

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, May 18, 1973

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

Prayer by the Rev. Victor Musk of Auburn.

The journal of yesterday was read and approved.

Orders Out of Order

Mr. Strout of Cornish presented the following Order and moved its passage:

ORDERED, that Thomas Howard, Jr., David Knowles of Milo and Daniel Stevens of Brownville be appointed Honorary Pages for today.

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

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

ORDERED, the Terry Hilton, Tammy Hilton, Alan Hall and Dana Bowdoin of Kennebunk 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: The following Joint Order: (S. P. 623)

ORDERED, the House concurring, that the President of the Senate or the Speaker of the House shall, at all times, whether the Legislature be in session or not, have the authority to approve accounts and vouchers for payment.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Taxation on Bill "An Act Exempting Sales to Incorporated Nonprofit Boarding Homes for the Elderly from the Sales Tax" (S. P. 275) (L. D. 800) reporting "Ought not to pass"

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

Leave to Withdraw

Report of the Committee on Judiciary on Bill "An Act Relating to Imposition of Sentence to the State Prison" (S. P. 341) (L. D. 1040) reporting Leave to Withdraw.

Report of the same Committee reporting same on Bill "An Act to Revise Laws Relating to Violations of Parole" (S. P. 228) (L. D. 663)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

**Ought to Pass with
Committee Amendment**

Report of the Committee on State Government on Bill "An Act Creating a Polygraph Examiners Act" (S. P. 509) (L. D. 1662) reporting "Ought to pass" with Committee Amendment "A" (S-126)

Came from the Senate with the Bill indefinitely postponed.

In the House: the Report was read.

On motion of Mr. Martin of Eagle Lake, the Report and Bill were indefinitely postponed in concurrence.

Ought to Pass in New Draft

Report of the Committee on Transportation on Bill "An Act Relating to School Buses" (S. P. 131) (L. D. 313) reporting "Ought to pass" in New Draft (S. P. 622) (L. D. 1936) under same title.

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

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

Divided Reports

Majority Report of the Committee on Labor on Bill "An Act Relating to the Public Employees Labor Relations Board" (S. P. 520) (L. D. 1651) reporting "Ought to pass"

Report was signed by the following members:

Messrs. HUBER of Knox
TANOUS of Penobscot

KELLEY of Aroostook
— of the Senate.

Messrs. ROLLINS of Dixfield
McHENRY of Madawaska
BINNETTE of Old Town
GARSOE of Cumberland
BROWN of Augusta
FLYNN of South Portland
HOBBINS of Saco
FARLEY of Biddeford
Mrs. CHONKO of Topsham

— of the House.

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

Report was signed by the fol-
lowing member:

Mr. McNALLY of Ellsworth
— of the House.

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

In the House: Reports were read.

On motion of Mr. Brown of Au-
gusta, the Majority Report was
accepted in concurrence.

The Bill was read once and as-
signed for second reading the next
legislative day.

Non-Concurrent Matter Later Today Assigned

Bill "An Act Relating to Liabil-
ity 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) which the House in-
definitely postponed on May 16.

Came from the Senate with that
body insisting whereby they passed
the Bill to be engrossed as amend-
ed in non-concurrence.

In the House: On motion of Mr.
Simpson of Standish, the House
voted to adhere.

The SPEAKER: The Chair rec-
ognizes the gentleman from Sa-
battus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, I
move we reconsider our action
whereby we voted to adhere.

The SPEAKER: The gentleman
from Sabattus, Mr. Cooney, moves
that the House reconsider its ac-
tion whereby it voted to adhere
on this matter.

The Chair recognizes the gentle-
woman from Lewiston, Mrs. Be-
rube.

Mrs. BERUBE: Mr. Speaker,
could I request, please, that this

be tabled until later in today's
session.

The SPEAKER: The Chair will
order a vote. The pending question
is on the motion of the gentlewom-
an from Lewiston, Mrs. Berube,
that this matter be tabled until
later in today's session pending the
motion of Mr. Cooney of Sabattus
to reconsider whereby the House
voted to adhere. All in favor of
tabling will vote yes; those opposed
will vote no.

A vote of the House was taken.

51 having voted in the affirma-
tive and 34 having voted in the
negative, the motion did prevail.

Non-Concurrent Matter

Bill "An Act Relating to Com-
parative Negligence in Civil
Cases" (S. P. 342) (L. D. 1041)
which the House indefinitely post-
poned on May 6.

Came from the Senate with that
body insisting whereby they passed
the Bill to be engrossed in non-
concurrence.

In the House:

The SPEAKER: The Chair rec-
ognizes the gentleman from Port-
land, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker, I
move we adhere.

The SPEAKER: The gentleman
from Portland, Mr. O'Brien, moves
that the House adhere.

The Chair recognizes the gentle-
man from South Portland, Mr.
Perkins.

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

The SPEAKER: The gentleman
from South Portland, Mr. Perkins,
moves the House recede and con-
cur.

The Chair recognizes the gentle-
man from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker, La-
dies and Gentlemen of the House:
I ask you to defeat the motion to
recede and concur so we can ad-
here.

This is the same bill we had last
week whereby we indefinitely post-
poned it. Even the lawyers don't
understand it, and I think this is
adding clutter to the state law
books today.

I have made a little bit of an
investigation on this, and I can't
find any lawyers that agree this
clears up anything. This just adds

more confusion to the part of comparative negligence. So I ask you to defeat the motion to recede and concur so we may adhere.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I have been trying to find out what is wrong with this bill for the past week, and I have been unable to find out from anyone, including the gentleman who asked Mr. O'Brien to make the motion he did.

I know it was introduced by a lawyer who represents insurance companies. I also know that the Maine Trial Lawyers Association was asked to look at this bill and they found nothing wrong with it. I cannot, under the circumstances, determine exactly where somebody finds something amiss. It bothers me that somebody does. However, I checked the statutes; it does clear up the manner of which the court may direct the jury to find respect to negligence actions — that is all.

There has been confusion in terms of what the jury is told in terms of how to react and understand it, and so far as I am concerned, all it does is make it clearer in an effort to get a judgment.

So I really just don't understand, and if somebody can get up and tell me exactly what is wrong with this, then I will listen. Until they do, I feel we should pass it.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: This bill is probably one of the most cleverly phrased documents I have ever read. I have read it several times; so have others. The consequence is, the results of this bill are completely submerged in the legal phraseology of the purpose or the intent. It is a very difficult bill to attempt to explain unless you are very very familiar with the concept of comparative negligence,

and even then, without a specific example, it is difficult.

I call the bill a Utopia, something for everybody. If you are 90 per cent liable in an automobile accident, then all you recover is 10 per cent of your damages. Well, that sounds all right up to that point, but let's apply it to an imaginary case where the claimant is represented by an unscrupulous lawyer. Thank God they are a minority, but there are some. There are unscrupulous people in all professions.

Let's imagine for the moment that I am a drunk driver and I hit a pedestrian crossing the street in a crosswalk and kill him or her, one or the other. Naturally I am liable for all damages. But wait a second, my attorney pleads that I also should be awarded damages for at least a percentage of my damages because of the terrible traumatic experience I suffered as a result of this accident. After all, that woman wasn't completely in the crosswalk. She was a foot or so on the outside. Ridiculous? Of course it is ridiculous, but it is possible if this bill goes through. What a circus our courtrooms will become.

This is a trial lawyer's dream and a nightmare for insurance premiums that you and I have to pay. If this bill goes through, the Maine Trial Lawyers Association should declare a dividend or a stock split and a holiday all in one.

I hope you will defeat the motion to recede and concur.

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

A vote of the House was taken. 27 having voted in the affirmative and 63 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. O'Brien of Portland, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Relating to the State Police Retirement System"

(H. P. 832) (L. D. 1091) which the House enacted on May 14.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-141) in non-concurrence.

In the House: On motion of Mr. Henley of Norway, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Appropriating Funds to Educate and Rehabilitate Persons Handicapped by Deafness" (S. P. 445) (L. D. 1377) which the House enacted on March 22.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-129) in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Providing for Mandatory Retirement for Teachers" (H. P. 834) (L. D. 1093) which the House passed to be engrossed as amended by House Amendment "A" (H-144) on March 29 and passed to be enacted on April 4.

Came from the Senate with the Bill passed to be engrossed as amended by House Amendment "A" (H-144) and Senate Amendment "B" (S-140) in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Establishing the Lewiston-Auburn Airport Authority" (H. P. 473) (L. D. 620) which the House passed to be engrossed as amended by Committee Amendment "A" (H-310); House Amendment "B" (H-352); House "C" (H-353); House "D" (H-360) on May 10.

Came from the Senate with House Amendment "D" (H-360) indefinitely postponed and the Bill passed to be engrossed as amended by (C. "A" H-310); (H. "B" H-352); (H. "C" H-353); and Senate Amendment "A" (S-119) and Senate Amendment "B" (S-128) in non-concurrence.

In the House:

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I think this thing has reached the cemetery and I think it is about time this thing died.

