

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

Wednesday, May 16, 1973

The House was called to order by the Speaker.

Prayer by the Rev. Mr. Paul Bell of Guilford.

The Journal of yesterday was read and approved.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Penalty for Burglary" (H. P. 206) (L. D. 279) reporting that the House recede from its action whereby it Passed the Bill to be Engrossed as amended by Committee Amendment "B" (H-171); recede from its action whereby it adopted Committee Amendment "B"; indefinitely postpone Committee Amendment "B"; adopt Conference Committee Amendment "B" (H-389) submitted herewith; and Pass the Bill to be Engrossed as amended by Conference Committee Amendment "B"; that the Senate recede from its action whereby it Passed the Bill to be Engrossed as amended by Committee Amendment "A" (H-170); recede from its action whereby it adopted Committee Amendment "A"; adopt Conference Committee Amendment "B" (H-389); and Pass the Bill to be Engrossed as amended by Conference Committee Amendment "B".

Signed:

- BAKER of Orrington
- FARRINGTON
of South China
— Committee on part of House.
- TANOUS of Penobscot
- SPEERS of Kennebec
- BRENNAN
of Cumberland
— Committee on part of Senate.

Report was read.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I expect there are a lot of you that this committee report confuses. I wanted to rise this morning and tell you that the mandatory sentence in the original

bill is not there any more. There is no probation and there is no parole.

It is quite apparent that some of the lawyers do not want mandatory sentences. This report is simply a compromise. We did get a little out of the conference in that it means that those who commit crimes while they are on probation will serve concurrent sentences. This is about it.

Hopefully though, there are other bills coming along whereby we strengthen laws having to do with breaking, entering and stealing. It is getting to be quite a problem, as many of you know. Representative Boudreau has the bill and hopefully we can do something with that.

The Report was accepted. The House voted to recede from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "B"; the House voted to recede from its action whereby Committee Amendment "B" was adopted. Committee Amendment "B" was indefinitely postponed.

Conference Committee Amendment "B" was read by the Clerk and adopted. The Bill was passed to be engrossed as amended by Conference Committee Amendment "B" in non-concurrence and sent up for concurrence.

Order Out of Order

Mrs. Lewis of Auburn presented the following Order and moved its passage:

ORDERED, that Polly Guy and Cindy McFadden of Auburn be appointed Honorary Pages for today.

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

Papers from the Senate

From the Senate:

Bill "An Act Relating to Applicability of Workmen's Compensation Law to Employers" (S. P. 618) (L. D. 1934)

Came from the Senate referred to the Committee on Labor.

In the House, was referred to the Committee on Labor in concurrence.

Reports of Committees Ought to Pass in New Draft

Report of the Committee on State Government on Bill "An Act to Encourage Investment of Revenue Sharing Funds in Local Interest Bearing Accounts" (S. P. 533) (L. D. 1686) reporting "Ought to pass" in New Draft (S. P. 619) (L. D. 1930) under same title.

Report of the Committee on Election Laws on Bill "An Act Relating to Petition for Articles on Municipal Ballots and Warrants" (S. P. 563) (L. D. 1704) reporting "Ought to pass" in New Draft (S. P. 616) (L. D. 1929) under same title.

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

In the House, the Reports were read and accepted in concurrence, the New Drafts read once and assigned for second reading tomorrow.

Divided Report Later Today Assigned

Majority Report of the Committee on Health and Institutional Services on Bill "An Act Relating to the Advertising of Drug Prices" (S. P. 506) (L. D. 1590) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. HICHENS of York
GREELEY of Waldo
MINKOWSKY
of Androscoggin
— of the Senate.
Mrs. McCORMICK of Union
MORIN of Old Orchard
BERRY of Madison
Messrs. LEWIS of Bristol
SOULAS of Bangor
SANTORO of Portland
DYAR of Strong
— of the House.

Minority report of the same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (S-123)

Report was signed by the following members:

Messrs. LaPOINTE of Portland
WHITZELL of Gardiner
GOODWIN
of South Berwick
— of the House.

Came from the Senate with the Majority "Ought not to pass" Report accepted.

In the House: Reports were read.

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

Mr. GOODWIN: Mr. Speaker, I move acceptance of the Minority "Ought to pass" Report.

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, moves the acceptance of the Minority "Ought to pass" Report.

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

Mr. CARRIER: Mr. Speaker, I now move it be tabled for one day.

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

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that this matter be tabled 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.

32 having voted in the affirmative and 45 having voted in the negative, the motion did not prevail.

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

Mr. JACQUES: Mr. Speaker, could we have this tabled until later in the day?

The SPEAKER: The Chair would indicate that a longer tabling motion is in order but there has been no sufficient change in the situation to warrant a lesser tabling motion at this time.

The pending question is the acceptance of the Minority "Ought to pass" Report.

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

Mr. SIMPSON: Mr. Speaker, I would ask for a division and I would ask the committee — there are a good number of signers on here that signed the "ought not to pass" report. I would like to have an explanation from the committee, if they would, please.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I can't answer this. The reason why I wanted it tabled for one day is just the fact that there are some committee members, many of them are not here right at present, and at the same time where we have accepted a report which is opposite of what the other group has accepted, actually I tabled it at the request of somebody, too.

I don't see any great havoc in tabling it for one day or tabling it for later in today's session when other people will be here.

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

A vote of the House was taken.

Thereupon, Mr. L a C h a r i t e requested a roll call vote.

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

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

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

Mr. MARTIN: Mr. Speaker, I move this lie on the table until later in today's session.

(Cries of Yes and No)

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that this matter be tabled until later in today's session pending acceptance of the Minority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

84 have voted in the affirmative and 17 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Bill "An Act Relating to Temporary Restraining Order and Cost of Litigation by the Attorney General under Unfair Trade Practices Act" (H. P. 770) (L. D. 1004) which the House passed to be engrossed on May 9.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-125) in non-concurrence.

In the House:

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

Mr. PERKINS: Mr. Speaker, I move we insist.

The SPEAKER: The gentleman from South Portland, Mr. Perkins, moves the House insist.

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

Mr. F A R R I N G T O N: Mr. Speaker, I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from China, Mr. Farrington, moves the House recede and concur.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I am not quite sure just where I stand at the moment. I would like to state that there is a Senate Amendment "A" on this bill, as you can see, which does exactly the reverse of what we had the other day. Instead of including attorneys' fees on one side, now they have stricken out attorneys' fees for the Attorney General's Department.

I would merely say that this destroys the bill entirely, in my mind, so that I personally don't want this amendment on there.

As I see it, if we recede and concur with the Senate, then we will have accepted this Senate Amendment "A". So I would — I am not sure just what I have to do to kill the amendment at this point, frankly.

The SPEAKER: The pending question is on the motion of the gentleman from China, Mr. Farrington, that the House recede and concur, which would, in effect, adopt Senate Amendment "A". If

that motion is defeated, then the gentleman from South Portland has made a motion to insist and we would vote on that and that would be without Senate Amendment "A".

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: Those of you who were not here, do not remember the debate when this bill was in the House, the original intent was that the Attorney General's Department, after permanent injunction was obtained against someone, the judge could charge the defendant with all the expenses incurred by the state.

As the gentleman from South Portland, Mr. Perkins, has said, there are laws on the books pertaining to isolated cases, but we are dealing here with consumer goods.

Now if you could imagine, for one moment imagine how many cases and how much the cost might be in this particular field.

I have a great deal of faith in the court system. I have a great deal of faith in the judges. But we want to remember, the Attorney General's Department has to work very closely with the rest of the judicial system and I am sure there are people who will be unduly harmed with this law. I don't think it is a good law, if passed, and I hope you go along to recede and concur with the Senate.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: Just a few words in respect to what I said the other day. This would only apply where a permanent injunction was issued by the court and is still discretionary with the court.

I thoroughly believe that if we have business firms and individuals that are cheating the general public and it costs a great deal for the State of Maine to investigate and to get an injunction, they in turn should in part

be responsible for the costs. It is a matter of recovery for the State of Maine, the taxpayers of the State of Maine, from those who have, in fact, been found to have been cheating the general public.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I somehow feel that we are a little bit poorly informed as to what we are voting and how we are voting here.

The other day the House voted very decisively, as I recall, to kill this bill. The Senate amendment, I believe we have been told, brings about the same result. I think perhaps to clear it in our thinking, that a motion to indefinitely postpone the bill and all its accompanying papers would be in order and I will so move.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: The other body rightfully changed the decision of the House regarding this matter. I think, basically on the grounds that a bill like this would be sort of a clout aimed at the head of anyone who wanted to defend their rights.

If one is charged by the state and they are facing up to the fact that they could possibly have to pay an excessive amount of money — by the way, I expect that the state would collect first and the attorney fees would come afterwards in case the courts ruled that the defendant would have to pay all the costs of court and legal fees and everything else.

I think possible in this area of making the state the "big daddy" over the general public, taking away the rights of the people to defend themselves without excessive stress and strain has gone quite a ways in many fields.

I don't like anyone who cheats one another or cheats the state any more than anybody else in the House. I do think that we can go too far in trying to correct environ-

mental things, in trying to protect one person from another, especially when we give the courts in the state the grave and great advantage over the individual, whether they be tied to a corporation or whether they are an individual.

I certainly hope you will go along and recede and concur with the Senate this morning.

The SPEAKER: The pending question is on the motion of the gentleman from China, Mr. Farrington, that the House recede and concur with the Senate on L. D. 1004. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berube, Bither, Bragdon, Brown, Cressey, Curran, Davis, Deshaies, Dyar, Evans, Farnham, Farrington, Gauthier, Goodwin, H.; Henley, Hunter, Immonen, Jacques, Keyte, Lynch, Murchison, Parks, Pratt, Soulas, Strout, Walker, Whitzell, Willard.

NAY — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Binnette, Birt, Boudreau, Brown, Briggs, Bunker, Bustin, Cameron, Carey, Chick, Chonko, Churchill, Clark, Conley, Cooney, Cote, Dam, Donaghy, Dow, Drigotas, Dunleavy, Emery, D. F.; Fecteau, Finemore, Fraser, Gahagan, Garsoe, Good, Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Herrick, Hobbins, Hoffses, Huber, Jackson, Jalbert, Kaulfman, Kelley, Kelley, R. P.; Kilroy, LaCharite, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, McMahon, McNally, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulhern, Murray, Norris, Perkins, Peterson, Ricker, Rolde, Rollins, Ross, Shaw, Silverman, Simpson, L. E.; Smith, S.; Sproul, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Trumbull, Tyndale, Webber, Wheeler, White, Wood, M. E.

ABSENT — Carrier, Carter, Connolly, Cottrell, Crommett, Curtis, T. S., Jr.; Dudley, Dunn, Farley, Faucher, Ferris, Flynn, Genest, Kelleher, Knight, LaPointe, Lawry, Maddox, McKernan,

McTeague, Najarian, O'Brien, Palmer, Pontbriand, Santoro, Sheltra, Shute, Smith, D. M.; Stillings.

Yes, 28; No, 92; Absent, 29.

The SPEAKER: Twenty-eight having voted in the affirmative and ninety-two having voted in the negative, with twenty-nine being absent, the motion does not prevail.

Thereupon, the House voted to Insist.

Non-Concurrent Matter

Bill "An Act Relating to Animals Imported into the State of Maine for Resale" (H. P. 968) (L. D. 1275) which the House passed to be engrossed on May 14.

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 Bangor, Mr. Murray.

Mr. MURRAY: Mr. Speaker, I move that the House insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Bangor, Mr. Murray, moves that the House insist and asks for a Committee of Conference.

The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker, I move we recede and concur.

Mr. Soulas of Bangor requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Parsonsfield, Mr. Pratt, that the House recede and concur as to L. D. 1275. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to Insist and asked for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Relating to Interest on Awards in Workmen's Compensation Cases" (H. P. 1150) (L. D. 1481) which the House passed

to be engrossed as amended by House Amendment "A" (H-350) on May 10.

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

In the House:

On motion of Mr. Brown of Augusta, the House voted to Insist.

Non-Concurrent Matter

Bill "An Act to Annex Town of Brunswick to Sagadahoc County" (H. P. 1326) (L. D. 1738) which the House passed to be engrossed as amended by Committee Amendment "A" (H-313) as amended by House Amendment "A" (H-331) thereto and by House Amendment "A" (H-325) on May 9.

Came from the Senate with the bill passed to be engrossed as amended by Committee Amendment "A" (H-313) and House Amendment "A" (H-325) in non-concurrence.

In the House:

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

Mr. LaCHARITE: Mr. Speaker, I move the House recede and concur.

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

Mrs. BOUDREAU: Mr. Speaker and Members of the House: I hope we do not recede and concur, for the House the last time around voted to pass this amendment, to accept it. I think it is only fair. I hope you will kill this motion so we can move to insist.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: As a life-long resident of Sagadahoc County, I am not overly enthused with this bill. I hope the proponents don't have any malice aforethought, such as eventually taking over our proud little county or just getting out of due debts to Cumberland County. However, I am a trusting soul, and I am sure that their legislators are honorable men and not apt to be motivated by nefarious schemes. Furthermore, the referendum clauses

in this proposed legislation is the saving grace.

When this first appeared upon our Calendar, I said that it was intriguing, but that it had many ramifications ranging from financial to political to judicial. I have talked since then with a great many people. Some seem to favor it, and some are vehemently opposed to it. The opposition namely sees the specter of a political bogeyman. And strangely enough, this is a nonpartisan fear.

In our county several Democrats hold positions from sheriff to county commissioners, and some of these are worried about primary fights, because they might have to fight with some Democrat from the Town of Brunswick. The Republicans are worried about the general election because they are sure that the Democrats would control the county.

