union that would now take over the state under this bill would have to change from a federal to a state chartered credit union.

I would hope that you would go along with Representative Donaghy and hold this off for awhile.

The SPEAKER: The pending question is on the motion of the gentleman from Milo, Mr. Trask, to accept the Majority "Ought to pass" Report on Bill "An Act Relating to Credit Unions" (H. P. 1466) (L. D. 793). All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, the Bill was read once. Committee Amendment "A" (H-293) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Business Legislation on Bill "An Act Prohibiting Service Charges on Sales Tax Through Credit Card Sales" (H. P. 1188) (L. D. 1527) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. KATZ of Kennebec  
COX of Penobscot  
— of the Senate.

Messrs. DESHAIES of Westbrook  
DONAGHY of Lubec  
TRASK of Milo  
JACKSON of Yarmouth  
TIERNEY of Durham  
MADDOX of Vinalhaven  
HAMBLEN of Gorham  
Mrs. BOUDREAU of Portland  
— of the House.

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

Report was signed by the following members:

Mr. O'BRIEN of Portland

Mrs. CLARK of Freeport

— of the House.

Reports were read.

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

Mr. TRASK: Mr. Speaker, I move the acceptance of the majority "ought not to pass" report.

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

Mr. McTEAGUE: Mr. Speaker, I move that this item be tabled for one day.

Mr. Donaghy of Lubec requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Brunswick, Mr. McTeague, that L. D. 1527 be tabled one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

47 having voted in the affirmative and 59 having voted in the negative, the motion did not prevail.

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

#### Consent Calendar

##### First Day

(S. P. 413) (L. D. 1252) Bill "An Act Amending the Authorization of Foreign Banks and Trust Companies to Act as Fiduciaries" — Committee on Business Legislation reporting "Ought to pass"

(S. P. 483) (L. D. 1550) Bill "An Act Relating to the Deletion of an Exemption under the Unfair Trade Practices Act" — Committee on Business Legislation reporting "Ought to pass"

(S. P. 484) (L. D. 1551) Bill "An Act Relating to Rules and Regulations Promulgated under the Unfair Trade Practices Act" — Committee on Business Legislation reporting "Ought to pass"

(S. P. 485) (L. D. 1552) Bill "An Act Relating to Waiver by Consumer under Unfair Trade Practices Act" — Committee on Business Legislation reporting "Ought to pass"

(S. P. 486) (L. D. 1553) Bill "An Act Relating to Assurances of Discontinuance under the Unfair

Trade Practices Act" — Committee on Business Legislation reporting "Ought to pass"

(H. P. 870) (L. D. 1158) Bill "An Act to Revise the Maine Insurance Code as Related to Separate Accounts Established by Insurance Companies" — Committee on Business Legislation reporting "Ought to pass" as amended by Committee Amendment "A" (H-291)

(H. P. 1050) (L. D. 1369) Resolve Designating Augusta Bridge as "Father John J. Curran Bridge" — Committee on Transportation reporting "Ought to pass" as amended by Committee Amendment "A" (H-292)

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

#### **Consent Calendar Second Day**

(S. P. 321) (L. D. 988) Bill "An Act to Clarify the Notice Procedure on Decisions of Zoning Board of Appeals"

(S. P. 405) (L. D. 1207) Bill "An Act Relating to Displaying of Fireworks at Blue Hill Fair Grounds on Sunday" (C. "A" S-92)

(S. P. 489) (L. D. 1555) Resolve Designating Seaplane Base on Lake Maranacook, Town of Winthrop, as "Richard D. Varney Seaplane Base"

(H. P. 1290) (L. D. 1678) Bill "An Act Relating to Membership in South Kennebec Agricultural Society" (C. "A" H-288)

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

#### **Passed to Be Engrossed**

Bill "An Act Repealing the York Beach Village Corporation and the York Harbor Village Corporation" (S. P. 47) (L. D. 104) (C. "A" S-93) (S. "A" S-96)

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

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

Mr. SIMPSON: Mr. Speaker, I move we reconsider our action whereby we adopted Committee Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, I would ask for a division on this and I oppose the gentleman's motion.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the Legal Affairs Committee, the committee that heard this bill. I did not expect to speak this morning, but I think that I have to explain something to you.

When the bill came before committee, the idea was to abolish the two village corporations. It said that the issue would go to referendum and if it was approved by 50 percent of the voters, then it would become fact.

We had an extensive hearing on the bill, and we debated it for quite a while in Executive Session in committee. It was our feeling, unanimous vote of the committee, that we would pass the bill out unanimous "ought to pass", but that the vote should be by two-thirds vote when it went for referendum rather than by a 50 percent majority. The reason for that is because the Town of York, which would like to see the bill passed, controls almost 75 percent, maybe a little bit less than that, but a significant amount or proportion of the vote. And in trying to be fair, we felt the two small corporations should be allowed an opportunity at the polls. So we decided on the 66 or the two-thirds vote.

I am not sure what Mr. Simpson's reasons are in trying to have this amendment taken off the bill, but I would urge you to vote against his motion unless he explains himself and perhaps we might agree with it.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Speaking as an individual, I would love to explain my position

on it. You know, the very thing that he stated was the thing that I am kind of opposed to. I am a little bit opposed to sections of one town boycotting another portion of a town and even one portion of one county leaving a county and joining another county. I do believe though, if this legislature is going to put it back to the people that a majority of the people should make that decision and not a two-thirds vote, which is what this calls for. I would ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just put this a little bit more in perspective. Testimony at the hearing on this bill revealed the fact that no village corporations in the history of the State of Maine have ever been dissolved, except by their own request. And basically what we have here is a bill put in by the selectmen of the Town of York to dissolve the two village corporations in York.

The two village corporations are opposed to this. They have about one-fifth of the voters in the town.

Now, it seems to me that we are setting a precedent here, and in the legislature where we have to have an important vote we always, in a sense to safeguard the rights of the minority, we ask for a two-thirds vote on any tax measure, any constitutional amendment. And therefore, this proposal on the two-thirds referendum was made, it was accepted by the committee unanimously, it has been accepted by all parties in the Town of York, they have all agreed to this. Therefore, I feel that you should leave this amendment on the bill, and oppose the motion of the gentleman from Standish.

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 the House reconsider its action whereby Committee Amendment "A" was adopted. All in favor of reconsideration will vote yes; those opposed will vote no.

### ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Birt, Bragdon, Brown, Cameron, Carrier, Donaghy, Dunn, Emery, D. F.; Evans, Farnham, Ferris, Flynn, Gahagan, Hamblen, Hancock, Haskell, Herrick, Huber, Hunter, Immonen, Kauffman, Kelley, MacLeod, McCormick, McNally, Murchison, Norris, Pratt, Rollins, Ross, Shaw, Simpson, L. E.; Sproul, White, Willard, Wood, M. E.

NAY — Albert, Berry, P. P.; Berube, Boudreau, Brawn, Briggs, Bustin, Carey, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Davis, Dow, Drigotas, Dyar, Farley, Farrington, Fecteau, Finemore, Fraser, Garsoe, Gauthier, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jackson, Jalbert, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Mahany, Martin, Maxwell, McHenry, McMahon, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, Palmer, Parks, Perkins, Peterson, Pontbriand, Ricker, Rolde, Shute, Smith, D. M.; Smith, S.; Soulas, Susi, Talbot, Tanguay, Theriault, Tierney, Trumbull, Tyndale, Walker, Webber, Wheeler, Whitzell.

ABSENT — Binnette, Bither, Bunker, Chick, Crommett, Dam, Deshaies, Dudley, Dunlevy, Faucher, Genest, Henley, Hoffses, Jacques, Knight, Lawry, Littlefield, Maddox, McKernan, McTeague, Morton, O'Brien, Santoro, Sheltra, Silverman, Stillings, Strout, Trask.

Yes, 39; No, 81; Absent, 29.

The SPEAKER: Thirty-nine having voted in the affirmative and eighty-one in the negative, with twenty-nine being absent, the

motion to reconsider does not prevail.

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

Bill "An Act to Establish within the Department of Indian Affairs a Bureau of Indian Police" (H. P. 1462) (L. D. 1887)

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

Bill "An Act Authorizing the Maine Criminal Justice Academy Trustees to Establish Certification Standards for Law Enforcement Officers" (H. P. 1463) (L. D. 1888)

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

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

Mr. McMAHON: Mr. Speaker, Members of the House: Being a new bill, I haven't had a chance to thoroughly study this. I believe I am in favor of it. I would like to pose a question through the Chair, two, really.

The bill uses the words standards, and I would like an explanation of what those standards might be. And the second part of the question is, would those standards apply to correctional guards, guards at the university branches and people in that category?

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, poses a question to the Chair to anyone who may answer if he or she wishes.

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

#### **Second Reader Tabled and Assigned**

Bill "An Act to Repeal the Compensation for the State Running Horse Racing Commission" (H. P. 1464) (L. D. 1889)

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I have an amendment being prepared down in Mr. Slosberg's office and I really thought it would be out this morning, but it isn't. Would some kind member table it for one day so I could offer an amendment to this bill?

Thereupon, on motion of Mr. Farrington of China, tabled pending passage to be engrossed and tomorrow assigned.

#### **Second Reader Tabled and Assigned**

Bill "An Act to Provide an Agricultural Education Consultant within the Department of Educational and Cultural Services" (H. P. 1288) (L. D. 1673) (C. "A" H-289)

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

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

Mr. FERRIS: Mr. Speaker, Ladies and Gentlemen of the House: I was one of five members of the Committee on Education to sign unfavorably on this bill. Recent past experience shows there is declining enthusiasm for a vocation in agriculture, not only in the State of Maine but in the New England States in general. In my opinion, the proponents of the bill did not make a strong case for this consultant to reverse that downward trend in agriculture as a vocation.

I will frankly admit my complete lack of experience in agriculture and the related businesses. But I would like to have the House vote on this matter, and I would hope to hear the proponents present their case to the entire body.

I now move for indefinite postponement of this bill and its accompanying papers.

The SPEAKER: The gentleman from Waterville, Mr. Ferris, moves the indefinite postponement of this Bill and all accompanying papers.

The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, I would like to have this tabled one day, please.

Thereupon, Mr. Ault of Wayne requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Benton, Mr. Hunter, that this matter be tabled one legislative day, pending the motion of Mr. Ferris of Waterville to indefinitely postpone. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

Bill "An Act Relating to Savings Banks Investing in Service Corporations" (H. P. 395) (L. D. 524)

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

#### Enactor

##### Tabled and Assigned

An Act to Exempt Houseparents at Boys Training Center from Law Dealing with Housing and Food Supplies Furnished by State Departments (H. P. 1025) (L. D. 1347)

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

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

Mr. NORRIS: Mr. Speaker, may I have this item tabled for two legislative days, please?

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves this matter be tabled pending passage to be enacted and specially assigned for Wednesday, May 2. The Chair will order a vote. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 51 having voted in the negative, the motion did prevail.

##### Passed to Be Enacted Emergency Measure

An Act to Amend the Charter of the Freeport Sewer District (H.

P. 783) (L. D. 1020)

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. 114 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

##### Passed to Be Enacted

An Act Increasing Indebtedness of Eagle Lake Water and Sewer District. (H. P. 1116) (L. D. 1452)

An Act Relating to License Fees and Penalties for Non-residents in the Private Detective Business. (S. P. 320) (L. D. 987)

An Act to Increase Fees for Motor Vehicle Inspection. (H. P. 625) (L. D. 823)

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 to Amend Definitions in Ambulance Service Licensing" (S. P. 591) (L. D. 1863)

Tabled — April 26, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

Mr. Goodwin of South Berwick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-285) was read by the Clerk.

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

House Amendment "A" to House Amendment "A" (H-294) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: This bill is reported out of the Health and Institutional Services Committee unanimous "ought to pass." All this bill does, since

there has been some question on it, is it just stipulates the present law as it reads now, stipulates that there be one licensed personnel in an ambulance. All this law does is require that one licensed personnel to be with the patient at all times. In other words, he cannot be riding in the front seat with the patient in the back. The amendments just further clarify what ambulance service means. It means that any person or persons who set themselves forth routinely to provide this service.

Thereupon, House Amendment "A" to House Amendment "A" was adopted.

House Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act Relating to Payment of Patients at Certain State Institutions as Employees under Fair Labor Standards Act" (S. P. 167) (L. D. 422)

Tabled — April 26, by Mr. Haskell of Houlton.

Pending — Passage to be engrossed.