I move that the House adhere.

Thereupon, on motion of Mr. Jacques of Lewiston, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Revise the Election Laws" (S. P. 613) (L. D. 1916) which the House passed to be engrossed as amended by House Amendment "A" (H-377) and House Amendment "B" (H-381) on May 16.

Came from the Senate with the Bill passed to be engrossed as amended by (H. "A" H-377) (H. "B" H-381) and Senate Amendment "A" (S-139) in non-concurrence.

In the House:

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

Mr. ROSS: Mr. Speaker, I move we recede and concur and would speak briefly to my motion.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House recede and concur.

The gentleman may proceed.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: The other body accepted our two amendments and added only this one and it is very simple. In the original bill, this was left out because some thought it was not necessary.

The law now states that a registrar must list voters by name and address, and all this does is add the Zip Code for those living in multi-code municipalities or they would never be contacted.

Thereupon, the House voted to recede and concur.

Messages and Documents

The following Communication:

The Senate of Maine

Augusta

May 17, 1973

Hon. E. Louise Lincoln

Clerk of the House

106th Legislature

Dear Madam Clerk:

The Senate today voted to Adhere to its action whereby it accepted the Majority Ought Not To Pass Report on Bill, An Act Relating to Interest on Awards in Workmen's Compensation Cases. (H. P. 1150) (L. D. 1481)

The Senate also voted to Adhere to its action whereby it accepted the Majority Ought Not To Pass Report on Bill, An Act Relating to Animals Imported into the State of Maine for Resale. (H. P. 968) (L. D. 1275)

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. Jackson from the Committee on Business Legislation on Bill "An Act to Require Publication of Cost/Benefit Ratios on Insurance Policies" (H. P. 1406) (L. D. 1846) reporting "Ought not to pass."

Mrs. Chonko from the Committee on Labor reporting same on Bill "An Act Relating to Weekly Benefits for Total Unemployment under Employment Security Law" (H. P. 1177) (L. D. 1514)

Mr. Fraser from the Committee on Transportation reporting same on Bill "An Act Prohibiting the Stopping of School Buses at No-passing Zones on 2-lane Highways" (H. P. 1078) (L. D. 1401)

Mr. Trask from the Committee on Business Legislation reporting same on Bill "An Act to Regulate Bank Holding Companies" (H. P. 660) (L. D. 1139)

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

Leave to Withdraw

Mrs. Baker from the Committee on Judiciary on Bill "An Act Relating to Application of Prior Private Detective Laws to Watch, Guard or Patrol Agencies" (H. P. 621) (L. D. 819) reporting Leave to Withdraw.

Mr. Perkins from same Committee reporting same on Bill "An Act to Provide the Attorney General

with Access to Government Files for Official Use" (H. P. 833) (L. D. 1092)

Mr. Carrier from same Committee reporting same on Bill "An Act to Clarify Municipal Authority to Regulate Public Safety" (H. P. 1374) (L. D. 1830)

Mr. Soulas from the Committee on Public Utilities reporting same on Bill "An Act Relating to Investments and Costs of Electrical Companies" (H. P. 1142) (L. D. 1477)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Merrill from the Committee on Taxation on Bill "An Act Exempting Tuberculosis Health Associations from the Sales Tax" (H. P. 1061) (L. D. 1385) reporting Leave to Withdraw as covered by other legislation.

Mr. Tierney from the Committee on Business Legislation reporting same on Bill "An Act to Establish Construction Standards for Mobile Homes" (H. P. 1232) (L. D. 1605)

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act Exempting all Livestock and Poultry from the Personal Property Tax" (H. P. 948) (L. D. 1245) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. FORTIER of Oxford
COX of Penobscot

— of the Senate.

Messrs. SUSI of Pittsfield
FINEMORE

of Bridgewater

MERRILL of Bowdoinham

DAM of Skowhegan

DOW of West Gardiner

DRIGOTAS of Auburn

IMMONEN of West Paris

— of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington

— of the Senate.

Messrs. MORTON of Farmington
MAXWELL of Jay
COTTRELL of Portland
— of the House.

Reports were read.

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

Mr. SUSI: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report and would speak to my motion.

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

The gentleman may proceed.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This bill would do just what its title indicates, exempt livestock and poultry from personal property tax. It is true that there are many of our communities, as we get away from being an agricultural state, where poultry and livestock is a very small part of the property tax base. But we still have communities around the state where it is a substantial portion of the property tax base and it would be a crippling thing to remove this source of revenue from these communities until such time as we get switched over to some other form of financing of municipal costs. So I hope that you go along with the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill is my bill. I put it in because I felt very definitely that the small farmers in the State of Maine needed some relief.

I find in checking throughout the state, many different places, that we have a lot of different towns, some towns taxing these people to death, other towns, of course, making a small account of it.

I do have — but I won't go into this this morning — I do have a report from the University of Maine, the Extension Service, that recommended this tax relief. I feel that perhaps we ought to vote against the motion to accept the

majority report so that I can move to accept the minority report.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: In the little town where I live, we have many of these large poultry farms. The tax is paid by the person who furnishes these birds.

This could be taxed two ways. It can either be taxed by the foot or by the bird, and it is up to the man who owns this property to say how this is going to be taxed, not up to the men who are out in the field, the assessors, to dictate to them.

We also have two large dairy farmers in our town. If we were to exempt them, this would be a great loss to my particular municipality that I live in. I hope it will not be accepted.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, 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.

68 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Business Legislation on Bill "An Act Establishing Educational Requirements for Real Estate Brokers" (H. P. 839) (L. D. 1113) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. MARCOTTE of York
COX of Penobscot
— of the Senate.

Messrs. TRASK of Milo
DONAGHY of Lubec
HAMBLEN of Gorham
JACKSON of Yarmouth
DESHAIES of Westbrook
TYERNEY of Durham
Mrs. CLARK of Freeport
— of the House.

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

Report was signed by the following members:

- Mr. KATZ of Kennebec
—of the Senate.
- Mrs. BOUDREAU of Portland
- Messrs. MADDOX of Vinalhaven
O'BRIEN of Portland
—of the House.

Reports were read.

On motion of Mr. Trask of Milo, tabled pending acceptance of either Report and specially assigned for Tuesday, May 22.

Divided Report

Majority Report of the Committee on Business Legislation on Bill "An Act Providing that Examination Reports of the Insurance Commissioner be Public Records" (H. P. 672) (L. D. 877) reporting "Ought to pass" with Committee Amendment "A" (H-403)

Report was signed by the following members:

- Messrs. KATZ of Kennebec
MARCOTTE of York
—of the Senate.
- Mrs. CLARK of Freeport
- BOUDREAU of Portland
- Messrs. TRASK of Milo
JACKSON of Yarmouth
DONAGHY of Lubec
DESHAIES of Westbrook
TIERNEY of Durham
O'BRIEN of Portland
MADDOX of Vinalhaven
—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. COX of Penobscot
—of the Senate.
- Mr. HAMBLEN of Gorham
—of the House.

Reports were read.

On motion of Mr. Trask of Milo, the Majority "Ought to pass" Report was accepted.

The Bill was read once. Committee Amendment "A" (H-403) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Divided Report Tabled and Assigned

Majority Report of the Committee on Business Legislation on Bill "An Act Relating to Schools Teaching Real Estate Subjects" (H. P. 388) (L. D. 517) reporting "Ought to pass" in New Draft (H. P. 1517) (L. D. 1944) under same title.

Report was signed by the following members:

- Messrs. MARCOTTE of York
COX of Penobscot
KATZ of Kennebec
—of the Senate.
- Messrs. JACKSON of Yarmouth
MADDOX of Vinalhaven
DESHAIES of Westbrook
TIERNEY of Durham
- Mrs. CLARK of Freeport
BOUDREAU of Portland
—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. TRASK of Milo
DONAGHY of Lubec
HAMBLEN of Gorham
O'BRIEN of Portland
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker, I move we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Vinalhaven, Mr. Maddox, moves the House accept the Majority "Ought to pass" Report.

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I ask you to reject the "ought to pass" report and look for the "ought not to pass" report.

You are witnessing what I think is one of the classic examples of "now you see it, now you don't." This bill that is on the floor for discussion now was presented and supported by all the real estate people, the real estate brokers and Real Estate Commission as a fine idea in upgrading their profession, and their profession should be upgraded. There is no question about that.

Another bill was also presented shortly after that, which is now laying on the table which, in my estimation, would have been the bill to upgrade the profession. Unfortunately, that bill is not here for discussion at this time, so I would ask you to accept the "ought not to pass" report and reject the motion that is now on the floor.

One thing that I have learned sitting on this committee, Business Committee, which deals in mostly real estate problems and deals with the insurance problems and so forth, if ever the insurance people and real estate people get together, they will come in the House and move indefinite postponement of the prayer and it will pass. So I ask you to reject the "ought to pass" report and if you can't see exactly what has happened here, I would ask somebody at least to table this until the other report comes out.

