

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, May 7, 1973

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

Prayer by the Rev. Mr. Jerry Livingston of Camden.

The members stood at attention during the playing of the National Anthem by the Hampden Academy Concert Band.

The journal of the previous session was read and approved.

Orders Out of Order

Mr. Farnham of Hampden presented the following Order and moved its passage:

ORDERED, that Patricia Stevenson of Winterport, Irene Nason, James Sopher of Newburgh and Scott Bartlett of Hampden be appointed Honorary Pages for today.

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

Mr. McMahon of Kennebunk presented the following Order and moved its passage:

ORDERED, that Robin Hilton, Dawn Shuffleburg, Debbie LeBarge, Cathy Record and Karen Hauge of Kennebunk be appointed Honorary Pages for today.

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

Mr. Curtis of Orono presented the following Order and moved its passage:

ORDERED, that Sharon Oliver, Richard Freeman and Peter Jones of Orono be appointed Honorary Pages for today.

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

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

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize the Bureau of Veterans Services to Contract for Services" (S. P. 304) (L. D. 967) reporting "Ought not to pass"

Report of the Committee on Liquor Control reporting same on

Bill "An Act Relating to Class A Restaurants" (S. P. 178) (L. D. 486)

Report of the Committee on Legal Affairs reporting same on Bill "An Act to Promote Quality Health Care to all Persons" (S. P. 420) (L. D. 1258)

Report of same Committee reporting same on Bill "An Act Providing for Nonsmoking Areas in State Buildings" (S. P. 482) (L. D. 1549)

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

Leave to Withdraw

Report of the Committee on Legal Affairs on Bill "An Act to Place the Responsibility for Licensing Steam Engineers and Firemen with the State Board of Boiler Rules" (S. P. 323) (L. D. 990) reporting "Leave to Withdraw"

Came from the Senate with the Report read and accepted.

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

Covered by Other Legislation

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Salaries of County Attorney and Assistant County Attorneys of Penobscot County" (S. P. 537) (L. D. 1690) reporting "Leave to Withdraw" as covered by other legislation.

Came from the Senate with the Report read and accepted.

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

Ought to Pass

Report of the Committee on County Government on Bill "An Act to Authorize York County to Raise \$800,000 for Construction of a County Jail" (S. P. 529) (L. D. 1659) reporting "Ought to pass"

Report of the Committee on County Government on Bill "An Act Creating a County Civil Service Commission for Investigator Deputy Sheriffs" (S. P. 439) (L. D. 1341) reporting "Ought to pass"

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 tomorrow.

Ought to Pass with Committee Amendment

Report of the Committee on County Government on Bill "An Act Relating to Fees of Clerks of Courts" (S. P. 171) (L. D. 426) reporting "Ought to pass" as amended by Committee Amendment "A" (S-101)

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

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-101) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act Relating to Use of Studded Tires on Motor Vehicles" (S. P. 79) (L. D. 196) which the House indefinitely postponed on May 3.

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

In the House: On motion of Mrs. McCormick of Union, the House voted to adhere.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to Membership on the Maine School Building Authority" (S. P. 59) (L. D. 1874) which the House indefinitely postponed on May 3.

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

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

Orders

On motion of Mrs. McCormick of Union, it was

ORDERED, that David Ault of Wayne be excused for the week of the 7th.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: It is my pleasant duty this morning, on the 7th day of May, to note that today is the birthday of the the pleasant, amiable, non-controversial gentleman who has been here many, many, many, many, many years, who is now known as the Methuselah of this body, the dean of the House, my distinguished colleague from Lewiston, the Honorable gentleman from Lewiston, Louis Jalbert. I know that you will join me in wishing him many, many, many more years of long life and service to his state. (Prolonged Applause)

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to thank the gentleman from Lewiston, Mr. Cote, for performing his usual duty as a legislator and a close, close personal friend. I was sorry two years ago that my birthday was celebrated when I was unable to be present, but it was celebrated anyway.

Somehow or other, being the youngest of a family of eight children, my birthday has always meant a great deal to me. This House means a great deal to me, as you know. And as you also know, I can get a little cantankerous, I can get a little sharp, I can get soft, but I would like to have you know, and I think you all know it anyway, I also believe in being sincere and being factual. And I think I am going to be factual with a levity. I think, frankly, the way we are going at it now that I will play a double header and you will have an opportunity to wish me happy birthday while we are still in session. Thank you very kindly.

House Reports of Committees Ought Not to Pass

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to the Establishment and Funding of Bikeways" (H. P. 1273) (L. D. 1647) reporting "Ought not to Pass"

Mrs. Wheeler from the Committee on Judiciary reporting same

on Bill "An Act to Prevent Discrimination in the Field of Medical Care" (H. P. 755) (L. D. 1023)

Mrs. Berry from the Committee on Health and Institutional Services reporting same on Bill "An Act Relating to Inspection of Eating and Lodging Places" (H. P. 931) (L. D. 1228)

Mr. Trask from the Committee on Business Legislation reporting same on Bill "An Act Regulating the Employment of Real Estate Appraisers by State Departments and Agencies" (H. P. 1183) (L. D. 1522)

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

Leave to Withdraw

Mr. Carrier from the Committee on Judiciary on Bill "An Act Relating to Liability of Landlords to Persons Using his Land" (H. P. 776) (L. D. 1008) reporting Leave to Withdraw.

Same gentleman from same Committee reporting same on Bill "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics" (H. P. 1074) (L. D. 1399)

Mr. Soulas from the Committee on Health and Institutional Services reporting same on Bill "An Act Relating to Protection of Consumers in the Purchase of Hearing Aids" (H. P. 1179) (L. D. 1518)

Mr. Goodwin from same Committee reporting same on Bill "An Act Relating to Persons and Practices not Affected by Hearing Aid Dealers and Fitters Law" (H. P. 891) (L. D. 1178)

Mr. LaPointe from same Committee reporting same on Bill "An Act Relating to Licensing of Barbershops" (H. P. 845) (L. D. 1119)

Mr. Trask from the Committee on Business Legislation reporting same on Bill "An Act Relating to Insurance Trade Practices" (H. P. 1093) (L. D. 1430)

Same gentleman from same Committee reporting same on Bill "An Act to Allow Insurance of any Kind to be Sold to All Groups" (H. P. 1403) (L. D. 1844)

Mr. Donaghy from same Committee reporting same on Bill "An Act Regulating the Merger of New Financial Institutions" (H. P. 859) (L. D. 1144)

Mr. Jackson from same Committee reporting same on Bill "An Act Relating to Health Insurance Coverage for Mental Illness" (H. P. 1149) (L. D. 1480)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Haskell from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to Provide a Grant Writer for Bangor State Hospital" (H. P. 1253) (L. D. 1630) reporting Leave to Withdraw as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds for a Study of Bicycle Traffic" (H. P. 969) (L. D. 1276) reporting "Ought to pass" in New Draft, under new title "An Act Providing Funds for a Study of the Recreational and Transportation Aspects of Bicycling" (H. P. 1480) (L. D. 1908)

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

Ought to Pass with Committee Amendment

Mr. Haskell from the Committee on Appropriations and Financial Affairs on Bill "An Act to Allocate Money from the Federal Revenue Sharing Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975" (H. P. 341) (L. D. 456) reporting "Ought to pass" as amended by Committee Amendment "A" (H-326)

Mr. Santoro from the Committee on Health and Institutional Services on Bill "An Act Relating to the Registration of Osteopathic Physicians and Surgeons" (H. P. 1274) (L. D. 1677) reporting "Ought to pass" as amended by Committee Amendment "A" (H-330)

Reports were read and accepted and the Bills read once. Committee Amendment "A" to each was

read by the Clerk and adopted and the Bills assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to Provide a Public Information Officer at Bangor State Hospital" (H. P. 1254) (L. D. 1631) reporting "Ought not to pass".

Report was signed by the following members:

Messrs. SEWALL of Penobscot
CONLEY of Cumberland
— of the Senate.
Messrs. BRAGDON of Perham
SPROUL of Augusta
JALBERT of Lewiston
SMITH of Dover Foxcroft
CARTER of Winslow
HASKELL of Houlton
— of the House.

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

Report was signed by the following members:

Mr. MORRELL of Cumberland
— of the Senate.
Mr. NORRIS of Brewer
— of the House.

Reports were read.

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

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

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

The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Members of the House: As a member of the committee which studied the Bangor State Hospital last summer, this was one of the much needed items, we felt, because there is a lack of communications between the public and the legislature and the members employed at the Bangor State Hospital.

I would request that a roll call be taken, and I move that we defeat this motion of accepting the majority "ought not to pass" and

accept the minority "ought to pass" report.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I find this divided report this morning rather difficult to accept. I was one of the very few that attended the hearing, and at the time there were not any opponents to the bill at all. So I really can't see the reason why this little item was denied. I really feel you should vote against the majority "ought not to pass" report.

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: This bill, as Mr. Churchill has pointed out, is one of the recommendations of the Legislative Study Committee of the Bangor State Hospital.

I also happen to be a member of that committee, and we met all last spring and summer and into this past fall. We found that the state hospital is going through a transition period right now, where it used to be strictly a custodial institution and now they are beginning to offer programs of rehabilitation to patients. When people are admitted to the hospital, it is not the philosophy of the hospital any more that they will be there for life. They would like to find a cure for them and get them out as soon as possible.

So, because of this transition and because of the new programs involved, I think patients, families of patients, friends of patients, the general public and the legislature all should be kept abreast with the changes.

This piece of legislation would allow a public information officer to be hired at the hospital, and his role would be informational and also educational. He would be required to go around in the area, in the greater Bangor area, where the hospital services people and educate the public to the new programs that the hospital is providing. I think it is very important, considering some of the problems

that Mental Health and the institutions in this state have been having in the recent past because of misunderstandings.

It seems that this is just a small step in correcting the problems that exist not only at Bangor State but in all institutions. But right today we are concerned with this particular one in Bangor. And it was the unanimous decision of the Legislative Study Committee that this bill should be introduced and hope that if the person that is hired, some of the problems that have existed in the couple of years during this change period might be rectified. So I hope that you vote against the pending motion and then vote to accept the "ought to pass" report.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: After hearing the remarks from my good friend from Bangor, Mr. Murray, in regard to this position, where he was on that committee to look into the details and the necessity of having the information officer, I think that he explained it all very properly to you.

As you all know, these institutions at the present time are under a great deal of fire. Many of the general public are unhappy the way they are operated, and if they could get some information which I think this man could give to them, would stop a lot of this newspaper stuff that is going on relative to our institutions.

I don't think the sum that is requested is an exorbitant sum; it is only \$21,000. I think it would be well worth its while to have a man of that type, because as Representative Murray said, he could get out, perhaps contact some of these people who are making some statements that they have no foundation for, he might be able to clarify them. I think it would be a very good thing for the general public to have a man of that type in this position.

When the vote is taken, I request a roll call.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: The majority on the Appropriations Committee certainly do not quarrel with the goals that the speakers have expressed here this morning. We simply do have the feeling that this problem logically has to be met on a statewide basis and on a department basis. If you will notice on the preceding page, we also have a piece of legislation in seeking a grant writer for the Bangor State Hospital.

Again, we don't quarrel with the purpose, but we do feel it should be met on a department basis. If you notice the legislation for the grant writer was withdrawn as covered by other legislation. We proposed to include funds in the budget of the department that will cover this position and hopefully the needs of the Bangor institution will be met.

As with this piece of legislation, we feel that rather than adopting this approach of trying to meet what is essentially a department need on an individual institution basis, that if we need additional public information it should be in the budget of the department, it should be one of their priorities, because I am sure you are all aware there are many and very pressing needs in this department and the priorities, we feel, should be established under department-wide basis. For that reason the majority of the committee felt that this was not the approach on an individual institutional basis to the problem, but rather the focus should go back to a department-wide approach. That is the reason the department is opposed to the bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: As chairman of the Bangor State Hospital Study Report Committee, I would like to address myself—of course I am 100 percent in favor of this legislation—but I would like to address myself more specifically to the remarks made by

my very good friend and chairman of the committee. And I guess this is where the difference comes up, is the fact that the committee, in good faith, feels that this could be handled on a unit basis. But our problem is here that there are so many patients at Bangor State Hospital that we don't feel that the public information officer or public relations man in Augusta can handle this. I think history has proven this to be true.

