

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

Friday, May 4, 1973

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

Prayer by the Rev. Mr. William Morley of Bristol.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Ought Not to Pass**

Report of the Committee on Public Utilities on Bill "An Act to Establish the Maine Telecommunications Commission" (S. P. 440) (L. D. 1505) reporting "Ought not to pass"

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

**Referred to Committee on
Public Lands**

Report of the Committee on Natural Resources on Resolve to Develop a Comprehensive Development Concept for Maine Mountain Areas and Provide Funds for a Preliminary Plan (S. P. 542) (L. D. 1694) reporting the Bill be referred to the Committee on Public Lands.

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted, the Bill referred to the Committee on Public Lands in concurrence.

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to Continue Emergency Employment Act Services at Bangor State Hospital" (S. P. 504) (L. D. 1588) reporting "Ought to pass"

Report of the Committee on Appropriations and Financial Affairs reporting same on Bill "An Act to Upgrade the Quality of Care at Bangor State Hospital" (S. P. 531) (L. D. 1689)

Report of the Committee on State Government reporting same on Bill "An Act Establishing an Office of Early Childhood Development in Maine" (S. P. 515) (L. D. 1639)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read once and assigned for second reading the next legislative day.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Transportation on Bill "An Act Relating to Examinations for Motor Vehicle Operators' Licenses" (S. P. 156) (L. D. 390) reporting "Ought to pass" in New Draft. (S. P. 602) (L. D. 1893)

Report was signed by the following members:

Messrs. GREELEY of Waldo
CIANCHETTE
of Somerset
SHUTE of Franklin
— of the Senate.

Messrs. WOOD of Brooks
McNALLY of Ellsworth
DUNN of Poland
KEYTE of Dexter
Mrs. FRASER of Mexico
Mrs. BERRY of Madison
— of the House.

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

Report was signed by the following members:

Mrs. McCORMICK of Union
Messrs. STROUT of Corinth
WEBBER of Belfast
JACQUES of Lewiston
— of the House.

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

In the House: Reports were read.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if any of you have looked into this new draft, but I believe that this is a very very serious bill. If you haven't looked at it, I wish you would.

It means new examinations, and I don't know exactly how the new draft reads, so I wish that somebody would table this and look it over this weekend. It is a serious bill and I don't think that we are really ready to go into this at this

time. I think it needs a little more study.

I move the acceptance of the minority "Ought not to pass" report.

The SPEAKER: The gentleman from Lewiston, Mr. Jacques, moves the acceptance of the Minority "Ought not to pass" Report.

The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker, I move that this item lie on the table for one legislative day.

Thereupon, Mr. Birt of East Millinocket requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mr. Drigotas, that this matter be tabled pending acceptance of the Minority "Ought not to pass" Report and specially assigned for Monday, May 7. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 33 having voted in the negative, the motion did prevail.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to Deceptive Price Comparison Advertising under Uniform Deceptive Trade Practices Act" (H. P. 1057) (L. D. 1381) (C. "A" H-198) whereby the House insisted on May 1 whereby the bill was passed to be engrossed as amended by Committee Amendment "A" (H-198).

Came from the Senate with the Bill and all accompanying papers indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Simpson of Standish, tabled pending further consideration and specially assigned for Monday, May 7.

Non-Concurrent Matter

Bill "An Act to Repeal the Compensation for the State Running Horse Racing Commission" (H. P. 1464) (L. D. 1889) (H. "A" H-301) which the House passed to be engrossed on May 1.

Came from the Senate with House Amendment "A" (H-301) indefinitely postponed and the Bill passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Kelleher of Bangor, the House voted to recede and concur.

Orders

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

Mr. NORRIS: Mr. Speaker, I would inquire if the House is in possession of L. D. 1127, Senate Paper 381, Bill "An Act Providing Funds for Development of an International Conference Center on Peaks Island?"

The SPEAKER: The Chair would answer in the affirmative.

Mr. NORRIS: Mr. Speaker, I would move that the House reconsider its action whereby this bill was passed to be enacted and I would speak briefly to my motion.

I would like to back this bill up so that I may put an amendment on it that would take the lapsing clause off and allow this to continue on to prevent the lapsing of the funds on June 30, 1974.

Thereupon, on motion of Mr. Norris of Brewer, the House reconsidered its action whereby the Bill was passed to be enacted.

The SPEAKER: The pending question is passage to be enacted. 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.

5 having voted in the affirmative and 78 having voted in the the negative, the motion did not prevail.

On motion of Mr. Norris of Brewer, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-324) was read by the Clerk and adopted.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

House Reports of Committees Ought Not to Pass

Mr. Haskell from the Committee on Appropriations and Financial Affairs on Bill "An Act to Designate the Maine Publicity Bureau as the State's Agent in Certain Matters Pertaining to the Promotion of Vacation and Travel" (H. P. 1377) (L. D. 1833) reporting "Ought not to pass"

Same gentleman from same Committee reporting same on Bill "An Act Creating the Maine Promotion Matching Fund in the Department of Commerce and Industry" (H. P. 1394) (L. D. 1837)

Mr. Garsoe from the Committee on Labor reporting same on Bill "An Act to Conform Certain Provisions of the Minimum Wage Law to the Federal Fair Labor Standards Act" (H. P. 510) (L. D. 675)

Mr. Shute from the Committee on Legal Affairs reporting same on Bill "An Act to Prohibit Smoking in Public Places" (H. P. 1099) (L. D. 1424)

Mr. Simpson from the Committee on Public Lands reporting same on Bill "An Act Relating to the Public Reserved Lots in the Unorganized Territory" (H. P. 25) (L. D. 25)

Same gentleman from same Committee reporting same on Bill "An Act Creating a Committee to Locate All of the Public Reserved Lands in the State" (H. P. 133) (L. D. 198)

Mrs. McCormick from the Committee on Transportation reporting same on Bill "An Act Permitting User Fees to be Imposed at Municipal Airports" (H. P. 1356) (L. D. 1787)

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

Leave to Withdraw

Mr. Flynn from the Committee on Labor on Bill "An Act Repealing Certain Maine Labor Laws as They Relate to Women" (H. P. 617) (L. D. 815) reporting Leave to Withdraw.

