

# 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 14, 1973

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

Prayer by the Rev. Mr. James C. Sleeper of Freeport.

The journal of the previous session was read and approved.

**Order Out of Order**

Mrs. Clark of Freeport presented the following Order and moved its passage:

ORDERED, that Julie Sleeper, Jerie Sleeper, Sherrie Hofaker and Amber Orchard of Freeport be appointed Honorary Pages for today.

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

**Papers from the Senate****Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Regulating Water Well Construction and Pump Installation" (S. P. 173) (L. D. 428) reporting that they are unable to agree.

Signed by:

JOLY of Kennebec

ROBERTS of York

ALDRICH of Oxford

— of the Senate.

PARKS of Presque Isle

DYAR of Strong

HOBBINS of Saco

— of the House.

Came from the Senate read and accepted.

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

**Reports of Committees****Ought Not to Pass**

Report of the Committee on Public Utilities on Bill "An Act Relating to Complaints Against Public Utilities" (S. P. 499) (L. D. 1586) reporting "Ought not to pass."

Report of the same Committee on Bill "An Act Relating to Determining Just and Reasonable Public Utility Rates" (S. P. 549) (L. D. 1717) reporting same.

Pursuant to Joint Rule 17-A, were placed in the legislative files.

**Ought to Pass in New Draft**

Report of the Committee on Election Laws on Bill "An Act to Revise the Election Laws" (S. P. 206) (L. D. 556) reporting Ought to Pass in new draft (S. P. 613) (L. D. 1916)

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

In the House: On motion of Mr. Ross of Bath, the Report was read and accepted in concurrence.

The New Draft was read once and assigned for second reading tomorrow.

**Non-Concurrent Matter**

Bill "An Act Providing for Mandatory Sentences for Persons Convicted of Arson" (H. P. 590) (L. D. 781) which the House passed to be engrossed on May 10.

Came from the Senate with the Majority "Ought not to pass" Report accepted in non-concurrence.

In the House:

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: Through legislation, when I was chairman of the Research Committee, legislation introduced by the gentleman from Lewiston, Mr. Cote, we chased the bad siding and roofing racketeers out of Maine. Through legislation I worked with, and incidentally with your help, Mr. Speaker, we finally, after six years, arrived at a mandatory jail sentence bill which chased a great many hard drug peddlers out of this state.

This is just the beginning of a campaign, number one. Number two, because this bill has three members in the other body who are on the other side of it, I see that any further carrying on of this measure would be an exercise in futility and I would hope that the same thing would apply to others measures. I move we adhere.

Thereupon, the House voted to adhere. (Later reconsidered)

**Non-Concurrent Matter  
Later Today Assigned**

Bill "An Act Extending the Period of Entitlement to Compen-

sation for Partial Incapacity under the Workmen's Compensation Law in Certain Cases" (H. P. 616) (L. D. 814) which the House passed to be engrossed on May 9.

Came from the Senate with the Majority "Ought not to pass" Report accepted in non-concurrence.

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

#### **Non-Concurrent Matter**

Bill "An Act Relating to Definition of Class A Restaurant under Liquor Laws" (H. P. 761) (L. D. 994) which the House passed to be engrossed on May 8.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I am going to put this particular bill to rest since it is obvious that it is not going to go any place in the other body. I do think, however, at some point in time, we are going to have to take care of this problem. Mr. Speaker, I would now move that we recede and concur.

Thereupon, the House voted to recede and concur.

#### **Non-Concurrent Matter**

Bill "An Act Relating to Membership on the State Board of Barbers" (H. P. 844) (L. D. 1118) which the House passed to be engrossed on May 9 as amended by Committee Amendment "A" (H-336).

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Simpson of Standish, the House voted to recede and concur.

#### **Non-Concurrent Matter**

Bill "An Act Clarifying Certain Municipal Laws" (H. P. 1118) (L. D. 1454) which the House passed to be engrossed on May 9 as

amended by (H. "A" H-349) (C. "A" H-329)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-329) House Amendment "A" (H-349) and Senate Amendment "A" (S-121) in non-concurrence.

In the House: On motion of Mr. Emery of Rockland, the House voted to recede and concur.

On motion of Mr. Jalbert of Lewiston, the House reconsidered its action of earlier in the day whereby it voted to adhere on Bill "An Act Providing for Mandatory Sentences for Persons Convicted of Arson," House Paper 590, L. D. 781.

On further motion of the same gentleman, the House voted to recede and concur.

#### **Non-Concurrent Matter**

Bill "An Act Relating to Procedures Applicable to the Use of Federal Revenue Sharing Funds by Counties" (H. P. 1470) (L. D. 1895) which the House enacted on May 10.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-120) in non-concurrence.

In the House: On motion of Mr. Farrington of China, the House voted to recede and concur.

#### **Non-Concurrent Matter**

Bill "An Act Relating to Solid Waste Disposal" (H. P. 1478) (L. D. 1903) which the House passed to be engrossed on May 7.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-116) in non-concurrence.

In the House: On motion of Mr. Smith of Exeter, the House voted to recede and concur.

#### **Messages and Documents**

The following Communication:

THE SENATE OF MAINE

AUGUSTA

May 11, 1973

Hon. E. Louise Lincoln

Clerk of the House

106th Legislature

Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it Indefinitely

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

Respectfully,

Signed:

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

### Orders

#### Tabled and Assigned

Mr. Susi of Pittsfield presented the following Joint Order and moved its passage:

WHEREAS, a member of the lobby has threatened to prevent the reelection of a Member of the Maine Legislature; and

WHEREAS, the threat was made due to a Legislator's support of a bill which the lobbyist was working to defeat; and

WHEREAS, this fact has become a matter of public record which is open for all to inspect; and

WHEREAS, Maine's system of government is predicated upon a time-honored trust and confidence of its legislative council and agents; a trust which is seldom breached; and

WHEREAS, such adverse actions and attitudes are prejudicial to the public's confidence in and respect for the legislative process and all who are involved in it; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the 106th Maine Legislature now assembled, do hereby proclaim our disapproval and condemnation of such actions and attitudes and further proclaim that in the future the Legislature will take such appropriate actions as are necessary to prevent a recurrence of such an unfortunate incident. (H. P. 1504)

The Order was read.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: Last Friday, an attempt was made by a lobbyist to intimidate or coerce one of our members. Obviously, the wrong subject was chosen, for this

attempt was reported to us immediately on the floor and I wish now to commend the gentleman from Calais for his courage in so doing.

The significance in this deed, to me, lies in the fact that it occurred at all. By and large, the people involved here in this Maine Legislature try to maintain high quality operations and with a high degree of success. Any one of us in the heat of a debate can and we will make statements that later we wish we could strike from the record. I believe that all of us can understand this. But when there is one amongst us who consistently adopts for his own conduct standards that are continually below the norm, then I believe it behooves us to indicate clearly, for the sake of the institution of which we are a part, that this behavior is clearly the exception and that we do not condone it.

Many years ago, I believe it was Sam Rayburn who advised all newcomers in Congress to get along, go along. In my opinion, this has, unfortunately, become the creed for a political way of life for many in recent decades. I believe that current developments, particularly on the national level, make it obvious that it behooves us of the rank and file to consult with our own consciences to develop and maintain our own standards of morality in public life and attempt to impose these standards on the institutions of which we are a part.

More than just the fortunes of a few political persons is at stake. Our system of government will work only with the confidence and trust of the public. I believe that today we have some house cleaning to perform in our own little balliwick.

I hope that you will support the order before you and I have suspicion that there may be attempts made to table this order and I hope that you will oppose these attempts to table if they are made or any other attempts to sidetrack this effort. I hope you will support the order.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I wholeheartedly agree, ladies and gentlemen. Thank you for the remarks that Representative Susi has made and I think this order is very important and I would ask that it be accepted with a roll call.

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

Mr. BRAGDON: Mr. Speaker and Ladies and Gentlemen of the House: I do not know as I approve of the tactics mentioned in this order. However, somehow or other I cannot get away from the fact that we members of the legislature are all grown people and are capable of making our own decisions, regardless of threats from any source whatsoever. Somehow it bothers me a little bit to attempt to dictate, as much as this order appears to try to do, the conduct of the lobby.

I think before I — I don't know that I will make any motion, but I think before I sit down I would like to inquire of the gentleman from Pittsfield with regards to the last paragraph of the order. I will read it.

