

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

Tuesday, May 22, 1973

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

Prayer by Mr. Wayne Hoover of Portland.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees**

Ought Not to Pass

Report of the Committee on Judiciary on Bill "An Act to Improve the Efficiency and Fairness of the Local Welfare System" (S. P. 218) (L. D. 634) reporting "Ought not to pass"

Report of same Committee reporting same on Resolve Authorizing Alton Worth of Fairfield to Bring Action Against the State of Maine (S. P. 66) (L. D. 168)

Report of the Committee on County Government reporting same on Bill "An Act Relating to County Estimates and Powers of the Legislative Delegation" (S. P. 416) (L. D. 1288).

Report of the Committee on State Government reporting same on Bill "An Act Relating to Creation of a Youth Service Agency within the Division of Probation and Parole" (S. P. 511) (L. D. 1598)

Report of same Committee reporting same on Bill "An Act to Create the Maine Veterans' Training Facility" (S. P. 556) (L. D. 1742)

Report of same Committee reporting same on Bill "An Act Relating to Legislative Ethics and the Disclosure of Certain Information by Lobbyists and Legislators" (S. P. 565) (L. D. 1798)

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

**Divided Report
Tabled and Assigned**

Report A of the Committee on Natural Resources on Bill "An Act to Establish the Saco River Corridor" (S. P. 469) (L. D. 1545) reporting "Ought to pass" as amended by Committee Amendment "A" (S-131)

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Mr. MARCOTTE of York

— of the Senate.

Mrs. BERUBE of Lewiston

Messrs. CURRAN of Bangor

ROLDE of York

HUBER of Falmouth

BRIGGS of Caribou

PETERSON of Windham

SMITH of Exeter

— of the House.

Report B of the same Committee on same Bill reporting "Ought to pass" as Amended by Committee Amendment "B" (S-132)

Report was signed by the following members:

Mr. SCHULTEN of Sagadahoc

— of the Senate.

Messrs. PALMER of Nobleboro

MacLEOD of Bar Harbor

— of the House.

Report C of the same Committee on same Bill reporting "Ought to pass" as Amended by Committee Amendment C (S-133)

Report was signed by the following member:

Mr. HERRICK of Harmony

— of the House.

Came from the Senate with Report A accepted and the Bill passed to be engrossed as amended by Senate Amendment "D" (S-148) to Committee Amendment "A" (S-131).

In the House: Reports were read.

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

Mr. PRATT: Mr. Speaker, I would like to move the acceptance of Committee Report A, the majority report, and would like to speak to my motion.

The SPEAKER: The gentleman from Parsonsfield, Mr. Pratt, moves the acceptance of Report A in concurrence.

The gentleman may proceed.

Mr. PRATT: Mr. Speaker and Members of the House: the 105th Legislature created the Saco River Environmental Advisory Committee, the membership of which should include the Saco River Corridor Association, plus one member from each municipality bordering the Saco all the way from

the New Hampshire State line to the tide water of Biddeford and Saco. This commission was instructed to prepare a comprehensive plan for the protection and development of the Saco River Corridor, including its two major tributaries, the Great Ossipee and Little Ossipee Rivers.

We members of the 105th gave the committee permission to accept contributions from any source available, but we gave them no State of Maine funds other than some aid from State Planning Office in preparation of the report that was distributed to you last week in pamphlet form with a letter that was signed by either Carl Sheltra or me.

I want to stress that this was a grass-roots effort by local folks. I happened to be chairman of the board of selectmen of Parsonsfield two years ago and appointed a man, Francis Whitmarsh, to serve on this committee, and I am proud to state he became vice chairman of the committee after they organized and elected officers.

Their membership was really a cross section of the various trades and professions. Their membership boasted housewives, a mayor, selectmen, building inspector, dairyman, surveyor, journalist, engineer and several attorneys. Many of these folks, the same as myself, owned acreage along the Saco River, so they cannot be accused of attempting to regulate the use, arbitrarily, of other folk's land as we hear said about some other committees.

This committee met frequently, burned some midnight oil, appointed subcommittees and hired a full-time professional planner, Mr. Carl Laws. They then set about the Herculean task of developing a plan. Questionnaires were sent out to landowners along the river to sample opinion as to whether or not they felt controls were necessary for protection of the Corridor from over development. Surprisingly enough, an overwhelming majority thought controls were needed and through further quizzing they expressed a desire to have them administered by a joint local, regional and state agency, which

would have a close relationship to local government.

The corridor is described in the bill as lands adjacent to the river to a distance of 500 feet measured in a horizontal plane from the normal high water line to the edge of the 100 year flood plain and if that extends beyond, then a maximum of 1000 feet. Some will say this is too wide, but I can remember some of the havoc caused by the great flood of 1936, when many of the highway bridges, homes and businesses were carried away or suffered extensive damage by the rising water and ice of that year.

The Saco river is unique in that it flows through some of the most populated area of southern Maine, and yet is a most important recreational river and one of the most canoed rivers in Maine, as one may observe if you watch from one of the many bridges on a sunny summer afternoon. And it doesn't have to be summer, they are even canoeing now, as I have been watching them lately.

The Saco is the domestic water supply for some 40,000 people year round, and this number swells to 100,000 during the tourist season in the summer.

It has been said that an ounce of prevention is worth a pound of cure, and I am sure this bill will give us protection from fast-buck developers and preclude the need for later expensive pollution control facilities if action is taken now.

I can take you to a development in my area that was begun before we had state control of minimum size lots. This development has lots 80 by 100, with a few shabby cottages and junky trailers that you can expect to find in this minimum lot type situation. Plumbing at its best is self-installed, very little inspection, and the residents are polluting one another, to say nothing of the river.

I am not going through the bill. I hope you have read it. You will read in it that there are three proposed districts, resource protection districts of the more sensitive areas such as swamps, marshes, rapids, cliffs, islands or land held by federal, state or municipal ownership. And, incidental-

ly, the state has already purchased some 1200 acres in this area for about a half million dollars. Of course, half of that was federal funds. This was purchased by the Parks and Recreation Department.

The two remaining districts are Limited Residential Districts, and lastly, the General Development District, which are more or less self-explanatory, the last category, of course, taking in many of our villages along the 17-town route from the New Hampshire border.

The recommendations for these mentioned districts will be up to the local planning boards along the corridor in their own geographical jurisdiction, and public hearings will be held prior to final approval by the Corridor Commission. This is to reassure some of the skeptics that there will be local participation and no one from Washington or Augusta will be dictating the bounds of the various districts.

The \$47,000 budget is honest, modest, and a realistic figure for the biennium, and I would hope you would support the motion to accept the majority "ought to pass" report.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Pratt of Parsonsfield to accept Report A in concurrence and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Relating to Membership on the State Board of Barbers" (H. P. 844) (L. D. 1118) which the House passed to be engrossed as Amended by House Amendment "A" (H-390) and Committee Amendment "A" (H-336) on May 18.

Came from the Senate with that body insisting whereby the bill was indefinitely postponed in non-concurrence.

In the House: On motion of Mr. LeBlanc of Van Buren, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter Later Today Assigned

Bill "An Act Repealing the Bank Stock Tax" (H. P. 1491) (L. D. 1919) which the House passed to be engrossed as amended by House

Amendment "B" (H-380) on May 15.

Came from the Senate with House Amendment "B" (H-380) indefinitely postponed and the Bill passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Cooney of Sabattus, the House voted to recede.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. COONEY: Mr. Speaker and Members of the House: I have an amendment. I don't have a letter on it yet and I am not sure it has been distributed. It would be a House Amendment to House Amendment "B" and I move its passage.

Thereupon, on motion of Mr. Donaghy of Lubec, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act Relating to Benefits Payable under Workmen's Compensation Law When Employer or Supervisory Employee Violates Safety Statutes" (H. P. 1258) (L. D. 1633) which the House passed to be engrossed as amended by House Amendment "A" (H-399) on May 17.

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

In the House:

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

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

Thereupon, Mr. Hobbins of Saco requested a vote on the motion.

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

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

Non-Concurrent Matter

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

1639) which the House indefinitely postponed on May 17.

Came from the Senate with the Bill passed to be engrossed as Amended by Senate Amendment "A" (S-146) in non-concurrence.

In the House:

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

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

Thereupon, Mr. Tyndale of Kennebunkport requested a vote on the motion.

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

Mr. LaPOINTE: Mr. Speaker, could this be tabled for one legislative day?

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. LaPointe, that this matter be tabled for one legislative day, pending the motion of Mr. Birt of East Millinocket to recede and concur. All in favor will vote yes; those opposed will vote no.

A vote of House was taken.

48 having voted in the affirmative and 55 having voted in the negative, the motion did not prevail.

Mr. Tyndale of Kennebunkport requested a roll call vote on the motion to recede and concur.

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

Mr. CONNOLLY: Mr. Speaker, I would pose a question through the Chair to the gentleman from Kennebunkport, Mr. Tyndale. It seems he is in opposition to this bill, but I don't quite understand why, and before I vote on it, if there are legitimate objections, I would at least like to hear them raised on the floor.