Mr. Shute from the Committee on Legal Affairs reporting same on Bill "An Act Relating to Code of Ethics for Chiropractors" (H. P. 265) (L. D. 372)

Mr. Ricker from the Committee on Liquor Control reporting same on Bill "An Act Authorizing the Town of New Portland to Vote on Certain Liquor Local Option Questions" (H. P. 402) (L. D. 531)

Mr. Jacques from the Committee on Transportation reporting same on Resolve Authorizing Improvements to Coulombe Road in New Canada Plantation (H. P. 1364) (L. D. 1820)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Farley from the Committee on Labor on Bill "An Act to Clarify Procedures under the Municipal Public Employees Labor Relations Act" (H. P. 1360) (L. D. 1816) reporting Leave to Withdraw as Covered by Other Legislation.

Report was read and accepted and sent up for concurrence.

Ought to Pass Printed Bill

Mr. Brawn from the Committee on Legal Affairs on Resolve to Reimburse Higgins Classical Institute for Costs of Certain Students (H. P. 1439) (L. D. 1855) reporting "Ought to pass"

Report was read and accepted, the Resolve read once and assigned for second reading the next legislative day.

Ought to Pass with Committee Amendment

Mr. Herrick from the Committee on Natural Resources on Bill "An Act Relating to Compensation for Members of the Land Use Regulation Commission" (H. P. 626) (L. D. 824) reporting "Ought to pass" as amended by Committee Amendment "A" (H-322)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-322) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Ought to Pass in New Draft New Draft Printed

Mrs. Berube from the Committee on Natural Resources on Bill "An Act Relating to Solid Waste Disposal" (H. P. 816) (L. D. 1083) reporting "Ought to pass" in New

Draft (H. P. 1478) (L. D. 1903)

Report was read and accepted, the New Draft read once and assigned for second reading the next legislative day.

**Divided Report
Tabled Unassigned**

Majority Report of the Committee on Constitutional State Reapportionment on Resolve to Apportion 151 Representatives among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine (H. P. 472) (L. D. 984) reporting "Ought to pass"

The report was signed by the following members:

Messrs. SHUTE of Franklin
MORRELL

of Cumberland
— of the Senate.

Messrs. BIRT of East Millinocket
FERRIS of Waterville
HAMBLÉN of Gorham
McKERNAN of Bangor
— of the House.

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

Report was signed by the following members:

Mr. KELLEY of Aroostook
— of the Senate.
Messrs. COTE of Lewiston
KELLEHER of Bangor
McTEAGUE of Brunswick
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would give just a brief explanation of what we intend to do about this particular piece of legislation and then hopefully have it tabled unassigned pending the acceptance of either report.

Following this action there has been prepared an order with seven questions on it which will be sent in to the Supreme Court to get an interpretation of what our present Constitution will allow relative to House apportionment. I think that all of the members in signing this report where they signed it either side, feel that this is probably the best faith effort

that can be made interpreting the Constitution as we understand it.

In sending this to the court, possibly we can get the answers. After it comes back from the court we then will make a decision in this body and within the committee as to what we will do. Hopefully you will go along with this action.

On motion of Mr. Simpson of Standish, tabled unassigned pending acceptance of either Report.

**Order Out of Order
Tabled and Assigned**

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

WHEREAS, it appears to the Members of the House of Representatives of the 106th Legislature that the following are important questions of law and that the occasion is a solemn one; and

WHEREAS, in accordance with Article IV, Part I, Section 2 of the Constitution of Maine, the 106th Legislature is considering reapportionment of the House of Representatives; and

WHEREAS, a plan for such reapportionment, which represents a good faith effort to conform to the provisions of the Maine Constitution, has been reported from the Joint Select Committee on Constitutional State Reapportionment, viz: H. P. 472, L. D. 984, which is now pending before the House of Representatives; and

WHEREAS, the House of Representatives has annexed a copy of said report and a copy of the Report to the 106th Maine State Legislature by the House Apportionment Commission hereto; and

WHEREAS, questions have been raised concerning whether the method of reapportionment of the House of Representatives due to the prohibitions against crossing county and municipal boundaries prescribed by the provisions of Article IV, Part I, Sections 2 and 3 of the Constitution of Maine, is consistent with the requirements of the Equal Protection Clause of the 14th Amendment to the Constitution of the United

States or the Equal Protection Clause of Article I, Section 6-A of the Constitution of Maine and whether any plan for reapportionment of the House of Representatives founded on such provisions would be valid; and it is important that the Legislature be informed with respect thereto so that it may act upon the proposed report; now, therefore, be it

ORDERED, that in accordance with the provisions of Article VI, Section 3 of the Constitution of Maine, the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House of Representatives their opinion on the following questions of law, viz: QUESTION NO. I.:

Whether the method of reapportionment as it relates to keeping representative districts within counties and whole municipalities as prescribed by Article IV, Part First, Sections 2 and 3 of the Constitution of Maine is permissible under the E.P.C. of the 14th Amendment to the Constitution of the United States or the E.P.C. of Article I, Section 6-A of the Constitution of Maine?

QUESTION NO. II:

Whether that portion of the reapportionment as it relates to fractional excesses over whole numbers to be computed in favor of the counties having larger fractional excesses as prescribed by Article IV, Part First, Section 2 of the Constitution of Maine is permissible under the E.P.C. of the 14th Amendment to the Constitution of the United States or the E.P.C. of Article I, Section 6-A of the Constitution of Maine?