"The Senate concurring that we, the Members of the 106th Maine Legislature now assembled do hereby proclaim our disapproval and condemnation of such actions and attitudes and further proclaim" and this is the part I am questioning—"that in the future the legislature will take some appropriate actions as are necessary to prevent a recurrence of such an unfortunate incident." I think I am going to ask Representative Susi if he has anything in mind that the legislature might do in this area and if so, what?

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I do not want to respond for the gentleman from Pittsfield, Mr. Susi, I am sure he can do that himself. But I would ask the gentleman from Perham, Mr. Bragdon, to turn to page 12 in the Senate and House Register to the

Constitution of the State of Maine, section 6, says: "Each House during its session may punish by imprisonment any person, not a member, for disrespect or disorderly behavior in its presence for obstructing any of its proceedings, threatening, assaulting or abusing any of its members for anything said, done or doing in either House provided that no imprisonment shall extend beyond the period of the same session."

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to make any motion for indefinite postponement because I am going to vote for this particular order. But I am particularly concerned as to where the gentleman from Pittsfield was during the 105th when I was also so threatened and I so mentioned on the floor of this House. At that time, the gentleman from Pittsfield was sitting down in the lower right hand corner as majority floor leader. But he didn't seem to take any action then. And I am wondering if he just simply hasn't got an axe to grind against the gentleman who may have made this threat.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I am going to make a motion this morning, I am going to make a motion to indefinitely postpone this order and when the vote is taken, I ask for a roll call.

If there is some other member — maybe I will be out of order and if I am you can rule me out — if some other gentleman or lady in this House had put in this order, I probably might have gone along with it, but as the gentleman from Waterville, Mr. Carey, has said, this happened last year, the same gentleman was here in the right hand corner of the House, and this didn't happen. It seems as though there might be a little grudge here and therefore I am very much against the order. And I hope you will go along with indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I dislike very much to have us start the week with this kind of an order. I have been here longer than any other member in this body. I have acquired a certain amount of pride in this body. I stated so, maybe on a minor matter, the idea of removing our jackets. I know that oftentimes, Mr. Speaker, and you know it, sometimes I do a little talking around the seat here, but by the same token, I think I will be the first one to admit the moment I am gaveled down that I am wrong when I am wrong and I will fight with each Speaker in his office afterwards, but it stops there.

I know the situation, I know the gentleman concerned in this order, as every other member does. I wrote a note to the gentleman from Calais, Mr. Silverman, agreeing with him and not agreeing with the other gentleman concerning this order, who incidentally is a very very dear friend of mine. I have not seen him to talk with him about it.

I wrote a rather lengthy note to Mr. Silverman and I just think that this order, Mr. Speaker, just somewhere along the line, just lowers the decorum of this House by putting this on the books. I think there are other ways to handle it. I think there is no House in the United States that has the decorum that this House has had.

I am not a leader and I am not setting any policy, but certainly, I think this is something for the leadership to discuss, of both parties, and either we do one of two things, either kill this order or else it should be tabled for discussion and then the leadership should decide.

I just cannot see us putting this order into our records. I just don't approve of it. I mean, the thing is done and I think it is old hat. I could, Mr. Speaker, last Friday just have gotten up on a point of personal privilege and probably have won my point and I didn't do it. This chagrins me that is

all. I do not want any part of it.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think it is kind of an unfortunate situation that we are in here this morning. I think all of us realize the tension and I guess kind of feel the vibrations in the air a little bit.

You know, in some ways I think maybe the order as presented before us has maybe taught us a lesson and maybe it has served its purpose just because it is even here.

I wish maybe we would approach this at another time, maybe in a different way, because probably one of our members was threatened, but in turn we are doing nothing here but voting on an order which the last three or four lines in turn threatens somebody else, and I wonder whether we want to be in that type of position, to fight fire with fire. Maybe we would have been better off if the gentleman from Calais, Mr. Silverman, when this action had occurred, if he had come to the leadership or maybe to the Ethics Committee and we could have sat down and decided at that time whether the gentleman who did speak to him was wrong and then we could have taken appropriate action through an order or through other actions rather than doing it this way.

Quite frankly, I really don't know how I am going to vote on this thing, but I do see it as something that I wish wasn't on our floor right at this time that we might put in our records.

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

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

Thereupon, Mr. Susi requested a roll call vote.

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

vote yes; those opposed will vote no.

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

On motion of Mr. Simpson of Standish,

Recessed until the sounding of the gong.

#### After Recess

The House was called to order by the Speaker.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that this Joint Order be tabled pending the motion of Mr. Finemore of Bridgewater to indefinitely postpone and specially assigned for Wednesday, May 16. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Berry, G. W.; Berube, Binnette, Birt, Boudreau, Brown, Bustin, Cameron, Carey, Carrier, Carter, Chonko, Churchill, Clark, Cooney, Cottrell, Curran, Davis, Dow, Drigotas, Farnham, Farrington, Fraser, Garsoe, Gauthier, Goodwin, H.; Greenlaw, Hancock, Haskell, Henley, Hobbins, Hoffs, Huber, Immonen, Jackson, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Knight, Lacharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Lynch, Martin, Maxwell, McMahan, McNally, Merrill, Mills, Morin, V.; Murray, Norris, Palmer, Perkins, Peterson, Pontbriand, Pratt, Santoto, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Soulas, Sproul, Talbot, Theriault, Tierney, Trask, Tyndale, Walker, White, The Speaker.

NAY — Ault, Berry, P. P.; Bither, Bragdon, Brawn, Briggs, Bunker, Chick, Conley, Connolly, Cote, Cressey, Curtis, T. S., Jr.; Deshaies, Dunn, Dyar, Emery, D. F.; Evans, Farley, Faucher, Fecteau, Ferris, Finemore, Good, Herick, Hunter, Jacques, Jalbert, Kelley, R. P.; Lewis, E.; MacLeod, McCormick, McHenry, Morin, L.; Morton, Mulkern, Najarian, O'Brien, Parks, Ricker, Rolde,

Rollins, Ross, Silverman, Smith, S.; Strout, Susi, Trumbull, Webber, Willard, Wood, M. E.

ABSENT — Albert, Crommett, Dam, Donaghy, Dudley, Dunleavy, Flynn, Gahagan, Genest, Goodwin, K.; Hamblen, Littlefield, Maddox, Mahany, McKernan, McTeague, Murchison, Sheltra, Stillings, Tanguay, Wheeler, Whitzell.

Yes, 77; No, 51; Absent, 22.

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

#### House Reports of Committees Ought Not to Pass

Mr. Farnham from the Committee on State Government on Bill "An Act to Change Name of Bureau of Labor and Industry to the Bureau of Labor" (H. P. 1002) (L. D. 1327) reporting "Ought not to pass."

Mr. Drigotas from the Committee on Taxation reporting same on Bill "An Act Exempting Sales to Saco Community Center from the Sales Tax." (H. P. 1161) (L. D. 1498)

Mr. Morton from the Committee on Taxation reporting same on Bill "An Act Relating to Motor Vehicle Excise Tax" (H. P. 1264) (L. D. 1636)

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

#### Leave to Withdraw

Mr. Farnham from the Committee on State Government on Bill "An Act to Change the Administrative Hearing Commission to an Administrative Court" (H. P. 1249) (L. D. 1626) reporting Leave to Withdraw.

Mr. Emery from the Committee on Legal Affairs reporting same on Resolve to Reimburse Myron Dickinson of Skowhegan for Well Damage by Highway Maintenance (H. P. 1348) (L. D. 1781)

Reports were read and accepted and sent up for concurrence.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Natural Resources on Bill "An Act to Amend the Site Loca-



tion of Development Act" (H. P. 1375) (L. D. 1831) reporting "Ought not to pass"

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot  
— of the Senate.  
Messrs. PETERSON of Windham  
HUBER of Falmouth  
BRIGGS of Caribou  
SMITH of Exeter  
MacLEOD of Bar Harbor  
HERRICK of Harmony  
ROLDE of York

— of the House.  
Minority Report of the same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (H-375)

Report was signed by the following members:

Messrs. SCHULTEN  
— of Sagadahoc  
MARCOTTE of York  
— of the Senate  
Mr. PALMER of Nobleboro  
Mrs. BERUBE of Lewiston  
Mr. CURRAN of Bangor  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, I move we accept Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Bar Harbor, Mr. MacLeod, moves the House accept the Majority "Ought not to pass" Report.