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

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: The other day we sent that bill indefinitely postponed to the Senate so that they would be able to take care of the objections that had been raised in the particular bill. The Senate did put the amendment on. We feel right now that the bill is in a position where we should recede and concur and pass it in concurrence with the amendment on it.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I am also opposed to the motion to recede and concur. I do think the amendment that was added on in the other body corrected some problems of the bill.

My suggestion would be that we insist and send it back to the other body to take care of those problems. What I gather, what I have been informed, the problems of the bill still exist. I am not sure at this point if I can go into any detail. But some thought ought to be given before we just place this bill on the Appropriations Table before final passage.

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 East Millinocket, Mr. Birt, that the House recede and concur with the Senate. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bragdon, Briggs, Bunker, Cameron, Carrier, Churchill, Cressey, Dam, Davis, Deshaies, Donaghy, Dunn, Emery, D. F.; Evans, Farnham, Farrington, Garsoe, Good, Hamblen, Hancock, Haskell, Henley,

Hoffses, Huber, Hunter, Jackson, Kauffman, Kelley, Kelley, R. P.; Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Mahany, McKernan, Merrill, Morton, Murchison, Najarian, Norris, O'Brien, Parks, Pratt, Rollins, Shaw, Silverman, Simpson, L. E.; Stillings, Strout, Trask, White, Willard.

NAY — Albert, Berry, P. P.; Binnette, Brawn, Brown, Bustin, Carey, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Curran, Drigotas, Dunleavy, Dyar, Farley, Fecteau, Finemore, Fraser, Genest, Goodwin, H.; Goodwin, K.; Hobbins, Immonen, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, LeBlanc, Lynch, Martin, Maxwell, McCormick, McHenry, McNally, Mills, Morin, L.; Morin, V.; Mulhern, Murray, Peterson, Pontbriand, Ricker, Rolde, Ross, Sheitra, Smith, D. M.; Smith, S.; Sproul, Talbot, Tanguay, Theriault, Trumbull, Tyndale, Walker, Webber, Wheeler, Whitzell, Wood, M. E.

ABSENT — Carter, Crommett, Curtis, T. S., Jr., Dow, Dudley, Faucher, Ferris, Flynn, Gahagan, Gauthier, Greenlaw, Herrick, Knight, Lawry, McMahon, McTeague, Palmer, Perkins, Santoro, Shute, Soulas, Susi, Tierney.

Yes, 60; No, 66; Absent, 23.

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

Thereupon, on motion of Mr. Martin of Eagle Lake, the House voted to insist.

Non-Concurrent Matter

Joint Order Relative to Health and Institutional Services Committee to Report out Bill to Prohibit Liens to Recover State Aid under Aid to Blind and Disabled Program. (H. P. 1516) which was read and passed in the House on May 17.

Came from the Senate with the Order indefinitely postponed in non-concurrence.

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

Messages and Documents

The following Communication:

THE SENATE of MAINE

Augusta

May 21, 1973

Hon. E. Louise Lincoln

Clerk of the House

106th Legislature

Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it accepted the Majority Ought Not to Pass report on Bill, "An Act Relating to Notice or Severance Pay by Employers" (S. P. 451) (L. D. 1417).

Respectfully,

(Signed)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

The Senate of Maine

Augusta

May 21, 1973

Hon. E. Louise Lincoln

Clerk of the House

106th Legislature

Dear Madam Clerk:

The Senate voted today to Adhere to its action whereby it accepted the Majority Ought Not to Pass report on Bill, "AN ACT Relating to the Advertising of Drug Prices" (S. P. 506) (L. D. 1590)

Respectfully,

(Signed)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

House Reports of Committees Referred to 107th Legislature Tabled and Assigned

Mr. Greenlaw from the Committee on Marine Resources on Bill "An Act to Promote the Conservation and Management of Maine's Shellfish Resources" (H. P. 753) (L. D. 1076) reporting Refer to the 107th Legislature/or Special Session of the 106th Legislature.

Report was read.

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

Mr. **SIMPSON**: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday we did a considerable amount of work and checked into this type of reference. Really, we have no right to refer any legislation to another legislature even though we have in the

past done this. I think we ought to begin right now by not doing it. Sometimes this is done just to completely kill a bill politely or at other times it is done so that hopefully the Legislative Research Committee would pick up the bill and study it and maybe report back.

The most the 107th would be able to do with this would be to receive the communication and place it on file. Therefore, I would ask somebody to table it for one legislative day so we can put the proper motion onto this particular piece of legislation. If it needs to be studied then we should have an order to do it.

On motion of Mr. Ross of Bath, tabled pending acceptance of the Committee Report and tomorrow assigned.

Ought to Pass in New Draft New Drafts Printed

Mr. Trask from the Committee on Business Legislation on Bill "An Act to Clarify the Industrialized Housing Act as it Relates to Mobile Homes" (H. P. 866) (L. D. 1154) reporting "Ought to pass" in New Draft (H. P. 1521) (L. D. 1951) under same title.

Mr. Wood from the Committee on Transportation on Bill "An Act Relating to Student Rates for Ferry Service for North Haven, Vinalhaven, Isleboro, Swan's Island and Long Island Plantation" (H. P. 382) (L. D. 511) reporting "Ought to pass" in New Draft (H. P. 1520) (L. D. 1950) under same title.

Mr. Brawn from the Committee on Legal Affairs on Bill "An Act Relating to Regulation and Inspection of Plumbing" (H. P. 733) (L. D. 943) reporting "Ought to pass" in New Draft (H. P. 1523) (L. D. 1953) under same title.

Mr. Chick from the Committee on Public Utilities on Bill "An Act Relating to Location of Certain Facilities in Public Ways" (H. P. 1269) (L. D. 1644) reporting "Ought to pass" in New Draft (H. P. 1524) (L. D. 1954) under same title.

Mr. Cote from the Committee on Legal Affairs on Bill "An Act Relating to Abandonment of Town Ways" (H. P. 677) (L. D. 884) re-

porting "Ought to pass" in New Draft (H. P. 1522) (L. D. 1952) under new title "An Act Relating to Discontinuance of Town Ways".

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

Divided Report

Tabled and Assigned

Majority Report of the Committee on Legal Affairs on Bill "An Act to Register and License Dispensing Opticians" (H. P. 1233) (L. D. 1610) reporting "Ought not to pass"

Report was signed by the following members:

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

Messrs. COTE of Lewiston
FAUCHER of Solon
CAREY of Waterville
BRAWN of Oakland
SHAW of Chelsea
SHUTE
of Stockton Springs
FECTEAU of Biddeford
DUDLEY of Enfield
EMERY of Rockland
— of the House.

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

Report was signed by the following member:

Mr. CONNOLLY of Portland
— of the House.

Reports were read.

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

Divided Report

Majority Report of the Committee on Public Utilities on Bill "An Act Providing that Public Utility Construction Contracts be Awarded by Competitive Bidding" (H. P. 1000) (L. D. 1319) reporting "Ought to pass" in new draft (H. P. 1525) (L. D. 1955).

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
ANDERSON of Hancock
— of the Senate.
Messrs. MULKERN of Portland
GENEST of Waterville

CONLEY

of South Portland
CHICK of Sanford
MADDOX of Vinalhaven
KELLEHER of Bangor
TRASK of Milo
LITTLEFIELD of Hermon
MURRAY of Bangor

— of the House.

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

Report was signed by the follow-
ing member:

CYR of Aroostook

— of the Senate.

Reports were read.

On motion of Mr. Hancock of
Casco, the Majority "Ought to
pass" Report was accepted.

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

Consent Calendar

First Day

(H. P. 950) (L. D. 1247) "An Act
Relating to the Registration of
Farm Motor Trucks having 2 or
3 Axles"— Committee on Trans-
portation reporting "Ought to
pass" as amended by Committee
Amendment "A" (H-424).

(H. P. 1071) (L. D. 1396) Bill
"An Act Relating to Mirrors on
Certain Vehicles" — Committee
on Transportation reporting "Ought
to pass" as amended by Commit-
tee Amendment "A" (H-423)

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

(S. P. 2) (L. D. 29) Bill "An Act
Relating to Release of Patients at
Pineland Hospital and Training
Center" (C. "A" S-135)

(S. P. 221) (L. D. 637) Bill "An
Act Relating to Improved Property
Tax Administration" (C. "A" S-
134)

(H. P. 141) (L. D. 174) Bill "An
Act Relating to Forcible Detainer
of Personal Property"

(H. P. 313) (L. D. 431) "An Act
Repealing Certain Laws Relating
to Actions by Shareholders"

(H. P. 359) (L. D. 474) Bill "An
Act Relating to Criminal Contempt
for Failure to Pay Alimony and
Support of Children" (C. "A" H-
415)

(H. P. 591) (L. D. 782) Bill "An
Act Relating to Jurisdiction in
Subpoena of Judgment Debtor under
Enforcement of Money Judgments
Law"

(H. P. 593) (L. D. 784) Bill "An
Act Relating to Removal of Private
Nuisance by Owner or Occupant of
Private Property"

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

(H. P. 620) (L. D. 818) Bill "An
Act to Amend the Municipal Of-
ficial Conflict of Interest Law"

On the request of Mr. Sproul of
Augusta, was removed from the
Consent Calendar.