On motion of Mr. Palmer of Nobleboro, tabled pending the motion of Mr. Maddox of Vinalhaven to accept the Majority "Ought to pass" Report and specially assigned for Monday, May 21.

Consent Calendar Second Day

(H. P. 818) (L. D. 1140) (C. "A" H-397) Bill "An Act to Amend the Laws Administered by the Department of Environmental Protection"

(H. P. 1299) (L. D. 1711) Bill "An Act to Clarify Municipal Appointing Authority"

(H. P. 1348) (L. D. 1864) (C. "A" H-396) Bill "An Act Relating to Permit Fees for Automobile Graveyards or Junkyards"

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

Passed to Be Engrossed

Bill "An Act Relating to Notice or Severance Pay by Employers" (S. P. 451) (L. D. 1417)

Bill "An Act Providing Funds for Director of Volunteer Services in the Division of Probation and Parole" (S. P. 429) (L. D. 1299)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be

engrossed and sent to the Senate

Bill "An Act Exempting Fuels Used to Heat Commercial Broiler Houses from the Sales Tax" (H. P. 1068) (L. D. 1393)

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

Mr. Susi of Pittsfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-405) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: The amendment that I am proposing is being distributed right now. I think some of you have it already and others will be getting it in a moment.

What the amendment provides is that where in the bill and in the title it refers to exempting the sales tax on fuel to heat broiler houses, the amendment would provide that it would exempt fuel for heating poultry houses. This would include houses for housing laying hens, or turkeys, I suppose would be included and if there are any ducks or geese housed in Maine, I don't know if there are or not.

Apparently people specifically interested in the broiler industry offered this bill to exempt fuel used in their broiler houses, but it seemed inequitable to me that a specific person might have a house in which he has housed broilers and another season housed laying hens, that at one time he would be exempted from the sales tax and another time he wouldn't. This amendment would change it so poultry of any kind housed in the building, the fuel used in that building would be exempt from sales tax.

Thereupon, House Amendment "A" was adopted.

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

Bill "An Act Exempting from the Sales Tax Sales to Non-profit Health Care Corporations" (H. P. 1512) (L. D. 1942)

Bill "An Act to Amend Municipal Regulation of Land Subdivision Law" (H. P. 1513) (L. D. 1943)

Bill, "An Act Creating the Stationary Steam Engineers' and Boiler Operators' Licensing Law" (H. P. 1502) (L. D. 1939)

Bill "An Act Changing the Number of Parole Board Members and Modifying the Qualifications for Eligibility for Appointment" (H. P. 1030) (L. D. 1352) (C. "A" H-395)

Bill "An Act to Remove the Exception for Paper Mills Allowed to Store and Drive Logs on Maine Surface Waters" (H. P. 698) (L. D. 904)

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

**Second Reader
Later Today Assigned**

Bill "An Act Requiring the Registration of Off-Highway Vehicles" (H. P. 1510) (L. D. 1940)

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

On motion of Mr. Dyar of Strong, tabled pending passage to be engrossed and later today assigned.

Bill "An Act to Exempt Diabetic Medical Supplies from the Sales Tax" (H. P. 1096) (L. D. 1433)

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

**Second Reader
Tabled and Assigned**

Bill "An Act Adopting Emission Regulations of the Department of Environmental Protection" (H. P. 1146) (L. D. 1595) (C. "A" H-398)

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

Mr. MacLeod of Bar Harbor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-404) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, I would ask that someone table this for two legislative days, while another amendment is being prepared.

Thereupon, House Amendment "A" was adopted.

On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Tuesday, May 22.

**Second Reader
Later Today Assigned**

Bill "An Act Relating to Motorcycle Operators' Licenses" (H. P. 1097) (L. D. 1434) (C. "A" H-384)

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

On motion of Mr. Dyar of Strong, tabled pending passage to be engrossed and later today assigned.

Bill "An Act to Amend the Maine Fair Trade Act" (S. P. 621) (L. D. 1935)

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

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

Mr. BRAGDON: Mr. Speaker, if I am in order, I would like to ask that we reconsider our action on item 3. To attain this, if someone is in agreement with me, I would hope that they would table this for the next legislative day so it would give me an opportunity to offer an amendment.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves the House reconsider its action of earlier whereby Bill "An Act Exempting Fuels Used to Heat Commercial Broiler Houses from the Sales Tax" (H. P. 1068) (L. D. 1393) was passed to be engrossed.

On motion of Mr. Emery of Rockland, tabled pending the motion of Mr. Bragdon of Perham to reconsider and specially assigned for Monday, May 21.

**Emergency Measure
Tabled and Assigned**

Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Barbara Goodwin. (H. P. 1225) (L. D. 1600).

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

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have the material here to explain this bill. It is a bit complicated, and there is money involved. I was asked to explain the bill. I wonder if after I explain it, it might not be well for someone to table it until we have more people here.

This bill provides a minimum service retirement allowance under the state retirement law to Barbara Goodwin.

I don't know how many of you read the preamble whereas Barbara Goodwin has worked a total of 23 years teaching school of which seven years were in New York, from whence she moved to Maine taking a 50 percent salary cut. And whereas Barbara Goodwin now has undergone five serious operations relating to abdominal, spinal and circulatory problems, and the prospects of her ever being able to teach again are poor. And whereas, after her first spinal operation she was forced to stop teaching and return to the hospital with dismal prospects if she were to assume teaching again.

Whereas legislation is vitally necessary to provide Mrs. Goodwin with her much deserved retirement pay, and whereas Barbara Goodwin has paid in excess of \$1,100, we find later that it is \$1,300, she paid to purchase six years back retirement pay where she worked in New York, she has actually bought this back time.

There are complications to this situation. The bill was amended in committee to grant instead of the three years asked for in the bill, to grant four years, and I would like to tell you why. We are

arbitrarily giving her this four years for this reason, in order to take advantage of out-of-state teaching under the retirement laws, an employee, a teacher, must have in this state 20 years normally or she cannot have the out-of-state time, even though she purchased it.

Presently, without this extra time, Barbara Goodwin can draw under a disability clause \$210 a month for life. She is only 46 years old; she has had some problems, and it looks like she will continue to have them. But by giving her this four years, it enables her to pick up the six years out-of-state service and to have an increase of around \$100, which will bring it right around \$310 a month. We in the committee felt inasmuch as there were no opponents to the bill and all proponents, we felt that it was a worthy cause. We moved that it be passed unanimously.

Now, of course the part that I felt this House should know, and it is not normally on these emergency resolves, is that it will cost the state \$15,503. The amount is that great because the lady is only 46 years old, and the actuarial estimate is that it will cost that much to build the fund to take care of her for the remainder of her life.

Now, with that explanation, unless somebody wants some other particular thing explained, I would move that we pass it with our 101 votes. But if it is so that we do not have enough people here, I would also suggest that someone table it until next week.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I have a great deal of consideration for Mrs. Goodwin. But I had a bill in, L.D. 286, for a Miss Mildred Keene of Buckfield. This lady is 73 years old, she is only asking for the minimum of \$80 a month, and this thing has apparently been buried. I have been trying to find out what they are going to do about this, but so far I haven't had any luck. I put it

in as an emergency, and if we pass this bill, I can't understand why Miss Keene isn't as eligible as Mrs. Goodwin. I would like very much to see her included in this bill.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Gahagan.

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I was a signer of the unanimous "ought to pass" report on this L.D. The Committee on Veterans and Retirement has had a number of bills, 40 or 50, for special authorizations of retirement requests for retired teachers, state employees, and anyone else who comes under the State Retirement Plan.

The committee has exercised what I feel is great discretion in this session in determining what is a fair method of assessing a person's creditability under the State Retirement System. We have found that at the present time there is absolutely no uniform practice of the state retirement system to determine who is eligible to receive benefits. It is a great mix-match of special requests and authorizations, and we have decided that this whole area which represents nearly \$200 million in retirement monies which are held by the Retirement System, the committee has determined that we should authorize and conduct a special study for the entire State Retirement System. Because of this, we have referred several of these bills for special requests for a special study committee which will meet this summer.

There are a few bills, such as the one Mr. Smith from Dover-Foxcroft has put in, which we feel are unquestionably deserving of passage at this time. With the greatest consideration we have decided that this bill ought to receive passage at this time. I recommend that you support the unanimous report of the committee "ought to pass".

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

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, had a bill in at the request of a school teacher friend of mine, a teacher who lives in my town, a lady who has taught school for 38 years, and she intended to continue teaching for two more years in order to round out a 40-year service to the State of Maine. As a result of illness in her family, her husband was required to go through a serious operation, she was obliged to resign her position. Therefore, she did not sign the necessary papers showing her intent to retire and become eligible for the 11½ percent. As a result, she is losing about \$40 a month, and up to the present time, I estimate that she has lost about \$600.