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

Mr. FARLEY: Mr. Speaker, could I have this item tabled for two legislative days.

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

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Farley, that this matter be tabled pending the motion of Mr. MacLeod of Bar Harbor to accept the Majority Report and specially assigned for Wednesday, May 16. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 60 having voted in the

negative, the motion did not prevail.

Thereupon, Mr. Farley of Biddeford requested a roll call vote.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: The sponsor of this bill is not here today. There may be some conflict. There is another bill in here, another important piece of legislation we are going to act upon. There may be some conflict here, we all better report over the weekend on this particular bill. I haven't had a chance to read it, and I think in a sense it is an important piece of legislation. We ought to read that report before we do anything with this bill.

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

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

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

Mr. DYAR: Mr. Speaker and Members of the House: I think that possibly very few people here have taken time to read this piece of legislation, 1831.

I think the Statement of Fact on this bill is very important. But it says, "The purpose of this bill is to provide an opportunity to view Maine's total environment and to change Maine's attitude on the environment from a negative to a positive position, and to provide for assessment of the net effect of programs."

Now, what this bill does, in my mind, my interpretation of the bill, that when we have industry coming into this state, that no longer do we put 100 percent emphasis on our environment. We look to see what this bill will do as far as bringing industry in, whether or not we are going to base our thinking strictly on environment or are we going to get in a little

economics? Are we going to close this state up for the benefit of out-of-staters coming in and see our mountains and trees or are we going to keep the people of this state working?

I feel the time has come when we have to start looking for industry to come into this state that will give our people jobs that will have, hopefully, no adverse effect on our environment.

In my mind the basic effect of this bill is to switch this thinking to have some discussion when they have a public hearing, not only on the environmental effect of industry but the economic effect.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker and Members of the House: I apologize to the House this morning for not getting my ground rules in a little earlier. I have been requested that the bill be tabled for one day due to the absence of the sponsor of the bill. They have gone along in that fashion to try to be cooperative. So, I do not mind a tabling motion.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. MacLeod of Bar Harbor to accept the Majority Report and tomorrow assigned.

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**Ought to Pass in New Draft  
New Draft Printed  
Tabled and Assigned**

Mr. Farnham from the Committee on State Government on Bill "An Act Relating to Deposit of State Funds" (H. P. 779) (L. D. 1011) reporting "Ought to pass" in a new draft (H. P. 1503) (L. D. 1932) under same title.

The Report was read.

(On motion of Mr. Donaghy of Lubec, tabled pending acceptance of the Report and specially assigned for Wednesday, May 16.)

**Consent Calendar  
First Day**

(H. P. 751) (L. D. 965) Bill "An Act Relating to Exceptional Children" — Committee on Education reporting "Ought to pass" as amended by Committee Amendment "A" (H-374)

(S. P. 523) (L. D. 1654) Bill "An Act to Grant Comex, Inc. Certain Rights Within the State of Maine" — Committee on Public Utilities reporting "Ought to pass"

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

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**Consent Calendar  
Second Day**

**Tabled and Assigned**

(S. P. 172) (L. D. 427) Bill "An Act Relating to Probate Fees" (C. "A" - S-114)

On the request of Mr. Ross of Bath, was removed from the Consent Calendar.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I had a bill prepared relative to attorney fees rendered in probating estates. Often now the attorneys get exorbitant fees for this work. My bill was never filed, because I understood the subject was going to be included in a major probate overhaul bill. But my bill is perfectly germane to this one before us today. It is in the same Title 18. and covers Section 554, where part of this covers Section 552.

I wish that someone would table this for two days so that I will have time to do the complete research to bring my bill into proper amendment form.

On motion of Mr. Jalbert of Lewiston, tabled pending acceptance of the Report and specially assigned for Wednesday, May 16.

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(S. P. 404) (L. D. 1206) Bill "An Act to Modify the Test for Determining Coverage of Injuries under the Workmen's Compensation Act"

(S. P. 524) (L. D. 1655) Bill "An Act to Clarify Certain Provisions of the Personnel Law"

(S. P. 541) (L. D. 1693) Bill "An Act to Create a Commission to Study the Workmen's Compensation Law" (C. "A" S-113)

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

**Tabled and Assigned**

(H. P. 566) (L. D. 745) Bill "An Act Relating to the Appointment of Active Retired Judges of the District Court" (C. "A" H-365)

On the request of Mr. Perkins of South Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-365) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

On motion of Mr. Simpson of Standish, the House reconsidered its action whereby Committee Amendment "A" was adopted.

On further motion of the same gentleman, tabled pending the adoption of Committee Amendment "A" and tomorrow assigned.

(H. P. 709) (L. D. 914) Bill "An Act Relating to Defining Residence Requirements to Procure a Lobster Fishing License"

(H. P. 743) (L. D. 956) Bill "An Act Amending the Bay Point Village Corporation" (C. "A" H-366)

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

**Tabled and Assigned**

(H. P. 1277) (L. D. 1664) Bill "An Act Relating to Valuation of Shares of Joint Owners of Property and to the Disposition of Joint Property on Death of a Joint Owner" (C. "A" H-368)

On the request of Mr. Perkins of South Portland, was removed from the Consent Calendar.

On motion of the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, May 16.

(H. P. 1461) (L. D. 1886) Bill "An Act Relating to Willful Killing or Injury to Certain Animals" (C "A" H-369)

No objection having been noted, was passed to be engrossed as amended and sent to the Senate.

**Passed to Be Engrossed**

Bill "An Act to Repeal the Statute on Boards of Visitors to

State Institutions" (S. P. 612) (L. D. 1915)

Bill "An Act to Simplify the Procedures on Municipal Charter Amendment Elections" (S. P. 611) (L. D. 1914)

Bill "An Act Relating to Appeals from Decisions of the Public Utilities Commission" (S. P. 498) (L. D. 1585)

Bill "An Act to Authorize the Creation of the Maine Inland Fisheries and Game Acquisition Fund and the Issuance of Not Exceeding \$2,000,000 for the Financing Thereof" (H. P. 288) (L. D. 362) (C. "A" H-364)

Bill "An Act Relating to Ownership of Any Real Property Formerly Held by the State Colleges" (H. P. 1499) (L. D. 1926)

Bill "An Act Relating to Animals to be Sold in Pet Shops in the State of Maine" (H. P. 1498) (L. D. 1925)

Bill "An Act Authorizing the Commissioner of Agriculture to Investigate Certain Farming Practices" (H. P. 1497) (L. D. 1924)

Were 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 Political Campaign Reports and Finances" (H. P. 1066) (L. D. 1391) (C. "A" H-356)

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

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: This bill is a bill that I sponsored which was designed to require gubernatorial candidates to report their contribution and expenditures on the same basis as other state-wide office holders; notably, the United States Senatorial candidates and the candidates for the United States Congress.

This bill was amended in committee to reduce the number of days after the election, which these reports were required to be

made from 60 to 45 — at least that is what I was told. Upon reading the committee amendment, however, I find also the Senate's requiring the gubernatorial candidates to report was also deleted. That certainly destroys the very purpose of this bill. So I would move that we reconsider our action whereby we adopted Committee Amendment "A" to this bill.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Smith, moves the House reconsider its action whereby Committee Amendment "A" was adopted.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: The reason that we reduced the days from 60 to 40 days after the election, it would not give a person enough time, since our election is in November, before they actually were sworn in. So we reduced that to 45. Now, the congressional and senatorial candidates have to file the federal return, the federal report. It is a very complicated report and we didn't see the necessity of putting our gubernatorial candidates through all of this difficulty in filing these complicated federal reports, so we scratched that out.

I do not believe that we should make gubernatorial candidates file this report. If it is the wish of the House, it is all right with me, but I want you to know that they are very very complicated and they would require a great expenditure on the part of our gubernatorial candidates.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I just quickly respond to the remarks made by the gentleman from Bath in reference to the federal requirement. I served as treasurer of a committee last trip around and I had to do the filing for the federal return. It is a long process but it is a very thorough process. It is not that difficult. If I can do it, so can anyone else. I think the thing that it does do, however, it does give us and does give the citizenry an opportunity

to more carefully look at the entire funds that are being received and how they are being spent.

There is a very strict requirement that every dime that is taken in must be accounted for and it must be spent in accordance with the law and it has to be recorded properly by expenditures. It has to add up properly. You cannot leave out anything like you can in the state report. The committee does not disband until such time as all debts are cleared up. If there is any money left over, you have to at the end of the period of time when you have paid up all your bills in the committee, you must indicate where those funds are going. You cannot push anything aside.