Mr. Norris of Brewer offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-284) was read by the Clerk.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: As you may recall, this was a divided report out of the Appropriations Committee. The amendment which Mr. Norris offers removes most of the objections that I have to the bill. I still feel that in some measure the bill is premature and I have some real reservations regarding the ultimate effect of the bill on our institutions. But I think the amendment represents a sensible compromise and overcomes most of my objections.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act Providing Funds for Development of an International Conference Center on Peaks Island" (S. P. 381) (L. D. 1127)

Tabled — April 26, by Mr. Finemore of Bridgewater.

Pending — Motion by Mr. Carey of Waterville to indefinitely postpone.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: After making my motion for indefinite postponement last Friday, one of the Pages quite conveniently sitting on the corner here where he can be reached by most anyone, I was given welcome material to read by the proponents of the Casco Bay Island Development Association. You might be interested to know some of the things that I found out.

For instance, originally there were 167 acres of land in that development out there. A hundred acres of it went to parkland. It was deeded to the city under open space program. There will be some land left, they do not tell us how much, for the center itself. But strangely enough there were 50 bond holders. They started this thing off with \$50,000 and there were fifty \$1,000 bond holders. I would have assumed that many of you also would have liked to become bond holders in this little farce and scheme to deprive the state treasury of some more money. You would have found out that for that \$1,000 you could have had a half acre of land on Peaks Island. One gentleman was fortunate enough to have a half acre. His half acre included one of the gun implacements. He is tickled pink with it and he really sought it out.

But this thing — the bond holders have all been paid off. There are

several things here that shouldn't even dignify the Appropriations Table with its presence. For instance the newly formed Peaks Island Conference Center is going to be leased. It is going to be a nonprofit type thing, except that the land is still going to be owned by this profit-making organization.

They consulted with the New England Center in Durham, New Hampshire as to how they should proceed with this thing and it was found that they should be continuing to make some kind of projects or something should be going on out there all the time as a means of and I quote "selling the area into gold." For this reason these people out there said we conceive the word "think tank" for the summer project and this certainly is a tanker all right.

They want to make this thing attractive to foundations and they tell us that it is going to be an international type affair. Well it says here, "The international theme," and this is their own literature I am reading to you, "The international theme is somewhat incidental, but it is in there for attractiveness for the foundation. So they are really strong on their own ideas.

Probably the most interesting part of this whole conversation is the fact that you are not going to get away for just the amount of money you are appropriating right now, because the study report, Maine Legislative Committee to study the feasibility of a conference center on Peaks Island was somewhat concerned that they might also be approached — for instance the center in Durham was financed by a New Hampshire bond issue of \$500,000.

It should also be noted that the center could be feasible if they were able to meet only a portion of this total construction cost. If they are only going to meet a portion of this total construction, obviously everyone in the State of Maine is going to be asked to give a little.

They thought that in general, they had general agreement that they thought this thing could pay off. But at this time they had nothing in front of them that made

it possible to conclude to what extent the proposed center could pay construction costs. They expect that — we assume construction costs of \$7.5 million.

These are all very interesting reports and I would certainly hope that you hold by the motion for indefinite postponement because you are going to get hit with a much larger bill and in the very near future.

Thereupon, the Bill and all accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

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

Bill "An Act to Create Hospital Administrative District No. 4 in Piscataquis, Somerset and Penobscot Counties" (H. P. 515) (L. D. 681)

Tabled — April 26, by Mr. Birt of East Millinocket.

Pending — Passage to be enacted.

On motion of Mrs. White of Guilford, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentlewoman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentlewoman then offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-295) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act to Authorize Eleven New Regions and Central Aroostook County for Vocational Education" (S. P. 110) (L. D. 255)



Tabled — April 26, by Mr. Brawn of Oakland.

Pending — Adoption of Committee Amendment "A" (S-56) as amended by House Amendment "A" (H-242) and House Amendment "B" (387) thereto.

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

Mr. LaCHARITE: Mr. Speaker, I move the rules be suspended for the purpose of reconsideration.

The SPEAKER: The gentleman from Brunswick, Mr. LaCharite moves the rules be suspended for the purpose of reconsideration. 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.

87 having voted in the affirmative and 2 having voted in the negative, the motion did prevail.

On further motion of Mr. LaCharite of Brunswick, the House reconsidered its action of April 26 whereby House Amendment "B" to Committee Amendment "A" was adopted and on further motion of the same gentleman, the Amendment was indefinitely postponed.

On further motion of the same gentleman, Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

Mr. LaCharite then offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-297) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act to Transfer the Motor Vehicle Division of the Department of the Secretary of State to the Department of Transportation" (H. P. 687) (L. D. 894)

Tabled — April 26, by Mr. Simpson of Standish.

Pending — Acceptance of either Report.

On motion of Mr. Simpson of Standish, retabled pending acceptance of either Report and

specially assigned for Wednesday, May 2.

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

Bill "An Act Relating to Lead Poisoning Control" (H. P. 474) (L. D. 621)

Tabled — April 26 by Mrs. McCormick of Union.

Pending — Motion by Mr. Dyar of Strong to accept Majority Report "Ought to pass".

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

Mrs. McCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: I have waited so long to give this speech, I don't know as I can still remember everything I had to say.

My opposition to L. D. 1866, which is the majority report in a new draft of L. D. 621, is that I feel this type of legislation should be covered by home rule. We had this same bill before us in the 105th Legislature and both times this bill has been sponsored by a Representative from Portland. Portland obviously has a problem. When asked in committee why they couldn't get this type of thing controlled by the Portland City Council, we were told that they tried in Portland and just wouldn't pass rules of this type, so they have come back to the legislature.

According to the chart presented at the hearing of lead poison screening done in all counties of the state as of February 14, 1973, Portland had the highest amount. Of 220 children tested, 74 showed lead content. Only two counties showed no positive cases on that date, those counties being Hancock and Washington, Hancock having screened 6, and Washington 44 children. It should also be noted here that only children from one to six years of age were screened for lead poisoning. These two counties being the only ones not showing any lead poisoning makes you wonder if maybe they just don't bother to paint down that way.

The committee was told at the hearing that children screened and found to have lead poisoning were

children who ate paint chips. I believe it was also brought out at the hearing that just about every house in the State of Maine built prior to 1951 that has any paint in it or on it contains a lead base.