The Committee on Pensions and Retirement turned this request down. I talked with several members after the decision came out, and they told me, as Mr. Gahagan had stated, that they were covering all of these more or less with a blanket and putting them all into the same category. I don't feel that is a good way of doing it, because some cases certainly deserve more credit than others. I certainly don't object to the bill before us this morning, but I do object to the course that was followed in relation to my bill.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I regret that this bill must bring out all of the feelings of, shall I say, a little bit more than regret that my bill did not pass. I couldn't count on the seats of this House the number of times I have had bills not pass, ladies and gentlemen. Your Committee on Retirement has been an extraordinary hard-working committee on this particular thing this year. We are faced, and the members of committees of previous times will back me up, with an ever increasing problem in the Retirement Committee. We have had the same problem that you all have in your committees, we have had to make decisions.

I hate to go into nit picking. I will say that I am sorry that my friend Mr. Lewis brought up his particular bill. The person in question was presently drawing around \$600 a month. The loss of the bill, sure, cost the recipient, or the would-be recipient, \$40 a month. I ask you if that is as worthy a cause as this particular person who is practically bed-ridden at 46 years old with almost no income, with a chance of getting from \$210 a month to \$310 a month? I think there is a vast difference, ladies and gentlemen, and those are the differences that your committee has tried to decide.

We can not vote out every bill unanimously "ought to pass." We have tried to take care of those elderly teachers of bygone days, who taught for almost nothing. We heard of teachers who taught for \$3 a week. My first school teachers that I went to got \$8 a week. Some of those ladies have been hard-working housewives and now they are in their late 60's or 70's and some in their 80's with no income. We have tried to give them the minimum. We have tried to get them on an Omnibus Bill which is still in committee. I think that my friend Mr. Rollins' recipient is still on that category, I am not sure, there are several of them. We hope to put that out, probably, "ought to pass," but it will have a price tag also, I warn you. But it just gives the minimum to these people who served way back when there was no retirement and they got very small pay. They are well along and they certainly need it.

But that is the other bill, we are talking about this bill now, and unless there are some specific questions, I have covered all I want to on it. If we want to put it to a vote, fine. If somebody thinks that we better table it to talk it over some more, that is okay with me.

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

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I am certainly not crying because my particular bill failed to re-

ceive favorable report. But I am certainly sorry for the retired teacher whom I represented, because I feel that she has paid in, she has 38 years of State of Maine service; she didn't teach out-of-state. She devoted her entire teaching lifetime to children here in the State of Maine. And I certainly think she should have deserved better consideration.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Gahagan.

Mr. GAHAGAN: Mr. Speaker, Members of the House: This bill does not represent a definite policy which is being established by the Veterans and Retirement Committee. It represents an exception prior to the formation of a policy which will be set sometime, we hope, this summer.

At a future time, perhaps in the next session, those of you who have special requests may find that if you enter them again, that these people will be covered under the policy which is established. However, at the present time, this bill — there is no question in our minds that this should receive passage.

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

Mr. CONNOLLY: Mr. Speaker, I would like to move that this lie on the table for one legislative day, please.

Thereupon, Mr. Simpson of Standish requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that L. D. 1600 lie on the table one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

28 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

Mr. Henley of Norway was granted permission to speak a third time.

Mr. HENLEY: Mr. Speaker, Members of the House: I just received a note that this lady is now teaching, and I would like to look into it before we pass the

bill. I received a note and that is why I voted to table.

I realize the last account she was in the hospital, and it said they didn't know whether she would ever teach again or not. But I have this note and I don't know just what the mechanics would be if we passed it. I know that she cannot draw it unless she is disabled. But I still think it would be nice to find out a little bit more about it.

On motion of Mr. Donaghy of Lubec, tabled pending final passage and specially assigned for Tuesday, May 22.

An Act Relating to State Police Retirement System (H. P. 48) (L. D. 55) (C. "A" H-358)

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

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: An Act Relating to State Police Retirement System, L. D. 55, which is a bill that we debated at some length — and I am not going to take much of your time — last week, which was a bill completely instigated to remove five state policemen who had served long and faithfully from service to allow for promotion of others within the force.

I said I am not going to be long, I am not. I am still going to oppose this enactment. I shall ask for a roll call, I do ask for a roll call.

All I can say is this small group of policemen that are 60 years old or more, the minimum service is 36 years, I believe, of any of them. They are too far along in life to be able to get into a new career. So, when they retire, it means that they are through, unless they get some job as a crossroads school guard.

I say that they are the victims of a double cross by the state, because when they were employed in the first part of their service, they were fully of the understanding that they could retire after 25 years but they would not be arbitrarily retired; that they had a life

job as long as they did their duty, and they took it that way. That was a contract between the State of Maine and those gentlemen.

This bill breaks that contract, I insist. It breaks it at a time when these gentlemen are in a bad position to do anything other than sit on their porch and smoke their pipe. And for the various reasons I have stated and reasons which others before me and after me stated, I hope you will oppose the passage of this bill; and, again, I ask for the yeas and nays.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think we are going through now what previous legislatures have gone through, backing off from an unpleasant decision.

Now, the gentleman has just said that these men had reached the stage in life at which they can do nothing but sit on their front porch; but if we don't enact this legislation, they can go to work for the state police as they have been doing. Now, if they can do nothing but sit on their porch, why are they qualified to continue working for the state police?

He also says that at this stage in life they can no longer go out and get a job. Well, without a retirement date, at age 80 they will also be unable to go out and get a job. At 90 they will be unable to go out and get a job. I think we have faced up to the problem, and I would like to see the thing go through.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Parks.

Mr. PARKS: Mr. Speaker, Members of the House: I think it is very doubtful that any of these boys will be around here at age 80 and 90. All these fellows are asking for is a little bit of time so that they can find themselves a suitable job that will supplement their retirement.

Two of these boys that I know of are going to retire. They will be out of there within the next six or eight months anyway. The other three, when they can find some-

thing that they can do without going out with a pick and shovel or driving a truck or something like that, they will be retired.

Now, you want to remember this, that had these boys known 10 or 15 years ago that we were going to change courses in the middle of the stream on them, they probably would have taken their retirement back then when they were younger, gone out and got a job, same as some of the other fellows have, these younger members. But they were given to understand that they could work just as long as they wanted to.

I might suggest to some people who profess to be helping the elderly and one thing and another, that they remember this when they vote. Some of these people are elderly, and we want to do everything we can to help them.

So I think without debating this any further, ladies and gentlemen, I am going to support the motion to indefinitely postpone this bill; and I think if you all can find it in your hearts to do this, to help these five boys, you will all push that button yes.

The SPEAKER: The gentleman from Presque Isle, Mr. Parks, moves that L. D. 55 and all accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: May I point out that these "boys" are all of 70 years of age or thereabouts, and I think that they have had their time, and that they should move on and make room for the other fine young men in the force. Therefore, I oppose the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Webber.

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: Last week I spoke on this, and I strongly opposed this bill. I still oppose it. I concur with the gentleman from Norway, Mr. Henley.

I feel that the State of Maine is breaking a contract with these men. When these men stood up before the Governor, held up their

right hand and swore to uphold the Constitution of the State of Maine, all the public laws, protect all persons and property, they and the State of Maine entered into a contract; and with this legislation, I feel we are breaking that. That is a breach of faith I feel.

Instead of being here trying to cashier these fellows out of the service, I feel it would be more appropriate if we were here passing an order commending these men for the service they have given the State of Maine and are giving it. So today I will back the motion to indefinitely postpone and hope you will vote with me.

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

Mr. McMAHON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone who may care to answer. If these five gentlemen are retired through our action, will they be able to collect the 20-year half pay retirement provision that the other state police can?

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

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

Mr. HENLEY: Mr. Speaker, Members of the House: Yes, Mr. McMahon, they can collect. They can collect half pay just like the others. There is no problem there. As I have stated before, they have plenty of income. That isn't the point, on the matter of income.

I said I wasn't going to get up again, but I would like, while I am up here, to answer my good friend, Mr. Briggs from Caribou. I think he is taking undue advantage of the situation. He talks about age 70. Just because I am 70 doesn't mean that they are. I have got their ages right here. I have got the actual — one man is aged 70. Trooper Gauthier is age 60, Captain Gordon is age 60, Captain Roger Baker is age 59 and Lieutenant Doyle is age 70. So one out of the four is age 70. I think that that was a little bit of a wrong impression.

One other impression I would like to correct, I did not say that these men were only good for smoking their pipe. I said if you turn them loose from the job that they are doing very well presently, have been doing very well — if they were not, we would have plenty of reason to get rid of them — but all except for one are on desk jobs, which they certainly can do just as good and quite probably a lot better than someone who might be promoted up to take their place, because they have got the background and experience. I wanted to correct those few things.

Also something that I would mention, they did not have an option back along. I think my friend, Mr. Lynch, stated that they had an option back along. They did not. They were excluded from the present system. Consequently, they are supposedly protected under the grandfather clause. That is why I think that the contract is being broken.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I didn't want to get up here, and I am just debating with myself, should I speak or should I not speak? But since I voted against this bill the last time, I have found out that Lawrence Gauthier is one of the boys concerned. He was the lightweight champion of State of Maine boxing when he was in high school. He was an outstanding football player, and today he is a tough hombre. I would tell you right here that he could take any two of you kids right here in this House today and knock you flat. Now, that is a fact, just go up and see Lawrence Gauthier.