I have more faith in our system than that. If either party runs good candidates, and these candidates work hard, they certainly all have an equal chance of winning. And no longer will it be a breeze for anyone to get in. For instance, our county attorney had neither a primary nor a general fight this last year. It might prove to be a real stimulant for better political participation. Since the voters from both Brunswick and the rest of the county are going to have a chance to express their desires in referendum, I am willingly — reluctantly, but willingly able to go along with the motion.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope that the gentleman from Bath is right, but I think he is an inordinately trusting soul if he believes in this. I can see in a very short time that if this went through, the county seat would indeed be Brunswick. Being the largest town, it would tend to gravitate that way.

I oppose this from two points of view. The first point of view is a complicated problem with the bond issues. And the other debt to the county. I would like to quote

from the Brunswick Times Record of May 10. And they say in it, "There are other bond issues totaling about \$610,000 the county is now obliged to pay. Brunswick is helping to pay those now. But if the switch was made, the town would no longer be liable for the debts.

"In addition, a bridge at Erwin Narrows to join the two sides of Harpswell has been approved for construction and is expected to start this year. If Brunswick leaves Cumberland County, the town would not have to help pay for that."

Now, ladies and gentlemen, my second objection to this is the question of Harpswell and their bridge and also the problem — we have spoken here of the big bogeyman of Cumberland County forcing poor little Brunswick to stay within Cumberland County. I think if we truly want to find a villain here or a bogeyman let's say, let's look to Brunswick putting Harpswell in an untenable position of being an island out by itself with no place touching Cumberland County.

You may say that the ideal thing is for Harpswell to follow and go into Sagadahoc County also. Well, this probably is logical, but the trouble is that Harpswell cannot do this. Harpswell, because of their bridge, must remain in Cumberland County, at least for the time being. Harpswell, being a very small town, is very dependent on Cumberland County for its sheriff services and many of its services. These services would be highly curtailed if they had to travel across another county to reach this one town.

I hope that you will vote against this motion and will support the motion that we insist.

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: I suggest this game has gone on long enough, and I now move the indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The Chair would inform the gentleman that the status of the bill having been in

the other body, a non-concurrent matter, the only motions that may be made at this time are to recede, to concur, to insist or to adhere, and receding and concurring does take priority, and is the pending motion, sir.

The Chair recognizes the gentleman from Brunswick, Mr. La-Charite.

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: As I stated last week, it is very logical for Brunswick to be part of Sagadahoc County. I believe that the County Government Committee, which reported this bill unanimous "ought to pass", considered the referendum in Cumberland County. It saw fit to not include that referendum in the bill.

Now, if the referendum were ultimately adopted, it would effectively kill the efforts of Brunswick to move into Sagadahoc County.

As far as Harpswell goes, there would be no problem for Harpswell coming into Sagadahoc County. They would not lose their bridge.

As far as the bonds go, I have talked to the state treasurer. Brunswick going into Sagadahoc County would not affect the bonding of Cumberland County at all.

I think it is time we really look and try to figure out where these towns really belong. Maybe this is a precedent, but it is a precedent that should be started possibly and Brunswick-Bath are together. They are right next each other, everything is in the Bath-Brunswick area for Sagadahoc County. And I really believe that this is where we should be. I hope that you vote with me to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: This situation bothers me a great deal. And this does not mean in any way that I am unfriendly to the representatives from Brunswick or their people. But the way this bill faces us at this time, it is still a unilateral decision, and this I do not like.

I would like to call to the attention of the ladies and gentlemen

of this legislature that although this bill seems to affect only Cumberland and Sagadahoc Counties, it, by setting a precedent, affects every municipality in this state. The way this bill faces us at this time, Cumberland County does not have any say in it.

I would hope that when the time comes and a motion is in order that we can indefinitely postpone this bill.

I would hope that all of you would realize that this situation that affects those of us in Cumberland and those of us in Sagadahoc today can affect all of you tomorrow.

I hope the motion to recede and concur does not prevail.

Mr. LaCharite of Brunswick requested a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Brunswick, Mr. LaCharite, that the House recede and concur with the Senate as to L. D. 1738. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, P. P.; Berube, Bither, Brawn, Briggs, Bustin, Chick, Chonko, Churchill, Cooney, Cote, Crommett, Curran, Davis, Dow, Drigotas, Dunleavy, Dyar, Farnham, Farrington, Fecteau, Finemore, Fraser, Genest, Good, Goodwin, K.; Greenlaw, Henley, Hobbins, Immonen, Jacques, Kelley, Kelley, R. P.; Keyte, LaCharite, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, McMahan, McNally, Mills, Morin, L.; Morin, V.; Murray, Parks, Ricker, Rolde, Rollins, Ross, Sheltra, Shute, Smith, D. M.; Smith, S.; Soulas, Sproul, Strout, Tanguay, Theriault, Tierney, Tyn-

dale, Walker, Webber, Whitzell, Wood, M. E.

NAY — Baker, Berry, G. W.; Birt, Boudreau, Bragdon, Brown, Bunker, Cameron, Carey, Carrier, Clark, Conley, Cottrell, Cressey, Deshaies, Donaghy, Dunn, Emery, D. F.; Evans, Gahagan, Garsoe, Hamblen, Hancock, Haskell, Herrick, Hoffses, Huber, Hunter, Jackson, Jalbert, Kauffman, Kelleher, Kilroy, Lawry, Littlefield, Merrill, Morton, Mulhern, Murchison, Najarian, Norris, O'Brien, Perkins, Peterson, Pratt, Shaw, Silverman, Simpson, L. E.; Talbot, Trask, Trumbull, Wheeler, White, Willard, The Speaker.

ABSENT—Binnette, Carter, Connolly, Curtis, T. S. Jr.; Dam, Dudley, Farley, Faucher, Ferris, Flynn, Gauthier, Goodwin, H.; Knight, LaPointe, Maddox, McKernan, McTeague, Palmer, Pontbriand, Santoro, Stillings, Susi.

Yes, 73; No, 55; Absent, 22.

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

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

Mr. O'BRIEN: Mr. Speaker, is it now in order to move indefinite postponement of this bill and all accompanying papers?

The SPEAKER: The Chair would answer in the negative. This matter will be back for final enactment tomorrow or shortly thereafter and at that time such a motion is in order.

The Chair recognizes the gentleman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider and ask that you vote against me.

The SPEAKER: The gentleman from Bath, Mrs. Goodwin, moves that the House reconsider its action whereby it voted to recede and concur. 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.

Messages and Documents

The following Communication:
The Senate of Maine

Augusta

May 15, 1973

Hon. E. Louise Lincoln
Clerk of the House
106th Legislature

Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it accepted the Majority Ought Not to Pass report on Bill, "An Act Relating to Appeals from Decisions of the Public Utilities Commission" (S. P. 498) (L. D. 1585).

Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

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

Mr. McHenry from the Committee on Labor on Bill "An Act to Modify the Eligibility Requirements for Unemployment Compensation" (H. P. 908) (L. D. 1196) reporting "Ought Not to Pass."

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

Leave to Withdraw

Mrs. Goodwin from the Committee on State Government on Ratification Resolution for Equal Rights Amendment. (H. P. 140) (L. D. 162) reporting Leave to Withdraw.

Mr. McHenry from the Committee on Labor reporting same on Bill "An Act Relating to Compensation under Workmen's Compensation Act" (H. P. 1148) (L. D. 1479).

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft
New Draft Printed**

Mr. Curtis from the Committee on State Government on Bill "An Act to Make the Maine Human Rights Act Substantially Equivalent to Federal Statutes" (H. P. 1140) (L. D. 1475) reporting "Ought to pass" in New Draft (H. P. 1506) (L. D. 1937) under same title.

Report was read and accepted, the New Draft read once and as-

signed for second reading tomorrow.

Divided Report

Majority Report on the Committee on State Government on Bill "An Act Providing for a State Lottery" (H. P. 945) (L. D. 1242) reporting "Ought to pass" in New Draft (H. P. 1507) (L. D. 1938)

Report was signed by the following members:

Messrs. CLIFFORD

of Androscoggin

SPEERS of Kennebec

— of the Senate.

Messrs. GAHAGAN of Caribou

BUSTIN of Augusta

COONEY of Sabattus

CROMMETT

Mrs. NAJARIAN of Portland

GOODWIN of Bath

— of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington

— of the Senate.

Messrs. FARNHAM of Hampden

SILVERMAN of Calais

CURTIS of Orono

STILLINGS of Berwick

— of the House.

Reports were read.

On motion of Mr. Genest of Waterville, the Majority "Ought to pass" Report was accepted.

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

Divided Report

Majority Report of the Committee on Labor on Bill "An Act to Include Holiday Pay for Purposes of Employment Security Law" (H. P. 985) (L. D. 1305) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. TANOUS of Penobscot

KELLEY of Aroostook

— of the Senate.

Messrs. BROWN of Augusta

McNALLY of Ellsworth

FLYNN of South Portland

HOBBS of Saco

McHENRY of Madawaska

FARLEY of Biddeford

ROLLINS of Dixfield

Mrs. CHONKO of Topsham
— of the House.

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

Report was signed by the fol-
lowing members:

Mr. HUBER of Knox
— of the Senate.

Messrs. GARSOE of Cumberland
BINNETTE of Old Town

— of the House.

Reports were read.

On motion of Mr. Brown of Au-
gusta, the Majority "Ought not to
pass" Report was accepted and
sent up for concurrence.

Divided Report

Majority Report of the Commit-
tee on Labor on Bill "An Act Re-
lating to Benefits Payable under
Workmen's Compensation Law
When Employer or Supervisory
Employee Violates Safety Stat-
utes" (H. P. 1258) (L. D. 1633)
reporting "Ought not to pass."

Report was signed by the fol-
lowing members:

Messrs. KELLEY of Aroostook
HUBER of Knox
TANOUS of Penobscot
— of the Senate.

Messrs. BINNETTE of Old Town
McNALLY of Ellsworth
FLYNN of South Portland
ROLLINS of Dixfield
GARSOE of Cumberland
FARLEY of Biddeford

BROWN of Augusta
Mrs. CHONKO of Topsham
— of the House.

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

Report was signed by the fol-
lowing members:

Messrs. HOBBINS of Saco
McHENRY of Madawaska
— of the House.

Reports were read.

The SPEAKER: The Chair recog-
nizes the gentleman from Au-
gusta, Mr. Brown.

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

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

The Chair recognizes the gentle-
man from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and
Ladies and Gentlemen of the
House: I plan to speak very briefly
this morning on what I know is an
extremely controversial bill. The
bill itself is relatively simple. All it
states is when an employer is either
negligent or violates a federal or
state safety statute, the Workmen's
Compensation Award would be ad-
justed upwards to 50 percent. I am
aware there are many technical
difficulties with this bill, technical
difficulties which can be worked
out through an amendment, if this
bill is given its first reading this
morning.

Although there are many issues
in L. D. 1633, one issue seems to
me to be overriding. That issue
is safety. We can sit in this House
and we can negotiate around the
state and increase wages, shorten
hours and extend vacations, but
unless we build in fences for safe-
ty on the job through our legal
system then our other efforts mean
very little. Safety has consequen-
tly become one of our nation's top
priorities.

As many of you know, there
are a great number of state and
federal statutes involving this im-
portant issue. So we have suffi-
cient laws. The issue before us to-
day is one of enforcement. We
need incentive for enforcement and
I can think of no better incentive
than an increase in Workmen's
Compensations Awards. I hope we
allow this bill to go past its first
reading.

The SPEAKER: The Chair recog-
nizes the gentleman from Cum-
berland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker and
Ladies and Gentlemen of the
House: I do not agree with the
gentleman from Durham, Mr. Tier-
ney, that this is a controversial
bill. I think it is a bad bill. The
original concept of workmen's
compensation was to remove the
concept of fault and contention
and to place the full responsibility
for industrial accidents on the
employer.

This tends to reintroduce the ad-
versary position of deciding fault
and assessing penalties. Work-
men's compensation has had a
side effect in improving the safety
records of our industries to the

point where today in an industrial plant you are safer perhaps than you are anywhere else. I hope you will accept the majority report.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: The idea of workmen's compensation is that the injured employee should receive a portion of his lost wages, regardless of the fault involved in the accident. However, approximately a dozen states, including the Commonwealth of Massachusetts have a concept of an additional award to an injured employee to bring his compensation somewhere up near full wage replacement when there is a violation of the safety statute by an employer.

Let me give you an example when the statute would apply. If there were restrictions in OSHA or in state safety regulations, say regarding the amount of weight that might be lifted by a crane, so an employer, as determined by the Industrial Accident Commission, intentionally violates for his financial interest these weight restrictions and as a result of this someone is very seriously injured, we now restrict that person to about \$82 a week, regardless of what the person was making before the injury. So the man who was making, let's say \$150 or \$200 a week as a crane operator, his injury is not due to his fault but due to the intentional violation of the safety regulation statute by an employer. If that occurs, to reduce him to the level of impoverishment of about \$82 a week, it seems to me to be fundamentally unjust.

The employer that complies in good faith with safety regulations will have no problem under this statute. We have many years of history in Massachusetts and in 10 or 12 other states with this type of statute. I concur with the gentleman from Durham, Mr. Tierney, that we should accept the "ought to pass" report and put the bill in a position where if there are any technical difficulties, we may amend it in the second reading.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: Mr. Speaker, I would like to ask a question. Under supervisory employee, does that define the salary or hourly pay?

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

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Livermore Falls, Mr. Lynch, raises the type question that we do need more precise definition on. I can see that the concept behind it, although frankly the bill needs an amendment in this regard, is the level of supervisor who would have the ability to hire and fire to promote and demote and to discipline other employees. In other words, Mr. Lynch, it is the same type individual who is defined as the supervisor in personnel under the National Labor Relations Act.

But the bill does need amendment in that regard and that is one of the reasons we want to take it to second reading.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Brown, that the House accept the Majority "Ought not to pass" Report. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 57 having voted in the negative, the motion did not prevail.