QUESTION NO. III:

Whether that portion of the reapportionment as it relates to a district containing fewer inhabitants than the largest fraction remaining to any municipality within such county after allocating of one or more Representatives to municipalities entitled to one or more Representatives as prescribed by Article IV, Part First, Section 3 of the Constitution of Maine is permissible under the E.P.C. of the 14th Amendment to the Constitution of the United States or the E.P.C. of Article I,

Section 6-A of the Constitution of Maine?

QUESTION NO. IV:

Whether that portion of the reapportionment as it relates to giving additional Representatives from the remaining County Representatives unallocated under the foregoing procedure shall be allocated to municipalities having the largest fraction remaining as prescribed by Article IV, Part First, Section 3 of the Constitution of Maine is permissible under the E.P.C. of the 14th Amendment to the Constitution of the United States or the E.P.C. of Article I, Section 6-A of the Constitution of Maine?

QUESTION NO. V:

Whether forming multi-member districts composed of more than one municipality, as prescribed by the provisions of Article IV, Part First, Sections 2 and 3 of the Constitution of Maine, is permissible under the Equal Protection Clause of the 14th Amendment to the Constitution of the United States or the Equal Protection Clause of Article I, Section 6-A of the Constitution of Maine?

QUESTION NO. VI:

In general, whether the method of reapportionment prescribed by the provision of Article IV, Part I, Sections 2 and 3 of the Constitution of Maine is permissible under the Equal Protection Clause of the 14th Amendment to the Constitution of the United States or the Equal Protection Clause of Article I, Section 6-A of the Constitution of Maine?

QUESTION NO. VII:

Whether the proposed plan for reapportionment of the House of Representatives, H. P. 472, L. D. 984, hereto annexed, is permissible under the Equal Protection Clause of the 14th Amendment to the Constitution of the United States or the Equal Protection Clause of Article I, Section 6-A of the Constitution of Maine?

The Order was received out of order and read.

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

Mr. BIRT: Mr. Speaker and Members of the House: I would like to explain one point about this. This order has a supplemental page 3. In the original drawing up of the order, there was a mistake of one word, and that was in question 5, the second line, the word "prescribed" was in there and it was supposed to be "proscribed." The order that has been introduced, this mistake has been corrected. But rather than having to print all four pages of the order, we printed a supplemental page 3. So this will actually substitute for the page 3 that is in the order.

Pursuant to the rules, this order must lay on the table for one day and I hope it will be tabled for that time.

On motion of Mr. Simpson of Standish, tabled pending passage and specially assigned for Monday, May 7.

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor on Bill "An Act Increasing Minimum Wages" (H. P. 91) (L. D. 112) reporting "Ought to pass" as Amended by Committee Amendment "A" (H-318).

Report was signed by the following members:

Messrs. TANOUS of Penobscot
KELLEY of Aroostook
— of the Senate.
Messrs. HOBBS of Saco
McHENRY of Madawaska
BINNETTE of Old Town
FARLEY of Biddeford
Mrs. CHONKO of Topsham
— of the House.

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

Report was signed by the following members:

Mr. HUBER of Knox
— of the Senate.
Messrs. McNALLY of Ellsworth
BROWN of Augusta
ROLLINS of Dixfield
GARSOE of Cumberland
FLYNN of South Portland
— of the House.

Reports were read.

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

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

Thereupon, on motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Brown of Augusta to accept the Minority Report and specially assigned for Tuesday, May 8.

Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs on Bill "An Act Setting Off Part of Standish to Raymond, Cumberland County" (H. P. 720) (L. D. 926) reporting "Ought not to pass".

Report was signed by the following members:

Mr. JOLY of Kennebec
— of the Senate.
Messrs. CAREY of Waterville
BRAUN of Oakland
FAUCHER of Solon
SHUTE

— of Stockton Springs
EMERY of Rockland
FECTEAU of Biddeford
DUDLEY of Enfield
SHAW of Chelsea

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

Report was signed by the following members:

Mr. ALDRICH of Oxford
— of the Senate.
Messrs. CONNOLLY of Portland
COTE of Lewiston
— of the House.

Reports were read.

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

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

On motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Emery of Rockland to accept the Majority Report and specially assigned for Monday, May 7.

Divided Report Tabled and Assigned

Report A of the Committee on Legal Affairs on Bill "An Act Preventing a Lien on Real Estate When Owner has Paid Contractor"

(H. P. 828) (L. D. 1087) reporting "Ought not to pass"

Report was signed by the following members:

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

Messrs. COTE of Lewiston
SHAW of Chelsea
DUDLEY of Enfield
— of the House.

Report B of the same Committee on same Bill reporting "Ought to pass" in New Draft under new title "An Act Making Contractor a Trustee of Funds Received for Building Purposes" (H. P. 1479) (L. D. 1904)

The report was signed by the following members:

Messrs. CAREY of Waterville
PECTEAU of Biddeford
BRAWN of Oakland
EMERY of Rockland
— of the House.

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

Report was signed by the following members:

Messrs. CONNOLLY of Portland
SHUTE
of Stockton Springs
FAUCHER of Solon
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, I move the House accept Report "C".

On motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Shute of Stockton Springs to accept Report "C" and specially assigned for Tuesday, May 8.