Now, what should I do, vote for this bill or vote with Mr. Henley and Mr. Parks against it? I have got to vote against it.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Truthfully, I did not intend to get into this argument. However, being the

oldest member of the House, even older than the gentleman from Portland, Mr. Cottrell, however, my birthday — this gives me a good opportunity to tell how old I am and when my birthday is. My birthday is in November. If we are still here then, I hope somebody will mention it. It happens to be the 24th of November.

Having survived to this exceedingly ancient age, I naturally am one of those who holds in very high regard any of our citizens who choose to remain active and do what they can do as long as they can do it and not take advantage of our heavily — I was going to use the word overburdened but that isn't it — overused retirement system. This retirement system is something that we, as legislators, have got to take a serious look at or we are going to put it in a darn tough position some day.

So, for this reason I think more than any other, I do hold men like this who wish to do things, continue to do the things they know how to do, as long as they are able to do them. I believe when they cease to be able — if they are elected people, that the electorate will take care of them. If they are employed people by state departments, I believe that there will be a way to convince them that they no longer are able to perform the duties to which they are assigned. I heartily go along with the remarks and the position of the gentleman from Norway, Mr. Henley, and I hope you will go along with it.

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

Mr. SHELTRA: Mr. Speaker and Ladies and Gentlemen of the House: I don't think that this situation before us today — there is no question about the credibility of these gentlemen and their ability as well. However, we must remember that we should remain consistent.

During the 104th Legislature, I fought like the devil to retire Tim Murphy, and Tim was a fine specimen physically at that time. The eventuality was that Tim was

retired, and since then, Tim has gained very able employment. He is doing very well.

Now, if it was good for Tim Murphy to be retired, as good as he was and as needed as he was pretended to be, I think these gentlemen should also be retired. I think the law is the law, and if we start making exceptions now, it wouldn't be right.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Gahagan.

Mr. GAHAGAN: Mr. Speaker and Ladies and Gentlemen of the House: We are not trying to cast these gentlemen aside any more than any individual under the state retirement system is being cast aside when he retires at age 55. This is standard operating procedure in the state retirement system.

To show that we do have compassion, we have put an amendment on the bill which is now part of it, which will give these gentlemen until June of 1974 to find other means of employment or activity. They will be receiving adequate salary when they retire; and if they retire now, we will be solving what is a very serious morale problem in the state police.

I believe that the bill that we have is a fair bill. It is just and that we should defeat indefinite postponement.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: After hearing from the good friends of mine, Mr. Parks and Mr. Henley, I am going to disagree with some of the statements that were made, because I really believe that after Mr. Bragdon got up and spoke here, I think that a lot of us, who have gone beyond the ripe age, should be taken out in back of the barn and disposed of like we do with some of the animals. But nevertheless, I believe, as Mr. Bragdon does, that there is still some good use left in these gentlemen, and I do know that they won't have to go home and sit on the front porch. They are men who have capabilities, and

I believe they can get work elsewhere.

I also believe that they are going to be retired with a pension, something which they have never contributed a nickel to. This I don't think this is right. I think they should have paid their retirement like the rest of the troopers, and therefore, they would be getting their money without putting their hand behind their back, as I would say.

So for that score, I think that we should accept this bill giving the younger generation an opportunity to move up. We are going to be faced with ERA very shortly when we can put women at these desk jobs and there will be no discrimination. Therefore, I think we are going to have a better system and that is going to be satisfactory to all concerned. I, therefore, hope that this motion to indefinitely postpone does not prevail.

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

Mr. PRATT: Mr. Speaker, I believe there were several motions made, but whichever one takes precedence, I would like to ask for 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 Presque Isle, Mr. Parks, that Bill "An Act Relating to State Police Retirement System" (H. P. 48) (L. D. 55) and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, P. P.; Bither, Bragdon, Carter, Chick, Conley, Connolly, Cottrell, Crommett, Curran, Evans, Finemore,

Fraser, Garsoe, Good, Hamblen, Haskell, Henley, Hunter, Immonen, Jalbert, Kelleher, Kelley, R. P.; Lewis, E.; Littlefield, McNally, Merrill, Morin, V.; Murchison, Parks, Peterson, Pontbriand, Pratt, Shaw, Shute, Silverman, Simpson, L. E.; Susi, Theriault, Walker, Webber, Willard

NAY — Ault, Baker, Berry, G. W.; Berube, Binnette, Boudreau, Brawn, Briggs, Brown, Bunker, Bustin, Carey, Carrier, Chonko, Churchill, Clark, Cooney, Cote, Cressey, Dam, Davis, Deshaies, Dow, Drigotas, Dunn, Dyar, Emery, D. F.; Farrington, Gahagan, Genest, Goodwin, K.; Greenlaw, Herrick, Hobbins, Huber, Jackson, Jacques, Kauffman, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahan, McTeague, Mills, Morin, L.; Morton, Mulhern, Murray, Najarian, Norris, O'Brien, Palmer, Perkins, Rolde, Rollins, Ross, Sheltra, Smith, D. M.; Smith, S.; Sproul, Stillings, Strout, Talbot, Tanguay, Tierney, Trask, Wheeler, Whitzell, Wood, M. E.; The Speaker

ABSENT — Birt, Cameron, Curtis, T. S., Jr.; Donaghy, Dudley, Dunleavy, Farley, Farnham, Farrington, Faucher, Fecteau, Ferris, Flynn, Gauthier, Goodwin, H.; Hancock, Hoffses, Ricker, Santoro, Soulas, Trumbull, Tyndale, White, Yes, 43; No, 85; Absent, 22.

The **SPEAKER**: Forty-three having voted in the affirmative and eighty-five having voted in the negative, with twenty-two being absent, the motion does not prevail.

Thereupon, Mr. Henley of Norway withdrew his motion for a roll call vote.

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

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

Mr. MARTIN: Mr. Speaker, having voted on the prevailing side, I move we reconsider our action and would ask that you vote against me.

The **SPEAKER**: The gentleman from Eagle Lake, Mr. Martin, moves that the House reconsider its action whereby it passed this Bill to be enacted. 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.

On motion of Mr. Farnham of Hampden, it was

ORDERED, that Tom Morgan, Steve Gove, Ann Gibbs and Judy Smith of Hampden be appointed Honorary Pages for today.

An Act to Establish a Water Quality Related Great Ponds Program in Department of Environmental Protection" (H. P. 730) (L. D. 96) (C. "A" H-357).

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

**Enactor
Indefinitely Postponed**

An Act to Provide a Portion of all Public Places and Transportation Vehicles to be Set Aside for Nonsmokers" (S. P. 322) (L. D. 989) (C. "A" S-108).

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

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: An elderly gentleman was losing his hearing. He happened to be a member of the House. So he went to a doctor who said, "If you don't stop smoking, you are going to go deaf." And he said, "Doc, with what I have to listen to, I would rather keep on smoking and just keep on getting deaf."

I know that many of you have eaten in a place called Freddie's in Hallowell. And most of you consider this food very good. For your information, it is run by relatives of people who used to run the Worster House. At one time, this was famous statewide for excellent food, and people came from all over the state to go there.

Back in the early 1930's, it was one of the first places that did not allow smoking in the dining room. Now, I was just in high school then, so I didn't mind because I hadn't taken up the habit. I will admit that smoking is a silly habit. Still, millions of us still do this in spite of various warnings.

However, to legislate against it is discrimination. The statement that tobacco smoke injures the health of nonsmokers has never been scientifically proven. It is true that many nonsmokers are annoyed by the presence of cigarette smoke. Courtesy on everyone's part has worked in this case for years. Whenever possible, the annoyed nonsmoker should sit or stand apart from the smoker, not require that he stop smoking. Sometimes this, of course, is impossible, like in these chambers where we have captive seats and cannot change.

You know, we used to have a rule, called Rule 25, which forbade smoking in the House. Each day, a woman legislator would move that Rule 25 be suspended for the balance of the day's session. This was always greeted by a round of applause.

Of course, now, smoking is banned in many places, such as most theaters, churches, some hospitals, auditoriums, buses and schools; and for years there have been separate smoking cars on trains, and now there are separate sections in planes where you cannot smoke. The people in charge of these operations are free to make this decision now and they know the wishes of their clientele better than we do.

I consider this bill impractical and impossible to enforce. It would be most difficult to map out all of the no smoking areas. Furthermore, many smokers would forget or fail to notice the no smoking sections and light up anyway. It would be most difficult to enforce the bill. Public officials, local police or managers would have to spend a great of their time trying to enforce this ban. Since a specific fine is imposed, this would constitute a

criminal violation. I fail to see how smoking, although many may object to it, is a crime.