I would like to go now to the bill, the new draft, 1688, section 1321. It says, "The owner of the dwelling or the building in which the dwelling unit is located shall be given written notification by the Commissioner of Health and Welfare, advising the existence of such substances in the dwelling or dwelling unit and recommending that such lead base substances be removed, replaced or securely and permanently covered or modified in such manner that the lead base substance no longer constitutes a health hazard. The dwelling or dwelling unit shall remain posted until the lead base substances no longer constitute a health hazard in the opinion of the department."

Now, let's take the words "permanently covered." Now, anyone who has ever done any painting in an old house knows that there is coat upon coat of paint on all woodwork and even if you have been using a water base paint for the last 10 or 20 years, if you chip that paint, you are going to chip it back to the first couple of layers, so the child would be back to the lead base paint.

The only way to get away from the problem of chipping paint is to remove it, which is also in section 1321. That brings about another problem. If you scrape it off, this puts the lead dust into the air and the children inhale it. If you burn it off, this puts lead gases into the air to be breathed in, which is dangerous to your health. So what is left? The landlord could remove all painted woodwork from rented dwellings and replace it with new windows, doors, mopboards, et cetera, but if he does this he will have to raise the rent to cover the renovation costs and the tenant will pay a higher rent cost. If the landlord only posts the dwelling, as this bill suggests, and does nothing to improve the property, the problem isn't solved either, and if he is forced into renovations, families

with small children will not find housing as landlords just won't bother to rent to them. More and more landlords will say "no pets and no children."

I know some of you are thinking of the discrimination angle of this bill, that landlords can't do this. Today landlords don't have to advertise rents because there are more people looking for places to live than there are rents to be had. Landlords are the last ones to know when a tenant plans to move anyway. Usually a landlord finds out when someone calls to rent his apartment that is being vacated by family X. If the caller has children under six years of age and the landlord doesn't want to rent to this family, all he has to do is say someone else has first choice and you have no way of proving him wrong. This is being done today.

I would also like to go back to 1321, at the bottom of the paragraph, about the violation of this. "If the posted notices are removed prior to written approval from the department that the lead base substance no longer constitutes a health hazard, the owner of the dwelling or the building in which the dwelling unit is located shall be deemed in violation of this chapter." If a landlord does not go in every day, into his buildings, and someone else has taken it down and the department comes along and this is no longer posted, he is in violation.

The violation of this act, which is section 1325 says, "Any person who violates any section of this chapter shall be punished by a fine of not more than \$100 or by imprisonment for not more than 3 months, or by both."

I object strongly to this violation. I don't know why the landlord should be liable for something of this type when it should really be the parents. The parents should be the ones that see that their children don't eat paint chips, not the landlord.

Also back in section 1323 it says, "The Commissioner of Health and Welfare is authorized to adopt rules and regulations for carrying out this chapter." In dealing with the department of Health and

Welfare on this committee, they are constantly making rules and regulations which no one can live with. I just can't see giving them one more area to write a few more rules and regulations.

If I may go back a bit further, paint is being blamed here for lead poisoning when in fact it was brought out at the hearing that one girl who was found to have lead poisoning got it from her father. Her father worked in a junk yard, I believe, where old batteries were burned. The particles collected on his clothes, the girl breathed in these particles and when tested showed lead in her system. When the home was checked, no lead paint showed up.

In Knox County we had four cases. One of them happened to be a doctor's daughter. I know this case because it is within a half mile of my home. This doctor moved into our area, bought a very old house and proceeded to renovate it. They moved in while the renovations were being done. They took all woodwork back to the original and removed the paint. This girl was found to have lead poisoning in her system. When they started checking, they were doing exactly what this bill says, they were removing the paint. They were sanding it and they were burning it. They were putting the particles into the air, and the gases into the air.

Some children ate crayons, not all crayons are nontoxic. They also listed quite a few other things which children ate which I won't go into.

One man painted his apartment with industrial paint, high in lead content, which he carried home from his work. His landlord did not supply the paint so knew nothing about it until notified of the fact. Are you going to hold this man liable for the actions of his tenant?

I could go on and on but I hope I have made my point. I ask you not to support the motion of my seatmate Mr. Dyar, and he and I very seldom disagree, to accept the majority report so that we may indefinitely postpone this bill. When the vote is taken, I ask that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I would like to answer a few of the points that Mrs. McCormick from Madison has against this bill. One reason it involves children from one to six years of age is because nearly all cases of lead poisoning occur in this age group. And 85 percent of the lead poisoning cases occur in three-year-olds.

Now, the Health and Welfare Department that is doing the screening program had originally intended to screen 10,000 children throughout the State of Maine. But because they had problems training technicians to take the blood samples and so forth, they were only able to do about 2,500. And of these 2,500, they found 242 cases of positive lead poisoning. That is a 10 percent incidence which is 4 percent more than is found in Portland. Just because I happen to be from Portland has nothing to do with my introducing this bill, it is a state-wide problem.

I would just like to say that it seems to me the rights of a landlord, they do have some limitations. And certainly a limit is reached when a child living in his dwelling develops lead poisoning. Certainly if his building is causing physical harm to the inhabitants, they surely have a right to have that cause determined.

That portion of the original bill pertaining to landlords was a lot tougher than the redraft we are debating today. The first bill was designed to prevent recurrences of lead poisoning which frequently happened after treatment and hopefully to eventually eliminate lead poisoning entirely in the State of Maine.

However, several landlords at the hearing objected to the financial burden that complete removal or permanently covering the lead base source would place on them, so the committee redrafted this portion. All the bill in redraft says is that if a physician diagnoses lead poisoning, then the Health and Welfare Department will, after notifying the owner or his representative, inspect the

building at a reasonable time to determine the source of the poisoning.

In 90 percent of the cases found in Maine, that source has been old lead base paint. If that is found to be the cause, then the occupant and the owner will be notified, the building posted in an obvious place indicating that the building is a health hazard. The owner is recommended to remove the source of the poisoning. He cannot evict the family, he may not rent to another family with children under six and he may not remove the sign until the lead base substance causing the poisoning has been completely removed or permanently covered.

Now this posting, it really doesn't do anything except serve as a continual reminder to the people living in the dwelling that there is a hazard and perhaps deter new tenants from renting. And if children tore the sign down, I am sure most men are reasonable, all the landlord has to do is call the Health and Welfare Department or the building inspector and say, "Look, I am sorry, somebody took down my sign" and they will come and post another one.