The big problem at CPH right now, one of the main reasons down there, and I sat down through a five hour meeting here three or four weeks ago, was the lack of communication. Parents don't know what is going on and the public doesn't know what is going on and we, after weeks and months of study, felt that one of the biggest problems in the whole mental health thing is to inform the public.

We are starting to treat now instead of keeping them in, putting them in and leaving them; we are trying to treat. This means that these people have to be treated and have to go back into the community. And the community has got to be educated and the legislature has got to be educated. And I think it would behoove — this is as much for the legislature and the people in Bangor so that they will know and they will have some one they can go to and find out what is going on in these institutions.

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

Mr. SMITH: Mr. Speaker and Members of the House: As many of you see, I was one of the signers of the majority "ought not to pass" report. And I would say at the outset that I am not out of sympathy with those that signed the other way on this. It is perhaps that maybe I don't understand the issue as clearly as those two who signed in the minority. My basic reason really for signing the majority report was not that I was not concerned about public information and the public's perception of the mental institutions, but I thought that the money that we do spend on these public institutions

ought to be spent in ways that more directly are of greater benefit to the patients therein.

I am not going to be stingy, as you will see probably a little later in the session, with the mental institutions. But the money that we do spend, I would like to see it go directly for patient care. We have a great deal of work to do in this area and that is really the basic reason why I signed as I did.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: I would like to concur with the thinking of the minority report here this morning. It is my understanding that the department at the present time, in the next building, has some 54 people compared to 34 here a few years ago, of which I believe three are public relations people. If we need \$21,000 or \$22,000 to cover this man in Bangor, it seems as though we can eliminate one or two positions next door and put the people out in the field where they belong.

I have a letter here in my hand relative to C.P.H., as Mr. Norris brought out, which I think is a matter of communications. It could have been handled by a proper person. I believe the Appropriations Committee heard a bill requesting some \$600,000 to repair the C.P.H. building at Pineland. I have a letter here saying that it could be done for \$57,000, including a \$35,000 air conditioning unit which is desperately needed. So it seems to me that if we did have people in the field at the local hospitals who were working for the hospitals rather than the main office, putting out propaganda from these people, that we would be accomplishing something with the taxpayer's money.

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 Houlton, Mr. Haskell, to accept the Majority "Ought not to pass" Report. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Baker, Berube, Bither, Bragdon, Brown, Bustin, Carey, Carter, Chick, Cote, Cressey, Davis, Donaghy, Drigotas, Dudley, Evans, Farnham, Ferris, Finemore, Flynn, Garsoe, Gauthier, Good, Goodwin, H.; Hamblen, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Knight, Lewis, E.; Lewis, J.; Mahany, McCormick, McMahon, McNally, Merrill, Morin, L.; Morton, Najarian, Palmer, Parks, Pratt, Rollins, Ross, Shaw, Silverman, Simpson, L. E.; Smith, D. M.; Sproul, Trask, Trumbull, Walker, Wheeler, Willard, Wood, M. E.; The Speaker.

NAYS — Albert, Berry, G. W.; Berry, P. P.; Binnette, Boudreau, Brawn, Briggs, Bunker, Cameron, Carrier, Chonko, Churchill, Clark, Connolly, Cooney, Crommett, Curran, Curtis, T. S., Jr.; Dam, Deshaies, Dunleavy, Dyar, Emery, D. F.; Farley, Farrington, Faucher, Fecteau, Fraser, Gahagan, Genest, Goodwin, K.; Greenlaw, Hancock, Hobbins, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, MacLeod, Martin, Maxwell, McHenry, McKernan, McTeague, Mills, Morin, V.; Mulkern, Murchison, Murray, Norris, O'Brien, Perkins, Peterson, Pontbriand, Ricker, Rolde, Santoro, Soulas, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Tyndale, White.

ABSENT — Ault, Birt, Conley, Cottrell, Dow, Dunn, Kilroy, Littlefield, Maddox, Sheltra, Shute, Smith, S.; Stillings, Webber, Whitzell.

Yes, 63; No, 72; Absent, 15.

The SPEAKER: Sixty-three having voted in the affirmative and seventy-two having voted in the negative, with fifteen being absent, the motion does not prevail.

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

Divided Report

Majority Report of the Committee on Liquor Control on Bill "An Act Relating to Definition of Class A Restaurant under Liquor Laws" (H. P. 761) (L. D. 994) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. OLFENE

of Androscoggin

FORTIER of Oxford

SCHULTEN of Sagadahoc

— of the Senate.

Messrs. CRESSEY

of North Berwick

IMMONEN of West Paris

CHICK of Sanford

FARNHAM of Hampden

STILLINGS of Berwick

— of the House.

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

Report was signed by the following members:

Messrs. TANGUAY of Lewiston

RICKER of Lewiston

GENEST of Waterville

KELLEHER of Bangor

FAUCHER of Solon

— of the House.

Reports were read.

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

Mr. TANGUAY: Mr. Speaker, I would at this time move we accept the Minority Report.

The SPEAKER: The gentleman from Lewiston, Mr. Tanguay, moves the House accept the Minority "Ought to pass" Report.

Mr. Farnham of Hampden requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Tanguay, that the House accept the Minority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. Thereupon, Mr. Martin of Eagle Lake requested a roll call vote.

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

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I stand here as an individual legislator on my own bill. I commonly refer to it as—at least some people say that this bill is a perennial bill of mine and I thought perhaps if I didn't say anything it might get through. I guess I ought to at least try to explain the purpose of it. I ought to indicate to you that I do not speak on liquor matters because I just feel that I ought to vote my conscience and forget about anything else. I have never made speeches on whether or not we ought to have Sunday sales or whether or not we ought to keep it in or out of stores. But this bill is one which all of you ought to be concerned about and particularly if you come from small towns.

I would like to very briefly describe the problem to you. I am sure the people on the opposite side of the issue are going to get involved and indicate that this is not so and this is not really a problem. Keep in mind that I come from a less populated area of the state—at the moment I guess part of it is under water still—but there aren't many people in each of the communities. The law says that if you are going to get a liquor license, you are going to have to do a certain amount of food business in order to get a class A restaurant license.

I put in a bill two years ago that the committee reported out with a majority "ought not to pass" with a small "ought to pass" report and we were able to reverse

the report in the House and then slap on an amendment that arrived at what some people thought was a compromise in order to possibly allow some of the places to get a license.

Basically the problem is this: In order to get a liquor license you must do a certain amount of food business. If you live in a small town and you rely primarily on summer business or on a small business year round, you do not get to that point of achieving the food limitation. I will be the first one to admit that under existing law, if a Howard Johnson or a Howdy Doody place in the middle of an interstate or anywhere else in this state wanted to apply for a liquor or beer license, we would have to give it to them under existing state law. Because the way that we arrange for the definition of a class A restaurant, it is geared entirely to the limit of food that is sold on the premises. I think that is wrong.

I agree that perhaps my bill does not solve that problem. What I would like you to do today is to accept the minority "ought to pass" report and I will offer you an amendment or offer the amendment to the House for you to accept. If you feel that this is the way to solve the problem, then you would be able to buy the concept and buy the bill.

I do not believe that we ought to allow beer joints to go into the business of having liquor just because they want liquor and that they are going to be able to sell a couple of hot dogs. That is not my purpose at all. I point out to you though, many of the areas where we have problems today in this state are in areas that have a license as a hotel or motel and they manage to cut out of an old building or build 20 little rooms so they can get a liquor license and then they sell liquor and beer both without selling any food. That is under existing law.

So what I am saying is, our law is not working and it is actually hurting the people that want to have a small business and sell food. If we are interested in keeping drunks off the road, then it is a heck of a lot better if they can

get some food down their throat at the same time that they are getting that drink.

I would ask you to vote yes on the acceptance of the minority "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: As the distinguished gentleman from Eagle Lake has stated, this is a perennial bill of his. He points out that it affects particularly his area. Well Maine is full of rural areas and full of small towns, so it affects the state statewide, not particularly the St. John Valley.

This bill had a very fair hearing before the Liquor Committee. It was opposed by the Maine Hotel and Restaurant Association because they feel that if we make every hot dog stand a saloon that it can hurt the overall liquor business.

I think we ought to be a little bit realistic, too, and read the signers of the majority "ought not to pass" report. And if you will note, three members of that unmentionable body signed the "ought not to pass" report. I think the House is wasting time. So I therefore urge you not to vote acceptance of the minority "ought to pass" report.

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

Mr. TANGUAY: Mr. Speaker and Ladies and Gentlemen of the House: I understand, under the existing laws today we have all types of restaurants throughout the state and in all these restaurants you can consume liquor without a license. This is going on throughout and we have bottle clubs even in the Biddeford-Saco area where you come in, you buy a meal, if you care to bring your own liquor, you bring your own liquor. You have setups. If we are ever going to do away with these bring your own bottle clubs throughout the state, bring your bottle club restaurants throughout the state, let's license them.

In some areas some of these small towns — I happen to be

from Lewiston and we sell some, but we have restaurants in Lewiston that probably sell 2 percent of the food consumed in the Lewiston-Auburn area in the restaurants whereby in some of these small communities they sell 100 percent of all food consumed on the premises. So naturally, even though they do sell 100 percent of the food consumed on the premises, in no way can they compete with an area like Lewiston-Auburn or Portland. They cannot reach the plateau of forty thousand or fifty thousand dollars per year. But one thing that we must bear in mind is the fact that they are selling food in the community and it would be up to this legislature to grant them the right to sell liquor on their premises rather than just plainly consume it.

I also note that unlike most licensees — I have been talking about one phase or another on liquor with the president of a social club for the past 12 years, and myself as an individual, I welcome competition.

We have the Hotel Association, the Class A Restaurant Association, they want to liberalize the laws in their behalf. They don't want these small restaurants to be able to cater liquor to their customers because they are drawing away from them. Now it is not so bad, the people who don't associate themselves with liquor — I am one of those who is associated purely as a licensee. I doubt if anyone has ever seen me take a drink, as much as I have been active with it.

It appals me to feel that people who want to cater liquor to their customers would appear to oppose another licensee. This state should concern itself more with the applicant's behavior, his conduct and his abilities, rather than how much food he can sell in his restaurant. So I hope that you accept the minority report.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I now move the indefinite postponement of this bill and all

its accompanying reports and would ask for a roll call.

The SPEAKER: The gentleman from Hampden, Mr. Farnham, moves the indefinite postponement of this Bill and all accompanying papers and requests a roll call. 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 Hampden, Mr. Farnham, that this Bill "An Act Relating to Definition of Class A Restaurant under Liquor Laws," House Paper 761, L. D. 994, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Chick, Cooney, Cressey, Curtis, T. S., Jr.; Dam, Donaghy, Dyar, Emery, D. F.; Farnham, Finemore, Flynn, Gahagan, Garsoe, Hamblen, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Kauffman, Kelley, Keyte, Knight, Lawry, Lewis, E.; Lewis, J.; MacLeod, Mahany, McCormick, McNally, Merrill, Morton, Murchison, Palmer, Pratt, Ross, Shaw, Silverman, Simpson, L. E.; Smith, D. M.; Sproul, Strout, Susi, Tierney, Trask, Trumbull, Tyndale, Walker, White, Willard, Wood, M. E.; The Speaker

NAY — Albert, Berry, P. P.; Binnette, Boudreau, Briggs, Bustin, Carey, Carter, Chonko, Churchill, Clark, Connolly, Cote, Crommett, Curran, Davis, Deshaies, Dow, Drigotas, Dunleavy, Farley, Farrington, Faucher, Fecteau, Ferris, Fraser, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jackson, Jacques, Jalbert, Kelleher, Kelley, R. P.; LaCharite, LaPointe, LeBlanc, Lynch, Martin, Maxwell, McHenry, McKernan, McMahon,

McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, Norris, O'Brien, Parks, Perkins, Peterson, Pontbriand, Riker, Rolde, Rollins, Santoro, Soulas, Talbot, Tanguay, Theriault, Wheeler

ABSENT — Ault, Berube, Birt, Carrier, Conley, Cottrell, Dudley, Dunn, Evans, Kilroy, Littlefield, Maddox, Sheltra, Shute, Smith, S.; Stillings, Webber, Whitzell

Yes, 62; No, 70; Absent, 18.