I will end by a little poem, author unknown.

Yes dear I fear

I love another, strange to say.

Brunette this Pet,

And I am with her, night and day.

Just now I vow,

I pressed her gently to my lips, the kiss was bliss,

And thrilled me to my fingertips.

Don't pout, she's out,

And you are sweeter far my pet.

Although, By Joe,

She was a darned good cigarette!

I now move the indefinite postponement of this bill.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I too, enjoy poetry and I do not enjoy cigarettes, especially second hand. Let me make this perfectly clear. This bill is not such a nefarious piece of legislation as the gentleman from Bath would indicate. We don't plan to throw anyone into jail for smoking, especially into a smoky jail.

I would just merely like to speak for a minute as one who does not enjoy being enclosed into rooms, public places, modes of transportation or any other areas, when I have to cough and wheeze and then try to get my breath. In fact, I can relate an experience that I had when I was very young. It is probably the reason I don't smoke. I was about five-years-old, had a very bad cold and a sore throat and all the other discomforts that go with it. And my father had some friends in to play bridge. Well, I think they were all smoking cigars that were at least three feet long. The tobacco smoke really did me in, and I guess it was about three weeks thereafter before I was able to open my mouth to do anything more than croak.

Anyway, I have never smoked and I have found that smoking can be a nuisance and an an-

noyance to people who don't care for it. Like most people, I don't say anything. I just open the window and suffer.

I see nothing, I see absolutely nothing in this legislation that is going to be any more of a discomfort or an inconvenience to smokers than it is for those of us who do not smoke that very quietly sit by, take it, go home with our clothes reeking with tobacco smoke and with a sore throat.

I would oppose the motion for indefinite postponement, and I would ask for a roll call.

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

Mr. BRAGDON: Mr. Speaker and Ladies and Gentlemen of the House: This morning's session seems to be developing into a contest between the old and the new. So far, the new have won. I don't know whether this is going to continue or not.

Like the gentleman from Rockland, I am a nonsmoker and I am offended by — to some extent — by tobacco smoke in public places.

However, I do look upon myself as a practical man. I always have. Some of you do not agree with me. This little bill seems to be something that is almost impossible to put into effect. I agree completely with the gentleman from Bath, Mr. Ross. How is a little restaurant owner with only a couple tables, how is he practically going to put this regulation into effect if we pass it? How about the little bus that conveys people on the highway? Probably, yes, you could make a little compartment in the back of it or something where you could put the nonsmokers or the smokers and leave the rest of it to the other people. But to me, this doesn't look like a practical arrangement.

Having taken a good look in on the other bill, I hope you will agree with me and go along and indefinitely postpone this bill. I somehow feel this just makes good sense.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I stand second hand smoke all day. I don't seem to mind it so much. I am going to go along with the gentleman, Mr. Ross, in voting for indefinite postponement, postponing this bill.

The young gentleman from Rockland, Mr. Emery, has stated he didn't like things second hand. The only thing I like second hand, is lipstick. I always got along pretty good with that.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: I happen to be one of those that do not smoke. I sit beside a beautiful young lady here, Mrs. Chonko. She does smoke. I have nothing against it. I am willing she should smoke forever, if she so desires. I have my other partner here, who is Mr. Faucher. He smokes, too. And I have nothing against it.

Now, I figure when we start taking the rights away from people, it is going too far.

The other night I was up here sitting at a table and we were eating and I heard the woman say to the man, "You know," she said, "I can't get my breath." and he said, "What do you think I am smoking for?"

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: As a, what I classify myself, a heavy smoker, because I do go through approximately six packs during a day, so I think I am quite a heavy smoker, I oppose the indefinite postponement of this bill. Now, some people I know are going to jump up right off and say, well, why don't you give up smoking if you want to set aside parts of public conveyances and public rooms. I am not one of these who can say I can give it up anytime I want to, because I have given it up for a day and gone back to it. That has been about my limit.

I personally do not see anything wrong in this bill. I think somewhere along the line we have to

give some thought to the people who don't smoke. I think more and more everyday there are becoming more non-smokers. The people who have smoked for years, they are beginning to see where they are better off if they do give up the habit of smoking. I don't think I ever will, because I think I am hooked on it, and I think I will stay that way until it gets me.

But as far as the good gentleman from Bath, Mr. Ross, saying it is going to be hard to enforce, well, I think a lot of our laws that we have on the books are kind of hard to enforce. But I think over the period of years they tend to adjust themselves and the people tend to go along with them. You might have maybe a year or year and a half of problems with this bill, but after that, I am sure that all the restaurants and places affected, the public conveyances, would come up with a solution to set aside a part for the non-smokers. I think that the smokers owe the non-smokers something.

There are a lot of people who have lung disease, lung troubles, and they deserve, they are paying to ride in a public conveyance, they are paying to go into a restaurant and eat a meal, and I think that they deserve to have some consideration. I don't really see anything that bad in this bill at all. I hope you will oppose the motion for indefinite postponement.

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

Mr. TALBOT: Mr. Speaker and Members of the House: I would just like to make a couple of comments. First of all, I favor the indefinite postponement of this bill. Second of all, I once smoked. I started smoking, I guess I was about 12 years old, and I smoked right up until about ten years ago when I quit. But I can't see taking the rights away from other smokers.

I would ask the gentleman from Rockland, if he is tired of taking in secondhand smoke, he can pass it along and make a profit.

I would like to ask a question through the Chair to anyone who would like to answer it, if this bill

passes, where is the portion for smokers going to be in this hall, and where is nonsmoking here in this hall going to be roped off?

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think I should put in a few words here today as probably the most recent reformed smoker in the House. I have been off White Owl Miniatures for 12 days, 10 hours, 7 minutes, and 17 seconds, and I don't miss it a bit. In fact, if you see me making motions with my hands, I have not adopted a new religion or anything, I am still reaching for that package of cigars. Every time I see the gentleman from Presque Isle, Mr. Parks, light up a cigar, I go all to pieces inside. But he is being very good about it, and not tempting me too much.

I just want to make one point why this bill should be supported. It would allow dedicated smokers to be together and to associate with one and other. They would not have to undergo the kind of constant abuse and harassment that I have had to experience this legislative session from seat number 9.

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

Mr. MULKERN: Mr. Speaker and Members of the House: I would like to go along with the remarks Mr. Emery invoked for the passage this bill.

I think I have some first-hand experience with this problem myself. During the evening in Portland I have a job at which I work five nights a week, and we have a great deal of problems in the particular place in which I am working. I am a nonsmoker myself, and I really feel as though part of the problem with the enforcement on this bill would be somewhat taken care of by the amendment. It provides that enclosed establishments in excess of 1,500 square feet, I think this would eliminate your smaller places, your little restaurant, and places like this with maybe one or two tables.

In the section on vehicles, it says employed for carrying more than ten passengers. I think this is an excellent compromise. I think we ought to try something like this.

A lot of our bills are not enforceable, but many municipalities have nuisance statutes on the books against people making excessive noise. We do recognize the right of people to privacy, the right to a certain amount of peace and quiet. I think we should acknowledge that smokers have just as much right as nonsmokers. We are really not telling the nonsmokers they can't smoke, we are just asking them to set aside a place where they will confine their smoking.

I have a great deal of problem myself with the same problem Mr. Emery spoke of, the wheezing, the coughing and the watery eyes. I know just exactly what Mr. Emery is speaking of. I would urge the House to go along with passage of this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: As you may know, I also had a bill to control smoking. It has long since gone down the drain. I believe it was reported in the paper as being the most drastic of the three which were before us.

Actually, at the hearing we were all very agreeable, we were very happy if we could come out with one bill which could be passed. As Mr. Mulhern has mentioned, this bill before us has been amended to limit the provisions to areas in excess of 1,500 feet, which I think it does help the small restaurant or small cafe owner.

I would hope very much that you would let this bill pass. I feel that in my research for the preparation for the bill, I was amazed to find out the number of nonsmokers there are today, more than there are smokers, actually, which I could hardly believe, and I feel that we should give them some consideration. In view of the fact that it has been proven that it is dangerous to our health, I feel that we, as a body

representing the public, should try to help that situation, too.

I would like to comment on Mr. Brawn's comment, that when we females see heavy, heavy smoking around we will know why it is.

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

Mr. NORRIS: Mr. Speaker and Members of the House: To answer the gentleman from Portland, Mr. Talbot, I am a nonsmoker, and I would be very happy if they would confine the smoking to the retiring room and the halls.

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

Mr. SILVERMAN: Mr. Speaker and Members of the House: All my life I have been subjected in public places to smoking of others and never said anything, but each year I happen to take a 707 or a 727 across the Atlantic, and every year you could sit there for seven hours and smoke would fill the cabins and so forth, and it was darn uncomfortable. This year, for the first time, they had it divided for smokers and nonsmokers, and it was very convenient.