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

Mr. SPROUL: Mr. Speaker, I
would like to make a motion for
indefinite postponement of this L.
D. and speak briefly to my motion.

The SPEAKER: The gentleman
from Augusta, Mr. Sproul, moves
the indefinite postponement of this
Bill.

The gentleman may proceed.

Mr. SPROUL: Mr. Speaker,
Ladies and Gentlemen of the
House: This L. D., if you have
looked at it, indicates that any
local official may not take any
vote at all in his official position
on any question in which he has
a direct or indirect pecuniary in-
terest; it would be void.

It occurs to me that whether
you are in a small town where
people are elected normally as
selectmen and assessors, or wheth-
er you are in a city and have a
city council, they could not vote
for purposes of raising or lower-
ing the taxes in their community
without having a conflict in rela-
tion to this statute.

I do not think it would be pos-
sible to elect municipal officials
and live with this law.

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

Mr. DAM: Mr. Speaker and
Members of the House: I oppose
the motion of indefinite postpone-
ment. I am positive in my mind
that this does not refer, as the
gentleman from Augusta, Mr.
Sproul, says, to taxes.

This is a very good bill, and under the old law it read, where it would be decisive, the vote of any official of the municipality in his official position, any question in which he has a direct or indirect pecuniary interest is void. The new bill changes this and takes out the words "decisive vote," and puts in "the vote" of any municipal official.

Now, I think the time has come, especially with what is happening all over the country, that we put a little more restrictions on some of our people in municipal government. In fact, in my own town and I have seen it in other towns where when contracts come up for snow removal or sanding or putting money in certain banks or things of this nature, where the municipal officials do vote. They could do this under the old law, because the vote was not decisive. But under this new bill, this would prohibit them from voting any benefits for themselves.

I don't believe that anybody in any municipal government or in state government or federal should vote for their own interests. I don't think they should be there to protect their own interests, they should be there to protect the majority of the people that elected them to that office. For that reason, I would hope that we would oppose the motion of indefinite postponement, and then, if there was still any question in the gentleman from Augusta, Mr. Sproul's mind, that this did refer to the taxes, which I am sure it doesn't, there could always be an amendment be put on the bill saying that we eliminate the tax question from entering into this bill. But I am sure that this is just something that was thrown in to add confusion and to hope that you people would vote for the indefinite postponement, but I would hope that you would not.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I also rise to concur with the gentleman from Skowhegan and oppose the motion of in-

definite postponement. Having served as a selectman for four years in a fairly small town, I can attest to the value of this proposed piece of legislation.

I think the Statement of Fact sums it up best when it said, "This bill would protect the public."

I hope you vote against indefinite postponement.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This happens to be a bill that I sponsored after a great deal of thought and a great deal of discussion with a number of people. I can assure the gentleman from Augusta that it does not involve the issue of taxes because I raised this one myself with the Attorney General's office when we were going through it. I have some relatives that are members of boards of selectmen and I have discussed this with them. They feel that in better serving the public this bill ought to, indeed, become part of the law.

It seems to me that when any issue comes before a board of selectmen or a council that he ought not to vote on something in which he has an interest. I think there is plenty of precedent in this state and in the country for this to happen. I don't know but it would be much better, in my opinion, if we were going to clear up the situation where we do not give people an opportunity to feel as if they are being taken for a ride by someone who happens to have a relative on the school board or on the board of selectmen when they are deciding, whether it is a snow contract or whatever it happens to be.

I would certainly hope that you would vote against the motion made by the gentleman from Augusta for indefinite postponement.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: It is well and good for people to say that this does not

affect taxes, but I have difficulty in reading the language here to see how it couldn't affect taxes.

I would remind you of a few days ago when the gentleman from Lewiston, Mr. Jalbert, was on his feet and stated that there was not a person in this House who did not have a conflict of interest, and this body, I believe, recently gave municipal government home rule. I fail to see why they now feel that they have to pass laws telling them how to conduct themselves.

I think the public is much closer to local government, will object much faster at that level than any place else, including this body. And I have seen plenty of those people abstain from voting when they had a conflict of interest, and I think the people sitting there will be much more aware of their conflict than they will in this body or any high-up governmental unit.

I would, therefore, urge you to vote for the motion of indefinite postponement.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Sproul, to indefinitely postpone L. D. 818 and all accompanying papers. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken. 26 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

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

(H. P. 880) (L. D. 1167) Bill "An Act Relating to Dragging of Scallops in Blue Hill Bay"

(H. P. 924) (L. D. 1222) Bill "An Act Relating to a Minimum Warranty Standard for Mobile Homes" (C. "A" H-412)

(H. P. 1344) (L. D. 1778) Bill "An Act Relating to Certain Disclosures in the Solicitation of Charitable Contributions" (C. "A" H-411)

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

Tabled and Assigned

(H. P. 1347) (L. D. 1780) Bill "An Act Authorizing Cumberland County to Participate in Social Services Program"

On the request of Mrs. Boudreau of Portland, was removed from the Consent Calendar.

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

Mrs. BOUDREAU: Mr. Speaker, may I have this tabled for two days, pending acceptance of the report?

Thereupon, Mr. McTeague of Brunswick requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentlewoman from Portland, Mrs. Boudreau, that this matter be tabled for two legislative days pending acceptance of the Committee Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

(H. P. 1488) (L. D. 1917) Bill "An Act to Amend the Charter of Stonington Water Company"

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

Passed to Be Engrossed

Bill "An Act Providing for State Supervision of the Construction and Safety of Dams and Reservoirs" (S. P. 205) (L. D. 550) (C. "A" S-137)

Bill "An Act to Insure that Citizens are Granted Due Process of Law by Governmental Agencies" (H. P. 1518) (L. D. 1947)

Bill "An Act Relating to Research Development and Cultivation of Marine Species" (H. P. 856) (L. D. 1143)

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

**Second Reader
Tabled and Assigned**

Bill "An Act to Amend the Snowmobile Laws" (H. P. 787) (L. D. 1039) (C. "A" H-410)

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

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: I have a housekeeping amendment which has not yet been reproduced and distributed; therefore, I would appreciate it if someone would table this bill either for one day or until later in today's session.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and tomorrow assigned.

**Second Reader
Tabled and Assigned**

Bill "An Act to Create a Maine Agricultural Bargaining Board" (H. P. 1511) (L. D. 1941)

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

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

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

Thereupon, Mr. Evans of Freedom requested a vote on the tabling motion.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves this matter be tabled for one legislative day, pending passage to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. Thereupon, Mr. Simpson of Standish requested a roll call vote.

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

A vote of the House was taken, and more than one fifth of the members present having expressed

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

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

ROLL CALL

YEA—Ault, Baker, Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Bunker, Cameron, Chick, Churchill, Clark, Davis, Donaghy, Dunn, Dyar, Farley, Farnham, Farrington, Finemore, Fraser, Garsoe, Hamblen, Hancock, Haskell, Henley, Herrick, Hoffses, Huber, Immonen, Jackson, Jacques, Jalbert, Kelleher, Kelley, Knight, LaPointe, Lewis, J.; Littlefield, Lynch, Maddox, Mahany, Martin, Maxwell, McCormick, McKernan, McMahon, Merrill, Mulkern, Murchison, Murray, Norris, O'Brien, Peterson, Pratt, Shaw, Shute, Silverman, Simpson, L. E.; Sproul, Stillings, Tanguay, Trask, Trumbull, Walker, Wheeler, White.

NAY—Albert, Berry, G. W.; Berry, P. P.; Brawn, Briggs, Bustin, Carey, Chonko, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Dam, Deshaies, Drigotas, Dudley, Dunleavy, Emery, D. F.; Evans, Fecteau, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Hobbins, Hunter, Kauffman, Kelley, R. P.; Keyte, Kilroy, LaCharite, LeBlanc, McHenry, McNally, McTeague, Mills, Morin, L.; Morin, V.; Najarian, Pontbriand, Ricker, Rolde, Rollins, Smith, D. M.; Smith, S.; Strout, Talbot, Theriault, Tierney, Webber, Whitzell, Willard, Wood, M. E.

ABSENT—Brown, Carrier, Carter, Curtis, T. S., Jr.; Dow, Faucher, Ferris, Flynn, Gahagan, Good, Greenlaw, Lawry, Lewis, E.; MacLeod, Morton, Palmer Parks, Perkins, Ross, Santoro, Sheltra, Soulas, Susi, Tyndale.

Yes, 68, No, 57; Absent, 24.

The SPEAKER: Sixty-eight having voted in the affirmative and fifty-seven in the negative, with twenty-four being absent, the motion does prevail.