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Labor on Bill "An Act Relating to Disqualification for Benefits under the Employment

Security Law" (H. P. 1314) (L. D. 1724) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. KELLEY of Aroostook
HUBER of Knox
TANOUS of Penobscot
—of the Senate.
Messrs. McHENRY of Madawaska
BROWN of Augusta
FLYNN of South Portland
HOBBINS of Saco
BINNETTE of Old Town
GARSOE of Cumberland
FARLEY of Biddeford
ROLLINS of Dixfield
Mrs. CHONKO of Topsham
—of the House.

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

Report was signed by the following member:

Mr. McNALLY of Ellsworth
—of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Augusta, Mr. Brown, moves the House accept the Majority "Ought not to pass" Report.

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

Mr. GARSOE: Mr. Speaker and Members of the House: The sponsor is not here. I would hope somebody might table this until later in today's session.

Thereupon, on motion of Mr. Hobbins of Saco, tabled pending acceptance of the Majority "Ought not to pass" Report and later today assigned.

Divided Report

Majority Report of the Committee on Labor on Bill "An Act Relating to Hours of Work and Minimum Wages for Taxicab Drivers" (H. P. 1035) (L. D. 1356) reporting "Ought to pass" as amended by Committee Amendment "A" (H-387)

Report was signed by the following members:

Mr. KELLEY of Aroostook
— of the Senate.
Messrs. FLYNN of South Portland
McHENRY of Madawaska
FARLEY of Biddeford
HOBBINS of Saco
BINNETTE of Old Town
Mrs. CHONKO of Topsham
—of the House.

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

Report was signed by the following members:

Messrs. HUBER of Knox
TANOUS of Penobscot
—of the Senate.
Messrs. McNALLY of Ellsworth
ROLLINS of Dixfield
GARSOE of Cumberland
BROWN of Augusta
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

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

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

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

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: With the amendment, I certainly would not be on the minority report "ought not to pass" and would change my position to the "ought to pass" report. Even though it says, "might be better determined handled on a local matter," there is certainly no objections in my mind if this bill passes.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-387) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Labor on Bill "An Act Relating to Report of Bureau of Labor and Industry" (H. P. 1156) (L. D. 1489) reporting "Ought to pass" as amended by Committee Amendment "A" (H-386).

Report was signed by the following members:

Messrs. TANOUS of Penobscot
 KELLEY of Aroostook
 — of the Senate.
 Messrs. FARLEY of Biddeford
 BINNETTE of Old Town
 ROLLINS of Dixfield
 McNALLY of Ellsworth
 FLYNN of South Portland
 McHENRY of Madawaska
 HOBBS of Saco
 BROWN of Augusta
 Mrs. CHONKO of Topsham
 — of the House.

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

Report was signed by the following members:

Mr. HUBER of Knox
 Mr. GARSOE of Cumberland
 — of the House.

Reports were read.

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

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

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

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: My name is on the minority side and I would just like to explain that my reaction after the testimony was that this was legislation being passed for the sake of passing legislation, almost a philosophical approach.

We were told by the Department of Labor and Industry that the OSHA Act precluded disclosure of certain reports submitted by industry and that this bill would be very questionable as to its enforcement. For that reason, I signed the minority report. And in view of the track record we have got on the Labor Committee of this House adopting minority reports, I am hoping you might defeat the majority and accept the minority.

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

the Bill read once. Committee Amendment "A" (H-386) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

First Day

(S. P. 189) (L. D. 496) Bill "An Act Relating to Conferring Degrees by Portland School of Art" — Committee on Education reporting "Ought to pass"

(S. P. 534) (L. D. 1687) Bill "An Act to Allow the State of Maine to Make Secured Deposits in Interest Bearing Accounts" — Committee on State Government reporting "Ought to pass" as amended by Committee Amendment "A" (S-122)

(H. P. 95) (L. D. 116) Bill "An Act Relating to Fees Received by State Officials and Employees" — Committee on State Government reporting "Ought to pass" as amended by Committee Amendment "A" (H-383)

(H. P. 706) (L. D. 911) Bill "An Act Relating to Minimum Wages" — Committee on Labor reporting "Ought to pass" as amended by Committee Amendment "A" (H-385)

(H. P. 1014) (L. D. 1333) Bill "An Act to Exempt Hairdressers who Hold Booth Licenses from Eligibility for Unemployment Compensation" — Committee on Labor reporting "Ought to pass"

(H. P. 1097) (L. D. 1434) Bill "An Act Relating to Motorcycle Operators' Licenses" — Committee on Education reporting "Ought to pass" as amended by Committee Amendment "A" (H-384).

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

Consent Calendar

Second Day

(S. P. 140) (L. D. 352) (C. "A" S-117) Bill "An Act Relating to Membership in State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals"

(S. P. 363) (L. D. 1077) (C. "A" S-115) Bill "An Act Providing Pensions for Former Governors and their Widows"

(S. P. 481) (L. D. 1548) (C. "A" S-118) Bill "An Act Relating to Time of Holding a Municipal Caucus Prior to a State Convention"

(H. P. 434) (L. D. 583) (C. "A" H-378) Bill "An Act Relating to Administration of Funds for Social Services"

(H. P. 630) (L. D. 844) (C. "A" H-379) Bill "An Act to Amend the Minimum Lot Size Law"

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

(H. P. 1408) (L. D. 1848) Bill "An Act to Authorize the Investment by Savings Banks in Real Estate for Purpose of Historic Preservation"

On the request of Mr. Simpson of Standish, was removed from the Consent Calendar.

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

Passed to Be Engrossed

Bill "An Act Relating to Maine Sardine Inspection Service" (S. P. 615) (L. D. 1927)

Bill "An Act Relating to Amendments to Charters of Certain Corporations Without Capital Stock" (H. P. 1505) (L. D. 1933)

Bill "An Act Providing Funds for Shoreland Zoning Assistance to Municipalities Through Regional Planning Commissions" (H. P. 1262) (L. D. 1635)

Bill "An Act Relating to Location of Women's Correctional Center and Operation of the Halfway House Program" (H. P. 1201) (L. D. 1541) (C. "A" H-367)

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

Constitutional Amendment Tabled and Assigned

Resolution Proposing an Amendment to the Constitution Providing for Early Inauguration of the Governor (H. P. 1001) (L. D. 1326)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending final passage and tomorrow assigned.)

Passed to Be Enacted Emergency Measure

An Act Providing Funds for a Study of the Recreational and Transportation Aspects of Bicycling (H. P. 1480) (L. D. 1908)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken.

Thereupon, Mr. Martin of Eagle Lake requested a roll call vote.

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

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

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: In this measure I believe that there is an appropriation of \$10,000 for a study by these departments. I think at the present time these people are engaged in riding bicycles don't have to have a study, all they have to do is use common sense how they ride. I don't think we need to spend out that kind of money.

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

Mr. MURRAY: Mr. Speaker, Ladies and Gentlemen of the House: The bill isn't relative to how to ride, it is relative to what the state role in providing bicycle ways will be in the future.

As you know, our highway funds are all dedicated, and according to the Constitution we can't spend highway money to build a bicycle path. This bill requires both the Highway Department, and Parks and Recreation Department to

study the volume of bicycle traffic and the methods of construction, and the methods of financing bicycle ways.

I think that anyone will note in the last three or four years the great increase of bicycle traffic. I am happy about it. I think that this is the proper way to approach this problem. There was one other bill in this session that would have directly appropriated money from the General Fund to construct paths. I believe that the sponsor of that bill has agreed that maybe this would be the first step, to study how the state should deal with the problem of bicycling and how we would finance future bike ways.

I think that is what the study is all about, not relative to how to ride a bike or the safety aspects for a bike or anything like that. It is mainly on what the state's role is going to be in dealing with bicycling in the future. I encourage you to vote for the bill.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: One of the reasons this bill has an emergency preamble on it is due to the fact that bicycling is viewed as a seasonal activity and generally that most of your bicycling is done in the spring, summer and in the fall. In order for us to take advantage of the number of the resources that are existing within the Department of Parks and Recreation and the Department of Transportation, we felt and the Appropriations Committee felt that by putting on the emergency preamble in getting this bill funded, we could get in to the heart of the study when most of this activity is taking place.

I might point out that Representative Binnette's point of view is not entirely a sound point of view in that this study will also be reviewing things other than just the safety aspects of bicycling. It will make an attempt to review such things as abandoned railroad right-of-ways in the State of Maine, whereby feasibility could be determined through the study that

these areas might be suitable for bicycle paths and bicycle route construction at some later date.

So, I hope that you will consider this bill as an emergency with all its merits, because it has a lot of strong points to it. It is a very seasonal type of study that has to be engaged in. Obviously it is the type of study that cannot be conducted in the middle of the winter.

Now, there is one other thing that I would point out to you that is relative to bicycle safety. And most of you, if you have been reading the papers the last month, have probably seen in both Augusta and in the City of Portland where some youngsters have been killed by trucks, and by cars, by vehicular traffic while cycling. I think this also points out the seriousness of the need for this sort of study so we can find out where we are going to go with bicycling in the state.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: I would like to pose a question, and also just make a few remarks and direct them to the young gentleman from Bangor, Representative Murray. Is he aware that we heard before the Natural Resources Committee this year an act relating to the state trail system. At this hearing on this particular bill we had people from the Trail Bike Clubs, of which there are quite a few, and also the snowmobile people and bicycling was very strongly mentioned.

I don't want to throw a monkey wrench in the enactment of this bill at this particular time, but I do think that it is time that as we are writing this legislation up here that we have these overlapping areas of authority and this is where all our trouble stems from. We have everybody in each department doing the same thing with a different amount of money. So I do feel that the Parks and Recreation Department, which is mentioned in this Maine Trails System Act, which we brought out as an "ought to pass" piece of legislation, and I think has a lot

of merit, because anytime that you get various people with the mechanized machines that we have today and are going to be inundated with in the future, there has to be some coordination in our trail system. I would hope very much that when this money — the Highway Department doesn't sit there and discuss it not with the Parks and Recreation people as well as them not going along with, say, some of the thinking that might be coming forth from the Highway Department. We are running into this conflation all of the time up here. You folks realize it and I think it is very constantly. So, I would just bring this point out at this time.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: The point which the gentleman from Bar Harbor made is precisely the reason for the order. Initially, we had referred this to the Department of Transportation for them to make the study. They brought up the point that there were recreational aspects involved in this, and this is the reason, you will note, that the study calls for it to be made in terms of both the recreational aspects and the transportation aspects. So it is an effort to coordinate the study among all departments.

The testimony the Appropriations Committee heard certainly points up the need for this, increasingly, with the prospect of severe shortage of gasoline and so forth, very obviously we are going to have an increased use of other means of transportation in our larger cities, particularly. The recreational aspects are growing, so in our view the need for this study is well established. It is a coordinated study and it certainly deserves your support.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to anybody who knows that would care to answer. Does

this emergency measure on here preclude it going on the Appropriations Table?

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

Mr. JALBERT: Mr. Speaker and Members of the House: In answer to that question, it could very well go on the Appropriations Table. The fact that a bill has an emergency measure does not necessarily mean that it does not go on the Appropriations Table.

And I might, while I am on my feet, Mr. Speaker, make the comment that I, fortunately, for the first time in 35 years of married life have had the pleasure of having a new home in a new residential section.

I would certainly concur with the gentleman from Houlton. Mr. Haskell, it is amazing the amount of bicycle traffic that goes by within our area, both on a younger level on their way to and back from school and on a older level of the people who are looking for exercise. It is such a serious problem that that measure I traveled 28,000 miles for and wound up buying Nam, we were seriously thinking, and we are seriously thinking of possibly having a bicycle park underneath the island, what is called Boxer Island, I certainly think that you should go along with this measure.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I just voted against this measure, but I have changed my mind. I have been one of those who has been advocating that the state should reclaim all unused land, such as railroad right of ways that have been abandoned through the years and any other special roads or so forth that have been abandoned in order to develop these into parks whereby they could be used as bicycle paths, snowmobile trails, or even bridle paths. I think it is a good idea, so I am going to support this bill at this time.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency

measure, a two-thirds vote of all the members elected to the House is necessary. All those in favor of its passage as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berube, Birt, Bither, Boudreau, Bragdon, Briggs, Brown, Bunker, Bustin, Cameron, Carrier, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Dam, Davis, Deshaies, Dow, Drigotas, Dunleavy, Dyar, Evans, Farley, Farnham, Farrington, Fecteau, Ferris, Finemore, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Henley, Herrick, Hobbs, Huber, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Mahany, Martin, Maxwell, McHenry, McTeague, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Santoro, Sheltra, Shute, Silverman, Smith, D. M.; Smith, S.; Soulas, Stillings, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Trumbull, Walker, Webber, Wheeler, White, Whitzell, Willard, The Speaker

NAY — Ault, Baker, Berry, G. W.; Berry, P. P.; Binnette, Brawn, Carey, Chick, Cressey, Donaghy, Dudley, Dunn, Emery, D. F.; Faucher, Hamblen, Hoffses, Hunter, McCormick, McMahon, McNally, Shaw, Simpson, L. E.; Sproul, Wood, M. E.

ABSENT — Curtis, T. S., Jr.; Flynn, Knight, Maddox, McKernan, Merrill

Yes, 120; No, 24; Absent, 6.

The SPEAKER: One hundred twenty having voted in the affirmative and twenty-four in the negative, with six being absent, the motion does prevail.