I think that this is something we ought to require of a state-wide candidate. We are going to be embarking on an election very shortly in which both political parties are going to fight very strongly, and I suspect that you are going to potentially have some problems. I view this particular way of solving that problem by passing legislation which would make us comply with the federal requirement in reference to the gubernatorial race.

Last trip around, some \$300,000 was spent in running for governor in this state. I have reasons to believe that when we total up the figures at the end of the period in two more years when we do have two candidates running, it could very well end up costing somewhere around half a million dollars. And when it is all over, we ought to make sure that we know where every dime came from and where it went.

I agree with the gentleman from Bath that it is a long process to fill out, but it is not really that complicated. I agree that we ought to reconsider that particular amendment and make sure that we add that back into the law.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: Just one further response to the gentleman from Bath, Mr. Ross. I do agree with the commit-

tee's assessment that 60 days may be too long. I am going to offer an amendment which puts the 45 days back in.

Thereupon, the House reconsidered its action whereby Committee Amendment "A" was adopted, and the Amendment was indefinitely postponed.

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

House Amendment "A" (H-376) was read by the Clerk and adopted.

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

#### **Emergency Measure Tabled and Assigned**

An Act to Validate and Amend the Charter of the Kennebec Sanitary Treatment District. (H. P. 1457) (L. D. 1884)

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

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

A vote of the House was taken.

(On motion of Mr. Susi of Pittsfield, tabled pending passage to be enacted and tomorrow assigned.)

#### **Passed to Be Enacted**

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

An Act Relating to Nature of Foreclosure of Tax Lien Mortgages (H. P. 540) (L. D. 722)

An Act Revising the Laws Relating to Electricians (H. P. 651) (L. D. 878)

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

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

An Act Requiring that the National School Lunch Program be Implemented in All Public Schools (H. P. 1067) (L. D. 1392)

An Act Relating to Name of Maine Citizens Concerned for Life (S. P. 521) (L. D. 1652)

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

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

An Act Transferring Laws Relating to Education of War Orphans and Widows to Bureau of Veterans' Affairs (H. P. 1353) (L. D. 1785)

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

An Act Relating to Lead Poisoning Control (H. P. 1446) (L. D. 1866)

An Act to Amend the Uniform Limited Partnership Act. (S. P. 607) (L. D. 1905)

An Act Relating to Application of Releases from Injured Persons Confined to Hospitals to Workmen's Compensation (S. P. 608) (L. D. 1906)

#### **Finally Passed**

Resolve Authorizing Attorney General to Convey Interest of the State in Frogg Island in Little Sebago Lake to Ruel E. Taylor, Jr. (H. P. 1244) (L. D. 1615)

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

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

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

Joint Order Relative to Committee on Appropriations and Financial Affairs to Make a Continuing Review and Evaluation of State Budget. (S. P. 606)

Tabled — May 10, by Mr. Simpson of Standish.

Pending — Passage.

Mr. Haskell of Houlton offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-372) was read by the Clerk and adopted.

Thereupon, the Joint Order was passed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act Creating a Special Human Services' Commission" (H. P. 572) (L. D. 751)

Tabled — May 10, by Mr. Martin of Eagle Lake.

Pending — Motion by Mr. Curtis of Orono 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 again is my bill and I would like to speak briefly to it. This bill was introduced back in the early part of January at the time when the restrictions and the cut-backs and the impoundments on social service funds programs were being announced and at the time the restrictions on Title 4A and 16 funds were also being announced.

It was the intent of this bill originally first to deal with that crisis that was facing many low-income human service programs, but also I think perhaps more broadly and more importantly, the fact that deals with the idea of giving the legislature and the State of Maine a long range planning and evaluation tool when it came to the problems of low income and working class people. Since the time that bill was introduced, we enacted a bill, L. D. 1412, the Social Services Priority Act, which seems for all intents and purposes to deal with at least the first part of the intent in introducing that bill. That bill has been referred to by many people as farsighted and humanitarian.

I think that I would look upon that piece of legislation in somewhat of a different light. I recognize it first as an attempt, an honest attempt, by most of the members of this legislature to deal with the issue of human service and social service programs. But

I think that bill in being passed is very very restrictive in its wording in two places in particular.

First of all, it limits the kinds of programs that are eligible for funding to seven special categories. That mainly makes the bill a city bill in that a few cities, larger cities in the state, have programs that will be eligible for funding. But hardly any rural programs at all that serve low income people are eligible for funding under that bill.

The second restrictive part of that legislation deals with the fact that it would require after the end of June for funding of those programs a financial share from county and-or municipal government. There hasn't been a strong inclination either in the City of Portland where a number of these programs would be eligible for funding or in the County of Cumberland or in other places in the state to provide large sums of money to help assist these programs. The fact of the matter is, if those programs don't receive money, just the seven categories that are eligible, if they don't receive money, then those programs will not receive any funds beyond the first of July.

Now, this bill, L. D. 751, if enacted, would first give the state and the legislature the planning tools through the creation of a special commission to conduct a thorough and a critical evaluation of all human service programs operating in the state with the intent being to define the role that the state and county and municipal governments should have in assisting human service programs in the future.

The report of that commission or the finding of that commission may be radical or suggest radically different approaches than the ones we now see being employed both on the federal and the state level. But at least it would allow the legislature to have its own tool to make that decision for itself.

I do not want to belabor the issue, because I was very disappointed with the only three votes that we received for it in committee. I would just like to say

that if this bill is kept alive and allowed to go to the point of its second reading, I would be prepared to offer an amendment that would, first of all remove the emergency clause from the bill and secondly, would ask for broader representation. It would increase the membership or the representation from 5 people to 20 people and would allow all those representatives to be selected by the legislative leadership.

Mr. Speaker, I would just like to ask for a division and hope that you would vote against the motion "ought not to pass" and keep this bill alive.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Portland, Mr. Connolly, should be commended for his concern in this area.

Speaking for a majority of the members of the State Government Committee which heard this bill and which report you are now considering, I do want to say, however, that although we think that there are some problems here, that the solution as proposed in this bill, even as it might be amended, is the wrong one. For example, the commission that is suggested that be created would, among other things, have the duty of determining the role of the State of Maine in assisting human services programs. It would seem to me at least and I think other members of the committee that that is a job that really belongs with the legislature, to determine the role of the State of Maine. There are some investigative powers that the commission would be provided.

We also had some questions, I think, about how the commission would be chosen. It seemed to us that a majority vote of the Joint Committee on Human Resources choosing five members of this commission would not necessarily be the best way to handle the matter. As we already know, it was the Appropriations Committee which earlier in this session had done the excellent and detailed

work that resulted in some progressive action already here. I might also say that the Health and Institutional Services Committee should have a concern.

I think the point that I would like to make is that the legislature — and we will have legislation in the future to consider this suggestion — should strengthen its own committees so that the committee work on Health and Institutional Services or Appropriations or on Human Resources, whatever committees involved, should continue between the sessions of the legislature when sitting, and have an opportunity to go into greater detail. But I think if we try to create this type of commission proposed by this bill, it will be further weakening the legislature rather than strengthening it.

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

Mr. CONNOLLY: Mr. Speaker and Ladies and Gentlemen of the House: Not to belabor the point again, but in response to Mr. Curtis, there was an amendment that I introduced at committee which does not appear in the "ought to pass" report, which again I told you I would produce tomorrow if this bill is kept alive.

What it says is that the commission should be expanded, the membership should be 20 people. That would include more than one third; seven members from the legislature and the rest to come from outside the legislature. All of those members would be appointed by the legislative leadership; the idea behind that being that the legislature, in my opinion, needs its own tool, a tool that is not — or a commission that is not responsible to anybody else except this legislature, to make recommendations to it. This legislature should have the confidence of such a commission or place confidence in such a commission. And that is the reason for giving the power of appointment to this legislative body.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Curtis, that the House accept the Majority "Ought not to pass" Report. All

in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. LaPointe of Portland requested a roll call.

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

Mr. Simpson of Standish requested a vote.

The SPEAKER: For what purpose does the gentleman arise?

Mr. MARTIN: Mr. Speaker, prior to the division and prior to the tabling, the request for the roll call ought to be first entertained.