**Passed to Be Enacted
Emergency Measure**

An Act to Allow the State of Maine to Make Secured Deposits in Interest Bearing Accounts (S. P. 534) (L. D. 1687)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Encourage Investment of Revenue Sharing Funds in Local Interest Bearing Accounts (S. P. 619) (L. D. 1930)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to Penalty for Burglary. (H. P. 206) (L. D. 279)

An Act Relating to Probate Fees (S. P. 172) (L. D. 427)

An Act Relating to Conferring Degrees by Portland School of Art (S. P. 189) (L. D. 496)

An Act Relating to Exceptional Children (H. P. 751) (L. D. 965)

An Act Classifying Certain Inland Waters of Saco River Basin (H. P. 765) (L. D. 998)

An Act Relating to Political Campaign Reports and Finances (H. P. 1066) (L. D. 1391)

An Act Relating to Time of Holding a Municipal Caucus Prior to a State Convention (S. P. 481) (L. D. 1548)

An Act to Clarify Certain Ambiguities in the Chiropractic Licensing Law and to Revise Certain Provisions Relating to the Board of Chiropractic Examination

and Registration (H. P. 1490) (L. D. 1918)

An Act Relating to Petition for Articles on Municipal Ballots and Warrants (S. P. 616) (L. D. 1929)

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

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act Clarifying Certain Municipal Laws" (H. P. 1118) (L. D. 1454)

Tabled — May 17, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

On motion of Mr. Simpson of Standish, tabled pending passage to be enacted and today later assigned.

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act Relating to Consolidating Reports of State Departments and Agencies" (H. P. 1484) (L. D. 1911)

Tabled — May 17, by Mr. Simpson of Standish.

Pending — Passage to be enacted.

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the third item of Unfinished Business:

Bill "An Act Relating to the Statute on Boards of Visitors to State Institutions" (S. P. 612) (L. D. 1915)

Tabled — May 17, by Mr. Finemore of Bridgewater.

Pending — Motion by Mr. Goodwin of South Berwick to indefinitely postpone.

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

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: We discussed this the other day, and it is L. D. 1915. It has never had a public hearing. The

original draft of the bill provided for doing away with all the Boards of Visitors and I would like to ask you to go along with me today on indefinite postponement, submit this new bill to the Special Session of the 106th or the 107th, if it has merit, for a proper — and I repeat, a proper hearing and handling so it will appear before a committee so it will have a public hearing.

This new draft is a complete new bill and it deserves that public hearing so that our committee can act on the basis of what the input from the proponents and opponents brings to the committee. The committee, at least myself as a member of the Committee on Health and Institutional Services can then act based on the information obtained at that public hearing. So I would ask you to go along with indefinite postponement.

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

Mr. DYAR: Mr. Speaker and Members of the House: It is a rainy morning and I hate to get back into this, but I think the gentleman from Gardiner, Mr. Whitzell, may be misinformed on what is going on in the Committee on Health and Institutional Services.

The original bill was to do away with the Board of Visitors. It was felt that the Board of Visitors to the state institutions were doing little, if any good whatsoever.

At the public hearing, members of the Board of Visitors from the Augusta State Hospital testified before the committee and I think it changed the opinion of some members of the committee the fact that they were doing the job at the Augusta State Hospital, at least three or four of the committee.

The thing that bothers some members of the Board of Visitors at the present time is the wording in the bill that says that the Board of Visitors of any state institution, upon request of the Committee on Health and Institutional Services, have to appear before this committee. Now, I think the main objection comes from one Board of Visitors, which to my knowledge has been very ineffective and has

done very little work. At least they haven't come out in the open with anything they have accomplished.

Evidently the members of this board have approached one or two members of this legislature and voiced their objections. Having served on this committee and seen the workings within our state institutions, I can see nothing objectionable whatsoever in this bill. The section that is objectionable is where we allow these people to say no if we do request them to come in. There isn't much we can do about it.

The Joint Standing Committee asked for subpoena power. Then these people have got to come in. I certainly hope it never gets to the point where we do have to ask for subpoena powers for any Joint Standing Committee.

I hope this morning you will go along and vote against the motion to indefinitely postpone this bill and I certainly hope that in the future that members of this Health and Institutional Services Committee get more involved with the matters at hand rather than trying to cut up majority committee reports.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I am aware that in the U. S. Congress there are some reforms going into the legislature where the committees themselves sponsor bills. This item is completely a committee sponsored bill. It has no real sponsor. The sponsor's name is lifted from an old bill, placed on a new draft, which is completely different from the original bill that was set up, not even the title is the same.

The intent of the bill that was heard by our committee was to do away with Boards of Visitors. Now, after an Executive Session of the committee we have here a whole new draft which doesn't even reflect the will of the public.

From what I understand the public's representation in any legislation that comes before this House occurs at the time of the public hearing. This particular bill has never had a public hearing. I

ask you to indefinitely postpone it, if it is good legislation, we will bring it back, we will have the public hearing for this item some time in the future.

The SPEAKER pro tem: Mr. Speaker, may I have the Clerk read the Committee Report, please?

Thereupon, the Report was read by the Clerk.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, to indefinitely postpone L. D. 1915 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Whitzell of Gardiner requested a roll call vote.

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

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

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

Mr. NORRIS: Mr. Speaker and Members of the House: I would inquire of the gentleman from Gardiner, Mr. Whitzell, the reason that he is asking for indefinite postponement of this bill. Is his only reason the fact that it was a new draft of the committee? Because this is a common practice, and of course there is nothing in the law that states you have to have a public hearing on any bill that comes in. This is simply a courtesy that is given to the public. So, what I am asking, if he has some debate that is germane to the bill, let's hear it, but if he is indefinitely postponing it simply for this reason, I can't go along with that.

The SPEAKER: The gentleman from Brewer, Mr. Norris poses a question through the Chair to anyone who may answer if he wishes.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: No, my answer to the gentleman from Brewer is not that it is a new draft. I know that this happens very much in committee. It is that it is a whole new bill. This bill has nowhere near the same intent as the first bill, and the Statement of Fact is completely different.

There was no one from the Boards of Visitors who came to put any input into this bill. All interested citizens who had anything to do with either the Board of Visitors or this L. D. 1915 were never allowed to debate the bill before our committee. I think that is the part that I feel is frightfully wrong.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that L. D. 1915 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Briggs, Bustin, Chonko, Clark, Connolly, Curran, Farley, Fraser, Genest, Goodwin, H.; Goodwin, K.; Maxwell, McHenry, Peterson, Rolde, Smith, D. M.; Smith, S.; Whitzell.

NAY — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Cameron, Carey, Carrier, Chick, Cooney, Cote, Cottrell, Cressey, Crommett, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Fecteau, Finemore, Garsoe, Gauthier, Good, Hamblen, Hancock, Henley, Herrick, Hobbins, Hoffses, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, McCormick, McMahan, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Norris, Parks, Pontbriand, Pratt, Ricker, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Sproul, Stillings, Strout, Talbot, Theriault, Tierney, Trask, Trumbull, Tyndale,

Walker, Webber, Wheeler, White, Willard, Wood, M. E.

ABSENT — Brown, Bunker, Carter, Churchill, Conley, Curtis, T. S., Jr., Dam, Evans, Faucher, Ferris, Flynn, Gahagan, Greenlaw, Haskell, Huber, Jacques, Kilroy, Lawry, Littlefield, McKernan, Najarian, O'Brien, Palmer, Perkins, Santoro, Soulas, Susi, Tanguay.

Yes, 18; No, 103, Absent, 28.

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

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

The Chair laid before the House the fourth item of Unfinished Business:

Bill "An Act Raising the Age of Persons Who May Purchase Alcoholic Beverages or Sell as Licensees" (H. P. 799) (L. D. 1069)

Tabled — May 17, by Mr. Simpson of Standish.

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

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

Mr. SILVERMAN: Mr. Speaker and Members of the House: This is L. D. 1069, an act to repeal the drinking age in the State of Maine to 20 years of age.

I was asked by several of the legislators to put this bill in. And because knowing the strong laws we have had in the past in the State of Maine, laws for the control of drinking habits, and watching these laws slowly evaporate to the time which now the wets almost control every measure that comes into this House, I feel it is time that some of us take a stronger stand and in a sense of stability come back and say we are not going to let Maine go too far on the wet side and have some control of our drinking laws. I think it should start definitely with teenage.

You are going to possibly hear arguments that a law like this is unconstitutional. That argument is erroneous. In the State of Pennsylvania it was ruled the drinking habits are definitely — they had

repealed their drinking law to the age of 21 and it was upheld. I passed this out the beginning of last week. You are going to hear arguments of the key nature that seems to appeal to everyone. If our youth are able to serve in the Armed Forces at 18, why are they not able to drink at 18?

My comment on this is the following: For years our youth have been serving in the Armed Forces at 18. They have been abroad, they have seen the habits of drinking at 18, they have enjoyed them possibly, they have also seen the morality that went with it. And many of us have felt one of the reasons we were abroad was that when we returned to our State of Maine we had high moral codes that we could raise our children and our family in a sense of decency. And you show me where liquor amongst teenagers creates a sense of decency. It certainly is very questionable. It certainly leads to many, many a misfortune. And it is too bad that so many of us live in a sheltered life and never have faced these misfortunes, for if you had, you certainly would probably be voting with me today to repeal the drinking age to 20.

At this time, I would like to ask for a roll call vote on this measure. I also would ask that you vote no to accepting the "ought not to pass" report. I would like to see this bill at least live, live long enough so each one of us who have worked very strenuously in state legislature to have strong laws against drugs, and many of us know how hard we have worked to try to get laws against the drug pusher, to try to get laws that will stop our young folks from being, shall we use the word "contaminated" in their young and foolish years.