The Speaker: Sixty-two having voted in the affirmative and seventy having voted in the negative, with eighteen being absent, the motion to indefinitely postpone does not prevail.

The pending question is the acceptance of the Minority Report.

A roll call has been order. All in favor of accepting the Minority "Ought to pass" Report will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, P. P.; Berube, Binnette, Boudreau, Briggs, Brown, Bustin, Carey, Carter, Chonko, Churchill, Clark, Connolly, Cote, Crommett, Curran, Davis, Deshaies, Dow, Drigotas, Dunleavy, Dyar, Farley, Farrington, Faucher, Fecteau, Ferris, Fraser, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, LeBlanc, Lynch, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, Norris, O'Brien, Parks, Perkins, Peterson, Pontbriand, Ricker, Rolde, Ross, Santoro, Smith, D. M.; Soulas, Sproul, Talbot, Tanguay, Theriault, Tierney, Wheeler

NAY — Baker, Berry, G. W.; Bither, Bragdon, Brawn, Bunker, Cameron, Chick, Cooney, Cressey, Curtis, T. S., Jr.; Dam, Donaghy, Emery, D. F.; Farnham, Finemore, Flynn, Gahagan, Hamblen, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Kelley, Knight, Lawry, Lewis, J.; MacLeod, Mahany, McNally, Morton, Murchison, Palmer, Pratt, Rollins, Shaw, Silverman, Simpson, L. E.; Strout, Susi, Trask, Trumbull,

Tyndale, White, Willard, Wood, M. E.; The Speaker

ABSENT — Ault, Birt, Carrier, Conley, Cottrell, Dudley, Dunn, Evans, Littlefield, Maddox, Sheltre, Shute, Smith, S.; Snowe, Stilings, Webber, Whitzell.

Yes, 82; No, 52; Absent, 16.

The SPEAKER: Eighty-two having voted in the affirmative and fifty-two in the negative, with sixteen being absent, the motion does prevail.

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

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act Relating to Certain Property and Excise Tax Exemptions" (H. P. 556) (L. D. 736) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
COX of Penobscot
FORTIER of Oxford
— of the Senate.
Messrs. IMMONEN of West Paris
DAM of Skowhegan
MAXWELL of Jay
FINEMORE
— of Bridgewater
MERRILL of Bowdoinham
DRIGOTAS of Auburn
— of the House.

Minority report of the same Committee on same bill reporting "ought to pass" in New Draft (H. P. 1482) (L. D. 1909)

Report was signed by the following members:

Messrs. MORTON of Farmington
SUSI of Pittsfield
DOW of West Gardiner
COTTRELL of Portland
— of the House.

Reports were read.

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

Mr. SUSI: Mr. Speaker and Members of the House: I move we accept the minority "ought to pass" report and would speak to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves the acceptance of the Minority "Ought to pass" Report.

The gentleman may proceed.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This is entitled "An Act relating to Certain Property and Excise Tax Exemptions." I think that all of us are well aware that around in our communities we have a growing list of properties that are exempted from property taxation. They include charitable and religious organizations, fraternal organizations, government, educational facilities, veterans facilities.

I don't know what your experience is in your community, but I know this, that as the tax rate has grown in my community, as big old properties that carry a high tax burden pass into an estate, quite often the estate will provide for this property passing into the hands of a charitable or educational unit so as to avoid taxation. There is very little value left in these properties. Recognizing the extremely high level of property taxation that exists around many of our communities, this results in piling more and more load on the property that still is not exempt.

This bill provides in a very moderate way for some of these properties to begin to carry some of the load for the services that are expended by the community in tending this property or properties.

I would like to mention, too, that this is just one problem, as I see it, that is basically related to the unrealistically high level of property taxation. Should we now or later be able to accomplish meaningful tax reform, this problem and many other problems would be lessened to the point that they would be of little concern to us. That is the real problem that faces us to get real tax reform enacted. But until such time, I think we would do well to consider the problems that are involved in property tax exempt properties.

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

Mr. DAM: Mr. Speaker and Members of the House: This is a redraft of L. D. 736. I was one of those signers of the "ought not to pass" report, and I feel I should inform the House as to why I

signed the "ought not to pass" report.

I feel that maybe like Mr. Susi, that a lot of municipalities are losing money because of the exemptions. But that is not the fault of the legislature; that is the fault of the individual municipality. That is the fault of the assessors who are elected by the municipalities.

Now, I have the same situation in the Town of Skowhegan that I represent. There are presently on the books laws that take care of the very situations that this bill would take care of and it could be taken care of at the local level and not come to the State Legislature.

In the last session, in the 105th, there was a bill we enacted that was heard before the Committee on Taxation in regard to parsonages of churches. The committee amended that bill and came out with an amendment saying that the churches were limited, each church to one parsonage up to a valuation of \$20,000, beyond that is taxable. The municipalities do have this law; they have a right to use it. You can go back into the statutes and you can find under any of these exemptions the words "used solely and exclusively for the purposes intended."

Now let's take any civic or any fraternal organization. We can take the American Legion, we can take the VFW, we can take Eagles, Elks or any of them. If the municipalities are so concerned over the loss of their taxes, they have in the present law remedies to pick up some of this money. Because if we are going to go back to what the words in the law say, that these clubs are to be used solely and exclusively for the purposes intended then the municipality can tax that portion of the club which becomes revenue producing. But the municipalities, the tax assessors, do not want to do this because they are elected and they like to stay on the side of everyone. One day you are talking to them and you are talking about tax exemption and they are for it. If you are against it, they are against it. They run with the tide.

I do not feel it is necessary for this body to enact this legislation

or to accept the "ought to pass" report and do the work of the municipalities. Let them do their own work, and maybe if they do start doing their own work, we will have a little better tax assessing system in the State of Maine.

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

Mrs. McCORMICK: Mr. Speaker and Members of the House: Mr. Dam feels that this could all be done on a local basis if the town wanted to collect on these particular groups which he mentions. But this bill also allows for collection of taxes on state-owned property throughout the state which is at the present time being rented. The state is collecting the rent and the municipalities are collecting nothing. They give services to these buildings. They have police protection, they have fire protection, you name it and they have it. But the municipalities get nothing on state-owned property.

This particular bill would give the municipality a right to collect a portion of taxes on that state-owned property within the municipality that is being rented at the present time. I ask you to go along with the "ought to pass" report.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the minority "ought to pass" in new draft report, I think it is incumbent on me to give you a few reasons why I felt this way. I would call your attention to the new draft, which is number 1909 and is on your desks this morning. I call your attention in particular to page 2. The gentleman from Skowhegan, Mr. Dam, pointed out that the local assessors in many of the communities in this state are not doing their jobs properly. And I submit to you, ladies and gentlemen, that if L. D. 1909 is accepted you will then have page 2 which will enable the local assessors to do a much better job than what they are doing. At least they will know where the property is and what it amounts to. Because the second

page, the new section, Section 652-A, in this title will require that exempt organizations list their property and will give the assessors the opportunity to find out where it is. Hopefully, if things go better, we may get more property taxes before the end of this session.

But this particular section of the bill is a good section. It is there to enable the local assessors to do a better job. I urge you to accept the adoption of the minority "ought to pass" in new draft.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a case where you rob Peter to pay Paul. I oppose this bill. I understand that one of the hospitals in my community, it would cost them some \$70,000. So what they would do is turn around and charge it to the patients who can ill-afford it, they being ill in the hospital. So it is just a case of who is going to pay what and to whom. I hope that we accept the majority "ought not to pass" report.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to draw attention again to some remarks made by the gentleman from Skowhegan, Mr. Dam. He spoke in opposition to the bill, and in support of his position he made an appraisal of how assessment practices actually work around communities in Maine. I have to concur with him completely, having watched it over many years. I think it is true that in many, many instances the assessments depend very much on who you are and what your position is in the community. I say this not bitterly, because I have been beneficiary under this whole system my whole life. Probably I am blessed with as many friends and relatives in my area as anybody around, and I think perhaps I fare very well under this present system. And I will state in the

same breath that there couldn't be anything more unfair.

I hope when we are on this topic of tax reform and we are talking about professional assessment and assessment districts, that you will remember the remarks that were made here this morning, motivated not by any particular desire to promote tax reform, but stated honestly and candidly in pointing out so clearly that tax assessment practices in Maine stink and we need serious change, and I hope in this session.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am very much against this bill, as you will notice how I signed. I am not only against it for my own little towns where it will bring in some taxes that wouldn't amount to very much in our own taxes or within our own tax rate, but I am interested in the hospitals.

The hospitals, most of them today throughout the state are having a hard time to finance to keep going. And not only in the big cities like Portland, who they say the Maine Medical, it would cost them \$140,000 a year, Lewiston some seventy or eighty thousand. But in our little towns we can't stand this. What is the difference. The same group are running the churches are running most everything else that are paying the taxes, whether you are going to just give the money to churches or give the money to the hospitals to keep them going or turn around and pay it in taxes. I hope you will vote against this minority "ought to pass" report.

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

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: The bill you have before you in new draft I think is an important piece of legislation, because what it is going to do is put some teeth in the assessing process that is taking place across the state right now. I concur with the remarks of the gentleman from

Pittsfield, Mr. Susi, relative to the status of assessing taking place.

The redraft that you have before you is really the product of two bills that were submitted to the House or in the legislature. One of the bills was introduced by myself. One of the ideas that I had in putting the bill in was to create a mechanism that would help clarify the whole business of tax exempt status. I think that what my bill did and as it is incorporated into this new draft is it tightens up this process and it would eliminate some of the loopholes that exist.

Currently the city of Portland has a great deal of tax exempt property on its hands, and contrary to the remarks of Mr. Cote, I think that this is a detriment to the overall community and not just a small segment of the community. I hope that you support the new draft.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Merrill.

Mr. MERRILL: Mr. Speaker and Members of the House: May I pose a question to one of the members of the "ought to pass" report as to whether or not hospitals will be exempted under this redraft.

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

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

Mr. SUSI: Mr. Speaker and Members of the House: I understand they wouldn't, but I understand also that an amendment would be prepared in case we adopt the "ought to pass." I request a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have an affirmative vote of all 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 Pittsfield, Mr. Susi, that the House accept the Minority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Berry, P. P.; Boudreau, Bragdon, Briggs, Carey, Connolly, Cooney, Cressey, Crommett, Curtis, T. S., Jr.; Davis, Dow, Dunleavy, Dyar, Emery, D. F.; Fecteau, Gahagan, Garsoe, Goodwin, H.; Greenlaw, Hamblen, Hancock, Henley, Jackson, Jacques, Kelleher, Kelley, R. P.; Knight, LaPointe, Lewis, E.; Lewis, J.; Lynch, McCormick, McHenry, McKernan, McMahon, Morin, L.; Morton, Mulkern, Murray, Najarian, Parks, Perkins, Peterson, Pontbriand, Pratt, Santoro, Shute, Smith, D. M.; Sproul, Strout, Susi, Talbot, Wheeler, Wood, M. E.