I think the members of this House could consider the rights of the nonsmokers as well as the rights of the smokers. And in larger areas in public places, I see no harm in having a law that you could have a choice of not being bothered with cigarette smoke or happy with cigarette smoke. Now, I don't see where that would be taking anyone's right away. Therefore, I will support the motion of Mr. Emery.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: Apparently this is not the first time that the House has been confronted with such ethics. In reading the records, less than 50 years ago we had a problem of where the spittoons would be placed within the House. Some were complaining that they were being splattered unduly.

As a smoker, I certainly hope I don't offend my seatmates or

anyone in the House. I certainly don't know how you would enforce any such law confining the public places. And a law that can't be enforced, I don't actually see much object to putting it on the books just for purposes of harassment.

I am offended to some degree by the excessive smell of liquor on peoples' breath. I expect that some people have BO or other odors that we could be offended by.

I hope you don't go along with this present motion.

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

Mr. DUNN: Mr. Speaker and Members of the House: I occasionally smoke a cigar. I am going to stop sometime. I may not know it when that happens, though. It seems to me that this is sort of a financial question. We subsidize the airlines and we are subsidizing the buses. Some of them are going out of business. It doesn't seem to me that they could really afford to keep separate compartments for the smokers and nonsmokers.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have been very much interested in the debate here this morning. Probably I should tell you about my own personal experience as a smoker. I smoked all my life since the age of five. Back in those days it was the cry that if you don't cut out smoking you will never grow up. I am very glad that I smoked. It stunted my growth.

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 Bath, Mr. Ross, to indefinitely postpone Bill "An Act to Provide a Portion of all Public Places and Transportation Vehicles to be Set Aside for Nonsmokers" Senate Paper 322, L. D. 989 and all accompanying papers in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Carey, Carrier, Churchill, Cottrell, Cressey, Crommett, Curran, Donaghy, Drigotas, Dunn, Evans, Farrington, Finemore, Fraser, Garsoe, Good, Hamblen, Henley, Immonen, Jalbert, Kauffman, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaCharite, Lynch, McHenry, McKernan, McNally, McTeague, Mills, Morin, L.; Murchison, Murray, Najarian, O'Brien, Palmer, Parks, Perkins, Pratt, Ross, Sheltra, Shute, Simpson, L. E.; Stillings, Strout, Talbot, Tanguay, Theriault, Trask, Walker, Webber, Wheeler, Wood, M. E.

NAY — Ault, Baker, Berry, G. W.; Briggs, Bustin, Carter, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cote, Dam, Davis, Deshaies, Dow, Dyar, Emery, D. F.; Farnham, Ferris, Gahagan, Goodwin, K.; Greenlaw, Haskell, Herrick, Hobbins, Huber, Hunter, Jackson, Jacques, Kelley, Knight, LaPointe, Lawry, LeBlanc, Lewis, J.; Littlefield, MacLeod, Maddox, Martin, Maxwell, McCormick, McMahon, Merrill, Morton, Mulkern, Norris, Peterson, Pontbriand, Rolde, Rollins, Shaw, Silverman, Smith, D. M.; Sproul, Susi, Tierney, White, Whitzell, Willard, The Speaker

ABSENT — Cameron, Curtis, T. S., Jr.; Dudley, Dunleavy, Farley, Faucher, Fecteau, Flynn, Gauthier, Genest, Goodwin, H.; Hancock, Hoffses, Lewis, E.; Mahany, Morin, V.; Ricker, Santoro, Smith, S.; Soulas, Trumbull, Tyndale

Yes, 65; No, 62; Absent, 23.

The SPEAKER: Sixty-five having voted in the affirmative and sixty-two in the negative, with twenty-three being absent, the motion did prevail.

Sent up for concurrence.

House

An Act Relating to Licenses to Carry Weapons. (H. P. 936) (L. D. 1235)

An Act Authorizing Beano or Bingo on Sunday at Agricultural Fair Associations. (H. P. 1213) (L. D. 1564)

An Act to Grant Comex Inc. Certain Rights within the State of Maine. (S. P. 523) (L. D. 1654)

An Act to Expand Human Resources by Rehabilitating Recipients of State Aid. (H. P. 1363) (L. D. 1819)

An Act Exempting New Machinery and Equipment used for Manufacturing and Research from Sales and Use Tax and Increasing the Corporate Income Tax Rate. (H. P. 1492) (L. D. 1920)

An Act Exempting Motor Vehicles Purchased by Nonresidents from Sales Tax. (H. P. 1493) (L. D. 1921)

An Act Relating to Expenses of Examination of Insurer. (H. P. 1494) (L. D. 1922)

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

Orders of the Day

The Chair laid before the House the following 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) which was tabled earlier in the day and later today assigned.

Pending — Motion of Mr. Cooney of Sabattus to reconsider whereby the House voted to adhere.

Mr. Emery of Rockland requested a vote on the motion to reconsider.

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

Mrs. BERUBE: Mr. Speaker, I would ask that this be tabled for one legislative day.

Thereupon, Mr. Emery of Rockland requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the

gentlewoman from Lewiston, Mrs. Berube, that this matter be tabled pending the motion of Mr. Cooney of Sabattus to reconsider, and specially assigned for Monday, May 21. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative and 41 having voted in the negative, the motion did prevail.

The Chair laid before the House the following matter:

Bill "An Act Requiring the Registration of Off-Highway Vehicles" (H. P. 1510) (L. D. 1940) which was tabled earlier in the day and later today assigned.

Mr. Shute of Stockton Springs offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-408) was read by the Clerk and adopted.

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

Mr. DONAGHY: Mr. Speaker, I would ask for reconsideration.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House reconsider its action whereby House Amendment "A" was adopted. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

18 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: I don't think I am confused on this bill. I would like to just bring this amendment to your mind. I think it imposes quite a tab on a small golf course owner who has a series of these carts. And where the wisdom came to class motorized golf carts in the same category with off-highway motorized vehicles — I know the state is using a lot of these little go-carts and tote-gots and these bikes and motorbikes and motorcycles and all kinds of categories of them, but I sort of have a feeling here this morning

that we have some fine golf course operators and clubs who have quite an investment in golf carts. Now these carts cross the highway, I will admit, in some particular areas that are usually designated. They in no way, in my mind, are used up and down the highway. They are not used out on trails or they are not used on back roads. Occasionally a motel uses one as a means of transportation in its yard to take supplies around to the rooms, but to impose a \$5 registration on golf carts which are used on a nine-hole course or an eighteen-hole course and they never go off the grounds, I just question the wisdom of it here this morning.

I can picture a golf pro in some places who owns 20, 30, 40, 60 or 100 carts, he is going to be slapped with a registration fee of — if I read the bill right, and I just got it this morning and I stand corrected on some of my statements — you are going to hit him with a tab to register these vehicles, and also your private clubs that have an investment in these golf carts.

I know we have a gentleman down here beside Mr. Bither who is in the golf business and I would like to get some ideas on this this morning.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I am not sure if we are parliamentarily confused at this point, but as I recall, the motion to be debated was the motion to reconsider the acceptance of the amendment. The bill is still before us and the gentleman from Stockton Springs could offer an amendment, I suppose, because it is presently in second reading. If I am wrong —

The SPEAKER: The Chair would inform the gentleman that House Amendment "A" has already been offered and adopted. A motion to reconsider adoption was defeated, so a motion to reconsider it again is not in order. The pending question is passage to be engrossed of L. D. 1940.

Mr. MARTIN: Mr. Speaker, then I would say, in reference to the gentleman from Bar Harbor, the

amendment is already part of the bill and his concern is taken care of by the fact that the amendment is on the bill.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: This little gem is mine. I know the particular problem that is being created right now and the bill has been amended. The amendment has been reconsidered once, it cannot be reconsidered again. I believe the bill in itself is a very good bill and it does exactly the job that many people want done, especially the state police, sheriff departments, Motor Vehicle Division, the towns and Maine Municipal. I would hope that we can let the bill go in its present form right now. If we can't touch the amendment that is on it, we know where it can be touched and it could come off there.

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

Mrs. BERRY: Mr. Speaker and Ladies and Gentlemen of the House: I believe the bill says that you don't have to be licensed on your own property. I would presume that these golf courses would be owned so that they wouldn't have to be licensed.

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

Mr. McNALLY: Mr. Speaker and Ladies and Gentlemen of the House: I may be as confused as anybody but, as I understand the bill these off-highway vehicles, a good many of them that we are talking about, I don't think that they get any rental for them. I think they own them and they go fishing and so forth with them, trail bikes. They do not rent them out like a golf pro does. If anybody tells me that they do not get a good sum for it, they ought to see what they get in Hawaii.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: As I understand the bill, if you are operating on your own

property, you do not need a license anyway. If a golf course is operating on its own property, it won't need a license. But if it has to cross a road, it will. So this makes this amendment discriminatory, and I think the only reason for the amendment is to kill the bill.

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: Golf carts are now assessed under personal property. In fact, we have the Waterville Country Club which is in the Town of Oakland. They have hundreds of these vehicles which are taxed by the Town of Oakland, and we receive more revenue than we would have under this bill right here.