At 18 and 19 — I don't think anyone will argue this — your pattern of life is not set. At 30 our pattern of life is set for most of us. We have some control of the type of standards we are going to live, but at 18 and 19, life is not changing. They are called the young and foolish years, they can also be happy years, but let's not let them be misfortu-

nate years, and lead young people into a standard that could ruin their chances of decency in a proper home life in raising their children in a community in the State of Maine that stands for decent laws.

I would like to sit down now and let the debate continue, and I hope to return later.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I hold in high regard the gentleman from Calais, Mr. Silverman, and I know he has set himself on a hopeless cause here this morning. The legislature in its wisdom in the 105th gave adult rights to 18-year-olds in this state. I don't think that this legislature is going to turn around and start nit picking at the rights of these individuals.

I ask you to support the motion of the House chairman of Liquor Control and accept the "ought not to pass" report.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of the gentleman of Calais, Mr. Silverman, that you do not accept the "ought not to pass" report, and then in return accept the minority "ought to pass" report, thus raising the legal age for purchasing liquor from 18 to 20.

I ask this for this reason. Some of the bills that have been before our State Government Committee dealing with alcoholism and drugs set me to asking questions of high school principals, "What is the drug in your school today?". Invariably I got the answer, "The problem with hard drugs is pretty well gone, but the drug we are having our problems with now is beer and wine." Most seniors are 18 years of age, so can legally purchase beer or wine whenever they want to. This sometimes occurs during the noon hour period, and frequently at the socials or dances that they have in the evening this constitutes a real problem.

I have also noted in the paper, particularly the Bangor News, a great increase in the number of arrests for drunken driving of boys and girls of age 18 and 19. Then just last Saturday in the Bangor News in letters to the Editor, was this letter from a Ronald Fanjoy, a government student at Dexter High School. I will read the first paragraph. "To the Editor: Since 18-year-olds have gained adult rights, there have been many problems involved. The definite increase on the consumption of alcohol among 18 to 20-year-olds is to me the most important. The independent grocer has increased beer sales significantly since last June, according to a recent survey. Liquor sales have also been on a constant rise, according to statistics released by the Maine State Liquor Commission. My belief is that some 18-year-olds may be able to handle this imposed right, but the majority are still not adults in areas of responsibility and capability."

This isn't some old gray haired person talking, this is an 18-year-old student in a high school. I think he deserves some consideration.

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

Mr. COTE: Mr. Speaker and Members of the House: I am not going to debate this bill, but I am going to move for indefinite postponement on both reports. I ask for a roll call.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, moves the indefinite postponement of L. D. 1069 and all accompanying papers, and requests a roll call.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't a member of the 105th when this legislation was passed. If I would have been, I probably would have supported the measure. But since then I have reason now to think this bill here has some merit.

First of all, let me say that every two or three Saturday nights a month my wife and I go out on a Saturday night and just before

going out usually stop at the store and pick up a pack of cigarettes. Well, while I am in the store I have to wait for several teenagers who are picking up liquor or beer. First thing they do is they jump into a car, they are in that car four hours at a time on Saturday driving around drinking beer. Now, adults are allowed to go to a lounge, and you are sitting for hours, maybe doing the same things those children are or those 18-year-olds are, but certainly we aren't endangering other people's lives. These kids are out there in the road, I know the habits of 18-year-olds, we all do, we have all been that age.

I think this bill has merit; I wish you would support the gentleman from Calais, Mr. Silverman.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of the gentleman from Lewiston, Mr. Cote, for the indefinite postponement.

The only thing we have heard this morning is mostly about liquor and drunken drivers. But I am sure if you would follow the court records, the district courts in your own system, you would find that there aren't that many teenagers involved in the drunken driving in the State of Maine. Now, I know in the 12th District Court, that is a district that encompasses my town, there are more adults beyond the age of 18 — and I am getting up in the 30, 35, 40, 45-year-old bracket — that are being arrested and convicted for drunken driving than there are juveniles, the 18-year-olds. In the last two months there have been no 18-year-olds in my district court that have been in there for driving under the influence of liquor; it has been all the older people. So this is maybe just an argument that is being given in the hope of swaying the voters.

Now, as the good gentleman from Bangor, Mr. Kelleher, said, we did give these people the adults rights, and let's not start nit pick-

ing and taking them away now. And it seems surprising to me if these so-called adults, if it is bad for them to have a glass of beer, but it is all right for them to vote on the laws governing the lives of all the people, then something must be very wrong with our system. I don't see a thing wrong in killing this bill today and getting it over with so we don't waste any more time, because even if we are allowed to let the bill live, it would die in the final stages.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning in favor of indefinite postponement of this bill and all its reports. I am going to take my arguments from the statement that Mr. Silverman passed around on this Pennsylvania court decision. I think what we are discussing here is whether or not 18-year-olds are children, and I submit that they definitely are not.

This is not to say that Pennsylvania's system of liquor regulation is free from all scrutiny. It must still be examined to determine whether it rationally furthers some legitimate articulated state purpose and therefore does not constitute an invidious discrimination or violation of the equal protection clause of the 14th Amendment. This state argues quite plausibly that there are purposes for not allowing minors access to alcohol. The principle and the reason for this is that they are promoting nonconsumption for its own sake, and that is why it is constitutional. In other words, they are attempting and were attempting here with this bill this morning to legislate morals. Plaintiffs, on the other hand, claim that prohibition seems inconsistent with the recent legislative determination that 18, 19 and 20-year-olds are competent to perform such reasonable tasks as being jurors, fiduciaries, policemen, school directors, pilots and marrying without parental consent, entering into contracts, writing wills. Their

further question is how a person is, upon turning to 21, with no additional education regarding alcohol would be any more capable of using it.

So I submit, this is simply an argument as to whether or not 18-year-olds are adults, and I submit they are.

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

Mr. DESHAIES: Mr. Speaker and Ladies and Gentlemen of the House: I favor this bill, and I don't consider it a hopeless cause. I realize that an 18-year-old now has adult rights, but young people in this age group cannot — cannot handle liquor. They have enough problems at that age without adding alcohol to their problems.

Now, before anyone gets the wrong idea, I'm not a moralist and I'm not a dry. I drink my share and then some. But I have children in this age group — 17 and 20 years of age — and I can tell you, as some of you already know, that there is a whole of a difference between 17 and 20 years of age in their attitude, in their outlook.

They are not ready for this. They cannot handle it. I know and I have heard all of the arguments, as Mr. Silverman pointed out, many many times and probably will again. They are old enough to go in the service and fight and probably die; therefore they are old enough to drink. Well, I submit that more young people die or are maimed on the highways annually from drinking connected highway accidents than from actual combat.

Another favorite argument is if you don't allow it, they are going to get it anyway. Someone will buy it for them. Well, that does not make it right. We should not accept this because someone is breaking the law. I know there is drinking at the high school level in most areas. In fact, it is so widespread now that it now occurs quite frequently at the junior high level. Ask the police in your own home town and city, and they will tell you. The majority of kids who have problems in that age

group are in some way involved with drinking. We hear an awful lot about marijuana and other types of narcotics. It makes news, it is spectacular, but the alcohol problem with the kids is still number one.

I think it is time that we as adults, as parents and as legislators adopt corrective measures, not punitive measures, but a little preventive maintenance for our young people who are still in their formative years, whose characters and attitudes are still developing. They don't need this yoke around their neck.

I honestly believe that this bill deserves our consideration and passage, and I commend the gentleman from Calais, Mr. Silverman, for his courage in submitting it. I am not against kids, I love them, but somehow the sight of an 18 or 19-year-old boy or girl in a beer joint or a cocktail lounge drinking leaves me cold.

I hope you will reject the motion for indefinite postponement.

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

Mr. MAXWELL: Mr. Speaker and Ladies and Gentlemen of the House: For several years I was in the beer business. For the last ten years, up until January 1, I operated a restaurant with beer drinking just nine miles from Farmington College. Many many of my customers were students from Farmington College. They were all very very good people, and they knew how to control themselves, they knew how to drink a few glasses of beer and go home and mind their own business.

I hope that you will vote for indefinite postponement.

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

Mr. SILVERMAN: Mr. Speaker and Ladies and Gentlemen of the House: I thank you for all your arguments. I only say as the trend in this country, the trend in this state goes to more leniency against drinking habits, only your youth will lose a fine standard which we have had through the years. I wish

to quote but one thing at this time and maybe years to come as this is put on the record, someone else may read it and carry on what is a decent standard. And somewhere I have found that it is the preceding generation that must control, that must guide, that must discipline its youth to meet the snares that lurk in the path of youth. This is over 2,000 years old or so. I am quite certain it will be around a thousand years from now.

It bothers me to see our generation lack the courage to give the guidance to our coming youth and then criticize them for their values at this day and age. For without discipline, without guidance, there is no respect for this generation. And who can stand here and say the effect of drinking as amongst youth is to their advantage, I question their thinking.