NAY — Baker, Berube, Binnette, Bither, Brawn, Bunker, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Cote, Curran, Dam, Donaghy, Drigotas, Dunn, Farnham, Farrington, Faucher, Ferris, Finemore, Flynn, Fraser, Gauthier, Genest, Good, Goodwin, K.; Haskell, Hobbins, Hoffses, Huber, Hunter, Immonen, Jalbert, Kauffman, Kelley, Keyte, Kilroy, LaCharite, Lawry, LeBlanc, MacLeod, Mahany, Martin, Maxwell, McTeague, Merrill, Morin, V.; Murchison, Norris, Rolde, Sheltra, Smith, S.; Stillings, Tanguay, Webber, Whitzell

ABSENT — Albert, Ault, Birt, Brown, Bustin, Clark, Conley, Cottrell, Deshaies, Dudley, Evans, Farley, Herrick, Littlefield, Maddox, McNally, Mills, O'Brien, Palmer, Rolde, Sheltra, Smith, S.; Stillings, Tanguay, Webber, Whitzell.

Yes, 56; No, 67; Absent, 26.

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

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

Order out of Order

Mr. Briggs of Caribou presented the following Joint Order and moved its passage:

WHEREAS, Airman Dennis Mills of Loring Air Force Base and two companions were found in grave peril following capsizing of their canoe in the rampaging flood waters of Madawaska Stream last week; and

WHEREAS, one of the three men reached safety and help while Airman Mills and the other, who had drowned, became entangled and pinned to a tree by the rush of currents on the ill-fated canoe; and

WHEREAS, State Police Trooper Arnold G. Gahagan, Jr., at great risk to his own personal safety, made his way through the powerful current to rescue Mills and the body of his companion; and

WHEREAS, Trooper Gahagan is credited with the aid of others with saving this life after spending three and one-half hours in the chilled waters; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the One Hundred and Sixth Legislature, now assembled, unite to recognize and commend the dedication to duty and heroic action of Trooper Gahagan which were rendered in the line of duty and are symbolic of the high standard of service and fine tradition of the Maine State Police; and be it further

ORDERED, that a suitable copy of this Order be prepared and presented to Trooper Gahagan in the presence of our chambers in gratitude for his extraordinary service. (H. P. 1481)

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

Mr. Briggs of Caribou, was granted unanimous consent to address the House.

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I just want to point out that Trooper Arnold G. Gahagan, Jr. is a cousin of my fine young colleague, Representative Hayes Gahagan from the City of Caribou. The great meritorious and brave service which Trooper Gahagan

has just rendered is the type of service we can expect from these fine citizens from our city. (Applause)

Thereupon, the Order received passage and was sent up for concurrence.

Consent Calendar

First Day

(H. P. 216) (L. D. 289) Bill "An Act to Replace Lump Sum Financing of State Employees Retirement with Percentage Financing Based Upon Payrolls Paid" — Committee on Appropriations and Financial Affairs reporting "Ought to pass"

(H. P. 770) (L. D. 1004) Bill "An Act Relating to Temporary Restraining Order and Cost of Litigation by the Attorney General under Unfair Trade Practices Act" — Committee on Judiciary reporting "Ought to pass"

(H. P. 936) (L. D. 1235) Bill "An Act Relating to Licenses to Carry Weapons" — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (H-328)

(H. P. 1154) (L. D. 1487) Bill "An Act Relating to Oral Settlements or Releases from Injured Persons Confined to Hospitals" — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (H-327)

(H. P. 1169) (L. D. 1508) Bill "An Act Relating to Venue of Personal and Transitory Actions Involving the Residents of Brunswick and Harpswell" — Committee on Judiciary reporting "Ought to pass"

(H. P. 1240) (L. D. 1611) Bill "An Act to Place Jurisdiction of Annulment and Divorce Actions in the District Court" — Committee on Judiciary reporting "Ought to pass"

(H. P. 1118) (L. D. 1454) Bill "An Act Clarifying Certain Municipal Laws" — Committee on Legal Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (H-329)

(H. P. 387) (L. D. 516) Bill "An Act to Clarify the Barber Law and Increase Certain Fees" — Committee on Health and Institutional Services reporting "Ought to pass"

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

Consent Calendar Second Day

(H. P. 258) (L. D. 338) Bill "An Act to Clarify the Permanent School Fund"

(H. P. 519) (L. D. 684) Bill "An Act to Repeal the Seasonality Provisions of the Employment Security Law" (C. "A" H-319)

(H. P. 651) (L. D. 878) Bill "An Act Revising the Laws Relating to Electricians" (C. "A" H-320)

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

(H. P. 1138) (L. D. 1520) Bill "An Act to Enable Communities to Establish Multiple Community Solid Waste Districts" (C. "A" H-321)

On the request of Mr. Susi of Pittsfield, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-321) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(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.

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

(H. P. 1324) (L. D. 1750) Bill "An Act to Require Fees for Motor Vehicle Inspection Mechanic's Examination"

(H. P. 1410) (L. D. 1850) Bill "An Act Relating to Provisional Motor Vehicle Licenses"

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

Passed to Be Engrossed

Bill "An Act Appropriating Funds to Continue Emergency Employment Act Services at Bangor State Hospital" (S. P. 504) (L. D. 1588)

Bill "An Act to Upgrade the Quality of Care at Bangor State Hospital" (S. P. 531) (L. D. 1689)

Bill "An Act Establishing an Office of Early Childhood Development in Maine" (S. P. 515) (L. D. 1639)

Resolve to Reimburse Higgins Classical Institute for Costs of Certain Students (H. P. 1439) (L. D. 1865)

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

Bill "An Act Relating to Compensation for Members of the Land Use Regulation Commission" (H. P. 626) (L. D. 824) (C. "A" H-322)

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

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

Bill "An Act Relating to Solid Waste Disposal" (H. P. 1478) (L. D. 1903)

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 Relating to Premises of Liquor Licensees to Proximity of Post-secondary Schools" (H. P. 760) (L. D. 993)

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

Mr. Murray of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-332) was read by the Clerk.

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

Mr. MURRAY: Mr. Speaker and Members of the House: This bill is my bill, and after I requested the department to draft the bill, I find out that my intentions are not completely carried out in the way it was originally drafted.

This bill is concerning liquor licenses in close proximity to churches and schools and things like that. Under the present law,

churches, chapels and parish houses, the board of directors or the pastor have a right to waive the 300-foot requirement. If this bill passes, boards of trustees of post-secondary institutions would also have the right to waive the 300-foot requirement concerning liquor licenses.

It was my assumption and also the assumption of the Bureau of Alcoholic Beverages that this would also then in turn allow them to grant liquor licenses to a post-secondary institution if the board of directors of that institution so requested. Since the public hearing I have found out from the Attorney General that unless we add the three words of this amendment, the Liquor Commission would still have the right to issue licenses to institutions. So that is the purpose of the amendment, and I hope you will accept its adoption.

Thereupon, House Amendment "A" was adopted.

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

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

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)

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

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

Passed to Be Enacted Emergency Measure

An Act to Authorize Eleven New Regions and Central Aroostook County Region for Vocational Education (S. P. 110) (L. D. 255) (C. "A" S-56) (H. "A" to C. "A" H-242) (H. "A" H-239) (H. "B" H-240) (H. "C" H-297) (H. "D" H-298)

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. 103 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled and Assigned

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 Engrossed Bills as truly and strictly engrossed.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to this House is necessary. All those in favor of this Bill 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. Martin of Eagle Lake requested a roll call vote.

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

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

The SPEAKER: The pending question is on passage to be enacted as an emergency measure. This requires a two-thirds vote of all the members elected to the House. All in favor of this bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Berry, P. P.; Berube, Boudreau, Brawn, Briggs, Brown, Bustin, Carter, Chick, Chonko, Churchill, Clark, Connolly, Cooney, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farrington, Faucher, Fecteau, Ferris, Fraser, Gahagan, Genest,

Goodwin, H.; Goodwin, K.; Hancock, Haskell, Hobbins, Huber, Immonen, Jackson, Jacques, Kauffman, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maxwell, McHenry, McKernan, McMahon, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Ross, Santoro, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Soulas, Stillings, Talbot, Tanguay, Theriault, Tierney, Trask, Walker, Wheeler, Willard, The Speaker.

NAYS — Baker, Berry, G. W.; Binnette, Bither, Bragdon, Bunker, Cameron, Carey, Cote, Davis, Dudley, Dunn, Farnham, Fine-more, Flynn, Garsoe, Hamblen, Henley, Hoffses, Hunter, Kelleher, Martin, McCormick, McNally, Parks, Pratt, Shaw, Sproul, Strout, Trumbull, Wood, M. E.

ABSENT — Albert, Ault, Birt, Carrier, Conley, Cottrell, Dam, Evans, Farley, Gauthier, Good, Herrick, Jalbert, Sheltra, Smith, S.; Susi, Tyndale, Webber, White, Whitzell.

Yes, 92; No, 31; Absent, 27.

The **SPEAKER**: Ninety-two having voted in the affirmative and thirty-one in the negative, with twenty-seven being absent, the motion does not prevail.

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

Mr. **MARTIN**: Mr. Speaker, I move we reconsider our action whereby this Bill failed of passage to be enacted.

Thereupon, on motion of Mr. McTeague of Brunswick, tabled pending the motion of Mr. Martin of Eagle Lake to reconsider and tomorrow assigned.

Passed to Be Enacted

An Act Relating to Penalty for Death Caused by Violation of Law by Operator of Motor Vehicle (H. P. 201) (L. D. 274)

An Act Relating to Penalty for Recklessly Causing Death by Operation of a Motor Vehicle (H. P. 202) (L. D. 275)

An Act to Appropriate Funds for the Purpose of Creating an Office of Off-reservation Indian Development within the Department of Indian Affairs (H. P. 976) (L. D. 1290) (H. "A" H-306)

An Act Designating Columbus Day as a Legal Holiday (H. P. 989) (L. D. 1309)

An Act Reestablishing the Capitol Planning Commission. (S. P. 535) (L. D. 1688)

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)

An Act Relating to Planning Function of the Maine Law Enforcement Planning and Assistance Agency (S. P. 559) (L. D. 1703)

An Act to Effect Economies in Distribution of State Publications (S. P. 566) (L. D. 1705)

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

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 Relating to Determination of Just and Reasonable Electrical and Telephone Utility Rates by Public Utilities Commission" (H. P. 1192) (L. D. 1532)

Tabled — May 3 by Mr. Fine-more of Bridgewater.

Pending — Motion by Mr. Soulas of Bangor to accept the Majority "Ought not to pass" Report.

The **SPEAKER**: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. **CARTER**: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, and I would like to tell you why I sponsored it. I introduced this piece of legislation because I just do not believe that it is right, just or fair for

these two public utilities to spend any funds derived from the sales of its product to lobby or work against the people they serve, nor do I believe that it is right or fair at all to make the people or the consumer pay for legislation designed to work against themselves. After all, we are a captive market when it comes to buying the services or product of either one of these public utilities.

If we are not a satisfied customer, or disagree with the position that the utility takes on a certain piece of legislation, we can't just say or do like we normally do when we are unhappy with the local grocer or garage operator. We can't simply show our displeasure by taking our business elsewhere. There is simply no other place to go to. That is how it works when you deal with a monopoly.

Funk & Wagnalls defines monopoly as follows: "The exclusive right or privilege of engaging in a particular traffic, especially, such control, as of a commodity, as allows prices to be raised." "Exclusive right or privilege" in this case means no competition and a right or privilege to operate that is protected by law. True, the consumer is protected from many abuses by the PUC but not in this particular area.

At the public hearing, it was pointed out that the costs of lobbying are already disallowed as a legitimate expense in determination of rates. And since this was the case, there was no need for the legislation that I sponsored. If this was actually the case, then why object to putting this law on the books? Perhaps the answer will become as obvious to you as it did to me. Several interesting discrepancies came to my attention at the public hearing on this L. D. I had given the committee members a copy of the "breakdown of expenses reported by New England companies" that was spent by them in opposition to the Dickey-Lincoln School Hydro-Electric Project from 1964 up thru September 30, 1968, which I had obtained through the office of then Congressman Hathaway. I've had these sheets reproduced and they should

be on your desks along with a copy of a letter I received from PUC secretary, Howard Cunningham in response to my query. Incidentally, if you will take the time and look at the sheets that I have distributed, especially the last page, the figures tell an interesting story. These companies spent \$568,000 to defeat Dickey-Lincoln.