Surely, considering the tragic seriousness of an illness that is completely preventable, this is not a harsh or unfair burden on any landlord and I don't believe that even those landlords who opposed the original bill at the hearing would object to the language in this.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: You know, as the fellow said, when you get hit in the face yourself, it hurts. I would like to tell you just a little story and tell it short. I have one house that I let that has seven rooms. This man cannot read nor write. In fact, I do his reading for him, I write his letters for him. This man pays me \$23 a month rent and I pay the water, the taxes and the upkeep of that house. I am losing money every day on that house. But, ladies and gentlemen, I guess maybe I am too good a fellow.

If this bill goes through before the ninety days is up, this is not an emergency, I shall order the man out of the house and I shall tear it down because I cannot afford to go all through this house, because it does have lead base paint in it. This house was built way back in the 1700's. It is one of the oldest houses in the Town of Oakland. This would really hit me.

She says after the bill goes through, you cannot order these tenants out. I do not want to order this man out and the only reason I let this man in here, they came in and tore the place down right over his head, gave him no place to go. He did not have any money and rather than make him a town pauper or a state pauper, so that he could be independent and pay his own bills, I let him in. I hope you will go along with Mrs. McCormick.

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

Mr. MULKERN: Mr. Speaker and Ladies and Gentlemen of the House: I think Mr. Brawn misunderstands this bill a little bit. This bill would only apply to tenants renting a dwelling who have children under six years of age. The bill does not require that any landlord remove lead base paint from his home. He can keep it there but the thing is he has to post the property to warn people that it is there, that it is a health hazard.

I think this is a good piece of legislation for both the consumer, it is a good compromise for the tenant and the consumer and I feel really, that the landlord of a dwelling is entitled to know something like this, particularly if they have little children. It should be posted. I do not see that this bill does any great harm at all.

It even has a provision in here, as Mrs. Najarian said, to replace or securely and permanently cover or modify in such a manner that the lead base substance no longer constitutes a health hazard. In other words, he doesn't have to completely remove the paint from the house.

I don't really see any great problems with this piece of legisla-

tion at all and I hope the House will go along and pass on this bill. We need something like this in Maine. It is really a beginning, and as Mrs. Najarian said, the bill has been considerably changed in the new draft. I think we should act positively on this thing today and pass it out and that the House should act positively on this bill.

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

Mr. DYAR: Mr. Speaker, Members of the House: It is with fear and trepidation and somewhat humble humiliation that I rise to oppose my seatmate this morning on her motion. True, there was danger in the original draft. It would force a landlord to remove lead paint or cover lead paint if it was found in the apartment that he owned and rented.

In the redraft we considered this problem and watered the bill down to a point where now the Department merely posts a sign on the building or within the building saying that there is lead contamination in the premises. If the landlord wishes to remove the potential lead danger, he has the prerogative. If he wishes to allow the lead contamination to continue, he merely takes no action.

I think the important section of this bill which nobody has talked about is Section 1319 that requires a physician of this state to report any cases of suspected lead poisoning.

Now, the gentle lady from Portland, Mrs. Najarian, has pointed out that the incident rate of those who have been tested, children who have been tested in this state, is running in excess of 10 percent. My seatmate also brought out the fact that this 10 percent did not include all who have been contaminated through lead base paints, that there was lead water pipes, there had been lead crayons, there had been parents bringing home lead toxicity on their clothing and it had been passed on to the child.

I think that this bill as a redraft, as written, will perform the function that Health and Welfare feels is needed. It will protect the indi-

vidual who does not want to move into an apartment and expose his child to the hazard of lead radiation. It also protects the landlord. He does not have to spend a nickel if he does not want to.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: If I am reading this law correctly, this law does not limit it only to children. It says here, "Lead poisoning controlled acts." Here is the definition. Under two, under 1315, definitions: "Dwelling means a structure, all or part, which is designed for the use of human habitation." If one person lives in that house, you are under it.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I would refer Mr. Brawn to Section 4 under 1315 which says, "Surfaces which are readily accessible to children six years of age or under."

One other point I would like to make clear, that only those buildings will be posted where they have found a case of lead poisoning. Not every building in the state that has a high lead paint content will be posted but only when a child is reported to the Health and Welfare Department as having been poisoned. Then that building will be posted.

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

Mr. MULKERN: Mr. Speaker, Members of the House: I would just like to make one more point that just occurred to me. I have been looking through the Portland papers rather regularly recently looking for apartments and I don't really think — at least in the case of the City of Portland — that many of the places for rent are going to even be hurt by this bill because I see more apartment buildings with the notices posted "no children allowed." This is very common in the City of Portland and, in fact, in a majority of the places that rent in the paper, it

says, "no children allowed." They won't even be affected by this bill.

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

Mr. LEWIS: Mr. Speaker, Members of the House: As a member of the 105th Legislature, also a member of Health and Institutional Services, we heard this bill and it has come before us during the 106th. The evidence introduced at the hearing does indicate that many children are addicted to chewing lead paint and as a result, severe brain damage is done. I voted against the bill originally but with the amended bill, the redraft, I think that it produces something that we can live with and I would hope that you would support Mr. Dyar in this measure.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I have always believed that an ounce of prevention is worth a pound of cure. That is why as a member of the Health and Institutional Services Committee I worked and I signed the majority "ought to pass" on this bill.

I do feel that it will provide the Department of Health and Welfare with some of the tools needed to get started in its fight against lead poisoning in children.

Before I talk specifically to this bill, I would like to mention some facts concerning lead poisoning. Lead does cause blood poisoning. Lead generally affects the brain and brain cells and as a result, it is a needless cause of mental retardation and other neurological handicaps and in some cases death. The National Association of Paint Manufacturers recognized this and back in 1952 they moved to have the lead taken out and dangerous amounts taken out of their paint. They also spoke for this bill.

Lead poisoning can be detected through urine and blood samples and also lead poisoning can be detected early enough so that tremendous harm can be prevented. Lead poisoning can also be treated if caught early enough

and if lead is not allowed to re-enter the body. It can be prevented by a well-run and extensive educational program by direct instruction to the parent and also by prevention of recurring lead poisoning when this is found.

I got a letter just the other day from a group which is dedicated, and has been for many years, to serving retarded and handicapped children, Camp Wabon in Sanford. They endorse this bill because they feel that it is, in this particular case — as they say, "It is now our turn to help prevent retardation. In many cases we don't have many opportunities to prevent mental retardation in children. This is one of the few that we do have." I have got a petition of about 20 names that urge us to pass this.