I only hope for the future of our youth that many of us have worked so hard in state legislation laws for their protection, you will consider this. I only hope that the good values in Maine which I was raised with, by, and am a part of may continue to another generation. I remember in my 20's, my teenage, where I went just the opposite, where I learned the hard way, and I was thankful I had a strong Maine foundation to come back to. And it bothers me to think this day's youth is not going to have that foundation. I ask for a roll call on this indefinite postponement.

I thank you for your time, and I hope somewhere we start returning to a more stable, sensible standard in the field of drugs; and alcohol is our number one problem with our teenage youth.

I also wish to say we have given our youth with adult rights the level of the age of majority. No one debates this, but they are not at the age of maturity, and I hope you will consider this, because you are parents, many of you. You are raising children, you are seeing your grandchildren, and I doubt if any of you say they will have the strong foundation which the generation before you were man enough to hand to you. Therefore, I thank you.

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

Mr. MURRAY: Mr. Speaker and men and women of the House: I just want to make a couple comments on the remarks of the gentleman from Calais, Mr. Silverman. I sponsored the adult rights bill in the last session of the legislature, and I strongly urge you today to maintain the stand this body took in the last session.

I think that we, the members of the 105th, recognized that 18 and 19-year-olds are mature individuals. We recognized that they should be afforded their rights and responsibilities at that age. I feel and am more convinced today than I was two years ago, that the 18-year-olds can accept these responsibilities.

I think that some of the statements we have heard this morning here really are not doing justice to the 18 and 19-year-olds in the State of Maine. No one has stood up this morning and cited statistics. Someone has said, "Well, I think they drink in cars," and other people have said, "Well, the court dockets are heavier because of it." I have talked to a state policeman who says that alcohol arrests are down in the last year. I think that until we have valid statistics to back up some of the statements that people have been making that we shouldn't take them.

I think that we should consider one thing in this piece of legislation. Most 18-year-olds leave the family environment at that age. They either graduate from high school and go on to college, or they graduate from high school and go out and get a job. They might go out and even get married at 18. I think at that point in time when someone leaves his family environment, he should have the rights and responsibilities to function on his own. I think it is up to the parents of this state to make sure at 18 that his child is ready to accept these responsibilities.

I do not think we should say, okay, at 18, you can go off to school or go off to the service or go out and get married or go out and find a job and work on your

own, and I want you to remain in a state of limbo for two years. And after you have been functioning outside the family environment for two years, then you get these added rights of purchasing and consuming alcohol and other things. I just don't think that this is very consistent. I think if we can say that 18-year-olds can leave the family at that age, they should also be awarded the rights and responsibilities of adulthood.

I truly feel that the vast, vast majority of 18 and 19-year-olds have accepted these rights and responsibilities and that we, as the legislature, should recognize this and commend them for it.

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: I have sat here this morning, and I have listened to this debate. As you probably know, I was chairman of the council in the Town of Oakland. The chief of police worked for me. Many times in the night I would go with him. One night — one case I remember real well — there was a young lady about 16 years of age. She was a beautiful girl. She had been in an accident. She had on a nice pressed dress. She was intoxicated. She had become nauseated. It was all over her. She didn't know where she was. To me, this was a terrible thing to see. We took this young lady to her home. I saw the grief that her parents had. They didn't want their daughter in this condition.

Ladies and gentlemen, this could happen to your son or your daughter. And when you see a girl with her teeth knocked out in an accident because she was intoxicated, I don't think this is something you should have to see. And when someone stands here and tells me this morning that to be in contact with alcoholic beverages makes you an adult, it is far from my way of thinking. An adult, in my opinion, is a person who can deal with things that come before you in a sane, clean manner. Keep your person clean, keep your body clean and try to help others. And if you are intoxicated, you can't do this.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I do not arise this morning to try to influence you one way or another, but I did think that in all fairness or honesty that we should have some statistics rather than just say something to us in here.

I have just been out and checked with the state police. Their most recent record for the month of March shows 15-year-olds, none; 16-year-olds, 2; 17-year-olds, 5; 18-year-olds, 23; 19-year-olds, 23; 20 to 24, starts in blocks, 115; 25 to 29, 93; 30 to 34, 61; 35 to 39, 60; 40 to 44, 65; 45 to 49, 46; 50 to 54, 36. I won't go on but you can see yourself, the trend and the way these statistics do add up right up to over age 75, 2. So they are going back to the way it started out, 16 was 2.

These are for your information for whatever judgment you wish to make.

The SPEAKER: The Chair would inquire from the gentleman from Lubec, what was he reading, what were those figures?

Mr. DONAGHY: These are drunken driving charges, state police.

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

Mr. FARLEY: Mr. Speaker and Ladies and Gentlemen of the House: In response to the gentleman from Bangor, Mr. Murray, let me say that when the 20-year-olds were able to purchase beer, they bought it for the 18-year-olds. Today the 18-year-olds are buying it for the 16-year-olds.

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

Mr. TANGUAY: Mr. Speaker and Ladies and Gentlemen of the House: Being well aware of the conduct of the liquor industry and licensees throughout the state, I am more or less forced to get up and give a few comments.

I have three children in my home. One is 13 now, and I have attended many weddings on non-licensed premises; to name a few,

Pontsmar Grange, Lansard Hall, Crowley's Grange, and I would much rather see my children going on licensed premises to one of these particular weddings. These nonlicensed premises are not catering to the 18-year-old, 20-year-old. There are children as young as 12 and 13 and 14-year-olds, drinking in these premises.

You are talking about licensees and allowing the 18-year-olds to drink. Well, I find nothing wrong with allowing — once you are 18 years old, if you are not a man, if you haven't been brought up properly, at 18 years old it is too late to change the child. He is no longer a child. He is in his manhood or ladyhood. If you are going to start raising your children once they are 18 years old, you are out of luck. What better discipline do you have or what better guidance do you have other than on licensed premises?

Do you want to see them at the high school graduation — in the Lewiston area, up until you had the 18-year-old, they would come up to unlicensed premises where you would close the bar and I have seen it in the past, we have allowed them on our premises. We would close the bar, wouldn't serve them any drinks whatsoever. We would tell them, midnight, kids, you have got to go home. Where would they go after, it is graduation night. Their parents, seeing as it is graduation night, they are allowed to go somewhere. They go to Thorn Crag.

Thorn Crag to us is one of the highest hills in the Lewiston-Auburn area. The Stanton Bird Club operates it, and naturally they have a gate. After midnight, they go through the gate. There is a big fireplace up there. I would ask most of you legislators who are parents to go up and check on that hill and see what you will find, if it is not nonreturnable bottles as well as returnables, all consumed by your young men and young ladies who have just graduated, and they have been drinking after hours. At least, when you have them on licensed premises, you have a 70 percent chance after the establishment closes and they are used to the habit of

going home at 12:00 or 1:00 o'clock, that you are going to have them in your home to spend the evening, not to go up to Thorn Crag or Mount Davis, for instance. I think that you have much better control over your children if you allow them once they become men and ladies at 18.

Mr. SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I don't think the point has been brought out that drinking alcohol becomes habit forming. If my records are straight, there are about 9 million alcoholics in America today. I believe that the younger a person starts drinking alcohol, the more apt they are to become alcoholics.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I rise in support of the bill as presented this morning. And I would like to limit my comments to some of the things that have been said here this morning.

I have no statistics, but I have facts. The fact of actual ones, the fact of the ones that I have seen in my lifetime, and the facts are probably some of the ones that will be anticipated in the future.

It has been mentioned here that the 18-year-olds are responsible and they were given adult rights, and they face their responsibilities, and they have accepted this. I am not here to talk against the 18 or the 19 or any 16 or 17-year-olds. I am here as a concerned citizen, as a concerned parent, and as a concerned legislator to do what is best for the younger generation, what we think is the best in our wisdom of experience and having lived through it.

Now we had some mention here about the 18-year-old bill that we passed. To those of you who don't know, I voted in committee against passage of such a bill, and I also voted and spoke against the bill on the floor of the House. And again, it was a concern for these young citizens and not a concern

of mine, because I feel that I can take care of myself.

In the first place, for those of you who know or for those of you who have said that they were willing to accept all adult rights, this is not so. One of the things that they did not accept or was put into the bill in order to pass it was the exception on education, that somebody could go to school, through high school, and not be charged if they were over 18-years-old. This did not matter. But it did matter, the awful exception that they have put in the bill where if an 18-year-old does some harm to your daughter that is under 16 years old, that he would not be liable as an adult. This is exactly what I have opposed, and I still oppose this bill when somebody says to me that they have the wisdom and the understanding and that they are also willing to accept the responsibility. This is a responsibility they have not accepted and they are not willing to accept and according to law they don't have to accept. But we as adults have to take it and accept it.

Now, we have for your consideration, we also have in committee or here one bill which also would make a parent liable for an 18-year-old child for college. This bill is still in committee, I believe; it hasn't passed. But in cases they will tell you that the parent would still be liable under certain circumstances for one of his children if he lives in the house, but this is usually for people who have been divorced, he would still be liable to pay for the college of his kid over 18 years old. Now, this was limited to high school first, now they want to expand it to college courses.