At the hearing, one of the opponents stated that during the period cited, 1964 through September 30, 1968, Central Maine Power only spent \$6,000 to lobby against Dickey-Lincoln. But in fact, if you will look at the report I had distributed, second page about halfway down the middle, you will note that the amount is \$60,723.66, quite a difference. And again later on, one opponent said that lobbying expenses were below the line, while another opponent said they were above the line. A little confusing, wouldn't you agree.

Well, in any case, following the hearing, I asked Mr. Cunningham to specifically give me a report of all the expenses of this nature spent by CMP for the last five years. These amounts appear on the letter from Mr. Cunningham, which should also be on your desks.

Now, if you will bear with me a little longer, I will ask you to take a good look at the expenses reported for the year 1967 on both sheets spent to fight Dickey-Lincoln is the total amount of \$13,838.51 for the year 1967. But strangely enough this figure doesn't appear with the breakdown of \$23,754.89 spent during the 103rd session or 1967 on the Cunningham letter. This amount, incidentally, was spent to promote the Maine Power Authority during the 103rd.

Now, if you will look at the year 1968, you will again note another small discrepancy. On the Cunningham letter, you will see the total sum of \$476.85 as spent; but on the other report, breakdown of expenses reported by New England companies you will see that the total spent from January 1, 1968 up thru September 30, 1968 was \$9,345.54. At first I thought this was an oversight, so I called PUC and spoke with an accountant about

this. He told me that only the figures on Mr. Cunningham's letter were on file and that these figures were all disallowed as a legitimate expense and were passed on to the stockholder. I then asked him when this ruling was adopted by the PUC. He couldn't recall a specific date and he didn't believe that the ruling was formally adopted. But he went on to say that they had been following this practice for some years. Exactly how many, however, he couldn't recall. I then asked him if it wasn't possible that since these figures spent to lobby against Dickey-Lincoln were not listed as having been disallowed they were passed on to the consumer. He allowed that this was very possible. I asked him then to double check the files again in regards to this discrepancy and that I would be in touch with him again. Several days later, I called him again, but nothing had changed. The costs of lobbying against the Dickey-Lincoln School Hydro-Electric Project had been borne by the consumer.

There you have it, ladies and gentlemen of the House. The PUC practice of disallowing these costs as a legitimate expense is apparently not foolproof. And I believe that we have an opportunity at hand to correct this practice, by adopting the minority report of the committee. Passage of this bill will go a long way in making this problem less likely to reoccur in the future. I would hope that you will agree with me that this piece of legislation is vitally needed and that it should become law and vote against the majority report.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: The purpose of this bill is to exclude from the Public Utilities Commission's determination of just and reasonable rates for electrical and telephone companies the expenditures for influencing legislation on the state or federal level. If you eliminate the PUC's position, in doing their job, who then will determine rate increases or denials. So in order to determine rates, I feel they should have all

the information deemed necessary to make a fair evaluation.

Two weeks ago we deliberated on a similar bill which related to a 2 percent limitation on advertising of electric producing facilities. At that time, I opposed firmly the gentleman from Bangor, Mr. Kelleher. But you, the House, saw fit to move against me. So you see, I am not hard to get along with. I am going right along with you now. You convinced me that at the present time the PUC does have the authority to regulate unjust expenses and advertising and all other types of expenses not directly related with the operation of the company. For this reason, during the Executive Session, I voted right along with you to move in the majority and that was the report of "ought not to pass." I hope you will support that position.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Soulas, that the House accept the Majority "Ought not to pass" Report of L. D. 1532. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Kelleher of Bangor requested a roll call.

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

A vote of the House was taken and more than one fifth of the members 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 Bangor, Mr. Soulas, that the House accept the Majority "Ought not to pass" Report of L. D. 1532. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Bither, Brawn, Brown, Bunker, Cameron, Carey, Carrier, Chick, Cressey, Curran, Davis, Dudley, Dunn, Farnham, Farrington, Fer-

ris, Finemore, Flynn, Good, Hamblen, Haskell, Henley, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kelleher, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J. C.; Lynch, MacLeod, Maxwell, McCormick, Merrill, Morton, Norris, Parks, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L.E.; Sproul, Stillings, Strout, Trask, Trumbull, Tyndale, Walker, Wheeler, Willard, The Speaker.

NAY — Berry, P. P.; Berube, Binnette, Boudreau, Briggs, Bustin, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Crommett, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farley, Faucher, Fecteau, Fraser, Gahagan, Garsoe, Gauthier, Genest, Goodwin, H. Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Keyte, LaCharite, LaPointe, LeBlanc, Mahany, Martin, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Najarian, O'Brien, Perkins, Peterson, Pontbriand, Ricker, Rolde, Santoro, Silverman, Smith, D. M.; Soulas, Talbot, Theriault, Tierney, Wood, M. E.

ABSENT — Albert, Ault, Birt, Bragdon, Conley, Cottrell, Dam, Deshaies, Donaghy, Evans, Herrick, Kilroy, Lawry, Littlefield, Maddox, McNally, Palmer, Sheltre, Smith, S.; Susi, Tanguay, Webber, White, Whitzell.

Yes, 60; No, 66; Absent, 24.

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

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill 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 Establishing the Lewiston - Auburn Airport Authority" (H. P. 473) (L. D. 620)

Tabled—May 3, by Mrs. Lewis of Auburn

Pending — Acceptance of Committee Report "Ought to pass" as

amended by Committee Amendment "A" (H-310)

On motion of Mr. Simpson of Standish, retabbed pending acceptance of the "Ought to pass" Report as amended and specially assigned for Wednesday, May 9.

The Chair laid before the House the third 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—May 3, by Mr. Birt of East Millinocket.

Pending—Acceptance of either Report.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I move acceptance of the majority "ought not to pass" report and would speak to my motion.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: This is a proposal that was heard by the State Government Committee who transferred the office of Motor Vehicles from its present position within the Secretary of State's office to the Department of Transportation. I am sure that the sponsor and other proponents of this kind of transfer will argue their case very well. I would like to point out to you a few of the reasons why I supported the "ought not to pass" report on this proposal.

First of all, it would seem to me that there was no indication given that there would be any greater efficiency or economy provided by this so-called reorganization effort. As a consequence, it seems to me that this is another one of those proposed changes for change sake alone.

Secondly, it seems to me that control of that office under the

present supervision of the Secretary of State, who is a constitutional officer, is the proper place to have such control. As many of us in legislature know, when we go to the Secretary of State or one of the other constitutional officers, they sometimes view our requests and our suggestions with a great deal more enthusiasm than some of the departments of the Executive branch.

Thirdly, it seems to me that, under the present arrangement, the legislature can directly have a greater scrutiny of the budget of that effort.

Finally, and I guess this is the most important reason why I signed the report, this office is one which provides services to people directly. It provides over a million over-the-counter transactions to individual citizens of Maine who have requests and need to obtain licenses and other actions within that office.

The Department of Transportation is not geared and has not been in the past for such enormous action of direct person-to-person contact. Their over-the-counter transactions amount to about \$20,000 a year. It seems to me that unless the proponents of this suggestion can show very clearly that there will be a definite improvement in the services available directly to individuals in this state, that we ought not to accept their proposal and that is why I made my motion.

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

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: I hope you will vote against the motion of Mr. Curtis to accept the "ought not to pass" report. I would like to ask you quite simply a question. Where do the functional responsibilities of Motor Vehicle lie, with the Secretary of State's office or with the department that funds 100 percent of the cost of that department and which has the related transportation function of the D. O. T.? Where does Motor Vehicle belong? I don't see that there is any question but that the functional relationship is between Motor Vehicles and D.O.T. I would remind you that 100 per-

cent of the cost of the Motor Vehicle Department comes from the dedicated funds of the Highway Department.

We also see that highway safety activities have been in the past administered by more than one different bureau or agency including Highways and the Highway Safety Committee. Those two things are now part of the D. O. T. Moving the Motor Vehicle Registration in would help in consolidating and improving these highway safety services. I think we all should know that the Highway Department has extensive computer services that could make record keeping and management of records and services in this regard much more effective.

Mr. Curtis said that he didn't feel that services would be improved. But I think that it is beyond a shadow of a doubt true that services would be improved because no offices now operated by Motor Vehicle would be closed. In fact, some would be almost impossible to close because they are now under long-term leases. We would add the district offices of the Highway Department to the list of Motor Vehicle offices. Plus, we also would provide additional availability of special permitting for oversized vehicles and other things now done only at Highway offices. So here we have an obvious expansion of services to the public.

There are a couple of other points that I would like to bring up that haven't been brought up in previous debates. One is that if one is working in the Motor Vehicle Department and becomes the head of that department and would like to be promoted in his functional area and is deserving of promotion in his functional area, he is not able to be promoted. I think that having Motor Vehicles in D.O.T. would provide the directors of these agencies with this kind of reasonable right to promotion.

Another point that I do not think we have talked about is that if we should move to an appointed Secretary of State or even an elected Secretary of State, I think that this could inject more politics

into the Secretary of State's office and his management of this department than is desirable, certainly more than is there today.

So without further debate, I would ask you to consider these points and vote against the motion of Mr. Curtis so that we can accept the "ought to pass" report.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: The 105th Legislature, in regular session, considered this same proposal and rejected it. It was also attempted in the Special Session of the 105th, at which time it was again rejected. The current proposal is the third attempt to accomplish this move and there appears to be nothing new to justify its passage at this time. It has never been shown that anything constructive could be gained by making this transfer insofar as the efficient operation of the Motor Vehicle Division is concerned.

It is my feeling that the present administration of the Motor Vehicle Division provides and permits a much closer personal supervision by the Secretary of State than would be the case if the Motor Vehicle Division became merely one more division of the massive Department of Transportation. Members of the legislature and the public have a much more accessible and speedy approach to motor vehicle problems through the Secretary of State than would be the case if they had to work through the Department of Transportation. The Secretary of State provides a close liaison between the legislature and the Motor Vehicle Division by virtue of the fact that the Secretary of State is answerable to the legislature whereas the Commissioner of Transportation is responsible only to the governor.

It is further my feeling that from a budgetary standpoint, if the Motor Vehicle Division budget were to become merely one part of the overall Department of Transportation budget, it would not receive the separate and individual

attention that it now receives. As a separate and distinct budget, it is considered by itself by the legislative committee on Transportation. In other words, instead of being buried in the Department of Transportation budget, as would be the case if L. D. 894 were to pass, the Motor Vehicle budget is now considered by the legislature as a separate entity.

The Department of Transportation is primarily concerned with the construction and maintenance of highways and bridges, the maintenance of airport facilities and the operation of what formerly was the Maine Port Authority Facility.

There is no functional similarity between the basic responsibility of the Department of Transportation and the Motor Vehicle Division as it is presently constituted.

L. D. 894 constitutes the only attempted raid on a constitutional office and is one more step in the growing tendency to weaken the legislative control and to strengthen executive control.

If the Motor Vehicle Division were to be transferred to the Department of Transportation, the legislature would have surrendered a great portion of its control over the division to the Executive Department. The persons administering the Motor Vehicle Division would no longer be answerable to the legislature through the Secretary of State but would be under the direct control of the Executive Branch through the Commissioner of Transportation, who is an appointee of the governor.

To summarize very briefly, the operation of the Motor Vehicle Division is now at a relatively high level of performance and efficiency. This is strictly a matter of "change for change sake." This reminds me of certain stanzas from a poem by Robert Service entitled "There's a Race of Men."

"They range the field and they rove the flood,

And they climb the mountain's crest;

Theirs is the curse of the gypsy blood,

And they don't know how to rest.