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

An Act Relating to Interstate Parole and Probation Hearing

Procedures (H. P. 335) (L. D. 453)

An Act Relating to Nonpayment of Corporate Franchise Taxes (S. P. 224) (L. D. 659)

An Act Relating to Compensation for Members of the Land Use Regulation Commission (H. P. 626) (L. D. 824)

An Act Relating to Unlawful Usurpation of Community Antennae Television System Signals and Injury to its Equipment (S. P. 309) (L. D. 975)

An Act Relating to Definition of Agricultural Labor in the Employment Security Law (H. P. 823) (L. D. 1086)

An Act to Make Uniform the Law of Partnerships (H. P. 752) (L. D. 1199)

An Act Limiting Positions of Trust for Prisoners in Jails to Those Prisoners Sentenced to that Particular Jail (H. P. 1091) (L. D. 1423)

An Act Relating to Venue in Personal and Transitory Actions (H. P. 1153) (L. D. 1486)

An Act Relating to the Escape of Prisoners (S. P. 473) (L. D. 1507)

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

Enactor

Indefinitely Postponed

An Act to Create a Commission to Name Public Buildings, Bridges, Highway and Other Public Works (H. P. 1178) (L. D. 1517)

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

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

Mr. TALBOT: Mr. Speaker, at this time I would move that this item be indefinitely postponed with all accompanying papers.

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

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

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I only have a few words to say. I would like to say it is time, I think, that we evaluate rather than create. I think we should change our attitude from creative to evaluate. I think we have enough commissions now to evaluate what we are doing in the state business without creating any more, I said so the other day and I still think so. I support the motion to indefinitely postpone.

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

Mr. McNALLY: Mr. Speaker and Member of the House: I am going to be very short and say that I go along with the gentleman from Portland, Mr. Talbot, I think he is absolutely right. I think this is just one more case where we are voting ourselves right out of a little chance to use our power here in the legislature. Bye and bye there won't be any legislation if we keep on with bills like this.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think there is a good deal of merit in establishing some kind of standards for the naming of all public works. This isn't something that has come into my mind because of any actions that have been taken in this last session of the legislature. I have had this thought in my mind for several years. There should be some standards set up, some methods of determining how public buildings or all public works should be named and should be handled.

The establishment of a commission that will have some background and will investigate the background of the work of naming buildings after people I think makes a good deal of sense. I think that it is being done in many other areas. I think that somebody who has some background can study these bills introduced to the legislature relative to naming buildings after people. And yet there are no standards set up. We don't know whether there is some-

body more worthy of this or whether these people are worthy of it. I do think that this makes a lot of sense. I think it is a good piece of legislation, I hope you support it.

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

Mr. MILLS: Mr. Speaker and Members of the House: I rise in support of the motion for indefinite postponement. It has always been my understanding that the Bureau of Public Improvements has the authority to control these namings.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Talbot, that the House indefinitely postpone L. D. 1517 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.

71 have voted in the affirmative and 31 having voted in the negative, the motion did prevail.

An Act Relating to the State Valuation of the Town of North Berwick (H. P. 1259) (L. D. 1634)

An Act Relating to the Registration of Osteopathic Physicians and Surgeons (H. P. 1274) (L. D. 1677)

An Act Creating the Pineland Center Advisory Board (S. P. 609) (L. D. 1907)

An Act Creating the Office of State Fire Marshal (H. P. 1483) (L. D. 1910)

Finally Passed

Resolve Authorizing County Commissioners of Aroostook County to Extend Route 161 (H. P. 1129) (L. D. 1464)

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

Orders of the Day

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

Joint Order Relative to Lobbyists (H. P. 1504)

Tabled — May 14, by Mr. Bustin of Augusta.

Pending — Motion by Mr. Fine-more of Bridgewater that Order be indefinitely postponed.

Mr. Simpson of Standish offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-392) was read by the Clerk.

Mr. Bunker of Gouldsboro moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

Obviously more than one third of the members present having voted for the previous question, the motion is entertained. The question now before the House is shall the main question be put now? This is debatable with a time limit of five minutes by any one member.

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

Mr. KELLEHER: Mr. Speaker, I rise for a point of parliamentary inquiry. If a motion is on the floor to indefinitely postpone an order such as this, how can you amend it before you act on the previous motion?

The SPEAKER: According to the priority in the House rules, the motion to amend takes precedence over the motion to indefinitely postpone.

All in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken.

76 having voted in the affirmative and 13 in the negative, the motion did prevail.

The SPEAKER: The pending question is the adoption of House Amendment "A" under filing number H-392. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Dam of Skowhegan requested a roll call.

The SPEAKER: For what purpose does the gentleman arise?

Mr. SILVERMAN: Mr. Speaker, I would like to be excused from a roll call.

The SPEAKER: The gentleman may excuse himself. Will the gentleman leave the hall, please?

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that the House adopt House Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Briggs, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cote, Crommett, Curran, Dam, Davis, Deshaies, Dow, Drigotas, Dunleavy, Emery, D. F.; Evans, Farnham, Faucher, Fecteau, Finemore, Fraser, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Herrick, Huber, Hunter, Immonen, Jacques, Kauffman, Kelley, R. P.; Keyte, Killoroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Martin, McHenry, McMahon, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Palmer, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Santoro, Shaw, Sheltra, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Stillings, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Tyndale, Walker, Wheeler, White, Whitzell, Willard, The Speaker.

NAYS — Bragdon, Bunker, Cottrell, Cressey, Donaghy, Dudley, Dunn, Dyar, Ferris, Hancock, Henley, Hoffses, Jackson, Jalbert,

Kelleher, Kelley, Mahany, Maxwell, McNally, Mills, Norris, O'Brien, Parks, Soulas, Sproul, Trumbull, Webber, Wood, M. E.

ABSENT — Brown, Bustin, Cooney, Curtis, T. S., Jr.; Farley, Farrington, Flynn, Gahagan, Hobbins, Knight, Maddox, McCormick, McKernan, Mulkern, Silverman.

Yes, 107; No, 28; Absent, 15.

The SPEAKER: One hundred seven having voted in the affirmative and twenty-eight having voted in the negative, with fifteen being absent, the motion does prevail.

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

Mr. FINEMORE: Mr. Speaker, at this time I withdraw my motion for a roll call and request a division.

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

Mr. NORRIS: Mr. Speaker, point of personal privilege.

The SPEAKER: The gentleman may pose his point of personal privilege.

Mr. NORRIS: For what reason is the gentleman from Calais being excused from voting on this matter and allowed to leave the House?

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that Joint Order, House Paper 1504, as amended, be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

89 having voted in the affirmative and 47 having voted in the negative, the motion did prevail.

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

Bill "An Act Relating to Deposit of State Funds" (H. P. 779) (L. D. 1011) Emergency.

Tabled — May 14, by Mr. Donahy of Lubec.

Pending — Acceptance of Committee's "Ought to pass" in new draft (H. P. 1503) (L. D. 1932) Report.

Thereupon, the Report was accepted, the New Draft read once

and assigned for second reading tomorrow.

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

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

Tabled — May 14, by Mr. Jalbert of Lewiston.

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

Thereupon, the Report was accepted in concurrence, the Bill read once, Committee Amendment "A" (S-114) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

WHEREAS, the environment of the State of Maine is of great scenic beauty, unsurpassed recreational, cultural and historical value of present and future benefits to the citizens of the State of Maine and these unique characteristics of the State of Maine are of no intrinsic value to the citizens of the State of Maine unless they have the economic well-being to enjoy the environment; and

WHEREAS, the Maine Legislature and the United States Congress have declared it to be in the public interest of the citizens of the State of Maine that they be able to have healthful water and air as well as an aesthetic, pleasing environment; and

WHEREAS, the Maine statutory time schedules for water and air pollution abatement facilities now in effect are creating a demand for corporate funds and industries must obtain State and Federal approval of waste water effluents and air emissions; and

WHEREAS, the Maine Department of Environmental Protection is charged with the responsibility of administering the environmental protection laws of the State of Maine and the Maine Department of Commerce and Industry is charged with the responsibility to enhance the economic and social

well-being of the citizens of the State of Maine; and

WHEREAS, the activities of the Department of Environmental Protection and the Department of Commerce and Industry are intended to complement each other; now, therefore, be it

ORDERED, that the Department of Environmental Protection make known its willingness to advise industry now located in the State as to methods of complying with environmental laws; that the Department of Commerce and Industry consult and advise industry now located in the State of Maine as to potential markets for their products, sources of raw materials, by-product markets and availability of financial assistance; that the Department of Environmental Protection and the Department of Commerce and Industry jointly notify industry with an effluent or emission problem now located in the State of Maine, that said departments are prepared to assist said industry to the limits of their resources; and be it further

ORDERED, whenever the Department of Commerce and Industry contacts a potential new industry that may have environmental concern, that said department immediately arrange for a conference between said industry and representatives of the Department of Environmental Protection; and whenever the Department of Commerce and Industry believes that a potential new industry is reluctant to locate in Maine because of its environmental laws, it conveys this fact to the Department of Environmental Protection; and whenever the Department of Environmental Protection is alerted to the fact that a potential new industry or an existing industry has technical or financial problems relating to the environmental laws of the State of Maine, it shall immediately arrange for a conference between said industry, the Department of Commerce and Industry and representatives of the Department of Environmental Protection; and be it further

ORDERED, that suitable copies of this Order be transmitted forthwith to said departments as notice of such purposes.

The order was read.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday, we voted on a bill which would weaken the site selection law. The concept behind that bill was that the laws in this state — the attitude was that we were not welcoming industry. There are two things involved here, and one is the lack of cooperation between the Department of Environmental Protection and the Department of Commerce and Industry.

I was also involved with the decision of the H. P. Hood Company to move its cheese making operation from the town of Newport to St. Albans, Vermont. That was reported in the Maine Sunday Telegram last Sunday by Frank Sleeper as a decision based upon environmental law, and it was implied that the site selection bill before this legislature would have corrected that situation. And that definitely is not the case. The site selection law had nothing to do with the decision of the H. P. Hood Company to leave.

However, I did notice during those meetings that there is an attitude that industry has that when the D. E. P. gives them their time tables and tells them that they have to meet our environmental laws, that they are in an adversary position and that they are — the industry feels the State of Maine, I think, really doesn't care whether they stay or not.

This order is directing the D.E.P. and the Department of Commerce and Industry to work together, not only on existing businesses but businesses that might want to locate in the State of Maine. I spent quite a lot of time with Commissioner Adams on this and Commissioner Keefe of the Department of Commerce and Industry and they are both in agreement that there should be more cooperation between their departments. I think it is very important to the State of Maine.

We have good environmental legislation, and there is no reason why we cannot positively develop industry, promote jobs within the

standards that we have set. This order will go a long way in helping to do that. I urge you to give favorable consideration on this order.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I would agree with the gentleman's remarks to a certain point. I believe that right now we have a Department of Commerce and Industry that is supposed to be doing just the thing that this order states it should be doing. We also have a Department of Environmental Protection that is supposed to be doing the things that the order so states.

We just heard a few minutes ago that the legislature doesn't want to give up any more of its responsibility, but I do not believe that the legislature belongs in the executive department either. If the executive of this state doesn't feel that his departments are operating right—and personally I do not think they are — then I think it is the Executive's position to get to his department heads and make sure they are doing the job; and I do not believe an order such as this, with the legislature directing those two departments to do it, is in the right taste and I move its indefinite postponement.

Mr. Smith of Exeter requested a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, to indefinitely postpone the House Order relating to environment. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Ault, Baker, Berry, G. W.; Birt, Bither, Boudreau,

Bragdon, Brawn, Bunker, Cameron, Carey, Chick, Cote, Cressey, Curran, Davis, Deshaies, Donaghy, Dunn, Emery, D. F.; Farnham, Farrington, Fecteau, Ferris, Finemore, Gahagan, Garsoe, Good, Hamblen, Haskell, Herrick, Hoffses, Hunter, Immonen, Jackson, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Lawry, Lewis, E.; Littlefield, Lynch, Maxwell, McCormick, McNally, Merrill, Morin, V.; Murchison, Norris, Palmer, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Sproul, Stillings, Susi, Theriault, Trask, Trumbull, Walker, Wheeler, White, Willard, the Speaker.

NAYS — Albert, Berry, P. P.; Berube, Binnette, Briggs, Brown, Bustin, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Farley, Faucher, Fraser, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jacques, Kauffman, LaCharite, LaPointe, LeBlanc, Lewis, J.; MacLeod, Mahany, Martin, McHenry, McMahon, McTeague, Mills, Morin, L.; Murray, Najarian, Peterson, Ricker, Rolde, Santoro, Smith, D. M.; Smith, S.; Soulas, Strout, Talbot, Tanguay, Tierney, Tyndale, Webber, Whitzell, Wood, M. E.

ABSENT — Carrier, Dam, Dudley, Evans, Flynn, Henley, Jalbert, Knight, Maddox, Morton, Mulkern, O'Brien, Pontbriand.

Yes, 73; No, 62; Absent, 15.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-two having voted in the negative, with fifteen being absent, the motion does prevail.

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

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" (H. P. 1277) (L. D. 1664) (C. "A" H-368).

Tabled — May 14, by Mr. Perkins of South Portland.

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

Thereupon, the Report was accepted, the Bill read once, Committee Amendment "A" (H-368) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

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

Tabled — May 14, by Mr. Trask of Milo.

Pending — Passage to be engrossed.

On motion of Mr. McTeague of Brunswick, tabled pending passage to be engrossed and specially assigned for Friday, May 18.

The Chair laid before the House the sixth 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 14, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

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

Mr. SIMPSON: Mr. Speaker, I now move for the indefinite postponement of this bill and I would like to speak to my motion.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the indefinite postponement of L. D. 1415 and all accompanying papers.

The gentleman may proceed.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I am sure we are going to get a little bit of debate on this particular measure, but we have been carrying it on the table now because of some of the problems and some technical problems that are within the bill hoping that it possibly could be worked out; because it was in a position in this body where it could have been amended.

However, after consultation with everybody involved and so forth, we do not feel as though it can be worked out. It seems that the very problem with the entire bill is the fact that should this bill pass, the insurance companies will not insure the Public Utility Companies because of the parts that are in the bill.