Another thing that will also come up and which is an extremely important bill will be L. D. 76, which is one to do away with the crime of alcoholism and also for the treatment of the people that are subjected to such a drug. This is important and this is very relative to this issue, because the same people that are here today get up and say that alcoholism, and to promote this alcoholism to the younger people is a great

thing. These same people for the last four or five years in here have opposed bills which were proposed in here for the treatment of alcoholics.

Now, this L. D. 76, actually is a long bill, and if you want to take a good look at it before it ever comes on the floor here—it won't be long because we have the amendment on our desks today—but if you want to take a good look at this. This bill will cost us about \$400,000. I have no objection to it because I voted for this bill on a favorable committee report. But the thing is, I believe that when you make things accessible, this easy to the younger generation and also to the older generation, and then in turn, turn around and treat these people and take the crime issue off of it and everything else, I think this is something to be considered.

For those of you whose children have been touched by this drug, by alcoholism or any other drugs, you will find that this is such a proposition it is acceptable to you. But those of you who have not been touched or whose kids have not been touched by this, or you as a parent have not experienced it, I suggest to you that you get on your knees tonight and say something somewhere.

I really support this bill as a matter of concern for the younger generation. I am well aware that if they want it they can have it, and they will get it somehow. But I think to make it available now as they did then when the 18-year-old bill came up, I am opposed to it and I hope that you support Mr. Silverman.

Mr. Silverman of Calais was granted unanimous consent to speak a third time.

MR. SILVERMAN: Mr. Speaker and Members of the House: In closing, I think it is only fair to thank the close to 6,000 people in the State of Maine who sent their signature in support of this bill; also to the many letters I received in support of this bill.

I would only like to read a part of one of them. And they all go very similar. "Dear Sir: As a public school elementary principal,

I highly support you in your effort for passage of L. D. 1069. Kids at the elementary school level are drinking more than ever since the legal drinking age was lowered to 18. I see the results of it every day in my work and it is sad."

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: New York State has had the 18-year-old for the past I don't know how many years. But Connecticut in complaint to them—this is what I said on Council of State Government, we had taken that up a few years back. New York State's Governor has named a panel to investigate and do some research on it. They have appointed Rabbi's, clergymen, principals, and presidents of colleges. There were 21 members on this panel and they recommended to leave it the way it is at 18, because they found out that these 18-year-olds weren't drinking any more than they were before. There were less accidents and less drinking than there was before when the law was 21.

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

Mr. TANGUAY: Mr. Speaker and Members of the House: One thing I might note is the fact that most of you people know that I am entangled with a nonprofit organization, which is a club. Up until we had the 18-year-old, we used to experience anywhere from three to four breaks into our premises every single year. I would like to note that in the past two years we didn't have any breaks whatsoever. We also would like to note that our grocery store owners are much happier, there are less breaks in our grocery stores. Most of these people are licensees in the state and they appreciate the fact that they are not subject to so many breaks into their premises.

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 Lewiston, Mr. Cote, to indefinitely postpone Bill "An Act Raising the Age of Persons Who May Purchase Alcoholic Beverages or Sell as Licensees" (H. P. 799) (L. D. 1069) and all accompanying papers. All in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, P. P.; Berube, Bither, Boudreau, Briggs, Bustin, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Dam, Drigotas, Dunleavy, Emery, D. F.; Faucher, Fecteau, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Hoffses, Huber, Hunter, Jacques, Jalbert, Kauffman, Kelleher, Kelley, R. P.; Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, J.; MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Mills, Morin, V.; Morton, Mulhern, Murray, Norris, O'Brien, Parks, Peterson, Pontbriand, Pratt, Ricker, Rolde, Sheltra, Smith, D. M.; Smith, S.; Stillings, Susi, Talbot, Tanguay, Tierney, Walker, Wheeler, Whitzell.

NAY — Ault, Baker, Berry, G. W.; Binnette, Birt, Bragdon, Brawn, Brown, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Davis, Deshaies, Donaghy, Dow, Dudley, Dunn, Farley, Farnham, Finemore, Fraser, Good, Hamblen, Haskell, Henley, Immonen, Jackson, Kelley, Keyte, Lewis, E.; Lynch, Maddox, Merrill, Morin, L.; Murchison, Najarian, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Sproul, Strout, Theriault, Trask, Trumbull, Tyndale, Webber, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Curtis, T. S., Jr., Dyar, Evans, Farrington, Ferris, Flynn, Gahagan, Gauthier, Herrick,

Lawry, Littlefield, Palmer, Perkins, Santoro, Soulas.

Yes, 79; No, 56; Absent, 15.

The SPEAKER: Seventy-nine having voted in the affirmative and fifty-six in the negative, with fifteen being absent, the motion does prevail.

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

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

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves the House reconsider its action whereby we indefinitely postponed this Bill. All in favor will say yes; those opposed will say no.

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

Sent to the Senate.

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentleman from Bath, Mr. Ross, to the rostrum.

Thereupon, Mr. Ross of Bath assumed the Chair as Speaker pro tem and Speaker Hewes retired from the Hall.

The Chair laid before the House the fifth item of Unfinished Business:

Bill "An Act to Provide a Maine Citizen's Preference on State Civil Service" (H. P. 678) (L. D. 885)

Tabled — May 17, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

Mr. Bustin of Augusta offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-420) was read by the Clerk.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: You may remember the short debate we had on this measure last week. This is the bill that I referred to when I said we had a good concept that we were talking about, the concept of providing preference for Maine citizens to hold state jobs. But I also indicated that I thought it was a bad bill. In fact, the overwhelming majority of

the State Government Committee considered it a bad bill. The bill was then tabled and we were told there was going to be an amendment forthcoming which was going to straighten it right out.

You have two amendments before you, they are on your desks somewhere in the papers. House Amendment "A" presented by the sponsor of the bill, the gentle lady from Madison, Mrs. Berry, and House Amendment "B" which is before you at this time. If you have found House Amendment "A" which I assume if I lose House Amendment "B" that Mrs. Berry is going to present, you will notice that her amendment is eight times as long as the bill. The bill is one page, the amendment is eight pages. I have read it fairly carefully. I am sure that when she rebuts what I am saying now she will explain it to you, but I really cannot understand it very well.

The amendment that I am presenting to you now leaves the bill in this kind of shape. It will, in effect, order the Personnel Department to give preference to Maine citizens for Maine jobs. The amendment will, however, take out that portion of the bill that says educational requirements shall not be prevalent or shall not be the major factor in getting the jobs.

The most important thing that my amendment does is it eliminates the appropriation from this bill.

The gentleman from Sabattus indicated on the floor of the House last week that he thought this bill was really an attempt to get some more money into the Personnel Department, and in order to get in there they tied in an issue with sex appeal like preference for Maine citizens, I think he is absolutely right about this. I would ask you to look at that and consider that very carefully.

The bill calls, unless amended, for an appropriation of \$93,000. And this is the kind of thing they want the money for: A Technician III at \$9,400 a year; a Technician II at \$8,100 a year; an Employment Counselor II at \$8,100 a year; another Clerk Typist at \$5,500; in-state travel, \$1,500 for each year of the biennium; general operat-

ing expenses, \$6,000 for each year of the biennium; office equipment, dictaphones, recorders, typewriters, et cetera, all of which amounts to \$92,000.

I submit to you, ladies and gentlemen, if we indicate to the Personnel Department that we want preference given to Maine citizens for Maine jobs, they ought to be able to take care of something like that without an appropriation of \$92,000.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I would like the chance to say a few words. This amendment does look like the longest amendment that has passed your desks this year. However, it is that way because we have repealed the whole section because we have added a little to numerous sections. And you will see, and perhaps it should have been in the Statement of Fact, that we have eliminated all the appropriations. We have been advised that this would be the best way to do it.

This amendment that I am going to present, in regards to the educational end of it says, "It is the intent of this section to urge appointing authorities to select Maine residents by giving appointing authority the opportunity to consider a Maine resident who lacks educational qualification but may have equal or greater experience that may be substituted for educational qualifications."

My amendment would also give a five point preference. Therefore, we have had to insert it under the veterans preference which has not been changed, although it has to be in the bill because of the repeal. So this is one reason the amendment is so long.

I would like to state again that we have eliminated the appropriation for this, thinking that the suggestions in the proposed new statute can be done at the level of the personnel that they have now.

I wish that you would vote against the amendment being offered by Representative Bustin, and look this over. Perhaps we

should table it for a day or so, so that you can look it over and see just what is taking place. I believe that this amendment, the committee would go along with it now. I have talked with many of them.

The SPEAKER pro tem: The Chair recognizes the gentleman from Houlton, Mr. Bither.

Mr. BITHER: Mr. Speaker and Members of the House: I rise to support the amendment as proposed by the gentleman from Augusta, Mr. Bustin. That amendment restores the educational qualifications that the bill took out. I haven't read Mrs. Berry's amendment "A", I believe it is, but she says that it says if they do not have the educational qualifications, they may substitute something else.