If they went straight they might go far;

They are strong and brave and true;

But they're always tired of the things that are,

And they want the strange and new

They say; 'Could I find my proper groove,

What a deep mark I would make!

So they chop and change, and each fresh move

Is only a fresh mistake."

It is extremely difficult to see any constructive changes or improvements in the operation of the Motor Vehicle Division resulting from this proposed L. D. and I move that the bill and all its accompanying papers be indefinitely postponed and that the vote be taken by the yeas and nays.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the indefinite postponement of this Bill and requests a roll call.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: After listening to the gentleman from Bath, I perhaps ought to quote from "Midsummer Dream" because that's probably what we are going to be going into. I do think though that we ought to get back to the issue and the issue is very simple. The issue is whether or not we are going to transfer a division that is presently funded by the Department of Transportation and put it where it properly belongs or whether we are going to leave it where it is. I think that is the issue, and that is a decision that you and I have to make. I don't care how many times it has been here before us. I don't think that is important. The issue is whether or not it should be transferred and that is obviously up to this body and to the other body.

I do want to relate something to you though, and take it for what it is worth. I don't think I have been as barraged, by as many people who have failed to get licenses and registrations on time

as I have in the last few years. Lawyers also indicate to me that they have tremendous problems in having cases heard by the hearing officers within the Motor Vehicle Department. I don't know whether it would accomplish what we want in solving our problem. But I know one thing, the administration can't be any worse, regardless of where we put this department, it appears to me. So let's not kid ourselves about how great the administration is.

I have been hearing nothing but complaints and so have you because you have asked me if I would make a call and I agree that when you make a call and you say, "Hey where is Joe Smith's application? Oh, just a minute," and they come back to you the next day and say, "Well, it appears it has been filed in the wrong place. We'll get it right out tomorrow" and they do. But how many times does that happen? I was trying to recall in my own mind since January how many calls I have made to that department. It is somewhere in excess of 20, maybe 30 calls all dealing with license suspensions because they haven't been returned on time; they haven't mailed out the renewal forms for new licenses. They haven't properly sent out the suspension notices. You get suspension six months after the suspension has been granted by the court.

Maybe there is a problem here that we as members of the legislature are not willing to face, that the department is not properly funded; or secondly, that the members of that department are not doing their job; or third, that the administration is not what it ought to be. But I do know this, that there is something the matter and I think that it is up to us to try to solve it. So I disagree entirely that everything is rosy and peachy and that we shouldn't change anything. If we don't change the location on this trip around, let us change something about the way it is operating. I would ask you vote against indefinite postponement this morning.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I support the motion to indefinitely postpone this. I suspect every department has personnel problems to some extent and I think that the gentleman who just spoke is saying that they do have personnel problems maybe in getting some of their literature out or what have you. But let me say that this bill doesn't propose change in the personnel. It just proposes change in the department heads and I don't think it involves letting the crew go down there and hiring a new crew.

Now, I think this change would be like pouring gasoline on a fire. You've got a problem now and this is only going to increase it. I don't think we have got a great problem there. I view this department as one of the best run departments in state government, the Secretary of State's office. I have been there and I have always gotten attention and truly what Mr. Martin the man from Eagle Lake said is probably true, but this isn't going to go away just by putting it in this other department. My opinion is that it is the sloppiest department run in the state government. So I don't think taking the best department and putting it in the sloppiest department is going to be an improvement. I think that this department now is closer to you as legislators than it would be over there. I doubt if it got in the Department of Transportation you would be able to get an appointment to see somebody, which is generally the case now.

I hope you go along with the motion before the House and indefinitely postpone this measure.

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

Mr. FINEMORE: Mr. Speaker, Members of the House: I have had an occasion this year to work with Mr. Wyman and especially with Mr. Brown and Mr. Edgar. I have appeared several times, not 20, but several times on hearings for suspension of licenses. I have appeared with Mr. Brown and I have found it to be very very satisfactory. I found it very prompt,

in fact Mr. Brown even walked from the Registration Bureau up here one day to deliver some papers to me and walked back and I thought it was very nice of him.

I also had an occasion for the last three years, my whole Aroostook County delegation has had an occasion to do some business with the Transportation Department. We found — I believe that they will back me up here — that we got more runaround from the Transportation Department than any other department there is in this State House or in the office building, either one. It has been terrible, the runaround we have gotten. In fact, we are still getting it on our Aroostook County roads.

I hope this morning you will go along with the motion to indefinitely postpone it.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Placing the Motor Vehicle Department in the Department of Highway I voted against in State Committee for several reasons. One, the same people who are now saying we want to put the Motor Vehicle Division in the Department of Highway are going to stand up on this floor and yell, we have got a dictatorship in the Department of Highway. It is getting too large. And I believe when you have a Department of Highway the size of the State of Maine's Department of Highway, a hundred and some million dollars, you don't take and add more to it.

Now in reorganization we gave them, I think, the Airport Authority, the Boating Authority and other authorities, there were several there, to become larger. One thing we didn't give them was the Motor Vehicle branch. With all the complaints in Motor Vehicle that you might be hearing on this floor, it still is run quite well. It still processes all the motor vehicle licenses in the State of Maine which is a big project and it operates very efficiently. And this I think we all look forward to in State of Maine government.

Therefore, I would ask you to support the motion to indefinitely postpone this bill and all its accompanying papers, which means a yes vote, and let's not let one department get so large that it doesn't see the people it serves and keep the Motor Vehicle branch in a proper size department. And I wish to say to the minority floor leader, if he is discouraged with the Department of the Secretary of State, then ask for a shakeup in that department, don't pick on the Motor Vehicle branch.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I certainly would concur with the two previous speakers. I don't know of any department that has been more courteous or rendered me more complete and good service over the many years than the Department of State and the Registry of Motor Vehicles. I certainly hope that you will go along with the majority "ought not to pass" report.

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

Mr. CURTIS: Mr. Speaker and Members of the House: In this debate there seems to me that there are three issues that ought to be answered by those of us who are opposed to the proposal for the reorganization. First of all, the finances are handled through the gas tax, and therefore they should be administered by the Department of Transportation. Now it seems to me that just because the money is raised from the sale of gasoline that the money ought not necessarily be completely administered by the Department of Transportation. If we buckle in on this matter of the Division of Motor Vehicles, then it seems to me the next thing that will be requested is probably to put the administration of the State Police under the Commissioner of the Department of Transportation because they use a lot of their money too from the gas tax.

The second question was raised by the gentleman from Sabattus, Mr. Cooney, regarding the

proposed number of new offices that might be opened. That is an intriguing idea, it seems to me, if the Highway Division offices could be used as Motor Vehicle Registration offices. However, upon a full examination of the 18 possible locations that are involved it seems to me that perhaps there is only one in Somerset County that would be appropriate. The reason for that is that the Department of Transportation when it's locating its divisional offices is concerned with servicing the roads not the people. Bangor would be one example, Ellsworth might be another example. In Ellsworth, for example, the division office of the Department of Transportation is located at one of the busiest intersections in the entire state, at least in the summer when the traffic is headed toward Mt. Desert Island or downeast to Washington County. The confluence of those roads is where the division office is located. That is not the place you want to put an office which is partly concerned with servicing people's requests in with providing a jumping off point for their taking their motor vehicle drivers' license test.

I think that the final question that needs to be answered is the one that was raised by the gentleman from Eagle Lake, Mr. Martin, regarding the number of complaints that perhaps he has received from that division. Now I am not privy to those complaints and I wouldn't want to be. But I also am a state legislator and I also try to practice a little law now and I find that I too get some complaints. Those complaints which are legitimate ones which involve administrative procedures, and I haven't found it to be too many, it seems to me have been properly handled, especially if a member of the legislature contacts the Secretary of State's office.

Those other complaints, however, about which people tend to gripe more are sometimes those regarding the loss of their licenses and it seems to me that one of the jobs that the Secretary of State has is partly a judicial one, in that he has the hearings on when to reinstate licenses, and it is up to

him sometimes to enforce the rather strict laws which this legislature has adopted, particularly regarding drunken driving and the loss of licenses for a first offender — that is a person who is on his first license and offense of the moving traffic violation.

Now we have seen already this year the type of attitude that this legislature wants to take, and I certainly agree with it. We want a strict attitude. The incumbent Secretary of State takes a very strict attitude in these matters. I have talked to him at some length about this, and his general philosophy is as the twig is bent, so grows the tree. And he won't bend in his administration of some of these laws. Seems to me that is the type of administration we want to encourage, not discourage.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I regret that the gentleman from Eagle Lake seems to have a lack of communication with the Secretary of State's office, or maybe the people in his area do. I agree with the gentleman from Orono. I think I have had one legitimate complaint since I have been in the legislature pertaining to a license. Every other request I have ever had is usually somebody has failed a driver's exam that wants me to try to use some legislative influence through the Secretary of State's office to assure them that their son gets it or their daughter gets it or somebody else gets it.

If the Department of Transportation is such a very good and efficient department, which I have no doubts and no quarrels with whatsoever, maybe we ought to put the Civil Defense director over there, too.

I find that we have some semi-judicial actions which the Secretary of State's office is directly involved in and I seriously ask whether we want to put those in the Department of Transportation's department.

Now, I had the chance to talk to both the Secretary of State and

I have had the chance to talk with the Commissioner of the Department of Transportation and the entire Republican leadership has. I honestly believe that both of them have some very good, valid points, and maybe this bill has some good, valid points. I believe that possibly in another time when the present heads are not there, that it might be worthwhile for this legislature or another legislature to really seriously consider this. But I do remember the complaints that were coming out of the Secretary's headquarters some seven years ago and I will assure the gentleman that I believe right now the efficiency of the Secretary of State's office is at least 100 percent better than it was then.

Furthermore, I believe that right now we are well aware of some statements that a certain gentleman made when he left the Secretary of State's office to the point that before he left the governorship, that he will assure himself that the Secretary of State's office would be removed or the Secretary of State would be removed from the responsibility of the legislature. Therefore, I believe, unfortunately, that we have gotten ourselves right into a real political hangup to the point of the statements that the gentleman made.

Therefore, I sincerely urge that you vote to indefinitely postpone the bill and all its accompanying papers.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I agree with the gentleman from Standish that we have gotten ourselves involved in a hangup. And I am not sure what side of the hangup he is on and what side I am on.

A number of points have been raised that are totally irrelevant to the issue, the issue of whether or not Ken Curtis, when he was Secretary of State, left that office and what he said at that time. Those are obviously matters of public record. As I recall the statement, he indicated that the Secretary of State's office, outside of the Motor Vehicle Division, was entirely a bookkeeping operation

and safekeeping of the State Seal, and the safekeeping of corporation records and files, notary fees, etc., etc. He indicated, as I recall the releases that there is some serious question as to whether or not it was all worth the effort.

I agree with the statement that we ought to be careful about what we say about department heads and about who we are talking about. But I think the point that must be made is that we should not legislate based on who holds what jobs. I happen to feel that Joe Edgar is a great man and I happen to feel that the present commissioner of the Highway Department is also that. I don't think that we ought to decide the issue on who is in charge of what as much as how it ought to be. Then if we have problems with the people that we have there, then we ought to change it.

The issue and the point that I made earlier which I want to reemphasize is that no one goes down to the Secretary of State and says, "The gentleman from Eagle Lake said something awful terrible about you." I want to reemphasize the point that the way the administration of material, the issuing of licenses, the issuing of registrations, the issuing of suspension notices presently being handled is an outright mess.

I know of an individual who received his notification of suspension six months after the court had handed down his suspension. I have two requests with me today that I picked up over the weekend, for those gentlemen who don't believe what I was saying, also in particular the gentleman from Calais, I have been home every weekend this legislative session and I have listened to these people. Two of the requests go something like this: First, one of them mailed his money and never got his license back. There is a problem. I don't know where the problem is, I am not going to put the blame anywhere, but I know there is a problem.