I would also like to state on this particular bill — and this is important — that this chapter is dependent only on the screening process. Therefore, as the gentleman from Oakland stated, Mr. Brawn, unless there are children in that house that have been screened and have been proven to have lead poisoning, this particular chapter would not affect his house or that person at all. In other words, the effect of this law will come into being only when a child is found to have a concentration of lead in his or her blood.

We heard at the hearing there have been, I think, over 400 cases reported, positive cases. According to the Department of Health and Welfare, around 90 percent of these cases can be detected through the screening process, can be traced back to lead paint either on the walls or on a crib or on a toy or something.

I urge you to vote against the indefinite postponement of this measure.

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

Mr. JACKSON: Mr. Speaker, may I request that the Clerk read the original Committee Report and the signers of it?

The Committee Report was read by the Clerk.

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

Mr. CARRIER: Mr. Speaker, Members of the House: This morning you are faced with one in a series of bills which not only affects the health of the individual but which, in fact, affects one of the greatest rights we have and that is the right of property rights. In the past I have been in here to fight for such a right and I am still here today.

I would like to explain to you very briefly, and you probably know, the right of property is the legal right to exercise dominion and control over it. Property rights are the rights of the landowner, that the owner has in his land and in which no one can lawfully interfere. These are rights against all the men and against the world. Broadly speaking, real property is all interest in land except for terms of years.

I will not go into an explanation as to the different kinds of rights because I don't think I want to take that much time on this. On the other hand, ladies and gentlemen, it is really quite a thing to hear different people talk about their rights here, but most of all, it is amazing how many people are ready and willing to give away the property of other people, which they themselves do not want to put their equity in such property but yet they are willing to give the others that do take this chance and give their property away eventually. I want to emphasize this, due to the fact that two and four years ago when we had similar bills of this nature and other bills involving landlord-tenant relationships, that at that time I said that if the legislature starts meddling with the laws of this kind, there will be a shortage of rents and this is exactly what we have today. I can assure you that there will be more shortages of rents if you keep passing legislation such as this.

Now, the Constitution of the United States actually guarantees that no state shall deprive any person of life, liberty or property without due process. Now, I think that a bill of this nature is an

invasion of my property rights and the rights of the people that own such property. Regardless of whether you look at this bill and say this only applies to properties with dwelling units in it, this is not totally so. This is a matter of interpretation because it does say in there, dwelling or dwelling units. So, therefore, we are all concerned with the health of our children and there is nobody that is probably as concerned — I would say nobody, but all of us are really concerned about what we will do for their health and this is why we have so many programs to promote the health of children.

Now, this ambiguous bill on one hand proposes to do away with lead paint and on the other hand the proponents of this bill have not realized — or if they did, I think it is a great mistake — to allow a six-year-old child to live in such places if such places have been posted and this is exactly what this bill does under section 1322. If there is such a great concern, well let's get them out of there and put them into some rents where there is no lead paint.

Under such a proposal as we have over here, the proponents must believe that the danger of lead paint is minimized to kids under six years old, because this is exactly what it says right here. Under 1322, even if a landlord — it doesn't say in such words — but even if a landlord is so concerned about — and landlords still have some heart left in them — that even if he is so concerned about the kids not getting sick any more and he serves an eviction notice on them to get out because of health hazards, this is not enforceable. This is what it says. So the proponents are using a double standard, see. Let's talk this but yet let them live under undesirable and unacceptable conditions. It is a very inconsistent proposal, a very questionable one and mandatory in nature, not outright, but in nature.

I will try to be very brief. Under section 1323 there is no limit. In the first place, I am not in favor at any time, or right now anyway, to give full powers to the Health

and Welfare Department in this area. Under section 1323 there is no limit on the power of the Health and Welfare to promote such rules. As a matter of fact, there is very much inconsistency here.

It has under 1313, which is one of the first sections on the second page, it says in the first four or five words, "No person shall have, keep, sell or offer. . ." Well, in the first place, if you have it, what are you right now? Are you in violation of this law if it were passed.

As far as keeping it, well I assume and I claim that you can keep whatever you want. You can keep all the junk you want and you can keep anything else you want. So actually, this particular part here does not give anything. It just actually causes — gives a cause of action to be brought against you for having it or for using it, which I think is very inconsistent.

As far as the label goes, well, I, like a lot of others, you accumulate a certain amount of old cans of paint which have been freezing all through the winter and if they think that I am going to go down and put a label on there — it probably wouldn't stick in the first place — I think this is really a ridiculous proposal.

Under 1319, you just look at the title of that particular phrase. "Report of suspected —" and that is the word, "suspected" by physicians. So actually, what you do here, and I am sure the physicians will know about this, because I think they can spend their time much more constructively taking care of people than taking and filing reports and sending this out to the Health and Welfare Department.

Now, the last sentence of that particular paragraph, 1319, it says, "For the purpose of this section, the department may determine the definition of the term poisoning." Well, I submit to you that if this bill has to be passed, at least — at the very least — let's define what somebody can be brought into court for.

Now, under the inspection, under 1320, this is the worst part of it. For those of you who are entitled

to your rights, this is the one you really want to pay attention to. This authorizes any representative of the department, upon credentials and all that stuff, to inspect any dwelling at a reasonable time for the purpose of ascertaining the presence of lead paint and all that stuff. It says "may." Well, what happens if I refuse to let him come and inspect my property? What happens then? There is no provision whatsoever here that says that I can't refuse them and this is one section of it which I don't like and which I think is very touchy to me.

Then it goes on under 1321 again, it says that the owner of the building — owner of the dwelling or the building in which a dwelling unit is, he should be informed to remove the paint and they have the right — this is the nice thing — they have the right to come down and put a certificate on your property if they think, if they actually think that such dwelling constitutes a hazard to them and the removal of it would be in violation of this particular proposed legislation. Now, what if somebody else removes the certificate? Who has the liability? These are things which I think requires a lot of consideration.

The main thing, I believe, under 1322, if people are actually interested in protecting the health of our kids, get the people out of there and let somebody go in there and do some work. I can only say to you what some of them have said to me what the repairs might involve. In the first place, if you have paint on there, who is going to take a chance with Health and Welfare. If they come out there, take a few chips let's say in the middle of a wall, who is going to pay for the cost of repainting this. But on the other hand, the thing is this, that actually this bill gives them rights to come onto your property that you own and actually they are using a double — a triple standard and leaving people there, which apparently, according to their ideas, would not be in the best health situation that a kid can be.