The SPEAKER: The gentleman from Eagle Lake is correct. The pending question is whether or not a roll call should be taken. 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 Portland, Mr. Connolly.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I understand the predicament we are in and I think it is important that this vote be recorded, that there be a roll call vote.

I understand what Mr. O'Brien is trying to do to have this tabled for one day, and I think perhaps where the board isn't working maybe that would be legitimate.

It is not my position to appear obstinate or try to embarrass anyone, but I would like to have a roll call vote on this. So I would not make a motion that we table this for one day.

The SPEAKER: The gentleman may not debate his motion.

The Chair recognizes the gentleman from Portland, Mr. O'Brien. The gentleman may table for one legislative day.

Mr. O'BRIEN: Mr. Speaker, a parliamentary inquiry. I thought I already made that motion.

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. O'Brien, that this matter be tabled for one legislative day pending the motion of Mr. Curtis of Orono to accept the Majority "Ought not to pass" Report. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

65 having voted in the affirmative and 61 having voted in the negative, the motion did prevail.

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

Bill "An Act Relating to Comparative Negligence in Civil Cases" (S. P. 342) (L. D. 1041)

Tabled — May 10, by Mr. Deshaies of Westbrook.

Pending — Acceptance of Committee Report.

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

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

Bill "An Act Regulating Mass Marketing of Casualty and Property Insurance" (H. P. 1489) (L. D. 1913)

Tabled — May 10, by Mr. Deshaies of Westbrook.

Pending — Passage to be engrossed.

On motion of Mr. Trask of Milo, tabled pending passage to be engrossed and specially assigned for Wednesday, May 16.

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

Bill "An Act Relating to Liability of Distributing Utility for Death or Injury to Person or Damage to Property Caused by Natural Gas" (S. P. 448) (L. D. 1415) (C. "A" S-103)



Tabled — May 10, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Wednesday, May 16.

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

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

Tabled — May 10, by Mr. Birt of East Millinocket.

Pending — Passage to be enacted.

On motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and specially assigned for Wednesday, May 16.

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

Bill "An Act to Provide for Use of the Courts by Poor Persons" (H. P. 771) (L. D. 1005)

Tabled — May 10 by Mr. Carrier of Westbrook.

Pending — Passage to be engrossed.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I am not in support of L. D. 1005. I think this week is the start of the day of reckoning where we have to in good conscience eliminate bills which are frivolous and just plain no good and concentrate our efforts and work to pass good legislation, which will be to the benefit of all the citizens of Maine.

I oppose this bill on the following grounds: First, the title of the bill is deceiving. Many poor people in this state, so called poor people, can pay and will pay the court costs and all other costs. The words "indigent persons," those who are without means, are the ones we should worry about, but only up to a certain point. As a rule, they are not the ones that end up in court, so they don't need this bill.

This bill proposes that the cost of courts would be paid by the county or municipality rather than by the individuals.

The present law, I believe, is very fair. A loser of a civil action under the present law pays the cost of court. This bill would make it so the cost of all services would be borne by the municipality or the county.

Here are some of the costs roughly. The costs roughly vary in many different places. Filing costs usually run from \$2 to \$3. The service costs, can run from \$6 up. So actually, if anybody has a good cause of action, for him to get in position to pursue a suit, actually it would cost him less than \$10.

Now, I submit to you, that if they can't afford it, we have different legal associations, or so called legal associations, that are supposed to help these poor people and let them put the money which they receive from the federal government as court fees.

One of the things about this, as you read the bill — I will try to be extremely short — is that there is involved cost of transcripts. For those of you who are not familiar with it, the costs of transcripts can cost anywhere from \$150 to \$1,000 or more, depending on the thickness, the length, and everything else.

There is also no provision made for fee witnesses in this particular L. D. Now, who pays for these? At present, contingent fees are allowed for attorneys, and we also provide fees for workmen's compensation. Then, the question is, could an attorney appointed by the court receive these fees in addition to the provisions of this L. D.? Double payment for appointed attorneys, that is what this adds up to.

Under the present law, if a party wins he is awarded cost of court. Would it be so under this bill?

I ask why should so called poor persons receive a free transcript and the other party not receive a free one, too? The cost is of any amount and there is no set price on such expensive transcripts.

Returning to Section 1103, I ask of you, why should an annulment order be prospective only? I feel that a party guilty of improper conduct should be penalized. I feel that if one is guilty of improper conduct, the party, rich or poor, would not, under no circumstances, receive the benefit of such benevolent legislation.

My main objection to the bill is under Section 1101, top of page 2 in the L. D. Under this bill, the way I understand it, a party would have to discuss with a judge his financial status, plus the reasons why he intends to bring the suit, and actually tell him what his course of action is. Because this is under what the judge will make a decision to see if he is entitled to sue as a poor person. He would discuss the case with the judge ex-parte or by himself.

I don't believe it is right for one of the parties to go to a judge, to be allowed to go to a judge before trial in the absence of the lawyers of the opposite party and discuss the case with him. I question the propriety of this or the ethics of it.

Picture yourself as a defendant and try to visualize how you would feel if such procedures were taken against you. A ridiculous situation will exist when such person would be allowed to sue for small amounts such as \$10, \$15 or \$20 and so forth, when actually a court appointed lawyer would cost him at least \$35 for the case and up. It would be a frivolous case, allowed by the present law, the cost being borne directly or indirectly by the local taxpayer.

Committee reports show that most lawyers, all the lawyers on our committee voted in favor of this particular legislation. That is their privilege if they want to do so. It all boils down to one question as to whose pocket the money is going to.

This is a ridiculous proposition, and I hope that in consideration of the wishes of the people you represent that you will see the wisdom in defeating the pending motion of the "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from

South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, share with Representative Carrier some of the concerns of expenses for poor people. I, too, share with him the concern of possible abuse.

However, this bill is not geared toward the control factors built into it to make sure that there aren't little, if any, abuses. The fact is, it does provide, and I pointed out, in case of any recovery that is had, it will be paid into the court. To that extent, a poor person has it a little bit more difficult than you or I or the next guy, because I have control of any funds that come to me, whereas the poor person does not. But to insure that court costs are recovered or are paid back to, grant you, the municipality or the county, the law provides that the funds, if there is a recovery, will be paid into the court for distribution by the judge.

He is correct, this is a lawyers bill, it is my bill, but that is the only reason it is a lawyers bill. I implore you that it has not been introduced to fill my pocket, because I frankly doubt if I will ever use it personally or have occasion to be appointed as a result of this bill.

It does take care of the situation of the guy who does not have the means. And believe me, I hesitate to take it out of my pocket — even on those occasions where I do — take it out of my pocket to advance these funds personally for the institution of an action on behalf of a poor person. I may get it back; I may not get it back. But the point is, I feel they should have the means, I think that we should provide for it, and I would only hope you would go along with the committee report.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: As a signer of the "ought not to pass" report, I would like to say that we in the committee have heard this bill, we have discussed it in the Executive Session. The reason

why I voted against it I feel that you have at the present time, these people have court appointed lawyers. If there has ever been a lawyers bill, this is a lawyers bill, like Mr. Carrier has told you.

I hope that you defeat the motion of "ought to pass."

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: Just recently the Supreme Court is in a position now that people who cannot afford a lawyer in civil cases, the court can appoint one. Now I would like to know from someone here if this bill applies to that or doesn't it?

The SPEAKER: The Chair recognizes the gentleman from South Portland Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Ladies and Gentlemen of the House: I believe I mentioned that previously, that in the case of divorce actions the Supreme Court of the United States has determined that a poor person cannot be denied the right to the use of the courts and the expenses will be paid for, provided for him, in a civil action of a domestic relations nature, or a divorce, in other words.

I pointed out the other day, and my contention is that if the poor person could carry his other types of civil actions through to the Supreme Court of the United States, I have no question but they would rule the same way.

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

Mr. NORRIS: Mr. Speaker and Members of the House: Would the Clerk read the committee report, please? My memory is bad on it.

Thereupon, the Report was read by the Clerk.

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

Mr. DESHAIES: Mr. Speaker and Members of the House: I would like to pose a question to Mr. Perkins. I am still not clear on this. Do the poor people, so called, now have the use of the

Pine Tree Legal Aide Society or other court appointed lawyers?