Consent Calendar First Day

(H. P. 258) (L. D. 338) Bill "An Act to Clarify the Permanent School Fund" — Committee on Public Lands reporting "Ought to pass"

(H. P. 519) (L. D. 684) Bill "An Act to Repeal the Seasonality Provisions of the Employment Security Law" — Committee on Labor reporting "Ought to pass" as amended by Committee Amendment "A" (H-319)

(H. P. 651) (L. D. 878) Bill "An Act Revising the Laws Relating to Electricians" — Committee on Legal Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (H-320)

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

(H. P. 760) (L. D. 993) Bill "An Act Relating to Premises of Liquor Licensees in Proximity to Post-secondary Schools" — Committee on Liquor Control reporting "Ought to pass"

On the request of Mr. Murray of Bangor, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading the next legislative day.

(H. P. 1138) (L. D. 1520) Bill "An Act to Enable Communities to Establish Multiple Community Solid Waste Districts" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-321).

(H. P. 1244) (L. D. 1615) Resolve Authorizing Attorney General to Convey Interest of the State in Frogg Island in Little Sebago Lake to Ruel E. Taylor, Jr. — Committee on Legal Affairs reporting "Ought to pass"

(H. P. 1319) (L. D. 1715) Bill "An Act Permitting Local Option Questions on Liquor to be Voted at any State-wide Election" — Committee on Liquor Control reporting "Ought to Pass"

(H. P. 1324) (L. D. 1750) Bill "An Act to Require Fees for Motor Vehicle Inspection Mechanic's Examination" — Committee on Transportation reporting "Ought to Pass"

(H. P. 1410) (L. D. 1850) Bill "An Act Relating to Provisional Motor Vehicle Licenses" — Committee on Transportation reporting "Ought to pass"

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

Consent Calendar Second Day

Tabled and Assigned

(H. P. 415) (L. D. 564) Bill "An Act Increasing Compensation of

Full-time Deputy Sheriffs in all Counties" (C. "A" H-309)

On the request of Mr. Binnette of Old Town, was removed from the Consent Calendar.

On further motion of the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Monday, May 7.

(H. P. 540) (L. D. 722) Bill "An Act Relating to Nature of Foreclosure of Tax Lien Mortgages" (C. "A" H-311)

(H. P. 1160) (L. D. 1493) Bill "An Act Establishing a State Register of Natural Areas" (C. "A" H-312)

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

Passed to Be Engrossed

Bill "An Act Authorizing a Business Manager for the Department of the Attorney General" (H. P. 1297) (L. D. 1683)

Bill "An Act Relating to the Registration of Private Employment Agencies" (H. P. 1474) (L. D. 1899)

Bill "An Act Relating to State Income Tax Deduction for Student Tuition Payments" (H. P. 1473) (L. D. 1898)

Bill "An Act to Provide \$50,000 to Purchase Land for a Wildlife Management Area in Warren Pond Area of York County" (H. P. 1475) (L. D. 1900)

Bill "An Act Relating to the Disposal of Junked Cars" (H. P. 1476) (L. D. 1901)

Bill "An Act Relating to Service Retirement for Certain Members of the State Police" (H. P. 1009) (L. D. 1323)

Bill "An Act Providing for Payment of Sales Tax on Motor Vehicles at Time of Registration" (H. P. 1477) (L. D. 1902)

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

Second Reader

Tabled and Assigned

Resolve Authorizing County Commissioner of Aroostook County

to Extend Route 161 (H. P. 1129) (L. D. 1464)

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

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

Mr. FINEMORE: Mr. Speaker, I move this be tabled for two legislative days.

Mr. Martin of Eagle Lake requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that this matter be tabled pending passage to be engrossed and specially assigned for Tuesday, May 8. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 37 having voted in the negative, the motion did prevail.

Second Reader Tabled and Assigned

Bill "An Act to Annex Town of Brunswick to Sagadahoc County" (H. P. 1326) (L. D. 1738) (C. "A" H-313)

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

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

House Amendment "A" (H-325) was read by the Clerk.

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

Mr. ROSS: Mr. Speaker, and Ladies and Gentlemen: Sagadahoc County was set off from Lincoln April 4, 1854. Since then the city of Bath has been the county seat or Shire Town. Now if this bill goes through to allow Brunswick to become part of Sagadahoc, no matter how friendly we are, I would hate to see an interloper, just because they are larger in population, take over control of our court system. I believe that the legislators from Brunswick agree to this and I move its adoption.

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

Mr. McTEAGUE: Mr. Speaker, Members of the House: We certainly do agree with it and I believe that the legislators from Sagadahoc will agree with us and hope that we will be in full agreement next session when hopefully we are in the same county delegation. I would like to say that the nice thing about going down to Bath as the county seat, is you might stop by Representative Ross' house for a cup of coffee. We are very happy for the amendment.

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

Mr. CAREY: Mr. Speaker, I am interested in finding out what happens to Brunswick's share of the Portland Civic Center. When they move into Sagadahoc County, do they drop out of this particular proposal? I would like to know if the gentleman from Brunswick, Mr. McTeague, can answer that question.

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

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

Mr. McTEAGUE: Mr. Speaker, and the gentleman from Waterville, Mr. Carey: The amendment before us relates to Bath remaining Shire Town, although the ultimate question certainly is in the same ball park as the question that Mr. Carey has posed. Ultimately the idea is that the Town of Brunswick, if it became part of Sagadahoc County by vote of the people of Sagadahoc and Brunswick, would assume its fair portion of the county debt in the county to which it belongs. We have for about 150 years paid in the county debt in Cumberland County. We do not ask 10 percent of the court house or anything like that be put quitclaim to us. We are perfectly willing to let the people that remain in Cumberland County own that. It wouldn't be practical to bring our

10 percent of the court house either to Bath or to Brunswick.

We have by the way, seriously, very very little in the way of county facilities in Brunswick. We received I guess some 15 or 20 years ago some assistance on a road. I think we have pretty well paid that off.

We are in Brunswick approximately 9 percent of the population of Cumberland County. We produced less than 6 percent of the revenue of Cumberland County. In a sense it is not a very good deal for Cumberland County.