The second request I have is one on a license suspension that should have been terminated a long time ago. The individual, not knowing an

important legislator, like the gentleman from Bridgewater, to contact, to get his license immediately, didn't bother. He wrote three letters, didn't get anything. I agree, I call over there and I get a request immediately. I agree with the gentleman from Bridgewater. It takes but no time. The secretary will say, "We will mail it out today." But the point is that there are 151 of us House members and there are a million people out there who deserve to be better served.

Seems to me that that is the issue. I have almost reached the point where I may continue to vote for the Ombudsman bill because of that. Seems to me that they will have one person that everyone knows that they can get to solve the one problem that is bugging them. And that is the issue, it is as simple and nonpolitical as all of that.

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

Mr. JALBERT: Mr. Speaker and Members of the House: My horoscope today reads for me to keep quiet in the A.M. and it is now 12:07 so here I am.

Seriously, I will try to tell you people in my opinion what is wrong as far as the department of Secretary of State is concerned. Again, I repeat myself, as I have oftentimes, but I am not known as the biggest spender in this body. But time after time over the last number of years a former Secretary of State used to delight in coming before the Appropriations Committee and say, "I have enough money to operate. As a matter of fact, I am willing to turn some money back." I think the gentleman from Eagle Lake will remember that gentleman because he was a member of that committee when that was done. That is where the problem is.

There is no doubt in anybody's mind, if they spend any time at all or are in contact at all with the goings on of the department of the Secretary of State who will not have to agree that the department is sometimes as much — in some areas — as much as

four months late in granting an application for a license.

While I am on the subject of departmental heads, I might say that so far as I am concerned, the head of civilian defense could serve in any capacity in this state and I would be very very comfortable, because I think the Honorable Emilien Levesque would do a splendid job no matter where he served. I am sure the gentleman from Standish, Mr. Simpson, would agree with me.

In this particular measure, it really is — on the other side, it really is a shame that to a great degree this is starting to become itself into a hangup, as has been stated, politically. It isn't with me, because I have spent a great deal of time with the people within the department of the Secretary of State. I mean, no one — if you call, for instance, Wally Brown, ask him for something, good Lord, he will leave his desk and he will walk up here to do you a favor. And the same thing goes for almost any member of the department.

Year in and year out there has been not enough stations to register automobiles. There has not been enough attention spent on this department but there has been a great deal of attention spent when the car problem has been concerning this department, has been discussed. There has been so much done that a 20 to 1 favorite, almost as good a favorite as Secretariat, dared to open his mouth as chairman of a subcommittee concerning the automobiles within the department, and his demise was put forward very very quickly a couple of years ago. That is something that might deserve some looking into. But it should be done within departments.

I would have to agree that I think possibly, in that I am very friendly, as all of you know, with the Department of Transportation, I think probably the gentleman, Mr. Silverman, is correct. I think somewhere along the line this reorganization program probably we have overloaded some areas. And we might leave well enough alone.

I think the day is fast coming when we are going to have to take

a real hard look at the department of the Secretary of State and see just what the situation is; because as far as I am concerned, I get the quickest action that I want. I wonder, however siding in with Mr. Martin temporarily, I wonder, however, if I were not the gentleman from Lewiston whether I would get that kind of service. And I frankly don't think that is right. That is why I have always voted against the tags on the automobiles. I have never put any special tag on my car. I don't think I am entitled to any special privileges. I don't think either that anybody who is a private citizen should get any better treatment than somebody who might possibly shove a little weight around for his constituents or just because he wants to do it.

I am really sorry reading the return of this committee report because I am sorry that it appears itself to be almost a party issue, and it is not with me. I shall vote to go along to keep the status quo because I feel very strongly that if there is any looking into, I think it should be done within the department. But the department itself should be left alone.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I am sitting up here in the middle of the back row. Down in the right-hand corner is the majority leader, and over in the left-hand corner is the minority leader. Now, I am right between both of them.

Now, let me say this — I think, I am quite positive in my thinking — that I agree with some of the statements they have both made. But on the other hand, I think I would like to ask of the gentleman from Eagle Lake perhaps where they live up in the northern part of the state it takes longer for the mail to get up there. That is probably why they don't get their notices as quick.

Now, if anyone here, which I believe many of you have had occasion to have some dealings with the Department of Transportation and also with the

Secretary of State, I think that when you have been through dealing with both departments that you come out with a different feeling, especially when you come out from the Secretary of State. I think you will come out of there with a contented look; whereas, when you come out of the Department of Transportation, you feel dissipated and disgusted with some of the answers you have received.

I think one of the things that may cause a little delay is perhaps down in the Motor Vehicle office they could stand some more help, due to the fact that we have an increased number of cars on the road, an increased number of accidents, which necessitates a lot of paper work. I think that is a cause of a lot of delays. That perhaps could improve if we had a little bit more help. And when my good friend from Lewiston spoke about Wally Brown, I don't think you could find a man that would be quicker to come to your assistance than Wally Brown if you are in need of anything. I don't care who it is, because he is very prompt and very active. He is methodical at that, too.

As far as the Secretary of State is concerned, I don't know whether the head of the Department of Transportation would have the time to sign his name to a lot of these documents which have to be signed personally. Some of these documents from the Secretary of State's office, they cannot be rubber-stamped, they have got to be signed personally; and if you ever go down and watch the Secretary of State sign papers, you will wonder how he does it, because he has a tremendous number of them.

I don't want this issue to be a political issue. I don't think it should belong in a political arena, and I, for one, will support the measure from Mr. Curtis that we indefinitely postpone this measure.

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 having expressed a desire for a roll call, a roll call was ordered.

The pending question is on the motion of the gentleman from Bath, Mr. Ross, to indefinitely postpone L. D. 894 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Berry, G. W.; Binnette, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Carey, Chick, Churchill, Clark, Cote, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Faucher, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Good, Greenlaw, Hamblen, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Knight, LaCharite, Lawry, Lewis, E.; Lewis, J.; Lynch, MacLeod, Mahany, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Norris, Parks, Perkins, Peterson, Pontbriand, Pratt, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Soulas, Stillings, Strout, Susi, Trask, Trumbull, Tyndale, Walker, Willard, Wood, M. E.

NAY — Berry, P. P.; Berube, Boudreau, Bustin, Carter, Chonko, Connolly, Cooney, Dunleavy, Farley, Genest, Goodwin, H.; Goodwin, K.; Hancock, Hobbins, Jacques, LaPointe, LeBlanc, Martin, McTeague, Najarian, Ricker, Smith, D. M.; Sproul, Talbot, Tangway, Theriault, Tierney, Wheeler, White.

ABSENT — Ault, Birt, Briggs, Carrier, Conley, Cottrell, Evans, Fecteau, Kilroy, Littlefield, Maddox, O'Brien, Palmer, Santoro, Sheltra, Smith, S.; Webber, Whitzell.

Yes, 101; No, 30; Absent, 18.

The SPEAKER: One hundred-one having voted in the affirmative and thirty having voted in the negative, with eighteen being ab-

sent, the motion does prevail.

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

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

The SPEAKER: The gentleman from Calais, Mr. Silverman, having voted on the prevailing side moves that the House reconsider its action whereby it indefinitely postponed L. D. 894.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: We now have 101 votes indicating that it ought to stay in that department. I think if that is what the majority says, that that is what it ought to be. I do hope though that when the funding bill comes to improve the situation in the Secretary of State, that we will have the 101 votes necessary to do that job.

What I was saying was that it doesn't matter where it is done, the job ought to be done properly and I have no qualms that if all of us in the 101 plus mine, which will make it 102, will give us those votes, then that is what it ought to be. I would also hope that you would not vote to reconsider.

The SPEAKER: The pending question is on the motion of the gentleman from Calais, Mr. Silverman that the House reconsider its action as to L. D. 894. All in favor of that motion will say yes; those opposed will say no.

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

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

Bill "An Act Relating to Dealers in Used Personal Property" (S. P. 578) (L. D. 1769)

Tabled — May 3, by Mr. Finemore of Bridgewater.

Pending — Motion by Mr. Ault of Wayne to indefinitely postpone Bill and all accompanying papers.

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

Mr. HAMBLÉN: Mr. Speaker, Ladies and Gentlemen of the House: I think we should look at

this Bill a little closer and see just what it will do for us and our constituents. The theft of antiques, tools and televisions is a big problem in my area, and I suspect that it is in yours, too. Most of this merchandise is never recovered.

You may recall the article in the Bangor Daily News which I quoted. This article indicated that dealers in used property did not question the source of their supply because it was not ethical within the profession. This would make it almost impossible to trace stolen items because there is no record of the source. This bill would require that a dealer keep a record of their purchases, including the name and automobile registration of the seller.

This bill came out of committee unanimous "ought to pass." I fully realize that the last sentence in the bill would weaken it too much; and if you do not vote to indefinitely postpone this bill, I will submit an amendment to remove this last sentence.

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

Mr. HENLEY: Mr. Speaker, and Ladies and Gentlemen of the House: I am not particularly objecting to the bill. I am stating that the only thing that this bill does over what we already have on the books is to require that the purchaser get the license number, the registration number, of the seller. That is the only thing it does. If you feel that that will be any improvement, whether the law be enforced any more with that in there, why let it go through, I don't have any great objection to it.

The SPEAKER: The pending question is on the motion of the gentleman from Wayne, Mr. Ault, that L. D. 1769 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

12 having voted in the affirmative and 83 having voted in the negative, the motion did not prevail.

On motion of Mr. Hamblen of Gorham, 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-315) was read by the Clerk and adopted.

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

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

Resolution Proposing an Amendment to the Constitution Limiting the Maximum Rate of the Sales Tax (H. P. 843) (L. D. 1117)

Tabled — May 3, by Mr. Ross of Bath

Pending — Acceptance of either Report.

On motion of Mr. Simpson of Standish, retabled pending acceptance of either report and specially assigned for Wednesday, May 9.

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

Bill "An Act Increasing License Fee for Nurserymen" (H. P. 1019) (L. D. 1342)

Tabled — May 3, by Mr. Trumbull of Fryeburg.

Pending — Motion of Mr. Garsoe to adopt House Amendment "A" (H-314)

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

Mr. TRUMBULL: Mr. Speaker, Ladies and Gentlemen of the House: Before I begin to debate this bill, I will ask the Speaker to rule if he feels that I have a conflict of interest here in that I hold one of these nurserymen's licenses.

The SPEAKER: The Chair rules that he does not. The gentleman may proceed.

Mr. TRUMBULL: Mr. Speaker, Ladies and Gentlemen of the House: As you may remember last week, this bill had come back from the other body passed to be engrossed and I moved in an unprecedented motion that upheld

that we not adhere but that we recede and concur. The reason that I did this was that I had checked with the sponsor of the bill, who unfortunately is not here this morning, the gentleman from Belfast, Mr. Webber, and he indicated that the reason that he moved this bill be defeated was because of the amendment that you have right here before you this morning.

Now, this bill in its original form was a good bill, a just bill and did the job that I feel was necessary; in that this bill in its original form very simply, for \$5 you got a three-year license and provided you not get involved with the nuisance of making out a license every year, which to some of us it takes a considerable amount of time, probably much more than the license costs.

Now, the opponents to this bill in this form feel that three years is too long. They can't keep track of people involved in it; they can't go check on the operation. I will submit to you that I have had a license for 13 years and in those 13 years, I have yet to see anyone come to check up on me at all. I assume this year I probably will because of the fact that I have complained about this.

This is ridiculous, it is just a registration fee, and what you have here before you in this amendment is an attempt to force the little operator out of business. You have just seen the first, it won't be \$5 next time if this is passed, it will then go \$15, \$20, \$30, whatever can be done by this group to force them out of business.

I sincerely hope that you defeat the amendment and pass the bill as originally written.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, and Ladies and Gentlemen of the House: If there is any conflict of interest on the part of the gentleman, from Fryeburg, Mr. Trumbull, it is matched here, because I, too, have been filling these licenses out for 26 years. The only thing ridiculous about this really is that we are spending so much time on it.