So therefore, I can only question that where are the owners of these



properties? The owners are not the proponents that get up here today. They are not the ones that are going to have their pocketbook or wallet hit by this stuff. They are the same ones that don't suggest any concrete solution. They are the same ones that are harassing the owners of property. You cannot and you must realize that the rents today under private ownership work much more efficiently than the rents under governmental jurisdiction.

Ladies and gentlemen, the shipyards use the paint and it means that you wouldn't want to take your kid on one of these floating boats around from here to Canada and Nova Scotia.

I say this and I say it as a challenge and I say it as an offer, that for those who feel so strongly about this lead paint and about providing places for people to live in without lead paint, without a lot of other things, without being able to evict them and with being able to give all your rights away, I give them this challenge. I say to the proponents of this bill and to the ones that believe in this that all you have to do is get hold of me, I will be glad to make arrangements for you to buy these places and you can get anybody you want in there.

I claim on my property rights that I should be protected against such legislation and I hope that you see the value of it and that you vote for the indefinite postponement.

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

**MR. CONNOLLY:** Mr. Speaker, Ladies and Gentlemen of the House: Before I begin my remarks, I want to apologize in advance to the gentlewoman from Portland, Mrs. Najarian, who introduced this bill. I support this redraft even though I think that it is a landlords' bill. But I think the remarks I am going to make may jeopardize the bill.

First of all, I am infuriated by the remarks that came from the gentleman from Westbrook, Mr. Carrier. The remarks that Mr. Carrier made, in my opinion, are not worth listening to. He would

have us believe that because we as Americans are guaranteed the right to hold property that that somehow supersedes the right to human life and to human well-being and health care and to freedom from mental retardation, if you will.

I want to give you an example. There is a family that are very good friends of mine in Portland, a woman. She has seven children. In 1970 one of her children was three years old and the model cities program ran a light-screening test, a light-screening series in Portland. Her three-year-old son went through the program and it was detected that he had lead poisoning. Before he could receive medical help, a number of things happened to him. First of all his hair turned green. He began to become very hyperactive, and the use of his arms, legs and his hearing were impaired. He eventually, for three years, went through a series of medical treatment and is now relatively okay, except that his hearing will be permanently damaged. The mother went to the landlord and explained the problem and said, "We would like to have something done about the apartment. We would like to have the paint removed. I am willing to do the work if you will put in some of the money." And the landlord said, "Get lost." Well, the four tenants in that apartment, the four different apartments, the tenants got together and went on a rent strike they organized. And as a result of that, they came up with the first collective bargaining agreement, landlord/tenant collective bargaining agreement in the history of the state. That particular problem with the lead base paint was taken care of in that building.

I don't want to talk about other examples of the lady that I know who has two children who are permanently mentally retarded because of the lead base paint that they ate or the numerous other people that I know that have been affected by it.

Mrs. McCormick, when she spoke, talked about it being the responsibilities of the parents

rather than the responsibility of the landlords to remove the paint. How can that be when the landlord owns an apartment building and the family moves in there after another tenant has vacated that apartment. It would seem to me that the landlord has a moral responsibility, if not a legal responsibility, to remove that paint and see that his tenants, the children that live in that apartment, are going to be taken care of.

The redraft of the bill is a landlords' bill because it requires the landlords to do absolutely nothing. It just says that the Department of Health and Welfare will post the property and the landlords can leave it posted if they want to. But it does not prohibit them from renting the apartment even after it has been posted. All it does is require the particular building to be posted.

If this bill helps one child in the State of Maine and only one child in the State of Maine, then it is worth everybody's vote on the floor of this House today.

Now, if landlords don't want to offer protection to their tenants, then I think they should get out of the business of making money off of tenants. The first responsibility of landlords is to their tenants and secondly to their pocket-books.

To the challenge of the gentleman from Westbrook, Mr. Carrier, I would just say that I don't want to be a landlord.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mr. Carrier who advised that every one of us here who lived in an apartment when a contract was made, either the rent was lower because he did the painting or the rent would be higher if you did the painting.

I know there are a lot of conscientious land owners here who would take steps in avoiding this situation as well as reliable paint dealers and paint contractors. However, there are some that aren't conscientious.

Apart from the city of Biddeford, most of us from the larger cities here would know there are a lot of manufacturing plants in the area, and there is usually a deal worked with the purchasing agent or someone for three cans of paint that should go on machinery or with regard to Portsmouth Navy Yard that should go on boats that find themselves on hallways and corridors of tenant buildings to save a few dollars. Now, this bill would eliminate that practice, hopefully. So that is the reason for my supporting this bill.

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

Mrs. McCORMICK: Mr. Speaker, Members of the House: I would just like to clarify a statement made by Mr. Connolly. Evidently, he was not listening totally to what I said. I did not say that the parents had to remove the paint. I said it should be up to the parents to see that the child does not eat the paint.

All the while that my children were little, I lived in many rented places with painted woodwork and such. I would no more let them chip the paint in somebody else's house and eat it than I would in my own. I think this is the responsibility of the parents to see that their children are not destroying and eating paint, not the landlords.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Trumbull.

Mr. TRUMBULL: Mr. Speaker, Ladies and Gentlemen of the House: Nobody has called to anybody's attention section 1317 and 1318 as to regards of what a lead base substance is. You may or may not know federal law is already quite stringent upon this, enacted within the past two years. And as a gentleman that sells paint, I should be somewhat aware of this.

There is no definition here what a lead base substance is; and without this definition, it would mean that anything that contained any lead at all would come under this. If this is true, then I submit to you that it is impossible probably

for any kind of paint to be sold in the State of Maine under this type of thing without this warning on it. Federal law says that for use on interior surfaces it shall have no more than 1/100's of 1 percent, and for exterior use, no more than 1/10 of 1 percent use.

If this is adopted as written here today, it will probably be impossible to sell paint in the State of Maine, period; any kind, water base or oil base. For everybody's information, water base paints do contain lead in some small percentage.

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

Mr. DYAR: Mr. Speaker, Members of the House: I would like to clarify some of the statements just made. Section 1316, 1317 and 1318 are taken and based on the federal law at the present time. In fact, Section 5 of Section 1315 also says what a lead base substance is. It cannot contain over .5 per cent lead by weight calculated as lead metal. So basically, we are copying the federal law into our state statutes here at the present time.

Now, it was brought out here by a previous speaker that Health and Welfare would be making rules and regulations and putting everybody out of business. But 1324, pertaining to local ordinances and so forth, does not prohibit a local municipality from setting the same or higher standards.