The Regional Planning Commission which did a study on the financial aspects of the transfer, which I believe the sponsor, Representative LaCharite presented to the committee who rendered the unanimous report, shows that the effect on the county taxes in Cumberland County in the withdrawal of Brunswick will be less than not having us in the county any more.

I can assure the gentleman from Waterville, Mr. Carey, that Brunswick is a Pepsi town and that we produce, even though we are only 9 percent of the population, more than that in regard to court house activity. Cumberland County is thinking of building an annex to the court house because of the overcrowding situation. They are going to take over the Portland Police Station which is next door to the court house. Hopefully with Brunswick in the county where the people of Brunswick desire to be, the Cumberland County taxpayers will be relieved of the additional tax burden of building an annex on the court house.

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

Mr. CONNOLLY: Mr. Speaker, I would like to pose a question through the Chair to the gentlemen from Brunswick, either one of the gentlemen from Brunswick. I don't believe you answered Mr. Carey's question. His question, as I understand it, is what would happen to Brunswick's share of paying for the Cumberland County Recreation Center? I would like to pose that question again.

The SPEAKER: The gentleman from Portland, Mr. Connolly, poses a question through the Chair for anyone who may answer if he wishes.

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

Mr. SIMPSON: Mr. Speaker, I would ask if the debate is germane to the amendment. Actually the pending question right now is House Amendment "A" which deals with the county seat.

Thereupon, House Amendment "A" was adopted.

On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Tuesday, May 8.

Emergency Measure Tabled and Assigned

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

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

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to bring this back into focus and bring you up to date on it. I believe this bill came out as a divided report from Appropriations. I think Mr. Haskell pointed out to you the other day on passage for engrossment that he felt that this was premature. It is based upon a study now being conducted in Washington, and I would point out to you that this bill calls for \$150,000 for this fiscal year and then \$300,000 as an estimate for each year thereafter. So on this particular bill we are showing three-quarters of a million dollars.

Also, it is talking only in terms of the benefits under Workmen's Compensation. And I would suggest to you that if this were passed and once it got underway, there would be additional benefits sought such as a pension and other benefits. In reports that have been before a committee at Pineland, the Bangor State Hospital and Augusta

State Hospital, the ratio of employees and patients is now virtually one to one. It would seem to me on the face of it, that if we have one employee for each patient, they should be able to do the work without hiring additional help to the amount of \$300,000 a year. So I would urge you to vote against this measure on the vote.

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and specially assigned for Monday, May 7.

Emergency Measure Tabled and Assigned

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

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

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of the entire elected membership of the House. All in favor of this being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Simpson of Standish requested a roll call vote.

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

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

On motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and specially assigned for Tuesday, May 8.

Emergency Measure Tabled and Assigned

An Act Relating to the Immunity Provisions of the Unfair Trade Practices Act (H. P. 1235) (L. D. 1606)

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

On motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and specially assigned for Monday, May 7.

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

Mr. SPROUL: Mr. Speaker, we don't seem to be accomplishing too much here. I would like to make a motion we adjourn.

Thereupon, Mr. Simpson of Standish requested a vote on the motion.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I will preface my remarks by saying it is not my purpose to try to dictate or set any policy. I fully understand the gentleman from Standish, Mr. Simpson's thinking. By the same token, I also must understand the gentleman from Augusta, Mr. Sproul's thinking.

Presently we have 105 members in this body; 151 members are elected to serve in this body. And I think if it is not a justifiable thing, and it isn't, it hasn't given a bill a fair shake one way or the other, to vote on it when we only have 105 and we need 101 votes. By the same token, it isn't a fair shake on any measure for us to act when we only have 105.

I will repeat what I have stated time and time again — and I am not going to show my age — but by the same token, Mr. Speaker and members of the House, we have been here since ten o'clock Monday morning. We have worked in the morning, some of us have worked every afternoon, and we have worked in the evening. And you have been standing there for five days and so has the Clerk and the Assistant Clerk. Mr. Speaker, this is too fast a pace, and now we are hearing the time is late or the hour is late. The time is late now; the time was late in January, and we are doing the wrong thing. And right now, believe me, without the thought of setting any policy or dictating to anybody what we are doing now is wrong, and we should adjourn

and come back here refreshed at ten o'clock Monday morning.

Mr. Ross of Bath was granted unanimous consent to address the

Mr. ROSS: Mr. Speaker and Members of the House: Our rules say that if we have 76 persons here we can act on legislation. We have all been so busy in committees, although you are supposed to have a majority of the committee there before you hear bills, very often this session we have not had a majority of committees there.

We certainly are legally entitled to hear the rest of these. I doubt if they are that important, and if they are, Mr. Simpson has said he will grant you the right to table for a day. I think, since it is only ten minutes of one, that we could finish up our today's work in prompt fashion.

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

Mr. MARTIN: Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER: The gentleman may pose his question.

Mr. MARTIN: Mr. Speaker, the gentleman from Augusta debated his motion to adjourn, therefore I would ask the Chair that the motion to adjourn made by that gentleman is out of order.

The SPEAKER: The Chair thanks the gentleman. Mason's Manual on Legislative Procedure, Section 206, says that the unqualified motion to adjourn is not debatable. Therefore, the Chair would rule the motion to adjourn out of order.

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

Mr. JALBERT: Mr. Speaker, I move that we adjourn and I ask for a roll call.

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

Mr. MARTIN: Mr. Speaker, I would ask the Chair to rule that motion out of order since the gentleman did not give a time which we were to adjourn to and therefore we would be adjourning sine die.

The SPEAKER: The Chair would rule the motion in order as the Chair understands that in orders passed the first day of the session

we automatically indicated that ten o'clock on the following day would be adjournment time.