Therefore, I wish you would support my indefinite postponement.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: The attempt of this bill, which as we know was introduced because of the situation in the City of Lewiston and Androscoggin County in which I believe five human lives have been lost — this also prevails, as I understand, in the City of Auburn as well as the City of Lewiston. This is an attempt to do something about that. It is an attempt by this legislature to do something. It may well be that under the provisions of this bill that it would be difficult for the utilities involved to secure insurance coverage.

I would like to talk about this bill and about the philosophy of the sponsor of the bill, a gentleman in the other body.

If a person is injured or killed, it is important that there be compensation for that injury or death. But it is vastly more important that safety precautions be taken so that there be no injuries or death. And so we learn after five deaths that the time has come to call a halt to it.

If the insurance industry feels that they cannot afford to write insurance coverage under this bill and under the physical situation existing involving these gas lines, then I say the things are too dangerous to be operated and there ought to be corrective measures taken.

I am certain many members of this House, including people from Androscoggin, have greater knowledge and greater personal knowledge of the matter than I do. I happen to get involved in it because I had a bill of my own being heard the same day before the

committee at the time this bill was heard.

The basic problem, as I understand it, is that we deal with the system of gas lines that were laid down in the early part of this century and in the 19th century that were set up to take care of manufactured or artificial gas. There has now been introduced into these lines natural gas. The packing around the joints, due to the original design for a different type of gas and due to the passage of long periods of time, 50, 60, 70 years, is inadequate.

If the insurance industry won't write insurance on it, then it should be changed. If we do not do anything here today, we have no assurance that it will be changed. This is our chance as a legislature to express our indignation regarding the loss of five human lives and the potential loss of more.

Again, recovery for those injured is important. I think the legal problems have been taken care of by Committee Amendment "A" put on by the Judiciary Committee. But I think it is very important that this legislature show a concern to stop the needless loss of human life. I, therefore, ask you to oppose the motion for indefinite postponement and vote to keep this bill alive.

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

Mr. JALBERT: Mr. Speaker, Members of the House: Nobody in Maine has gotten himself involved in the gas problem any more than I have.

I have before me a sheaf of articles pertaining to this thing. The very first one, "Jalbert asks Wiseman explosion probe by PUC, State Insurance Department." All through this sheaf of papers that I have it concerns itself with the natural gas problem.

I had a measure that I wanted to present that would ban natural gas. An editorial said that such a ban would not be practical. Lewiston-Auburn is not the only one that has had these problems. "A ban on natural gas would mean the loss of some 2,000 jobs. In addition, it would precipitate a crisis for homeowners who heat

with gas as well as for thousands who have gas operated hot water tanks, laundry dryers, and other appliances."

It said here, "Mayor Clifford to seek ordinance giving authority to shut off gas service." Yet, at the hearing when the ordinance was presented, which was very poorly drafted, it said, "When fire commission member Philip Meldrum said he felt the wording of the ordinance should be that the gas system 'shall' be shut off rather than 'may' be shut off, Mayor Robert W. Clifford replied that according to law the word 'shall' gives no leeway."

Another editorial saying "Twin City gas system safer. Gas company is starting phase III Carboseal in Auburn. Crew busy cutting off unused gas line. Gas consultant feels system is safe. Jalbert expresses some doubt."

"Gas system safer." Another editorial, "In announcing his appraisal of the status of the local gas system, Heath—" which is the firm that was doing the work," — from a professional standpoint, we have to be pretty right. We have a reputation to uphold and we are covering ourselves. If we felt the situation was dangerous, you would hear from me quickly." It goes on all the way down to the line coming even to the last disaster that we had.

Another editorial: "Natural gas situation better."

Another article: "Fire Chief Doucette says natural gas situation a lot better than at this time last year." And he talked to me last night, Chief Doucette. And it goes on with meetings I have here of articles that says the Lewiston city government would meet with me. "Jalbert scores gas report. Will seek strong legislation." Right up next to it, "Twin City official pleased. Not surprised with report."

So it shows that I have been an opponent of the gas company until such time as it has been pointed out to me, and you can be a hard head up to a certain point.

I am happy to say that even as of this morning in the Lewiston newspaper it says, "A digging

ordinance meeting slated by the Ordinance Committee." I think this is justifiable, and I commend the city government of Lewiston for acting in this manner.

I would like to read to you an article — a letter I got from the Chairman of the Public Utilities Commission concerning the accident that happened and what he thinks the answer is. It is addressed to me as of yesterday. "Per your request I am now forwarding to you the preliminary results of our investigation relative to the gas explosion at 17 Webster Street, Lewiston, on May 4, 1973. As you are aware, this gas explosion and resulting fire caused the death of a five-month old child and injury to five other persons. The preliminary investigation indicates that the explosion and resulting fire was caused by natural gas escaping from a ruptured active gas service line that served a customer in said building."

I want you to listen to me in the next two paragraphs very carefully. "It appears that the service line was hooked and pulled by a contractor's back-hoe during excavation on private property adjacent to said building. It further appears that no request was made by the gas utility to locate its pipe prior to the digging, and it further appears that the utility had no knowledge of the proposed excavation in the vicinity of the service line.

"Our preliminary conclusions are that the incident reflects no fault or negligence on the part of the gas utility. Action to determine the location of gas company plant in the vicinity or a proposed construction project should first be initiated by the contractor who is doing the excavating. Since neither the gas utility nor this Commission has any jurisdiction or control over the actions of a private contractor, it appears that such incidents might best be prevented by local ordinance requiring a permit to dig and some form of a check-off of local utilities as to the presence of any of their plant in the affected area."

This is why I pulled up by not presenting legislation, because I was aware of all the ramifications

that this would incur. We have in Lewiston Bates Manufacturing, Country Kitchen, Philip Elmet representing over 2,000 jobs that have natural gas. If the rates would go up so high that it would be prohibitive to the natural gas company, then it would put them out of business and put these people out of their jobs.

As I say, I spoke last night at length with the mayor of the City of Lewiston, the fire chief of the City of Lewiston, who told me that I had been correct a year ago in my suggesting that an ordinance should be put in after I was completely convinced that the way to go at it was not in this way here but by an ordinance where they would have absolute and full control of it.

This, apparently, is in the making now by the mayor and the board of aldermen, an ordinance—I wouldn't read it to you — a proposed ordinance which will need an amendment has been voted upon unanimously by our Planning Board in the City of Lewiston.

This is not a local or Lewiston program. It concerns itself with the entire State of Maine. I not only asked for a probe of the Lewiston-Auburn area, but I also asked later on at a later date and anyone who wants to read these articles that I have had reproduced can do so — asked for a state-wide absolute probe of the problem and found that we were on the right track.

Now, if we were going to speak about threats and about this and about that, I was just told by a member of the House that somebody somewhere else — in the other body possibly — might say that, well, we will have the record straight and they will be identified by a roll call on this vote. I want — I am not beefing about it, because with me, I mean, I don't threaten anyway. As I told Mr. Bither from Houlton, my very dear friend, I didn't threaten him, I promised him. So that doesn't bother me any. So there will be no stones left unturned, so that my record will indicate that even as a hard head and having fought for one year the gas companies and realizing that it is by

ordinance and not law — and I stand on my record as fighting for my people at home — I will ask that when the vote is taken it be taken by roll call.

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

Mr. TANGUAY: Mr. Speaker, Ladies and Gentlemen of the House: I am not as eloquent a speaker as our previous speaker, but I do have feelings. We have had the newspaper publicity, all type of news media. We are having probes. We are having all types of studies wherein it concerns natural gas. But what have we done? I say today is the time to do something about it. It is up to this legislature to adopt this document.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I think it is pretty unfair to say that five gentlemen died from a gas explosion, because two of them were not caused by the utility. As Mr. Jalbert said, one was caused by a contractor and the other one a contractor himself was digging up his own foundation and pulled a line off and ruptured the line inside the house. The house filled up with gas; and as a matter of fact, they had a chance to go into the house and tell these people to get out before the explosion and they did.

This happened, the same thing, at my house when we put an addition onto our house. They were digging up the foundation, and we didn't know exactly where the gas line was. This happens a lot in our part of the city. There are old gas lines. I happened to be there at the time where the bulldozer was digging up, and I saw that line being ruptured, I told him to stop the bulldozer, and I went down in the hole and plugged the pipe with my handkerchief and got out, as lucky as I did, and called the gas company so they could come down and shut the gas off at the street.

Ladies and gentlemen, it is very hard to endorse this bill in one way, and I wish that some of these lawyers would explain this to me

stating that the utility will be responsible for any explosion that would be caused by gas. I cannot swallow that.

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

Mr. McTEAGUE: Mr. Speaker, Members of the House: In response to the question posed by the gentleman from Lewiston, Mr. Jacques, I ask that he look at Committee Amendment "A" under filing S-130 and they quote it. It exempts the gas company from liability "unless the explosion and fire was a result of a separate intervening cause."

If I may add, for example, a contractor digging without properly checking and hitting a gas line, if the company proves that the intervening cause was the effective cause of the explosion and fire.

Mr. Jalbert's comments indicate the problem is not restricted to Androscoggin County and with that I certainly concur. I know that, as Mr. Jalbert knows, that I share his deep concern for the employment situation in this state. We have worked together at many times in that regard.

I am a little bit dismayed, not by any particular member's suggestion or talk, but rather by the implication that seems to be about in the House to the effect that if we require the company to be responsible — and not responsible for what a contractor does but responsible for what they do — somehow they will leave the state and we will lose industry, and the old trilogy goes on and on. Just like we have heard, if we pass responsible environmental laws, that industry would leave this state and so on. This is even more important than environment, this is human life.

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

Mr. JALBERT: Mr. Speaker, Members of the House: My very dear friend from Brunswick, Mr. McTeague, this morning is in a courtroom and does extremely well in a courtroom. I don't care if we wouldn't have one job left

in the State of Maine if one life was in danger.

Now, I would go along with this thing solidly if the answer was not ordinances. I am deeply concerned with life, and I think Mr. McTeague will be the first one to agree with me on that basis. I want the City of Lewiston, the Town of Brunswick — or the City of Brunswick — Town of Brunswick, I want the Town of Standish, I want the City of Presque Isle, I want every community to protect themselves but protect themselves properly.

My community, through the proper agency, the mayor and the board of aldermen, will indicate that before a permit for excavation of any kind — I don't mean scratching the ground now, I mean excavation of any kind — that the building inspector, before the permit is given, will call the utilities, will find out whether or not gas is where the excavation will be performed, electricity will be there where the excavation is performed and any type of utility that might be of any danger. This is a broader program than the bill itself calls for.

I can assure the gentleman from Brunswick, and I know that he agrees with me, that later on in this session, I will stand here and state just what I think of life.

Now, I have fought this company hard and long, and I have been convinced that the proper area is by ordinance. I don't mean what the sponsor of the measure said, "may," I mean shall.

I certainly hope that my words here in no way indicate that I am more interested in jobs than life. I am interested in life so people can work. And I am interested in one thing, I am interested in the fact that this ordinance should have been passed and should be passed, and I will see to it that I will mail personally to every mayor and every chairman of every town and city in this state a copy of the ordinance that is going to be passed by the City of Lewiston urging them to pass the same ordinance.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: Most of the arguments I have been listening to are in regards to construction. Now, I would like to direct a question to any member of the Judiciary Committee who cares to answer it. I would like to start off by saying I am a homeowner who uses gas for cooking purposes. For some reason or other, a fire breaks out on my kitchen stove and causes considerable damage to my home. If this bill is enacted, who do I turn to in collecting damages, my home insurance or the gas company, or do I have to wait several months before anyone accepts responsibility?

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: Some of you may recall the first gas explosion in Lewiston which killed Dr. and Mrs. Wiseman a few years ago, a very regrettable incident. So are automobile accidents.

The PUC ordered an investigation, and it was performed by an out-of-state firm which specializes in this type of thing. Now, I have read that report many many times, as I was very much involved in that incident. The investigation revealed a hairline crack in the gas line a few hundred feet away from Dr. Wiseman's home, which was caused probably by road vibrations where the pipe lay on a rock. It was properly laid over four feet underground.

Now, the leak followed the pipe underground and was not dissipated through the earth because of the heavy frost cover, which prevented it from rising. It followed the line and entered Dr. Wiseman's home through an old discontinued cellar drain.

The investigation revealed absolutely no negligence on the part of the gas company. There was nothing they could have done beforehand to prevent this accident. They were completely absolved of fault.

However, if we adopt an absolute liability rule, this company is out of business. No one, no person or company should be forced to operate under these conditions. If they are negligent, that is one thing. But to impose absolute liability as this bill does is wrong. They become uninsurable; and for practicable purposes, they are out of business.

I hope we go along with the indefinite postponement.

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

Mr. TANGUAY: Mr. Speaker, Members of the House: In rebuttal, these companies become uninsurable. What do our households become in the Lewiston - Auburn area? Are they insurable? In other words, our constituents are the ones who are going to pay the freight. Our insurance in our homes, the fees are going to go up.

These poor companies, they are uninsurable. Let them raise the rate. Those who want to have gas in our area, let them raise the rates; and I am sure our constituents would rather pay the rates, increased rates, rather than pay to protect our homes with higher insurance on every individual household.

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

Mrs. LEWIS: Mr. Speaker and Members of the House: I hope that we won't kill this bill today. This is a unanimous committee report, and I think the fact that these people have been killed certainly should influence us.

The gas company was negligent. They knew that when they shifted from manufactured gas to natural gas that the caulking compound in the joints could dry up, and it did dry up. That is the cause of the leakage.

If the gas company can prove that they were not negligent, such as Mr. Deshaies just told us in the case of the leak, they wouldn't be responsible. This puts the burden of proof on them, on the gas company to prove that they are not responsible instead of on the individual.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Ladies and Gentlemen of the House: I live in Androscoggin County. I would not want to live in Lewiston under the conditions of gas lines there now. I think this House should heed the words of the gentleman from Brunswick, Mr. McTeague, and pass this bill.