The industry was not consulted when this bill was put in, and the only objection to it is that it removes the opportunities for policing on the basis of an annual license to a three-year license. I thought I had worked out an arrangement with the sponsor whereby, in fact, he did move the indefinite postponement of this action.

The license takes about 20 seconds for me to fill out and even allowing for the fact that perhaps I am sloppier than most people, I don't see how anyone could spend more than a minute on it, but it does have the effect of allowing the Department of Horticulture at the state level to know who the suppliers are of the various nursery products, not necessarily to check every outlet on a disease prevention angle alone. An annual licensing lets the department who the major growers are supplying their outlets and gives them a chance to properly control the industry.

So failing in the motion to indefinitely postpone, I am offering this amendment which will return the annual licensing aspect and raise the fee to five dollars and I am sure it will have no effect of forcing any of the smaller people out of the business. In fact, originally we were content to let it ride the way it is now.

I would urge your support of this amendment and as we go to bed tonight we can know that we have turned an honest profit for the state. You will notice in the Statement of Fact that this will produce about \$5,000 a year in the annual income of the General Fund.

This bill is supported by the spokesmen for the people that are engaged in this trade and represented by the people who are elected to their state-wide organizations and I ask for your favorable consideration.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: You may wonder what I know about this; the answer is nothing. The gentleman from

Belfast, Mr. Webber, indicated to me that he would not be here today and he asked me if I would relate his feelings. He didn't feel that we ought to delay the bill just because he couldn't be here. So on behalf of that, Mr. Speaker, I now move indefinite postponement of the amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that House Amendment "A" be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 26 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, I move the indefinite postponement of L. D. 1342 and all its papers.

The SPEAKER: The Chair recalls the gentleman from Cumberland moved that we recede with the Senate a few days ago.

Mr. GARSOE: That is correct.

The SPEAKER: The Chair would state that the motion to indefinitely postpone the Bill is not in order at this time. The House previously had indefinitely postponed this matter on April 26. The Senate then enacted it in non-concurrence. It came back on the 27th. It was returned to the House on April 30, at which time the House voted to insist on our indefinite postponement action. On May 1 the Senate voted to adhere to their action to passage, which is the present posture of the Bill and we then receded on May 2. You then offered the motion for House Amendment "A" which was defeated. So the pending question would be final enactment as amended by Committee Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Apologizing to this body for prolonging this unnecessarily, I would like to urge that we not vote

to enact this and let it die a natural death.

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

Mr. TRUMBULL: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, I just hope that, as the gentleman down in the corner, Mr. Martin, stated that the sponsor of this bill wholeheartedly concurs that it should be passed as written and it is a good bill and I will just urge you to support it and to pass this bill.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: I guess I am like the fellow in the other corner, I am a little bit doubtful about this thing at the present time. The very first time that this bill came before us the sponsor stood on his feet and asked that the House indefinitely postpone the bill and all its accompanying papers. And we did so right under the hammer. I would ask the gentleman from Eagle Lake if he knows what his position is now on the entire bill.

The SPEAKER: The gentleman from Standish, Mr. Simpson, poses a question to the gentleman from Eagle Lake, Mr. Martin.

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

Mr. MARTIN: Mr. Speaker, Members of the House: What majority leaders and minority leaders won't do to get themselves in trouble is just beyond me. The gentleman from Belfast, Mr. Webber, Mr. Webber, moved indefinite postponement prior because he heard rumors to believe the possibility of amendments would indeed keep the pass that was offered by the gentleman, Mr. Garsoe, and he was opposed to that process. He felt that rather than endanger that, he would just as soon have the entire bill killed rather than allow the amendment to go on. Obviously that has not occurred and he feels that the bill is okay in its original form with the committee amendment. I guess that the gentleman from Fryeburg is in the same position as the

gentleman from Belfast, Mr. Webber. I indicate to you this only from the fact that I have been so told this by the gentleman from Belfast.

The SPEAKER: The pending question is passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 29 having voted in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

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

Bill "An Act Relating to Examination for Motor Vehicle Operators' Licenses" (S. P. 156) (L. D. 390)

Tabled — May 4, by Mr. Drigotas of Auburn.

Pending — Motion by Mr. Jacques of Lewiston to accept the Minority "Ought not to pass" Report.

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

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

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)

Tabled — May 4, by Mr. Simpson of Standish.

Pending — Further consideration.

On motion of Mrs. Baker of Orrington, the House voted to recede and concur.

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

House Order: Reapportionment of the House.

Tabled — May 4, by Mr. Simpson of Standish.

Pending — Passage.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the

House: I wonder if the majority floor leader could explain the contents of the order?

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

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: The order was the order that we sent to the Supreme Judicial Court with, I believe, seven questions that we asked them pertaining to the reapportionment of the House.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: I would pose another question to the same gentleman. In that case, since the matter has been tabled before in order that we can send it to the law court and since the law court has not yet responded, I do not quite understand why the order should receive passage.

The SPEAKER: The Chair would inform the gentleman of the rules. An order such as this must lay on the table at least one day before we act on it.

Thereupon, the Order received passage.

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

Bill "An Act Setting Off Part of Standish to Raymond, Cumberland County" (H. P. 720) (L. D. 926)

Tabled — May 4, by Mr. Martin of Eagle Lake.

Pending — Motion by Mr. Emery of Rockland to accept the Majority "Ought not to pass" Report.

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

Mr. CONNOLLY: Mr. Speaker and Ladies and Gentlemen of the House: This bill created quite a debate before our committee, the Legal Affairs Committee. I was one of the three people who signed the report "ought to pass." I think that it should deserve a fair

hearing on this floor and because of the late hour, I would like to request that someone table this for one day. If you people do not want to table it and debate it today, that is okay with me, but I think perhaps it might be wise to table it for one day, so I make that request.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that this matter be tabled for one legislative day pending the motion of Mr. Emery of Rockland to accept the Majority "Ought not to pass" Report. All in favor of tabling one day will vote yes; those opposed will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 52 having voted in the negative, the motion did prevail.

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

Bill "An Act Increasing Compensation of Full-time Deputy Sheriffs in all Counties" (H. P. 415) (L. D. 564) (C. "A" H-309)

Tabled — May 4 by Mr. Binnette of Old Town.

Pending — Acceptance of Committee's "Ought to pass" Report.

On motion of Mr. Simpson of Standish, retabled pending acceptance of the Committee Report and tomorrow assigned.

The Chair laid before the House the twelfth 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) (H. "A" H-284) Emergency.

Tabled — May 4, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

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

Mr. SPROUL: Mr. Speaker, and Ladies and Gentlemen of the House: If I may take just one moment of your time to refresh your memory on this bill, you may recall this is a divided report from the Appropriations Committee and when it was before the House on passage for engrossment Mr. Haskell spoke to you saying that he felt this bill was premature. It is anticipating some action that is on hearing in Washington at the present time and is not required by law today. Also, this bill is asking for the only benefit of working man's compensation, and I submit to you that if it is passed that within a short period of time we would see these people asking for additional benefits such as pensions.

The Bill also asks for \$150,000 for this current fiscal year and then \$300,000 each year of the biennium. So we are talking about three-quarters of a million dollars on this bill.

At hearings in front of the Appropriations Committee there has been evidence that the patient load at all three of our major institutions, Pineland, the Augusta State Hospital, and the Bangor State Hospital has been reduced so that it is almost a one to one ratio of employees to patients. And it would seem to me that with that sort of a ratio we would have employees enough at these institutions to perform the duties without hiring additional help at the \$200,000 or \$300,000 a year. I would urge you to vote against the bill.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I must say that I am a little bit surprised at this being debated again today. I thought that the amendment that was added the last time that it was up was more or less satisfactory to everybody.

It is the considered judgment of the majority of the Appropriations Committee that this is a timely moment to enact this piece of legislation. It was very thoroughly

discussed in the committee and in the public hearing. I hope that you will vote to go along with this bill and the majority of the Appropriations Committee.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to any member of the Appropriations Committee, and I imagine that you must have considered this person when you heard the bill. Isn't it true now that some of these patients that are being employed are being employed due to the fact of the therapeutic help. Isn't this true? If this is true, how do you divide the line between the people who are working, being paid to work, and those being paid for therapeutic rehabilitation. I think there must be a line here and there is quite a price tag on this bill, \$750,000. I would just like to know what the difference is.

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

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

Mr. NORRIS: Mr. Speaker, I will attempt to answer the gentleman's question. I think there is a definite line that can be drawn and formed here by the superintendents of the various institutions. I think what this boils down to, for years and years the department operated on patient labor and paid them nothing, absolutely nothing, therapeutic or otherwise. The laundry ran on patients at Bangor State Hospital, the cooks and the maintenance man and so forth and so on, there were several — I think at the time last year when the problem started at the special session there were some 66 patients who were working full time to keep the institution going. Now they reduced the population and let some of these people go but there are a few left. There are a few left that are working pretty much full time.

I don't care whether you are, God forbid, a patient in a mental

institution or wherever you are. I think that if you work and perform a labor that you should be compensated for that; you should be paid and paid just the same as you would be paid on the outside. So I would hope that in fairness that you would be willing to pay these people if they are going to work. Now this is a worker, if they are forced to do any more this is voluntary.

I hope that I have answered the gentleman's question and I hope that you this morning in deference to these people who are willing to work — apparently the department is willing to have them work — I would hope that you would go along with this bill.

The SPEAKER: The pending question is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All those 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. Norris of Brewer requested a roll call vote.

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

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

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

Mr. NORRIS: Mr. Speaker, can I have this tabled for two legislative days pending the roll call?

Mr. Sproul of Augusta requested a vote on the tabling motion.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that this matter lie on the table two legislative days pending passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative and 69 having voted in the

negative, the motion did not prevail.

The SPEAKER: The pending question is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All in favor of passage to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Boudreau, Briggs, Brown, Bustin, Carrier, Carter, Chonko, Churchill, Clark, Connolly, Cote, Curtis, T. S., Jr.; Deshaies, Dow, Dunleavy, Dyar, Emery, D. F.; Fecteau, Ferris, Finemore, Fraser, Gahagan, Good, Goodwin, K.; Greenlaw, Hancock, Hobbins, Jackson, Jacques, LaCharite, LaPointe, LeBlanc, Lynch, MacLeod, Mahany, Martin, Maxwell, McHenry, McTeague, Mills, Morin, V.; Mulkern, Murray, Najarian, Norris, Perkins, Peterson, Pontbriand, Ricker, Rolde, Smith, D. M.; Smith, S.; Talbot, Tanguay, Theriault, Tierney, Wheeler, White.

NAY — Baker, Berry, G. W.; Binnette, Bither, Bragdon, Brawn, Bunker, Cameron, Carey, Chick, Cressey, Davis, Donaghy, Drigotas, Dunn, Farnham, Farrington, Flynn, Garsoe, Hamblen, Haskell, Hunter, Immonen, Kuffman, Kelleher, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; McCormick, McMahon, McNally, Merrill, Morin, L.; Morton, Murchison, Parks, Pratt, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Sproul, Stillings, Strout, Trask, Trumbull, Walker, Willard, Wood, M. E.

ABSENT — Ault, Birt, Conley, Cooney, Cottrell, Crommett, Curran, Dam, Dudley, Evans, Farley, Faucher, Gauthier, Genest, Goodwin, H.; Henley, Herrick, Hoffses, Huber, Jalbert, Keyte, Kilroy, Lawry, Littlefield, Maddox, McKernan, O'Brien, Palmer, Ross, Santoro, Sheltra, Soulas, Susi, Tyndale, Webber, Whitzell.

Yes, 61; No, 52; Absent, 36.

The SPEAKER: Sixty-one having voted in the affirmative and fifty-two in the negative, with thirty-six being absent, the motion does not prevail.

Sent to the Senate.

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

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

Tabled — May 4, by Mr. Birt of East Millinocket.

Pending — Passage to be enacted.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those 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.

104 having voted in the affirmative and 3 having voted in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Simpson of Standish,

Adjourned until eight-thirty tomorrow morning.