Mr. MARTIN: Mr. Speaker, which would mean Saturday, tomorrow morning.

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

Mr. JALBERT: Mr. Speaker, I move we adjourn and I ask for a roll call — I want to repeat my motion, that is all.

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 in favor of 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 Lewiston, Mr. Jalbert, that the House stand adjourned until ten o'clock Monday morning. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bustin, Carey, Chick, Clark, Conley, Donaghy, Dow, Jalbert, Kauffman, Kelleher, Talbot.

NAY — Ault, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Briggs, Brown, Bunker, Cameron, Carrier, Carter, Chonko, Churchill, Connolly, Cooney, Cote, Cottrell, Cressey, Curran, Davis, Drigotas, Dunn, Dyar, Emery, D. F.; Farnham, Farrington Fecteau, Finemore, Flynn, Fraser, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Henley, Herrick, Hobbins, Hoffses, Hunter, Immonen, Jackson, Jacques, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McNally, McTeague, Merrill, Morin, L.; Morton, Mulkern, Murchison, Murray, Norris, O'Brien, Palmer, Parks, Perkins,

Peterson, Pontbriand, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Soulas, Sproul, Stillings, Susi, Tanguay, Theriault, Tierney, Trask, Tyndale, Walker, Webber, Wheeler, White, Wood, M. E.; The Speaker.

ABSENT — Albert, Baker, Bragdon, Crommett, Curtis, T. S., Jr.; Deshaies, Dudley, Dunleavy, Evans, Farley, Faucher, Ferris, Gahagan, Gauthier, Huber, McKernan, McMahan, Mills, Morin, V.; Najarian, Pratt, Santoro, Sheltra, Silverman, Strout, Trumbull, Whitzell, Willard.

Yes, 11; No, 110; Absent, 28.

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

Passed to Be Enacted

An Act Amending the Authorization of Foreign Banks and Trust Companies to Act as Fiduciaries (S. P. 413) (L. D. 1252)

An Act Relating to the Deletion of an Exemption under the Unfair Trade Practices Act (S. P. 483) (L. D. 1550)

An Act Relating to Rules and Regulations Promulgated under the Unfair Trade Practices Act (S. P. 484) (L. D. 1551)

An Act Relating to Waiver by Consumer under Unfair Trade Practices Act (S. P. 485) (L. D. 1552)

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

An Act Relating to Schooling of Indian Children (H. P. 557) (L. D. 767)

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

An Act to Increase Penalties for Certain Sea and Shore Fisheries Laws (H. P. 855) (L. D. 1142)

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

Orders of the Day

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

Bill "An Act to Create the Office of Ombudsman" (H. P. 1143) (L. D. 1515)

Tabled — May 2, by Mr. Farnham of Hampden

Pending — Motion by Mr. Curtis of Orono to accept Report "A" "Ought not to pass"

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope very much you will not accept the motion to support the majority report. I would point out to you that this is a split report of 6-6, and I hope very much that you will defeat that and in turn support the minority report.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Curtis, that Report "A" be accepted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, Report "B" "Ought to pass" was accepted. The Bill was read once and assigned for second reading the next legislative day.

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

Bill "An Act to Provide for Notice Upon Release or Change of Status of a Patient in a State Mental Institution" (S. P. 418) (L. D. 1257) (C. "A" S-97)

Tabled — May 2, 1973 by Mr. Soulas of Bangor.

Pending — Motion by Mr. Whitzell of Gardiner to indefinitely postpone.

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

Mr. SOULAS: Mr. Speaker, Members of the House: I would like to explain the reason for this indefinite postponement. This morning I received a communique

and I know members of the Health and Institutional Services Committee didn't get a chance to review this. So I would like to just read it briefly and explain why this action was taken.

In the first place, the bill was introduced — and I will read to you the statement of fact. It states, "This proposal is being made as a response to complaints by parents or relatives of mental patients that the patients were being transferred or released without any notice to them."

Now, to get back to the amendment. Now, the amendment actually states in every single line in each paragraph and it says — the amendment states, "Unless the patient requests in writing that such notice not be given." Now, if the amendment is accepted, this is what could happen. If we had a patient at one of these hospitals and we were inclined to go there some weekend and not find them there, our first objection would be with the department that you have already released our next of kin and we don't know where this person is. Of course, their first response would be, well, we didn't give you this notice because the next of kin didn't want us to give you this notice. So I think we are getting it right back to — what we are trying to avoid then is to give the people notice so that if the patient doesn't give them notice, they will have no idea where this person has gone.

Now, since then I received this communique this morning which goes back to the original bill, why we had the bill involved or even introduced to the committee in the first place. This release came from the Department of Mental Health and this procedure is in our statutes. It states, "community placement."

Now, the decision to place a resident in the community is made on the basis of the combined evaluation of the team of employees working most directly with that resident. The decision reflects a staff opinion that the resident cannot benefit any further from remaining at the hospital or the center and that his needs could

better be met in a particular community setting. Parents, guardians or the nearest relative are notified either personally or by mail of any proposal to place a resident in the community. If the original notification of the proposed community placement is by mail and no response is received within two weeks, the social worker will either call or visit the parent, guardian or nearest relative or send a follow-up letter explaining where the resident will be placed and the projected date of placement giving at least a one-week notice for a chance to discuss the placement. If the parent, guardian or nearest relative does not respond within a one-week period, the placement is made with a letter going out to the parent, guardian or nearest relative notified of the placement.

For this reason, I think the bill and the amendment are unnecessary, because we have this vehicle to do this at present. So I hope you will support the motion to indefinitely postpone.