The SPEAKER: The Chair recognizes the gentle lady from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Ladies and Gentlemen of the House: I ask your wholehearted support of this bill. In Lewiston five human beings have been killed. Need we say more?

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House. I frankly admit I have not done my homework on this one either. But after listening to the debate here this morning, I am very very surprised to find out that we do not have this kind of statute law in the State of Maine, when all the other states to the south of us do have this kind of law and have it 45 and 50 years.

The SPEAKER: The Chair recognizes the gentle lady from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: In regard to the hearing on this bill, there were no opponents. The gas company did not appear in opposition. The explanation has been given to me since that they didn't pay very much attention to it and they didn't think it was going to affect them very much and so on, but when they contacted their insurance company they found out that it was of a serious nature. That is the reason for the unanimous report from the Judiciary Committee. There were no opponents to the bill at the time of the hearing.

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

will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that this Bill "An Act Relating to Liability of Distributing Utility for Death or Injury to Person or Damage to Property Caused by Natural Gas" Senate Paper 448, L. D. 1415 and all accompanying papers be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ault, Berry, G. W.; Birt, Bither, Bragdon, Brown, Brown, Bunker, Carrier, Carter, Chick, Churchill, Cote, Cottrell, Cressey, Curran, Dam, Davis, Deshaies, Dudley, Emery, D. F.; Farrington, Faucher, Fecteau, Finemore, Fraser, Garsoe, Genest, Good, Hamblen, Hancock, Haskell, Herrick, Hobbins, Huber, Hunter, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Keyte, LeBlanc, Lewis, E.; Littlefield, Lynch, Mahany, Maxwell, McNally, Merrill, Morin, V.; Morton, Mulkern, Norris, O'Brien, Parks, Pratt, Ross, Sheltra, Shute, Simpson, L. E.; Soulas, Strout, Theriault, Trask, Trumbull, Tyndale, Walker, Webber, White, Wood, M. E.; The Speaker.

NAY—Baker, Berry, P. P.; Berube, Binnette, Briggs, Bustin, Carey, Chonko, Clark, Connolly, Cooney, Curtis, T. S. Jr.; Donaghy, Dow, Drigotas, Dunleavy, Dunn, Farley, Farnham, Gahagan, Gauthier, Goodwin, H.; Goodwin, K.; Henley, Hoffses, Immonen, Jacques, Kelley, R. P.; LaCharite, LaPointe, Lawry, Lewis, J.; MacLeod, Martin, McCormick, McMahon, McTeague, Mills, Morin, L.; Murchison, Murray, Najarian, Palmer, Perkins, Peterson, Pontbriand, Ricker, Rolde, Santoro, Shaw, Silverman, Smith, D. M.; Smith, S.; Sproul, Susi, Talbot, Tanguay, Tierney, Wheeler, Whitzell, Willard.

ABSENT — Albert, Boudreau, Cameron, Conley, Crommett, Dyar, Evans, Ferris, Flynn, Greenlaw, Kilroy, Knight, Maddox, McKernan, Stillings.

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

The SPEAKER: Seventy - two having voted in the affirmative and sixty-three in the negative, with fifteen being absent, the motion to indefinitely postpone does prevail.

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

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

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, having voted on the prevailing side, moves that the House reconsider its action whereby it indefinitely postponed this Bill.

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

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

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

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

A vote of the House was taken, 55 having voted in the affirmative and 78 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed. All in favor will say yes; those opposed will say no.

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

Sent to the Senate.

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

Mr. FARLEY: Mr. Speaker, is the Clerk in possession of L. D. 1831?

The SPEAKER: The Chair would inform the gentleman that the House is in possession of Bill "An Act to Amend the Site Location of Development Act" House Paper 1375, L. D. 1831, on which the House accepted the Majority Report yesterday.

Mr. FARLEY: Mr. Speaker, I would request reconsideration and would speak to my motion.

The SPEAKER: The gentleman from Biddeford, Mr. Farley, moves the House reconsider its action of yesterday whereby it accepted the Majority Report.

The gentleman may proceed.

Mr. FARLEY: Mr. Speaker and Ladies and Gentlemen of the House: I request reconsideration of this L. D. out of respect for a close and personal friend. I can assure you I have not changed my mind on this L.D. I think it is a bad bill and I am going to vote that way, but I will bring it up for reconsideration.

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

Mr. ROLDE: Mr. Speaker and Ladies and Gentlemen of the House: We debated this bill thoroughly yesterday, so I will try to be brief and to confine my remarks to subjects that were not raised yesterday. In the light of new facts, I find it all the more incredible that Commissioner Keefe of the Department of Commerce and Industry should be seeking to erode the site selection law with the argument that it is necessary in order to bring more industry to the state.

Yesterday, we heard that of the 19 industrial applications made under the site selection law, only two have ever been turned down. Of course, the site selection law also deals with economic activities besides industrial projects. Here is the ball score in that regard. Under extraction activities, which include agriculture, forestry, fisheries and mining, 100 percent of the applications were approved. Under processing activities, which include food, tobacco, lumber, printing et cetera, 88 percent have

been approved and only 12 percent denied. One hundred percent of the communication transportation applications have been approved. Ninety-four percent of the distribution activities have been approved and 6 percent were withdrawn. Of service activities such as service stations, headquarters, parking lots, 100 per cent approved. Residential applications, which are by far the largest number under the site selection, 82.5 percent approved. Public educational and charitable activities, 100 percent approved, for a total of 211 applications approved and only 21 denied.

It seems unlikely that any of these 21 projects that were denied would ever be approved, no matter how this site selection law might be taken with for they were undoubtedly projects that were just not worthwhile.

By the way, in response to the gentleman from Enfield, Mr. Dudley, who yesterday said that he had heard of projects turned down in Howland, I checked and found that there had never been an application under the site selection law for a project in Howland. There was a cannery in Howland that did have some problems with the water quality laws and they did move their operation, not out of the state, however, they simply moved it to Hartland.

I ask you to look closely at this bill, not at the Statement of Fact but at the bill itself. There is no mention of economic information in it. The word economic does not appear at all. Only three words appear, "Its effects upon." The Attorney General's office believes that this vague wording has been inserted in order to precipitate a law case as to just what this wording does mean in order to tie up the site selection law and render it inoperative.

Can anyone believe that this sort of tactic is going to further the cause of economic development in Maine? The most recent issue of the magazine "Economic Development" published by the U. S. Department of Commerce is very instructive in this regard. There is a chart in this issue listing the economic development

services and their centers that are provided by each of the states.

Out of the 65 services listed as helpful in attracting industry, Maine lacks 25. Some of these, we are in the process of considering, such as state financing of speculative buildings, which is embodied in L. D. 1572 and which, incidentally, I intend to support.

The main point is that there are many tools we do not have that other states do have, such as many forms of tax exemptions, putting tax exemptions to encourage research and development, tax credits for use of specified state products, tax incentive for compliance with pollution control laws or special services such as state programs to promote research and development, state help in bidding on federal procurement contracts, state matching funds for city and or county industrial financing programs, et cetera, et cetera.

I would add that there is nothing in this Department of Commerce publication to indicate that a weakening of environmental laws is an incentive for attracting industry. There are innumerable positive steps that the Department of Commerce and Industry can take in trying to attract industry. I do not believe that they need to take the negative approach of trying to weaken the best environmental law that Maine has on its books. For despite the fact that the department has had its budget cut again and again over the years, which I deplored, it is not doing too badly. At least yesterday's newspaper reported the Maine Business index hit a new high in February with a 10.2 percent rise in Maine business over the previous year. Maine business indicators also showed a 9.1 percent increase in personal income in Maine for 1971 and 1972. This was the second highest increase in New England and above the national average of 8.8 percent.

I would make one final comment. In today's paper there is a story in which the gentleman from Standish, Mr. Simpson, addressed a meeting last night giving his opposition to a bill we will hear later on the Saco River Corridor.

In part of his opposition, he called for reliance on the five major conservation programs already in effect, including the site selection law.

I thank the gentleman for his vote of confidence in the site selection law, but I don't think there will be much to rely on if we weaken this law. I urge you to vote no on reconsideration.

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

Mr. MacLEOD: Mr. Speaker and Ladies and Gentlemen of the House: I would like to concur with the remarks of the previous gentleman wholeheartedly and at this time, very briefly, just mention that you passed here in the Maine Legislature in 1969, a landmark piece of legislation called the Site Development Selection Law. This has been something that the rest of the country has looked to Maine for. They felt that we did a marvelous job in taking a stand. To say we were vulnerable at that time would be the understatement of the year. We were open to industry, we were open to expansion and we still are and I don't see that this law has weakened or hurt our chances for incoming industry.

Just one point that hasn't been brought out. So far you have a board. We have changed over to the Department of Environmental Protection, DEP, and you have a board of seven members who go out and hear these proposals that come in. This law is the basis of their judgment. This is their backing-up and at this time, I think it would weaken their morale, their ability to judge these cases and, therefore, I would ask you to vote no on the reconsideration motion.

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

Mr. SHELTRA: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday we voted on this issue and I went back to my motel room having been led to believe that a coin has only got one side to it. I got back to my motel room and hauled some change out of my pocket and dumped it on my bureau and examined each coin

and I am pleased to report that there are two sides to a coin, one reading the environmental aspect of a situation and the other side, the economic impact of a situation. There are always two sides to every story. And I plead with you today that this bill here is noteworthy, is necessary and that we should have it.

I come from an industrialized area, the York County area of Biddeford and Saco. Needless to say, we have to be pro labor. I have two of my close associates yesterday, who when they were just about to vote, got a speck in their eye, they saw red and voted green, Representatives Farley and Barry Hobbins — I am only kidding about that, I am hoping I can convince them to go the other way today.

I know they are pro labor, they have come out with two wonderful bills in reference to labor. Mr. Hobbins has come out with a bill for a minimum wage law for \$2 per hour, minimum wage. Mr. Farley is coming out with the severance pay bill that is going to give the common laborer more money, which he so richly deserves. But who has to foot these bills? Industry has to foot these bills.

It so happens that in my area, our industry is becoming antiquated, obsolete. It is being choked to death by wage demands, by taxes. We need relief, we need further employment. I think it is all well and good for us to play the role of Robin Hood, rob the rich and pay the poor, but I think that these two champions of labor would certainly be making a better point, a better issue, if indirectly in some way they would be responsible for new industry to come into our area. Then they would become real champions, because not only would they have made provision to spend the money, but they would have also made provisions to earn the money.

And this is what this bill is all about. This bill is a labor bill whether you want to realize it or not. Our economic structure is such that we need help in the State of Maine. Our unemployment is such that we need help in the State of Maine. The only way to do this

is to start a resurgence to have industry come in. It will be like a blood transfusion to our local area factories that are now so heavily taxed and burdened in so many different directions.

This law, in my mind, is a step in the right direction. It affords any industry coming in to view, to let their testimony be heard in reference to what benefits environmental-wise as well as economically speaking, what can they do for us? This is what should be heard. We know very well what they can do to the environment. A set of questions will give you the answers to that. But to shut them off and to shut off their testimony and let them not tell us what is conducive and what is not to a specific given area is something else.

In the State of Maine we have all kinds of locations. Actually we have locations that are more conducive to industry than others. And we have certainly other areas that are more conducive to the tourist trade, strictly thereof. But you just can't come out with one environmental law and expect it to apply to the whole state. There are specific demands that have to be met in each area.

So I beg of you today to go along with this law to show that there are two sides to every story. We do here in the House. Every time a bill comes up, we do not just hear the opponents, we also hear the proponents of the bill. This is all this bill calls for. Insofar as your Industrial Commission, they would still have the final say, so we are not taking any power away from them. They can do all the investigating they want to. The final decision is still theirs. All I am asking you to do is give the economic picture a chance to be heard. I hope that you will vote in favor of reconsideration.

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

Mr. FARLEY: Mr. Speaker and Ladies and Gentlemen of the House: I had no intention of speaking on this bill until my name was brought up. Let me assure the members of this House that the new industries that moved into the

cities of Biddeford and Saco we have no problem with the environment, none at all. The problems are with the industries that have been there for years. Federal funds were available to clean up the air there for years. Federal funds were available to clean up the air and the water and everything else and they never took advantage of it until the laws were made mandatory for them to do it and they were still reluctant to do it.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday this body voted to accept the minority "ought not to pass" report on L. D. 935, an act to provide for protection of the air, water and other natural resources. I voted to accept the minority "ought not to pass" report, because I believe that it is not necessary at this time for the State of Maine to strengthen their environmental laws. I think we should live with what we have for a while.

I feel even more strongly that we should not weaken the laws we have on the books and I urge you to vote no on the reconsideration motion, and I would request, Mr. Speaker, that the vote be taken by the yeas and nays.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: I hadn't intended to say anything here today. This bill had a fair hearing, but since my name was mentioned, I thought I should say a few words. First of all, let me tell you that the people in my area were told that there was no sense making an application because this type of thing they wouldn't let in.

Now in relation to the bill we are talking about, reconsidered, let me say only this. I do not see how it ruins the site location law, in other words, I think they should be willing to hear, it doesn't say they have to accept. We hear before the committee that I am on many things that we don't accept. I think we should listen to the

hungry and the poor. We should at least hear their story. We do not have to act, but we should at least listen. And all this bill if it were to pass would do, would say that we would hear these people, that we would listen to their story. It doesn't say we would buy it, we would listen. I think we should. I think these people should be heard.

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 more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Farley, that the House reconsider its action whereby it accepted the Majority "Ought not to pass" Report on L. D. 1831. All in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bragdon, Cameron, Carey, Carrier, Carter, Conley, Cote, Curran, Dam, Deshaies, Donaghy, Dudley, Dyar, Evans, Farnham, Farrington, Faucher, Fecteau, Genest, Hancock, Immonen, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Lawry, LeBlanc, Lewis, E.; McCormick, McHenry, Morin, L.; Norris, O'Brien, Palmer, Pratt, Ricker, Rollins, Santoro, Shaw, Sheltra, Simpson, L. E.; Sproul, Talbot, Tanguay, Theriault, Trask, Trumbull, Wheeler, Wood, M. E.