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Representative Deshaies' question, they have the use of the courts to a certain degree in respect to certain cases, not in this type of a case. Not in all civil cases do they have the use of the courts. In any criminal action, there is no question but what Pine Tree, — if another lawyer can't represent them, then Pine Tree will represent them. They have to be represented in a criminal action, where they are indeed the defendant. In actions for divorces they, too, have the use of the courts from a standpoint of federally funded type of program, Pine Tree if you will.

As an example, if there is a motor vehicle accident in which they are injured, they do not have the use of the courts through Pine Tree. In fact, Pine Tree can not take them, because it is a fee-generating type of case. What I said in the case of a negligence action, it would be a fee-generating type of case. If there is a recovery, they receive something back, so Pine Tree can not represent them.

There is for bankruptcy and other types of things, yes, but not in the ordinary civil type action. As I indicated the other day also, it encourages, in those instances where there may be a recovery, if they can bring an action there might be a substantial recovery. They cannot and it is much easier for them to settle a case out of court.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I am trying to read this bill through, and I can't find out in here what a poor person is, I can't find the definition. Is it the amount of money he has got? Is it his holdings? Some people who have little means are very rich. Other people have a lot and are not rich.

Now myself I have pride. I wouldn't ask for something free, for someone to defend me. I wouldn't ask for surplus food; I would go without, I would starve first. That is the way I have been brought up.

When I see the time come that maybe one of my neighbors didn't like me because he has more than I have, if they wanted to say "I am poor," they could force me into court and I have to take my money to fight them. Then I have to take my bank money to pay their way to fight myself. I am not in favor of it.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I thought I made it quite clear the other day when I spoke against this bill. I am still sitting here and I am still against it.

The chief objections I have, I will try to outline briefly. The first one is, I don't think that either party should go to the judge and discuss a case. I think this is prejudged and I would be against this type of thing. I am not sure that the lawyers today have the ethics they used to. I used to know lawyers, by their own ethics, the laws and the regulation they had ethics.

Now we have the Pine Tree Legal Society, and they are very unethical, in my opinion, because they advertise in newspapers their services. I know other lawyers don't and the court just upheld that recently, that they could advertise this free service. This, in my opinion, is very unethical. I think if this same thing were to pass they would be advertising like the Pine Tree, free services for this sort of affair.

As I see it, it is this way. I know some people that I would sue this morning if I had a free attorney, and I suspect there are a lot of people. But there is also this free attorney that has not been very good in my area. The whole town is up in arms about the Pine Tree and some of their cases we have had against good citizens of the town, which actually proved themselves innocent, but it cost

them several thousand dollars to prove they were innocent. So I don't want any more of this type legislation, and I don't want any case going and being discussed before the judge as this bill proposes.

So I do hope this morning that this bill will be indefinitely postponed. If someone hasn't made that a motion, then I so move that this be indefinitely postponed at this time.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, moves the indefinite postponement of L. D. 1005 and all accompanying papers.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I had hoped that I wouldn't have to speak on this bill. I think I do it every session; this comes up every session. I signed the "ought not to pass" on this bill. There are several things I don't like about it, part of it is the growing trend, which I am quite sure that this would bring about quite a trend towards suing for this, that, and the other.

It states in the very first paragraph, "every poor person, who may have a cause of action against another." A good many times, if there is real cause of action, if any chance of recovery, the attorney will take it anyway on a fee basis.

It seems to me that this is a very small group that this is aimed at, a small group which could be considered sometimes perhaps a nuisance group, a group that would imagine that they had grievances and would want to sue.

As has been stated before, if the poor person is the defendant, he can get a court appointed attorney in anything except a civil suit.

I don't know, I have always been a poor person and still am. But it seems to me that if we keep on saying that regardless of whether one is poor or not, they are entitled to everything that anybody else is entitled to, why not just say that if they are entitled to an attorney or to court systems that none of them should pay any doctors bills, none of them

should pay any other bills that they can't afford.

I just think that we have gone far enough with the Pine Tree Legal Assistance and the like situation in all the states and with our court appointment of attorneys, and the opportunity here which seems to be for a variation in deciding whether a person fits the category of a poor person or who does not.

As my friend Mr. Brawn, stated, it doesn't say here what constitutes a poor person, how much or how little he has to have to qualify. Looks to me as though it has been left up to the court to decide. The court might decide differently in different areas, different judges. I feel the bill is too broad entirely and that it is not needed today. I hope it will be indefinitely postponed.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just restate my question one more time. I don't know if I will get an answer to it or not. Is the recent Supreme Court decision allowing lawyers in civil cases to poor people? Would that Supreme Court decision cover this bill or doesn't it?

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

Thereupon, Mr. Carrier of Westbrook 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 will vote yes; those opposed will vote no.

A vote of the House was taken, and less than one fifth of the members present having expressed a desire for a roll call, a roll call was not ordered.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I want to apologize to the House because I just realized that the system was

not working. As you will notice I even stood up and opposed the roll call.

The SPEAKER: The Chair recognizes the gentle lady from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question if I may. Are we talking about fees for attorney's services or fees for the use of the court?

The SPEAKER: The gentle lady from Auburn, Mrs. Lewis, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Ladies and Gentlemen of the House: We are speaking in terms of costs, of attorney's fees. The expenses of court. The service — the entry, the service fee and those things. The costs, witnesses, transcripts, et cetera.

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

Mr. DESHAIES: Mr. Speaker and Ladies and Gentlemen of the House: I dislike asking Mr. Perkins to answer, but I would like to pose another question to him if he wouldn't mind. Would not this bill encourage suits in a u t o m o b i l e cases whether questionable or not? Wouldn't this encourage ambulance chasing by attorneys?

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

The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Ladies and Gentlemen of the House: No, I do not believe it will encourage ambulance chasing. If there is any ambulance chasing that is going on, then it is going on regardless of this bill.

As far as the numbers of cases in those jurisdictions that have passed similar legislation, there has been very very little. Now, I did allude to the possibility that as far as the present law is con-

cerned where they do not have the right to get into court because they cannot afford to, that it encourages them, in many instances, to settle cases where they would have a legitimate right to get into court and get a better recovery. It is not an ambulance chasing bill.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to have a question answered that doesn't seem to be clear in my mind. What constitutes a poor person? The federal government says that anyone who earns under \$3,000 is poor. But if we are using that as a criterion, this would take in almost everybody in the town where I live.

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

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I just want to clarify one point. I may be wrong, but this is the way that I interpret it. As far as fees, as far as what Mrs. Lewis asked, fees and expenses, that is what it says on the first page of the bill. Now, you can be sure that the fees and expenses necessary to prosecute or defend the action, you do need an attorney to do this. You do need it, and I can tell you that I truly believe that they would get paid, and I am not against that. If they work, they should get paid. But this particular bill, as far as I am concerned, includes fees, costs — it doesn't say attorney's fees, but that is what it is right there, expenses necessary to prosecute or defend the action. They also have use of the courts, the sheriff, the clerks, the constable. Even you and I cannot afford this stuff. Again, which is a thorn in my side, these transcripts. You do not have transcripts in all cases; but if you do, this is extremely expensive.

I remember that two years ago when this same bill came out with the same title, the title was changed to indigent persons.

Although my vocabulary is limited, I think I could go for a bill for indigent persons, because there is a tremendous amount of difference between being indigent and being poor.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: This House has been so deadly serious this morning. I was listening intently to the gentleman from South Portland, Mr. Perkins, and I think he supplied the levity at least that I needed. Did he mean to imply by his remarks that lawyers moonlighted as ambulance chasers? I didn't know that.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that L. D. 1005 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.

78 having voted in the affirmative and 48 having voted in the negative, the motion did prevail.

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

Joint Order: Health and Institutional Services Report. (S. P. 614)

Tabled — May 10, by Mr. Martin of Eagle Lake.

Pending — Passage.

On motion of Mr. Martin of Eagle Lake, the Joint Order was passed in concurrence.

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

Bill "An Act to Provide for Protection of the Air, Water and Other Natural Resources" (H. P. 729) (L. D. 935)

Tabled — May 10 by Mr. Donaghy of Lubec

Pending — Motion by Mr. MacLeod of Bar Harbor to accept the Minority "Ought not to pass" Report.

On motion of Mr. Emery of Rockland, tabled pending acceptance of the Minority Report and tomorrow assigned.

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

Bill "An Act Relating to Use of Studded Tires on Motor Vehicles" (S. P. 79) (L. D. 196) (S. "A" S-71) (S. "C" S-79) (H. "A" H-280)

Tabled May 10, by Mr. Shute of Stockton Springs.