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

The Chair laid before the House Bill "An Act Relating to Motorcycle Operators' Licenses." (H. P. 1097) (L. D. 1434) which was earlier tabled and later today assigned:

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

Mr. SHUTE: Mr. Speaker, I move the House reconsider its action whereby Committee Amendment "A" was adopted.

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

Mr. MILLS: Mr. Speaker, I move this lie on the table one legislative day. The gentleman who is the sponsor of the bill had an emergency call last night and could not be present this morning.

On motion of Mr. Donaghy of Lubec, tabled pending reconsideration and specially assigned for Tuesday, May 22.

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

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

Tabled — May 16, by Mr. McTeague of Brunswick.

Pending — Passage to be engrossed.

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

Mr. McTEAGUE: Mr. Speaker, Members of the House: An amendment is being prepared, but it has not yet been distributed. I therefore ask that somebody table it for one day or until later in today's session.

On motion of Mr. Finemore of Bridgewater, tabled pending passage to be engrossed and specially assigned for Monday May, 21.

The Chair laid before the House the second 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 16, by Mr. Dyar of Strong.

Pending — Adoption of House Amendment "A" (H-390)

Thereupon, House Amendment "A" was adopted, the Bill passed to be engrossed as amended and sent to the Senate.

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

Mr. MARTIN: Mr. Speaker, I would ask if the House is in possession of L. D. 758, An Act Relating to Unemployment Compensation During a Lockout Because of a Labor Dispute.

The SPEAKER: The Chair would answer in the affirmative.

Mr. MARTIN: Mr. Speaker, I would move we reconsider our action whereby the Minority "Ought not to pass" Report was accepted.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, having voted on the prevailing side, moves that the House reconsider its action whereby it accepted the Minority "Ought not to pass" Report on L. D. 758.

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

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth

of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday there was an awful lot of confusion as to exactly what a lockout was. So I thought I would make some effort to figure out what it was so that we might all know what we are talking about.

Basically, it is simply this. "A lockout is a withholding of employment by an employer from his employees for the purposes of resisting their demands or gaining a concession from them." I am quoting from a labor law book, and I assume that they have the accurate definition.

I personally feel, as I indicated yesterday, and particularly in small towns, which are not covered by unions who cannot negotiate this type of thing, this is the only thing we can do to protect some of the people that ought to be protected. I ask you to vote for reconsideration.

I do not agree with the argument that Mr. Garsoe, the gentleman from Cumberland, used yesterday in saying that the lockout is a proper function of the employer. I just cannot believe that an employer would want to use this as a method of harassing employees in order to get what he wants. And when this is done, I believe it is an improper function for him to be doing. I would hope that you feel the same way as I do, and vote for reconsideration today.

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

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: I hope you will vote no on this move to reconsider. I am not going to go over all the ground that we covered yesterday. I think

it received a very fair debate, but I have had some questions since then and I would like to take a few moments of your time to discuss the employment security fund.

Now, this fund is generated by a tax on the employer. There is a certain base level that all classes of employers would be subject to, but this is affected by the level of the fund and by the personal experience of the employer. So, within these ranges, it is a based rate, it is experience of the individual employer and there is the level of the fund.

Briefly, the fund has been under heavy pressure in the last few years. It has gone from something in the area of over \$30 million to a one - time low of something in the vicinity of \$13 million. It is presently at about 16. You are going to see legislation in here later in this session to revamp the scaling, the methods of determining this tax in order to bring this fund back up to a point where it would be considered stable.

The purpose of this fund is to bring stability into the employment picture. This act would have the effect of introducing a factor of instability. Inasmuch as if you will read the title, as Mr Martin read it here this morning, that if you are going to agree that in the event of a lockout, which is only in the event of a labor dispute, you are going to allow the participants of that labor dispute, the employee participants, to draw unemployment. Now, I must take respectful issue with Mr. Martin on his description of a lockout.

Finally, I think — I don't think he felt this way yesterday, that it is only occurring in the event of a labor dispute. But the Supreme Court, in the 1965 American Shipbuilding case, declared that a lockout was not illegal and was a perfectly proper and legitimate bargaining mechanism available to the employer.

So, I don't think we can throw an onus on this device, which I understand, to my knowledge, has never been used in the State of Maine. I don't think we can throw any onus on that unless you are willing to adopt the same philosophy that in the event of a

strike, the union be required to replace 50 to 60 percent of the profits that the employer might have been able to generate during the period of the strike, because this is the exact parallel we are considering.

I hope I have made it clear that this is a very serious piece of legislation. We should give very careful thought to it. I think as you do consider it and recognize the implications that would be available here to partisan participants, antagonists in a dispute attempting to determine or to convince the judicial parties that this was indeed a lockout and not a strike, that you will think very carefully before you vote to reconsider this item, and I hope you vote no.

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

Mr. HASKELL: Mr. Speaker, Members of the House: I think the point that is extremely important here is first of all, to my knowledge, we have not had an experience or a record of lockouts in the State of Maine. If we do create a situation where employees are eligible for unemployment insurance in the event of a lockout, obviously, the labor side of the picture then does not have the deterrent of pushing negotiations to a point where the employer might invoke a lockout. So the fact that in the event of a lockout they are not eligible for unemployment insurance I think is served to temper the demands of labor.

I think it is extremely important to think in terms of a parallel situation here. If the piece of legislation that we had in this morning was exactly reversed — in other words, we were considering whether or not in the event of a strike, that the union treasury should be tapped for the loss of income that the employer was experiencing because of a strike. I can very quickly visualize the number of votes that it would muster. But this is exactly the situation that you are voting on. You are saying that the man who invokes a lockout as his last weapon in a labor dispute, the last card that he can play, you are

saying, well, if he does play it, then we are going to allow the unemployment insurance fund, which is the sole contribution of the employer, to be used to minimize the effects of the lockout on the people involved.

It is exactly a parallel situation not a bit different than saying if the employees are going to go on strike, then we are going to tap the union treasury to support the manufacturer or the employer, whatever he may be. It is a parallel situation, and there is no equity in it whatever in my view.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, Members of the House: My experience in labor relations was as a young college student back in Athens, Greece, in the evening school. The first labor course that I took, there was a classic case of a lockout that was — took place and the employer claimed that it was necessary not to meet the demands of employees. The employees' demands were that the inadequate ventilation to remove any excess carbon dioxide which was being created by motorized carts in this particular industry was injurious to their health.

Now, the decision that was made was that the lockout was illegal because the employees' demands were only that their health and safety be protected. Now, in this particular example, the lockout was illegal. It is, as I can see, a serious tool.

Last night I watched TV and I — there was an economic analysis that was made by the news media which said that the inflation rate had reached 6.6 percent, the highest it had been in 20 years; and the next item that they covered was that profits were up 11 percent or double those anticipated during the same period. Now, certainly those two things do not line themselves up right. There are profits there.

We are not talking about items that are not allowable. I think Maine hasn't had lockouts, but in the case of prevention of any lockouts taking place, Maine has many small industries. Gardiner

has them, and we are talking textiles and shoes. In this area, there is also food processing. These people are not highly paid individuals, and a lockout would cause them great economic hardship as it is. I would hope that you would support the motion to reconsider.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House reconsider its action whereby it accepted the Minority "Ought not to pass" Report on L. D. 758. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, P. P.; Berube, Binnette, Birt, Boudreau, Brown, Bustin, Carey, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Crommett, Curran, Dam, Deshaies, D o w, Drigotas, Fraser, Genest, Goodwin, K.; Greenlaw, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, L a w r y, LeBlanc, Lynch, Martin, Maxwell, McHenry, McKernan, McTeague, Mills, Morin, L.; Morin, V.; Mul-kern, Murray, Najarian, O'Brien, P e r k i n s, Peterson, Pontbriand, Rolde, Sheltra, Shute, Smith, D.M.; Talbot, Tanguay, Theriault, Tierney, Wheeler, Whitzell.

NAY — Ault, Baker, Berry, G. W.; Bither, Bragdon, B r a w n,

Briggs, Bunker, Cameron, Carrier, Chick, Cottrell, Cressey, Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Ferris, Finemore, Garsoe, Good, Hamblen, Haskell, Henley, Herrick, Huber, Hunter, Immonen, Jackson, Kauffman, Kelley, Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McMahon, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Pratt, Rollins, Ross, Shaw, Silverman, Simpson, L. E.; Sproul, Stillings, Strout, Susi, Trask, Walker, Weber, White, Willard, Wood, M. E.

ABSENT — Curtis, T. S., Jr.; Dudley, Dunleavy, Evans, Farley, Faucher, Fecteau, Flynn, Gahagan, Gauthier, Goodwin, H.; Hancock, Hoffses, Kelley, R. P.; Mahany, Ricker, Santoro, Smith, S.; Soulas, Trumbull, Tyndale.

Yes, 63; No, 65; Absent, 21.

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

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until Monday, May 21 at ten o'clock in the morning.