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

Mr. DYAR: Mr. Speaker, Members of the House: I am amazed that the gentleman from Bangor, Mr. Soulas, this morning would read this letter from the department. We are well aware the department has imposed this piece of legislation which was presented by the Committee on Health and Institutional Services, the committee that investigated our institutions all last year. We had public hearings and private hearings all over the state and this was one of the problems that this department, as Mr. Soulas has read here this morning has violated the state statutes. They have released people from our state institutions and nursing homes and boarding homes back into society without notifying the parents, relatives and guardians. This is why this bill is before you.

Now we have documented evidence at Pineland where a 17-year-old girl, mentally retarded, was released. Her parents were not notified. They found her in Lewiston some three weeks later living with an unmarried man. We have documented testimony that a

gentleman from Cumberland County whose wife had been in Augusta State Hospital for years received a letter saying his wife was being transferred to a nursing home further north than Augusta. Now, this man had a hard job getting up to Augusta every Sunday to visit his wife. They did discharge this woman from Augusta State Hospital to a nursing home.

There is a mad practice of discharging patients from Augusta, Bangor State Hospital and Pineland. I wish we had the record here this morning to show how many people, elderly people in this state who were patients in these two mental institutions who died within a six-week period due to the shock of being transferred from the state institution to a nursing home. I am talking about elderly men and women, 70, 80, 90 years old.

I think this is a worthwhile piece of legislation. I think an elderly man in his 80's or 90's who has a spouse in an institution, he should know her status. He should know whether she is being transferred to a nursing home or being discharged. I think a parent of a 16, 17 or even an 18-year-old, if that child is going to be released from a state institution, I think the parents should know.

The amendment was brought about because the department thought we would have a problem. Psychiatrists felt that some patients being discharged from mental institutions, there should be a provision where they would not have to notify say a wife or a husband if this had been, in many cases, the source of the problem prior to commitment. They thought it would be beneficial if these people were not notified, but it was up to the individual involved whether or not he wanted his relative notified of his discharge or transfer.

What Mr. Soulas has read to you this morning, in my mind, is a cover-up of the Department of Mental Health and Corrections and a flagrant violation not only of possibly current law but of ethics.

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

Mr. GOODWIN: Mr. Speaker, Members of the House: I would ask you to vote for the indefinite postponement of this. I realize there are problems with or has been problems in state institutions. What this bill does and what this amendment does is it puts the legislature in a position were we are establishing an administrative procedure.

Now, we have recently — the state has recently hired two new heads at Pineland and Augusta State Hospitals who I am very impressed with and I feel they are going to do a very good job. What I would like to see us do is before we start setting up their own personal administrative codes, I would like to just give them a chance to get their particular institutions running and running correctly.

As I understand it — although I wasn't involved in the study of the 105th Legislature on the Committee on Health and Institutional Services, as I understand it, most of these problems have come about under previous administrations. I would just like to say that I am supporting this indefinite postponement at least until we allow these new superintendents to set up their own procedure and see how they are running. I just don't like to get into the business of setting up administrative procedure for various institutions.

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

Mrs. McCORMICK: Mr. Speaker, Members of the House: I am glad that Mr. Goodwin stated the fact that he was not a part of the investigation committee of the 105th, because I don't feel he knows entirely what he is talking about on this issue. Some of us that were there do have the documented proof. It is great to say that this didn't happen under this administration but it did happen under this administration and it is happening. Without this law, the department will continue to put people out without notification. This is the least we can do for the families of people that are in these institutions. I support this measure wholeheartedly.

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

Mr. LEWIS: Mr. Speaker, Members of the House: As a member of the committee that Representative Dyar referred to, I back his statements 100 percent. Personally, I cannot see where enactment of this bill would in any way handicap the new heads of our institutions who have already taken over. I back this measure 100 percent and I feel that the move to discontinue this is absolutely wrong.

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

Mr. MULKERN: Mr. Speaker, Members of the House: I would like to concur with the remarks of Mr. Dyar concerning this bill. I attended the hearings of which he speaks. I am not that well acquainted with the study that was done in the 105th Legislature and I am perfectly willing to acknowledge that perhaps the new administrators of Pineland Hospital are perfectly competent to do their job. I am not questioning this at all.

I know for a fact — I did speak to some of these parents and the impression I got out of this whole business, there was a real problem of communication between the parents of the people in these institutions and the Mental Health and Corrections Department. This has been true in the past and I would like to see some positive legislation on the books which would correct this situation and I think L. D. 1257 would do just that.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker, Members of the House: I have a personal experience to relate to you in regards to this particular bill and how it affected members of my family.

Now, I am not standing up here to perhaps criticize or indict the approach to this particular problem that the hospital authorities have taken. This experience that I went through was this. I am the guardian of a cousin. This was a patient at the Augusta State

Hospital for perhaps 20 odd years and this actually did happen. Because in their wisdom the administrators deemed her a fit patient to be assimilated into another institution, she was removed from the Augusta State Hospital and fortunately in her case to a home that I thoroughly approved of. But I was not informed. I was not informed. I resented it deeply. She could have been transferred to a place somewhere up in Aroostook County. I wouldn't have been able to visit her.

I think that in all decency, that people closely related, closely affected should be notified of this change and traumatic change. She, fortunately, has well adapted and is doing well. But like the previous testimony that was given, I can see where it would affect a person perhaps seriously in more ways than one.

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

Mrs. BERRY: Mr. Speaker, Members of the House: I happened to be in one of the witch hunts in trying to locate a person out of the state hospital. I was given the runaround. It took me five hours through the different offices and departments to find out just where this person was. The parents didn't know where she was and I am sure that this is being done and I am sure that the department plans to be doing it by what we have heard in testimony. I would like to give support to this bill.