Pending — Motion by Mr. Norris of Brewer that the House reconsider its action whereby it voted to adhere.

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

Mr. NORRIS: Mr. Speaker, may I have this tabled for one day?

Mr. Shute of Stockton Springs requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that L. D. 196 lie on the table for one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

26 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to thank the gentleman from Stockton Springs for his courtesy after what I did last week. I appreciate his cooperation.

This is a matter that we have batted around. The reason that I asked for the tabling motion is that I wanted to have a roll call on this, which I will at this time request; and it is a matter of state's money. It is a matter of spending money, do we want to or not. There was a printout that was distributed by the gentleman in the other body from Brunswick, facts relative to L. D. 196, An Act Related to the Use of Studded Tires on Motor Vehicles. In excess of 30 percent of the vehicles in

the state utilize these tires apparently during the winter months.

Studies have been conducted in the state and other parts of the country that demonstrate that these tires do cause excessive pavement wear. Wear is particularly acute on heavy volume roads and in urban areas where vehicles are subject to frequent stopping and starting actions.

Examples of sections of highways where significant wear was due to the use of studded tires occurred on 95 and 295 in the Portland-Yarmouth area; in our Bangor-Brewer area on the Joshua Chamberlain Bridge, we have had quite a problem there; the Veterans Bridge in South Portland, Interstate 95 on the Kelley Road area of Orono and Interstate 95 on the Cook Road area of Carmel.

Massachusetts, Connecticut and Rhode Island already have laws which prohibit the use of studded tires during the summer months. Therefore, Maine travelers to those states could unknowingly be exposed to violations unless similar provisions are enacted in Maine.

The present provisions of L. D. 196 restricts the use of studded tires only from June through September. The present version of the bill would allow for the use of studded tires through May 31, 1974; thereby, allowing the motorists who now have these could wear their tires out.

Under provisions of the bill it authorizes the Commissioner of the Department of Transportation to approve the use of studded tires for special purposes such as fire trucks and so forth during the restricted period.

You will hear arguments that people cannot afford to change these tires, which they won't have to do; and the next time they buy a set, of course, they can buy an unstudded set. It is a weak argument in my opinion because, of course, snow tires are much more expensive — studded snow tires are much more expensive than regular tires. So if these affluent people who can afford to drive with them year round wish

to do so, that is fine. But I think they should be prohibited from doing that in order to save the state a little money.

So, as I said before, Mr. Speaker, I would ask for a roll call and thank you very much for your indulgence.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: I do not want to recede and concur with the Senate. Now, first let me tell you this, this has nothing to do with what they do in Massachusetts, Connecticut, Rhode Island, California or any other state, because we have reciprocity agreements with them; and I was there and helped work out some of them. Here is how it works: In other words, if we can run them here, we can run them down there. In other words, they have an agreement whereby we recognize some of their laws and they recognize some of ours. It is known as reciprocity, and we have that agreement with them. So that part of his argument can be thrown out.

I do not think that any person — like the man from Brewer just spoke about — would wear his snowtread tires if he is of financial means, and I probably am so I wouldn't ordinarily wear them. I have just been so busy, I haven't got them off yet. They are still on my car. But normally I wouldn't either.

There is a lot of poor people who live in the country and they don't travel that much, probably their car only drives a couple of thousand miles the whole year, three at the most. They come to town once a week to buy their groceries. It is this type of person and also the poor person that I have heard so many times the people here in the House trying to defend, the poor and so forth. Well, these people can't afford two sets of tires; and most of them, if they are poor, can't afford that much gasoline to go a lot of miles up and down the turnpike. Their traveling is very limited to and

from work or to get their groceries.

I think it would be unfair to pass this type of law so that these people would have to buy extra tires. I tend to make quite a lot of money on it. I am sure I could make more money personally on this bill than any bill that has been before us this year. But I still just don't feel right about it, and I don't think it is right. What I am trying to say is the people who are doing the long driving will not have them on normally anyway. It is only the people that do short driving that have them on generally or the old couple that come to town to see the doctor once a month or something like that. I think it is wrong to force these people to take them off.

Now, it has never been proven that they have done any damage to the highway. These studs do absolutely no damage to the highway and eventually they wear out anyway. I hope you have good sense enough this morning not to recede and concur with the Senate.

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

Mr. SHUTE: Mr. Speaker and Ladies and Gentlemen of the House: I hope you do not reconsider your action on this bill. We indefinitely postponed this on May 3. We have had it around here 11 days, and we have adhered to our former action. If we are going to continue to revive each one of these bills that we indefinitely postponed, we will be here until August.

In regard to the remarks by the gentleman from Brewer, Mr. Norris, he did have this item tabled for two days so that the Highway Department could lobby the bill. Had I known his feeling on this bill last session, I probably wouldn't have gone along with taking the toll off the Joshua Chamberlain Bridge in Brewer. But that didn't affect my people any. This was a courtesy to the people in Bangor and Brewer.

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

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



House: Very briefly, thank you, Mr. Shute. I really don't see the relevance between the two problems; and you talk about tabling, you are the gentleman that tabled it for the last two days. It wasn't me. I wanted to run it last week. So if anybody is dragging their feet, you are.

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

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

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

Mr. JALBERT: Mr. Speaker, is a tabling motion in order now?

The SPEAKER: The Chair would answer in the affirmative.

Mr. JALBERT: I move this item lie on the table for one legislative day.

Mr. Simpson of Standish requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this matter lie on the table one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that the House reconsider its action whereby it voted to adhere as to L. D. 196. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Baker, Berry, Buxton; Birt, Boudreau, Briggs, Bunker, Bustin, Cameron, Carter, Chonko, Clark, Connolly, Cooney, Cottrell, Curtis, Dow, Farnham, Gahagan, Good, Goodwin, H., South Berwick; Greenlaw, Hancock, Haskell, Hobbins,

Huber, Jackson, Keyte, LaPointe, McMahon, McNally, McTeague, Morton, Mulhern, Murray, Najarian, Norris, O'Brien, Palmer, Peterson, Pontbriand, Roldes, Santoro, Silverman, Simpson, Smith, Dover-Foxcroft; Smith, Exeter; Soulas, Talbot, Tanguay, Tierney, Webber, Wood.

NAY — Ault, Berry, Madison; Berube, Binnette, Bither, Bragdon, Brawn, Brown, Carrier, Chick, Churchill, Conley, Cote, Cressey, Crommett, Curran, Dam, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunn, Dyar, Emery, Evans, Farrington, Faucher, Fecteau, Ferris, Finemore, Fraser, Garsoe, Gauthier, Henley, Hoffses, Hunter, Immonen, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Machias; Kilroy, Knight, Laharite, Lawry, LeBlanc, Lewis, Bristol; Lewis, Auburn; Lynch, MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, Merrill, Mills, Morin, Old Orchard Beach, Morin Fort Kent; Parks, Perkins, Pratt, Ricker, Rollins, Ross, Shaw, Shute, Sproul, Strout, Theriault, Trask, Tyndale, Wheeler, Willard, The Speaker.

ABSENT — Carey, Dunleavy, Farley, Flynn, Genest, Goodwin, K., Bath; Hamblen, Herrick, Kelley, Southport; Littlefield, Maddox, McKernan, Murchison, Sheltra, Stillings, Susi, Trumbull, Walker, White, Whitzell.

Yes, 53; No, 77; Absent, 20.

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

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

Bill "An Act relating to Notification to Injured Employees of Rights Under Workmen's Compensation Law" (H. P. 1243) (L. D. 1614)

Tabled—May 11, by Mr. Martin of Eagle Lake.

Pending — Consideration.

On motion of Mr. Brown of Augusta, the House voted to recede and concur.

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

Bill "An Act Creating County Civil Service Commissions for Investigator Deputy Sheriffs. (S. P. 439) (L. D. 1341)

Tabled — May 11, by Mr. Kelleher of Bangor.

Pending — Enactment.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: After going over 1341, which will give the county commissioners and the sheriffs of your respective counties the right to appoint a board which would make up a civil service commission for investigating deputies, I don't think it is necessary; because there is a considerable expense with this due to the fact that these people would be receiving annually \$25 a day plus their expenses for something that I just don't believe is necessary. It concerns 12 or 14 sheriffs in our respective counties. I am not for adding on any more in county government.