Now, the gentleman from Westbrook who made the statement from the Constitution, I think it should be realized that these children who are subject to lead base poisoning should also have the right to health, life and the pursuit of happiness. If we can pass this legislation here today, it may be inconvenient to a small segment of society; but if we can save one child from becoming mentally retarded, I think this bill would be worth it.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reiterate what Mr. Dyar, from Strong, just

mentioned, is the fact that we do have a question here, in a sense, of rights. I agree with Mr. Carrier on that. But I also feel, in a sense, this is similar to the same question on abortion where the legislature at times has to move to protect the right of the unborn child. In this case by passing this, we are moving to help protect the rights of the young children, the rights to grow up healthy and without the fear or without the handicap of mental retardation or brain damage.

I realize in just about every act this legislature passes we take away the rights of some person. But here we have a chance, at least — perhaps we are limiting the rights of the landlord a bit. But in a sense, we are expanding the rights of another segment of our society, that of the children.

I would also like to just mention so that everybody knows, what we are trying to do with this particular piece of legislation is nothing more than posting a notice of the potential hazard on a dwelling, nothing more than what you have on the side of a cigarette package. Now, when the federal government passed regulations pertaining to cigarettes, the warnings on cigarette packages, I don't really feel they took the rights away from the manufacturer of cigarettes. In this case I don't really think we are limiting to that great an extent the rights of the landlord or the owner.

The gentleman from Oakland, Mr. Brawn, was granted permission to speak a third time.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman just said in his talk that these children would have a better right. I want you to think it over, all of you, before you vote. No one will let these children into their rents if this happens. They are going to be worse off than they are now.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I guess this is a bill where some of us are landlords, some have been

tenants, some have been landlords. We have talked about good landlords, perhaps some that aren't so good. We have talked by implication at least about good parents, alert parents who watch their children and probably could guard their children under the worst of conditions. But, you know, even if a child has a parent that isn't as alert as the parent should be, that child is still a child. The child is still a citizen of this state. We have a duty, at least I think we have a duty, to protect children even if their parents are not as vigilant as they should be.

How many of us can sit here, at least from my point of view, Mr. Speaker, as a matter of conscience, have on our individual consciences the possibility of the poisoning of even one child and the mental retardation or other harm to that child, I find it very very difficult to imagine.

We have property rights and I think most of us in this house own property. I own a piece or two myself. When property rights, if this be a property right conflict and it results in a child being poisoned, then it is time to get some reasonable regulations involved.

This bill, I agree with the gentleman from Portland, Mr. Connolly, is a modest bill. It is not a harsh bill. It may be the product of political compromise with those in the field of rental property, but it is a beginning; and if we protect even one child, it is worthwhile. There is a right under the Constitution to own property, but there is no right to manage your property in such a way that you harm a child.

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

Mr. CARRIER: Mr. Speaker and Members of the House: One could feel very out of place here by some indication that probably some of us are against the welfare of children. I can assure you that under all other things, this is not my position. And the position that I have taken is very easily explained in the fact that if you are going to leave six-year-old children living in there, I think that the values

of this particular bill is very confusing.

The reason that I really stand up here today is due to the fact that the representative from Portland — and anybody can get up and say something — that he said that I was not worth listening to. This, ladies and gentlemen, can be very true. But on the other hand, as a matter of good manners, I think we should listen to what people have to say, that maybe some of us might learn something from it, too.

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 gentlewoman from Union, Mrs. McCormick, to indefinitely postpone Bill "An Act Relating to Lead Poisoning Control," House Paper 474, L. D. 621, and all accompanying papers. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Berry, P. P.; Berube, Bither, Brawn, Cameron, Carrier, Carter, Cressey, Davis, Dudley, Dunn, Evans, Farrington, Faucher, Ferris, Hamblen, Hancock, Henley, Hunter, Immonen, Jacques, Jalbert, Kauffman, Kelley, LeBlanc, Lewis J.; MacLeod, Mahany, McCormick, McNally, Merrill, Morin, V.; Pontbriand, Pratt, Rollins, Shute, Sproul, Strout, Theriault, Trumbull, Walker, Willard.

NAY — Albert, Ault, Berry, G. W.; Birt, Boudreau, Bragdon, Briggs, Brown, Bunker, Bustin, Carey, Chonko, Clark, Conley, Connolly, Cooney, Cote, Curran, Curtis, T. S., Jr.; Dow, Drigotas, Dyar, Emery, D. F.; Farley, Farnham, Fecteau, Finemore, Flynn, Fraser, Gahagan, Garsoe, Good, Goodwin, H.; Goodwin, K; Greenlaw, Haskell, Herrick, Hobbins,

Huber, Jackson, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, Lawry, Lewis, E.; Lynch, Martin, Maxwell, McHenry, McMahon, McTeague, Mills, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Peterson, Ricker, Rolde, Ross, Shaw, Simpson, L. E.; Smith, S.; Soulas, Talbot, Tanguay, Tierney, Trask, Tyndale, Wheeler, Whitzell, Wood, M. E.

ABSENT — Binnette, Chick, Churchill, Cottrell, Crommett, Dam, Deshaies, Donaghy, Dunleavy, Gauthier, Genest, Hoffses, Knight, Littlefield, Maddox, McKernan, Santoro, Sheltra, Silverman, Smith, D. M.; Stillings, Susi, Webber, White.

Yes, 42; No, 82; Absent, 24.

The SPEAKER: Forty-two having voted in the affirmative and eighty-two in the negative, with twenty-four being absent, the motion to indefinitely postpone does not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted.

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

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

Mr. MARTIN: Mr. Speaker, I would ask if the House is in possession of House Paper 810, L. D. 1056, Bill "An Act Relating to the Redemption Value of Trading Stamps," on which the House voted to recede and concur?

The SPEAKER: The Chair would answer in the affirmative. The House is in possession of L. D. 1056.

The Chair recognizes the same gentleman.

Mr. MARTIN: Mr. Speaker, I move we reconsider our action whereby the House voted to recede and concur.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that the House reconsider its action whereby it voted to recede and concur with the Senate.

On motion of Mr. Farrington of China, tabled pending the motion of Mr. Martin of Eagle Lake to reconsider and tomorrow assigned.

On motion of Mr. Simpson of Standish,

Adjourned until eight-thirty tomorrow morning.