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

Mr. SOULAS: Mr. Speaker, Members of the House: I am trying to clear one thing up. I don't find any animosity towards any member of any committee. The only point I am trying to bring up at this point is we have enabling legislation at present. We will put on more enabling legislation but we don't get enforcement. Why put on more and more laws if we are not going to enforce them. If they have this problem of releasing, as has been reported by the members of the 105th, why didn't someone go to the Attorney General's office and get the bill enforced or the

laws that we have enforced. Now, I just feel it is ridiculous legislation to keep putting on more and more bills and we never get the support.

So this is the only point I am trying to bring out, is to save a lot of time. We get more bills on the records and just get someone to enforce the bill that we have at present is all I am trying to say.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I speak in favor of this bill this morning because recently, like many of you at some time or other I was involved, being called by the guardian of a 48-year-old woman who had apparently been released from the Augusta State Hospital. And actually, by the time the guardian, the woman's brother, knew about this — and I don't think she is very capable of taking care of herself — she got the notice that she had been released five days prior from the Augusta Police Department.

Now, whatever charges or whatever the cause of her being up there, I think it was mostly for vagrancy, is immaterial. The fact is that she was released and apparently she is not totally capable of taking care of herself. The brother was extremely mad and extremely concerned because of his great concern for her welfare. That is why he was mad.

Now, actually, as far as these go, it would seem only proper that the officials would not have the right to let such people out. By talking with the people from Augusta, which they were very reluctant to talk about the case, all they could give me for an answer was the fact that she was not responding to the treatment. And at that particular time if she was not responding and at a time if she ever did, she could return. But this is not the issue. The issue is the fact that she was released and the guardian was never notified. Therefore, I will support the bill.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I have been a member of Health and Institutional Services for quite some time, not at the present time, though. But this bill has been put in by someone from the other branch and I think this is a good bill. It too often happens that this department will not listen to anybody but their own ideas, I will be honest about it. You might recommend a lot of things to them, but they will not listen.

More than that, as Representative Soulas says, there are laws on the books. They can't read, I guess when it comes down to that. They have to be prodded around and if you have to put laws on it and make it top heavy so they have to carry it on their shoulders, I believe this bill should have passage.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: Speaking this morning as chairman of the Maine Committee on Aging, I would like to concur with the gentleman from Strong, Mr. Dyar. There is a great deal of trauma involved in moving the elderly. In fact, a study has shown that of people age 65 and over, 50 percent suffer emotional and physiological shock, and 24 percent die within the first six months of institutionalization. I am sure you would find that the same would be true of moving them out of institutions and into another.

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

Mr. LEWIS: Mr. Speaker and Members of the House: It has been brought out here that we do have laws on the books now that takes care of or should take care of this situation. But it is not being taken care of. The department is ignoring these laws. The passage of this bill would certainly alert them to the fact that we know what is going on. I strongly advise the passage of it.

The SPEAKER: The pending question is on the motion of the gentleman from Gardiner, Mr. Whitzell, to indefinitely postpone L. D. 1257. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

9 having voted in the affirmative and 100 having voted in the negative, the motion did not prevail.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (S-97) was read by the Clerk and adopted, and the Bill assigned for second reading the next legislative day.

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

Bill "An Act Relating to the State Police Retirement System" (H. P. 832) (L. D. 1091)

Tabled — May 2, by Mrs. Clark of Freeport.

Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading the next legislative day.

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

Resolution Proposing an Amendment to the Constitution Reducing Residence Requirement for Voting to Fifteen Days (H. P. 9) (L. D. 9) (H. "A" H-281)

Tabled — May 2, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: This afternoon I have an unpleasant job to perform. I must attempt to kill my own bill which I like so well that I filed it November 20, 1972. It concerns the length of time of residency. The first bill was 30 days for everyone, whether they moved from town to town within the state or came from without

the state to the State of Maine. I did this to be fair.

We sent it to the Supreme Court for an opinion, but they said it was too long a period of time. They did not mention how many days would be acceptable. In a spirit of compromise, we reduced this to 15 days. They said any durational requirement is acceptable that is tied to reasonable period of the registration process. We arrived at the 15 days, because in our larger cities, the boards of registration are closed 9 days prior to election day to complete their administrative tasks. To this we added the four days of weekends and a couple of days to come and go on. And we thought we could thus justify 15 days.

However, State Supreme Courts do not depend on logic but strictly on legal, verbal, mishmash handed down by the United States Supreme Court.

As an aside, my father was a lawyer; his father was a doctor, and he wanted him to follow suit. My grandmother felt very strongly about this, but he refused. So she finally said, "All right, if you won't follow an honorable profession, couldn't you at least study law."

Back to our case in point. There is one more factor. All of the clerks of court and the registrars and the entire committee felt very strongly that in fairness to all, people should be allowed to register on election day, if we do this in person before the registrar or Board of Registration. This is in our Omnibus Bill. For this reason, I have a letter from the Attorney General's Department saying that this amendment is not only constitutional but a nullity. In laymen's term, a nullity is legally null, void and invalid.

Our Omnibus Bill now states that in order to vote you must be a resident of the state and the municipality. Consequently, anyone could move into a municipality one day and vote there the next, if you register in person on election day with a registrar of the Board of Registration. They must take your word as to your being a resident. Some say that people will go from town to town and thus, may vote several times. However, I doubt if this would be worth the risk. They probably would be found out, and the penalty is up to \$1,000 fine plus 11 months in jail.

Consequently, with sadness, I now move the indefinite postponement of this bill and all its reports.

Thereupon, the Bill was indefinitely postponed and sent up for concurrence.

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

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

Tabled — May 3, by Mr. McNally of Ellsworth.

Pending — Motion by Mr. O'Brien of Portland to adopt House Amendment "A" (H-316)

Thereupon, the House Amendment "A" was adopted, the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until Monday, May 7, at ten o'clock in the morning.