I ask that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves the indefinite postponement of L. D. 1341 and all accompanying papers.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: To clarify one statement Mr. Kelleher has made. These deputies receive, if the bill goes through, \$21 a day with the exception of three counties which have special legislation on the books.

It seems to me if we want good law enforcement on the county level that we need to protect these officers that we ask to be trained. They are required to go to school. We should be able to retain them. As it is now, when the administration changes, you have new people and it seems sort of fruitless to train people and then send them out. I do think in this day

and age they need the protection of their office for the benefit of the public they are serving.

I hope you do not go along with the indefinite postponement of this bill. This is one step in the right direction.

It has been suggested that we use some other form or allow them to be under the state plan. As it is now, of course, they do operate independently. They are in an entirely different area than the state police. I think this is a much needed bill, and I hope you don't indefinitely postpone it today.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I believe Representative Farrington misunderstood what I said. I didn't say that the deputy sheriffs would be receiving \$25 a day. I said that the commissioners, if we develop and create this commission, they would be receiving \$25 a day.

Looking back over just what happened in Penobscot County a few years ago, we had had a Republican sheriff up until two terms ago or a term ago, and we elected a Democrat up there; and he didn't reduce his force because a member happened — a deputy sheriff happened to be a member of the opposite party. Quite to the contrary, I believe if not half, two thirds of the members of our present sheriff's department were there when Sheriff Chandler was there.

I want continued good service and protection for the people of my county and your counties, but I just think this is an unnecessary step. I would ask the House to vote to indefinitely postpone this measure.

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

Mr. McMAHON: Mr. Speaker and Ladies and Gentlemen of the House: This bill had a good hearing before the County Government Committee. It was sponsored by a gentleman in the other body, and speaking for it was the sheriff of Cumberland, Mr. Sharpe.

I agree with the House chairman of the County Government Committee, Mr. Farrington, and I would urge you to consider this as the first reasonable and very small step in bringing some professionalism to the full-time deputies in the counties.

Now, the gentleman from Bangor alluded to the situation in his county, and his sheriff is to be commended, for we are not discharging all his predecessor's deputies, but I would suggest that the deputies themselves would like to have this kind of assurance in all cases and not rely upon the whims and the political desires of those seeking the office of sheriff.

This bill would apply to full-time deputies. It would upgrade their standing and would allow them to become more professional. I sincerely urge you to pass this bill.

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

Mr. JALBERT: Mr. Speaker, Members of the House: As I just heard the last speaker, this might make a little more sense if it had all of the deputies. This is an attempt, as he also stated, to bring in professionalism within the department, and I wholeheartedly concur with him. But one of our investigators as a deputy sheriff had no more experience than anybody else, and I don't think he has been with the department six months and he has been made an investigator.

Now, besides that, what would stop under this measure any sheriff, if he cared to, to make all of his deputies investigators? There is nothing in the law that would prevent him from doing it.

I think we ought to come up with a good, strong civil service bill that would encumber everybody else instead of singling out one or two men who would have preferential treatment as up against — and I speak with experience. I have never been forgiven by some for having made our city clerk civil service, and all the other employees in the City of Lewiston are not civil service. This is stuck, and I have come under a great deal of criticism.

I did it because I thought that the city clerk was a very very efficient man, and I think the present one is also very very efficient. Also it could be that the treasurer and the comptroller and other people might be efficient. It could very well be also that there might be some deputy sheriffs who might be a little more efficient; and I am not pointing the finger, but they could be a little more efficient than the investigators who would have tenure.

Until this is all inclusive, I see no point in the bill.

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

Mr. FINEMORE: Mr. Speaker, Members of the House: I notice on page 8 of the House Advance Journal and Calendar of last Friday we sent a bill up for enactment, item 3. We sent a bill up for enactment, An Act Creating County Civil Service Commissions for Investigator Deputy Sheriffs. I cannot see much difference between the two bills. I don't think we need them both, and I was wondering if someone could explain the difference between the two and why we should have two on the books. This one has already gone up for enactment. As I said, An Act Creating County Civil Service Commissions for Investigator Deputy Sheriffs.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I certainly didn't see that bill go by. This bill that we are acting on now has to do with investigator deputy sheriffs, and the commission would only be formed to take care of those investigator deputy sheriffs.

Now, as far as guidelines go, if you read the bill, there are protections in there. They have to take certain exams and go through certain procedures before they can be qualified.

Now, I, for one, would concur with Representative Jalbert from Lewiston. The fact of the matter is I had a full civil service bill in, and many thought that it was

too broad and would not be accepted at this time, so I withdrew that portion. I do think that this is a step in the right direction. While we couldn't get the whole package, we might start on the more important area, which certainly today is law enforcement.

I just think it is fruitless, and I will reiterate, to spend money training these investigators and by whims of the political will, lose them. Certainly, in business we wouldn't hire and train people and spend a great deal of money and then let them go. Whereas we cannot, apparently get a full civil service program for county employees, I would think that this would be a step in the right direction.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: As I read this bill, on page 2, section 1404, I think you are going a ways from the civil service. I really believe there should be civil service in these departments; but according to this here, it says, "A county civil service commission for investigator deputy sheriffs shall be composed of three members appointed by the county commissioners."

Well, you have two county commissioners of one party. They are going to set out who they want to have. The other member is not going to have very much to say. The sheriff — ten to one the sheriff will be of the same party as they are.

So I think this is more political than ever, and I really believe that we should move for indefinite postponement.

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

Mr. DYAR: Mr. Speaker, Members of the House: My concern with this piece of legislation here is that we are setting up civil service commissions within each county. Now, there was some concern — there was four bills before the County Government Committee county home rule, and one of the bills did have a civil service provision in it.

The County Commissioners Association and the County Employees Association at the present time, to the best of my knowledge, are trying to make up their mind on whether to set up one civil service board for the counties, one board for all counties or to go into the state personnel system. Now, I think that we are sort of jumping the gun here. I think that deputies should be backed up on keeping their jobs, but certainly, to set up 16 separate civil service boards in some counties where you might have two investigator deputies could be a costly situation.

I would like to see a study made by this legislature and the County Commissioners Association to find out which way they want to go, one civil service board for the entire state taking in all county employees or joining the state plan.

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

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I happen to be one that believes that law enforcement should be taken completely out of the political area. I wish it had been some time ago and I would hope that someday that we could. I don't believe that a bill such as this, though, is even beginning to take us out of it. I think it puts us even further in the particular situation.

I would support the indefinite postponement. I don't know as I want to see any more studies done, but I do believe that if we are going to talk about a civil service within the sheriff's department, then let's start from the top to the bottom and begin with the sheriff and take it right down through his entire field and take politics out of it completely and not do it piecemeal as we are here.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I rise in support of the majority leader.

As it stands today, the sheriff is responsible for the law enforcement within his county. If you freeze someone in there as his investigatory deputy, this man will be frozen there, and he will be frozen there with the next sheriff who may be of a different political persuasion and may not be able to work with this man, something of this nature. I think we are going in the wrong direction.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I will say today what I have said in previous sessions, that to break up the county government and turn it around with the Civil Service Commission is entirely wrong. The only way we are going to develop our law enforcement agencies in this state is to have a State Civil Service Commission the same as other states do, where you have to be qualified to pass the examination before you can take the job.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: My reason for speaking this morning on this particular measure was because the committee supported it unanimously. I have no personal involvement, no personal concern, except for the views that I made in my statement. So I don't want you to think that this is something that I am gung-ho after, only that the committee did give it a good report and I thought it was worthwhile debating.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, to indefinitely postpone L. D. 1341 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

93 having voted in the affirmative and 11 having voted in the negative, the motion did prevail.

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

Mr. KELLEHER: Mr. Speaker, I move we reconsider our action whereby this bill was indefinitely postponed and would ask you to vote against my motion.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves the House reconsider its action whereby it indefinitely postponed this Bill and all accompanying papers. 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.

Sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Extending the Period of Entitlement to Compensation for Partial Incapacity under the Workmen's Compensation Law in Certain Cases" (H. P. 616) (L. D. 814) which was tabled earlier in the day and later today assigned.

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

On motion of Mrs. McCormick of Union, it was

ORDERED, that Edwin Maddox of Vinalhaven be excused for today, Tuesday, May 15th and Wednesday, May 16th, while at Eastern Star Convention.

On motion of Mrs. McCormick of Union, it was

ORDERED, that E. Lyle Flynn of South Portland be excused for the duration of his illness.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until eight-thirty o'clock tomorrow morning.