NAY — Ault, Baker, Bither, Brawn, Briggs, Brown, Bunker, Bustin, Chick, Chonko, Clark, Connolly, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Davis, Dow, Drigotas, Dunleavy, Dunn, Emery, D. F.; Farley, Ferris, Finemore, Fraser, Gahagan, Garsoe, Gauthier, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Henley,

Hobbins, Hoffses, Huber, Hunter, Jackson, Knight, L a C h a r i t e , LaPointe, LeBlanc, Lewis, J.; Littlefield, Lynch, M a c L e o d , Mahany, Martin, M a x w e l l , McMahan, McNally, McTeague, Merrill, Mills, Morin, V.; Morton, Mulhern, Murchison, Murray, Najarian, Perkins, Peterson, Rolde, Ross, Shute, Silverman, Smith, D. M.; Smith, S.; Soulas, Susi, Tierney, Tyndale, Walker, Webber, Whitzell, Willard, The Speaker.

ABSENT —Churchill, Cressey, Flynn, Herrick, Jacques, Maddox, Parks, Pontbriand, Stillings, Strout, White.

Yes, 58; No, 80; Absent, 12.

The S P E A K E R : Fifty-eight having voted in the affirmative and eighty having voted in the negative, with twelve being absent, the motion to reconsider does not prevail.

Sent up for concurrence.

The Chair laid before the House the seventh 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 14, 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 tomorrow assigned.

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

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

Tabled — May 15, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

The S P E A K E R : The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker and Members of the House: I would like to pose a question to anyone who may care to answer it. I wish one of the attorneys in the House would perhaps explain just what

this bill does. I am a little bit confused.

The S P E A K E R : The gentleman from Portland, Mr. O'Brien, poses a question through the Chair who may answer if he or she wishes.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I guess I don't see any lawyers left who are in the House, and the only one is on the rostrum, and not in a position to answer the question. Perhaps the question ought to be directed to a member of the Judiciary Committee or if there is no one to answer, perhaps it ought to be tabled for another day.

I am wrong, I see one attorney in the House.

The S P E A K E R : The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: This bill was tabled originally. I know there was some question about what it did mean. Comparative negligence in the field of law is something that has been on our books now for several years. But it has not been entirely clear as it is statutorily defined. Consequently, it had been proposed to clarify the law by putting it into better language. This basically is all it does. It sets forth in the statute what is meant by comparative negligence.

Now, in respect to that, as an example, if there is someone who is negligent towards another, and he brings an action against him, if he can show that the party bringing the action also was contributorily negligent to a degree, then the statute provides that the court will instruct the jury to determine the extent of the negligence of both parties, and this sets forth a procedure to ultimately get down to the amount that the individual should be held responsible for momentarily. So that if the plaintiff is 20 percent negligent and the defendant is 80 percent negligent, there would be a difference of 60 percent that the court would award as damages, or

the jury is instructed to find the degree of negligence between the parties.

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: May I pose a second question to the gentleman? Am I to understand, sir, that somebody who is 80 or 85 percent responsible for an accident through their own negligence could then receive 15 percent compensation?

The SPEAKER: The gentleman from Portland, Mr. O'Brien, poses a question through the Chair to Mr. Perkins who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. PERKINS: Mr. Speaker, Members of the House: In an attempt to answer that, no, he would not receive 15 percent in damages. However, the 80 percent would be reduced by the 15 percent. If the plaintiff were 15 percent negligent, it would be reduced by that much. It is confusing to try to explain it, I am sorry.

On motion of Mr. O'Brien of Portland, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

On motion of Mrs. Wheeler of Portland, it was

WHEREAS, "the crowning fortune of a man is to be born to some pursuit which finds him employment and happiness, whether it be to make baskets, or broadswords, or canals or statutes or songs;" and

WHEREAS, the Honorable John B. Cottrell is a man of many worthy pursuits from which he has been crowned with the laurels of friendship and happiness; and

WHEREAS, Tuesday, the fifteenth day of May, 1973, marked the seventy-fifth anniversary of this remarkable gentleman's birth; now, therefore, be it.

ORDERED, the Senate concurring, that We, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature of the

State of Maine now assembled, pause in our deliberations to salute our friend and colleague on the 75th anniversary of his birth and to express our very best wishes for the years to come; and be it further

ORDERED, that a copy of this Order, signed by the Speaker of the House of Representatives and the President of the Senate on behalf of the membership, be presented to said gentleman in honor of the occasion. (H. P. 1509)

Mr. Cottrell of Portland was granted unanimous consent to address the House.

Mr. COTTRELL: Mr. Speaker and Members of the House: All of us kids, of course, like birthday parties. I feel very grateful and humble and proud to have my 75th remarked here.

I am very glad to be in the State of Maine because our state has national records of longevity, and I know that all of you, as well as myself, can look forward to not growing old until we get to be in our 90's in this great state.

So I wish all of you many many happy birthdays of your own coming before you.

I thank you very much, Mrs. Wheeler.

Sent up for concurrence.

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

Bill "An Act to Clarify the Barber Law and Increase Certain Fees" (H. P. 387) (L. D. 516).

Tabled — May 15, by Mr. Birt of East Millinocket.

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

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

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

Tabled — May 15, by Mr. Jalbert of Lewiston.

Pending — Motion by Mr. Carrier of Westbrook to reconsider the failing of enactment.

On motion of Mr. Haskell of Houlton tabled pending reconsideration and tomorrow assigned.

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

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

Tabled — May 15, by Mr. Perkins of South Portland.

Pending — Acceptance of Committee Amendment "A" (H-365).

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

Mr. PERKINS: Mr. Speaker, I would move indefinite postponement of Committee Amendment "A" and would speak briefly to my motion.

The SPEAKER: The gentleman from South Portland, Mr. Perkins, moves the indefinite postponement of Committee Amendment "A".

The gentleman may proceed.

Mr. PERKINS: Mr. Speaker and Ladies and Gentlemen of the House: Committee Amendment "A", it was brought to the attention of the committee that the statute with the amendment was still going to be unclear as to what active retired judges were going to be paid. Therefore, we took it back to committee and a new amendment has been drawn. It is on your desks and will be introduced at the appropriate time.

Thereupon, Committee Amendment "A" was indefinitely postponed and the Bill assigned for second reading tomorrow.

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

Bill "An Act Relating to Membership on the State Board of Barbers" (H. P. 844) (L. D. 1118) (C. "A" H-336).

Tabled — May 15, by Mr. Simpson of Standish.

Pending — Motion by Mr. LeBlanc of Van Buren that the House reconsider their action whereby they voted to recede and concur.

Thereupon, the House reconsidered its action whereby it voted to recede and concur.

On motion of Mr. LeBlanc, the House voted to recede.

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

House Amendment "A" (H-390) was read by the Clerk.

On motion of Mr. Dyar of Strong, tabled pending the adoption of House Amendment "A" and specially assigned for Friday, May 18.

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

Bill "An Act to Revise the Election Laws" (S. P. 613) (L. D. 1916) (H. "A" H-377).

Tabled — May 15, by Mr. Binette of Old Town.

Pending — Motion by Mr. Jalbert of Lewiston to adopt House Amendment "C" (H-382).

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: One of the chief recommendations of the Municipal Clerks Association — and at the public hearing, the clerks were well represented, both from large cities and the smaller towns — and this recommendation was that absentee ballots could be counted at central places if the municipalities so desired. This was to save time and assure accuracy.

Remember, it is voluntary by municipalities. The procedures will be monitored by members of both parties. And in that way, more people will observe these procedures than now do in the individual wards.

This House Amendment "C" eliminates all of this procedure, and I now move the indefinite postponement of House Amendment "C".

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have an amendment that will correct the situation as was discussed by the gentlewoman from Portland, Mrs. Boudreau, which will be explained by more learned people than I. I hope that you don't postpone this amendment, so that I can present

the other amendment, which will correct the situation.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: I think there are a few things I would like to call to your attention, although the gentleman from Bath, Mr. Ross, and certainly the gentleman from Lewiston, Mr. Jalbert have emphasized many of the points here.

One, this legislation, as is presented in the Omnibus Election Laws Bill, is, as Mr. Ross indicated, permissive. No municipality need exercise this unless its municipal officers — its city council elects to do so. The situations that might pertain in a City like Lewiston they handle by themselves, in Portland by themselves, and in smaller communities that have only one voting precinct it is not a factor.

It is also — with the amendment that was offered and adopted by this House, it is underlined in the bill that members of both political parties will be present when these absentee ballots are counted. So if the political parties are operating effectively, I am sure that they will have their own watchers present.

Now, I hate to disagree with my good friend, the gentleman from Lewiston, Mr. Jalbert, but as I read his Amendment "B" to L. D. 1916, he is striking out the underlined punctuations in Section 51, and in the amendment it is stated what they are. But in House Amendment "C" he has eliminated item 51 in its entirety, and I don't see how you can amend something that is not there to be amended.

So, I think that I will go along with the motion of the gentleman from Bath, Mr. Ross, for indefinite postponement; and perhaps between us all we can work out a suitable amendment that will be pleasing to all parties.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I hope that the gentleman from Casco, Mr. Hancock, can do that. I would like

to thank him for saying that I had covered the situation quite well. Frankly I didn't think that I had said too much.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, to indefinitely postpone House Amendment "C". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 75 having voted in the affirmative and 15 having voted in the negative, the motion did prevail.

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

Mr. MARTIN: Mr. Speaker, I present House Amendment "B" and move its adoption and would speak briefly to my motion.

House Amendment "B" (H-381) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This issue was debated at some length some time ago.

Basically, the issue is very simple. The way that the committee reported out the bill, it says that a distinguishing mark is one where the signature is used or initials are used. Anything else is not a distinguishing mark. This amendment would revert it back to the old law that we presently are now using as to what a distinguishing mark ought to be.

It seems to me that there are other ways than signatures or abbreviations on how a distinguishing mark can be made on a ballot, so that someone else knows how the ballot is being used by someone either being paid or returning a promise.

So I would ask you to vote for adoption of House Amendment "B".

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: This is part of my bill that I had put in here; and because up in my district they go in at

eight and ten o'clock in the morning and are there until six o'clock the next morning — and I saw a recount here with a girl that had used just her pencil, and she didn't turn the pencil over every time. As she picked up the ballot, it made a short mark upon the back of that ballot, the reverse side. This threw those ballots out.

Gentlemen, I don't care if they draw Santa Claus on the back of that ballot. I don't want them to have to look at the back of that ballot whatever. But if they want to have, just as it is now, the name or the initials to throw it out, I will go along with that.

I hope you go along with not accepting Amendment "B", because every clerk or counter must turn that ballot over. The way the law reads now, if there are any smudges on the back of that ballot or any marks at all, I don't care how big, that ballot has got to be thrown out. So, I hope that you will go along and not accept Amendment "B".

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: There is a provision in this bill that says that if whenever election workers are counting, they shall use only red pencil so there won't be any way that that is going to occur again.

Secondly, in reference to the Santa Claus issue, I think that is just the point. Someone could say, look, for every Santa Claus that appears on that ballot, I am going to give you five bucks, and in that process there is a distinguishing mark, there was a promise made, there is a payoff. That, as far as I am concerned, is a way of deceiving and paying off for votes. It seems to be a way we should not allow.

There are many many ways of seeing to it that election workers are told what is a distinguishing mark. I can just think of a star for example on the top of the ballot that can be used to indicate that they voted for "X" candidate or they voted for "X" party, and I

don't think that we ought to allow that type of situation to occur.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: The person marking this ballot is not the person who is going to count it or ever see it again. So, I don't think this argument will hold up.

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

Mr. CAREY: Mr. Speaker and Members of the House: Maybe the gentleman from Oakland will understand one argument that will stand up. We had someone in the past in the Waterville area who would take out absentee ballots and would number the back of the ballot with a small number. He kept a log as to who was getting what particular ballots, so that at any time that they were going through an inspection of ballots or a counting of the ballots, all he had to do was have an election worker — and in some of these communities that is quite simple to do — have one of these election workers keep track of what number was voting which way. Then all he had to do was check in his book to see if they voted the way he had wanted them to vote or not.

Now, I think that is a little more sophisticated than the Santa Claus.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: My very good friend, the able gentleman from Eagle Lake, Mr. Martin, and myself are in basic disagreement on this issue. And apparently also my friend from Waterville disagrees with me too. I am one of those who is not concerned about distinguishing marks on the ballot. The reason that I am not concerned is this: Distinguishing to whom? In the process of counting ballots, in the process of recounts, it becomes very difficult and it is a very tenuous thread that leads from the person who has sold his vote, if such a person literally exists, and the person who is buying it.

Distinguishing to whom? How is it pinned down and how is the guy paid off? I think we are just creating an awful lot of trouble.

I would like to have you also examine the other side of the issue, the one that the gentleman from Oakland, Mr. Brawn, has touched on. When we get into recounts, particularly when we get into statewide recounts, any mark on that ballot, any mark at all, may well be challenged by one of the attorneys from either side. Once an attorney challenges a particular type of ballot, the other side has to challenge that ballot also. I have been through many recounts, both local and statewide and I am sure that there are many in this House who have had the same experience. And we all know of the number of ballots that can be put to one side because they have been challenged as having distinguishing marks.

I would maintain to you, ladies and gentlemen, that there are very very few marks made to distinguish a ballot for the purpose of indicating, yes, you bought my vote, and yes, I delivered it to you. But what does happen is that many legitimate voters are disenfranchised because of the fact that there is some mark, some smudge, some indication on that ballot that is challenged by one of the attorneys.

I hope very much that this amendment is not adopted. At this time, I would move for the indefinite postponement of House Amendment "B".

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: My good friend from Waterville, Mr. Carey, whom I do admire, I am wondering if he watches these people what they vote and if they are counted, when these are thrown in the box and taken out, how he knows whose vote was whose?

The SPEAKER: The pending question is on the motion of the gentleman from Casco, Mr. Hancock, that House Amendment "B" be indefinitely postponed. All in

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

A vote of the House was taken.

Thereupon, Mr. Martin of Eagle Lake, requested a roll call vote.

The SPEAKER: 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 Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning to oppose the indefinite postponement of the amendment and to support the gentleman in the far corner for a change.

We discussed this quite considerably the other day after the bill came out. You know, there are many discrepancies here and I realize that there are many ways and different things that can involve the ballots and interfere with elections. But really, if you take a look at the bill the way it is, without the amendment, it just comes down to the point that the only way a ballot could be thrown out is by the use of somebody's initials or by the signature. That would not preclude me from going in the ballot box and writing somebody else's name or signature on that, I don't know why I could want to destroy my own ballot, but it could be.

I believe that we ought to leave the law as it is and we ought to have the amendment on the particular bill.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to ask a question of our floor leader. Is he speaking as a floor leader or for himself?

The SPEAKER: The gentleman from Oakland, Mr. Brawn, poses a question to the gentleman from Standish, Mr. Simpson, who may answer if he wishes.

Mr. SIMPSON: Mr. Speaker, I am speaking as a floor leader.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: Then I think we should be advised ahead of time. If this was told to us it never would have happened.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I perhaps should have said the same thing. This is something that we discussed at great lengths. Everyone seemed to feel that this was the right approach. We had already taken a House vote on the bill presented by the gentleman from Oakland, Mr. Brawn, that had been soundly defeated. It seemed clear to me, anyway, that the position of the House, of this full House, was to go in that sense in offering that amendment.

Let me just respond one step further. I am really concerned that we take every opportunity we have available to protect the right of the people who vote and we have to protect the secrecy of that ballot.

It seems to me that whatever is going to allow someone to write numbers on a ballot, to make stars, to give them any opportunity where they can actually find out how someone has voted, then we are going beyond what we ought to be doing. So I would ask you to vote against the motion of indefinite postponement.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: I agree with my good friend from Casco, Mr. Hancock. It gets to be ridiculous when you get into a recount and somebody passes the word along that it is getting close and all of a sudden perfectly good

votes are being thrown out because the Secretary of State's name isn't printed correctly maybe or a piece of ink slipped on it or something and for no reason at all, they will throw 50 ballots out so the lawyers can fight over it.

It is ridiculous to have something like this in here.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I have been in a number of recounts. I have never seen a ballot thrown out because the Secretary's name was not properly printed on the front of the ballot. It is a problem, however, when the person who is doing the counting signs someone's name or when the voter signs their name. But that is altogether a different issue.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: We have knocked this thing around almost enough I guess. I would like to emphasize again that this business of distinguishing marks where a person has literally sold his vote and somebody has literally bought it occurs very very rarely. And the process of tracing it through so that someone can determine that the vote that he has bought has actually been produced is almost impossible to do. But what does happen under our present law and what we are trying to correct is the disenfranchisement of voters for whimsical reasons, this is what we want to get rid of.

The gentleman from Chelsea is entirely correct. When these recounts get close and when there are issues concerning the chance marking on the ballot by anyone's pencil, any one of the counters, any one of the ballot clerks, the voter himself, this can be thrown out for that reason. I have been involved in recounts and I have seen this happen and I do not think this is the right approach. I do not think it is right to disenfranchise the people who are voting in all honesty. I think that

we should be allowed to keep their vote.

The SPEAKER: The pending question is on the motion of the gentleman from Casco, Mr. Hancock, to indefinitely postpone House Amendment "B". All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Boudreau, Bragdon, Brawn, Briggs, Carrier, Chick, Churchill, Cottrell, Deshaies, Dunn, Farrington, Faucher, Ferris, Fine-more, Good, Hancock, Hoffses, Hunter, Immonen, Jackson, Jacques, Lawry, McMahon, McNally, Norris, Pratt, Ross, Santoro, Shaw, Sproul, Strout, Talbot, Tierney, Trumbull, Willard.

NAY — Albert, Ault, Berry, P. P.; Berube, Binnette, Birt, Bither, Brown, Bustin, Cameron, Carey, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Dow, Dunleavy, Dyar, Emery, D. F.; Farley, Fecteau, Fraser, Gahagan, Garsoe, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Hobbins, Huber, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Martin, Maxwell, McCormick, McHenry, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Palmer, Parks, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Sheltra, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Soulas, Stillings, Susi, Tanguay, Theriault, Trask, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Wood, M. E.

ABSENT — Berry, G. W.; Bunker, Drigotas, Dudley, Evans, Flynn, Henley, Herrick, Maddox, Mahany, McKernan, O'Brien.

Yes, 36; No, 101; Absent, 12.

The SPEAKER: Thirty-six having voted in the affirmative and one hundred one in the negative, with twelve being absent, the motion does not prevail.

Thereupon, House Amendment "B" was adopted.

The Bill was passed to be

engrossed as amended in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Relating to the Advertising of Drug Prices" (S. P. 506) (L. D. 1590) which was tabled earlier in the day and later today assigned.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: I apologize to the membership for being off the floor when this bill came up this morning. I understand that presently it has been moved that the "ought to pass" report be accepted — the minority "ought to pass" report.

Last week, we had discussion on a similar bill which came out of committee in the same manner, three signing the minority "ought to pass" report and the majority of the committee signing the "ought not to pass." In committee, when we discussed these two bills which are very similar in content — basically the same thing — it was requested that we pass out one bill leave to withdraw and come out with a divided report on the second bill. The minority members decided to sign both bills out with the minority reports.

Presently you have two bills with basically the same content on the floor of the House. One, I believe, has had its second reading and has been passed to be engrossed and went to the other body. This morning, you have before you L.D. 1590, which permits the advertising of prescriptions by pharmacists but it goes one step further. It says that each licensed pharmacy in the State of Maine shall maintain on its premises in a conspicuous place, a list of the 150 prescription drugs most frequently ordered and the pharmacist's current retail price on such drugs.

Both pieces of legislation mandate that a pharmacist must advertise. I would suggest that this mandate does not suggest that they may advertise, it suggests that they shall advertise. L. D. 1590 does not say that this posting of

150 drugs can be posted on a type-written page or whether it will be a billboard in the front of the store showing the prices of these 150 drugs.

Last week, I offered an amendment that some of you thought was frivolous, but to me, I was very concerned with that amendment. I wanted to impress on this legislature that we are passing class legislation. I wanted this a matter of record.

Presently in this state, the majority, I think, of all professions have a prohibition against advertising prices of their services or their merchandise. Why should a pharmacy be singled out for discrimination? I am quite sure that if we pass the bill which is in the other body, enact it into law, if we accept the minority "ought to pass" report on L. D. 1590 and this should be enacted into law, you would have two duplicate sections in the statutes as to advertising. I am quite sure that the pharmacists in this state would go to the Supreme Court asking them for a decision, because we are discriminating by class within the field of professionals.

I hope this morning you will vote down acceptance of the minority "ought to pass" report and accept the majority "ought not to pass" report.

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

Mr. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I think perhaps I will start off by apologizing for being a minority signer of two of the bills that are fairly similar, and perhaps, as Mr. Dyar said, we probably should have reported out one bill. I think we were a little confused as to the procedure and what was happening. So this is what we have before us, anyway.

I would like to state that this bill is a little different, as Mr. Dyar mentioned, and I feel that this bill is a little better because it does not only allow them to advertise, but it does call for them to post conspicuously in their drug-store a listing of the 150 prescription drugs most frequently ordered and it also calls for the Board of

Commissioners of the Profession of Pharmacy to annually prepare this list. I think this is a good idea in the sense that it will give the pharmacies a standard to go by and perhaps, as some of the debate pointed out before, there might be some confusion as to the type of drugs when being advertised and this type of thing.

I would also like to point out that there is an amendment to this bill that would strike out the wording pertaining to generic drugs because we felt that it should just be prescription drugs. As you know, we already killed the bill dealing with generic drugs.

I would ask you to accept the minority report and perhaps if the other bill doesn't come back, perhaps we will amend that or we can come out with just one bill. I would move to kill one of them, depending on which one passes.

I would like to speak to this a little bit on why I am supporting this bill. It is currently illegal to advertise drug prices and at least until recently was illegal to use the term "discount" in pharmacy advertising. These prohibitions are not to be found in statute, but rather in regulations pursuant to the authority of the pharmacy board.

According to the Justice Department, in 1967 only 28 states then prohibited advertising of retail drug prices. However, in 1969 Florida invalidated their prohibition, Pennsylvania, Oregon, Wisconsin, New York, Massachusetts have recently followed.

Drugs are very expensive. Drugs are a necessity. Drugs have a captive market. In most cases, persons who have drug prescriptions must get them filled to safeguard or improve their health. There is no product competition without advertising and without advertising there can be little price competition.

Drug prices are a particularly important problem in a state like Maine, which has the sixth largest percentage of its population over 65 of any state in the nation, and the elderly are the heavy consumers of prescription drugs.

Advertising is essential to competition. Competition leads to business efficiency, innovation and lower prices. Lower prices mean real dollar savings to Maine people, especially the elderly. Lower prices also mean more people can afford to get their prescriptions filled. While pharmacists may say they will offer discounts or free drugs to those unable to pay, that cannot account for those who hide their poverty and go without other necessities to buy drugs or who are deterred from ever going to a pharmacy in the first place. And I would remind you of that report that Representative LaPointe of Portland mentioned concerning Model Cities.

Advertising to encourage price competition has been recommended by the Antitrust Division of the U.S. Department of Justice as an anti-monopoly measure. It said, "We submit that sound economic and social policy dictate that any restrictions which have the effect of raising drug costs should be kept to the minimum required by consideration of public safety."

The United States Department of Health, Education and Welfare has likewise recommended that price advertising be legalized. It said, "There is an obvious need for patients to be able to determine readily the prices charged by the various pharmacies in their communities. This appears to be particularly important in the case of long-term maintenance drugs. If the patient is to maintain the right to select a pharmacy, he also has a right to know the prices it charges and to compare these with other pharmacies."

In summary, about one half of the states have prohibitory restrictions on advertising. Such prohibitions effectively destroy price competition. At least one-half of the states have removed theirs. Price competition would result in dollar savings to the elderly and to everybody, I would submit.

Sensibly regulated advertising does no harm to the public health and safety. This in no way relates

to the integrity of the pharmacist. It only is a consumer measure to enable people to make a choice in which pharmacy they would like to buy their drugs, and that is all this bill does, it allows people to make a choice.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that the House accept the Minority "Ought to pass" Report. A roll call has been ordered. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Berry, P.P.; Berube, Bither, Boudreau, Brawn, Briggs, Bustin, Carter, Chonko, Clark, Connolly, Cooney, Crommett, Curtis, T.S., Jr.; Dam, Donaghy, Dow, Dunleavy, Emery, D.F.; Farley, Farrington, Faucher, Fraser, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jackson, Jacques, Kauffman, Kelleher, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Martin, McMahon, McNally, McTeague, Mills, Morin, V.; Mulkern, Murchison, Murray, Najarian, Peterson, Ricker, Rolde, Rollins, Ross, Silverman, Smith, D.M.; Smith, S.; Talbot, Tanguay, Theriault, Tierney, Webber, Whitzell, Wood, M.E.

NAY — Ault, Berry, G.W.; Binnette, Birt, Bragdon, Brown, Cameron, Carey, Carrier, Chick, Churchill, Conley, Cote, Cottrell, Cressey, Curran, Davis, Deshaies, Dunn, Dyar, Farnham, Fecteau, Ferris, Finemore, Garsoe, Good, Hamblen, Haskell, Henley, Hoffes, Hunter, Immonen, Jalbert, Kelley, Kelley, R.P.; Keyte, Lewis, E.; Littlefield, Lynch, MacLeod, Maxwell, McCormick, M c h e n r y, Merrill, Morin, L.; Norris, Palmer, Parks, Perkins, Pontbriand, Pratt, Santoro, Shaw, Shute, Simpson, L.E.; Soulas, Sproul, Stillings, Strout, Susi, Trask, Trumbull, Tynedale, Walker, Wheeler, White, Willard.

ABSENT — Bunker, Drigotas, Dudley, Evans, Flynn, Gahagan, Herrick, Maddox, M a h a n y, McKernan, O'Brien, Sheltra.

Yes, 69; No, 68; Absent, 12.

The SPEAKER: Sixty-nine having voted in the affirmative and sixty-eight having voted in the negative, with twelve being absent, the motion does prevail.

Thereupon, the Bill was read once, Committee Amendment "A" (S-123) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the following matter:

Bill "An Act Relating to Disqualification for Benefits under the Employment Security Law" (H. P. 1314) (L. D. 1724) which was tabled earlier in the day and later today assigned.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: Again I apologize for being absent. I had a lot of business outside the House this morning.

This bill — possibly I will go along with the "ought not to pass" report, but I would like to explain what the intent of the bill was.

Presently, in our unemployment security laws, in two sections the term misconduct is used when a person is discharged. Now, the manufacturer who requested me to introduce this piece of legislation felt this was detrimental to the person involved; that this stigma of misconduct on his record can follow him throughout his employment career.

We tried to find a word which would clarify the situation where

a person would be discharged due to the fact that they could not do the job that they had been assigned, either through a physical incapacity or a mental incapacity. The word we chose is "incompatibility." This term would define that the person was incompatible to the job.

Now, the present term, "misconduct," if you look in Webster, "misconduct" is a bad word which insinuates that a person has done something unlawful. It was our feeling, in introducing this legislation, that, as I say, the stigma of committing an unlawful act under the employment security law should be changed and we should use the term "incompatibility."

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Brown, 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.

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

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

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.