I wish you would listen very attentively, because this bill would take out the educational qualifications for a person that is applying for a state job. This affects state teaching jobs, the jobs in teaching in the colleges, in the vocational institutes and all the other state teaching jobs. Now, for instance, if they need a biology teacher and there doesn't happen to be anyone qualified, maybe under amendment "B" they could substitute an English teacher if they had years of service or something like that, that is what I understand Mrs. Berry to sort of imply, and I don't see how this would work at all. You certainly do not want to hire English teachers who are biology majors, or vice versa. Under this amendment "B" of Mr. Bustin's, that restores the educational qualifications that I think are very, very necessary, at least in the teaching field.

I wish you would keep that in mind, that you might throw a monkey wrench into the machinery of hiring teachers in our state colleges and institutions if you go along without Mr. Bustin's amendment.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: As

I read over this amendment of the gentle lady of Madison, Mrs. Berry. I have not seen anything in there referring to teachers or teaching jobs, as stated here by the gentleman from Houlton, Mr. Bither.

I am sure that the Department of Education has ample policies set up that would take care of their end of the jobs of teaching in the State of Maine.

As far as the gentleman from Houlton, Mr. Bither, saying that in Mrs. Berry's amendment she had taken out the educational qualifications, this is true. Then you read the last page of the bill, and I would not say that it were not true, because it is. But I would also like to say to you people, and I am sure that many of you received these notices which are put out by the Department of Personnel that are labeled career opportunities and they list these various positions open in the State of Maine for jobs. In that section in that paper under qualifications, it sets forth the educational background that a person would need to have that job. But in many, many of these, in the vast majority, it also has the stipulation in there that they take in actual work records or experience in lieu of the educational requirements for those jobs.

So this amendment has done nothing to change that. But what this amendment "A" would do, and this is why we should kill amendment "B" so that the gentle lady can offer amendment "A", it would say to the Department of Personnel that we want you to consider the Maine residents first. The Department of Personnel is not doing this now, and I am not going to get into this right at this moment, but I would hope that you people would go along and kill amendment "B" so that the gentle lady can offer amendment "A". And I would move for the indefinite postponement of amendment "B".

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: House

Amendment "B", offered by the Representative from Augusta, does what this legislation desires, and that is to give Maine citizens preference.

The Personnel Department told me this morning that they already do this by rule, and this would simply put it in the statutes. And I would like to point out that Mrs. Berry's amendment, amendment "A," does change veteran preference, because it brings all Maine citizens to the same level as non-disabled veterans. They would all receive five bonus points in their examination. I hope you will support House Amendment "B." I think it does very simply what we are trying to accomplish.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: When this bill first came before State Government, it had a paragraph or two in it. It wasn't a good bill, or a well written bill, I should say, and we put it out "ought not to pass." The gentle lady from Madison, Mrs. Berry, has done a tremendous amount of work on it. She has deleted, or I believe she has deleted the \$95,000 appropriation, and I think we should go along with her amendment and I think we should reject amendment "B."

I don't see where teachers come under state civil service, and this bill applies to state civil service. Teachers are hired at the local level, and even in our state colleges the teachers are not under civil service. So this does not apply to them at all.

As to the educational requirements, I happen to be one of those people either fortunate or unfortunate enough to have a college degree in my hip pocket. But let me tell you, after living some 60-odd years, there is no substitute for common sense and experience. A degree can be acquired by anyone who is willing to plug it out for four long years, and they don't always have to have a great deal of intelligence to get the degree. I am a living example of it.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: I would ask for a vote on the motion, Mr. Speaker.

To clarify the issue of teachers, we are not talking about teachers who teach in their own home town. There are many teachers who work for the State of Maine, some of them work at Pineland, some of them work at the Stevens Training School, some of them work at the Boy's Training Center, they are all the teachers in the VTI's. Those are the kind of people Mr. Bither was talking about.

Secondly, under House Amendment "B," should this be defeated and House Amendment "A" adopted, we are told that the appropriation is taken out. I have read it. If it is taken out, I don't understand where it is taken out or how it is taken out, because Section 557 doesn't deal with it in the amendment. So I think that under House "A," the \$95,000 is still there. I don't think we need \$95,000. If you want that out, vote for my amendment, we will take care of this and we will be on the record as supporting Maine preference for Maine citizens, and not having to pay \$95,000 to get a group of people over here at the State House to do it for us.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, let me clear up a couple of points. The gentleman from Augusta indicated that the money is still in there if we adopt House "A." This is not the case. If you take a look at House "A," it says there, "amend the bill by striking out everything after the enacting clause and inserting in place thereof the following," which means that everything goes, including the money figure. So regardless which amendment we take, House "A" or House "B," the money is gone from the bill.

Secondly, the issue of the veterans question, I have taken a look at this amendment and I was involved in it to some degree, to

a limited degree, but I do want to assure the gentle lady from Portland that in addition to the five points that would be given to a Maine citizen, the five points would be given to a veteran and the ten points would be given also to a veteran if that were the case. So actually, a Maine veteran could receive ten points if he were non-service connected. If there was a service connected disability, he could receive 15 points. So you are setting up a criterion in here of establishing an additional five points for Maine citizens, but the other points are still left in the present law.

The reason why it is so long, and this, I guess, is an unfortunate thing because it becomes more difficult to understand, is because in order to add in this section dealing with the five points given to Maine citizens in preferences, it must amend the entire law and, therefore, they had to strike out the existing law and work in the five point preference for Maine citizens into the general law in order to make it workable, in order to make it readable and understandable.

The only concern that we really have left is the issue of educational levels being established as suggested by the gentleman from Houlton, Mr. Bither. If you read the last paragraph on page 7 and 8 of the amendment, it says, "It is the intent of the section to urge appointing authorities to select Maine residents by giving appointing authorities the opportunity to consider a Maine resident who lacks educational qualifications but may have equal or greater experience and may be substituted for educational qualifications." This does not say that you have to disregard the college degree. Obviously, if you need a person to teach history, biology, or whatever it might be, including geology, at a state institution, some location, that does not mean that the degree would no longer apply. But it does say that in instances where a degree is required, for example, in DEP or in any other department, that someone with biology training, with five years working with NASA, who does not

have a degree, could qualify in the board or the hiring personnel could give them the waiver for that hiring, and they would be in a position to get the job rather than simply requiring that someone had to have a degree.

I have got a degree, and I don't think it makes me any brighter than anyone else. I just think there are many Maine citizens who deserve to have a chance, and that is why I support House Amendment "B."

The SPEAKER pro tem: The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker and Members of the House: I think Mr. Bustin's bill would crystallize the idea that you couldn't substitute experience for education, which they do now in the Personnel Department. I think if this amendment were adopted, I think they would have to stop that practice that they do now, and this amendment would only make it harder for Maine people to get a job.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I very rarely table a bill. I have listened very intently to all of the speakers. It so happens that the Appropriations Committee listened to the program that would probably affect this situation as recent as yesterday. I have not read the amendment of Mr. Bustin. I have not read the long amendment of Mrs. Berry. She, herself, suggested it might be tabled. Also I have consulted with the House chairman of the Appropriations Committee, who suggested that I might try to get the bill tabled.

I would like to know, and I don't dispute the comments that have been made whether or not the money is in or out of there, I just don't know. I would like to prove it to myself, at least, and I would like to read both of the amendments. I am completely and thoroughly confused. Obviously, those who have spoken know what they are talking on and I would certainly — this is a very important program that we

are launching now, and I would certainly hope that this could be tabled at least for one day, if not two, so that we could acquaint ourselves with it and know just exactly what we are voting on.

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

Mrs. BERRY: Mr. Speaker, I would like to have this tabled for one day, please.

Thereupon, on motion of Mr. Mills of Eastport, tabled pending the motion of Mr. Dam of Skowhegan to indefinitely postpone House Amendment "B" and specially assigned for Thursday, May 24.

The Chair laid before the House the sixth item of Unfinished Business:

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

Tabled — May 17, by Mr. Martin of Eagle Lake.

Pending — Enactment.

On motion of Mr. Birt of East Millinocket, tabled pending final passage and specially assigned for Thursday, May 24.

The Chair laid before the House the seventh item of Unfinished Business:

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

Tabled — May 17, by Mr. Simpson of Standish.

Pending — Motion by Mr. Henley of Norway to adopt House Amendment "A" (H-400) to Committee Amendment "A" (S-115)

On motion of Mr. Bragdon of Perham, tabled pending the adoption of House Amendment "A" to Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the eighth item of Unfinished Business:

Bill "An Act Relating to Schools Teaching Real Estate Subjects" (H. P. 388) (L. D. 517)

Tabled — May 18, by Mr. Palmer of Nobleboro.

Pending — Motion by Mr. Mad-dox of Vinalhaven to accept the Majority Report "Ought to pass" in New Draft (H. P. 1517) (L. D. 1944)

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

The Chair laid before the House the ninth item of Unfinished Business:

Bill "An Act Exempting Fuels Used to Heat Commercial Broiler Houses from the Sales Tax" (H. P. 1068) (L. D. 1393) (H. "A" H-405)

Tabled — May 18, by Mr. Emery of Rockland.

Pending — Motion by Mr. Bragdon of Perham that the House reconsider its action whereby the Bill was passed to be engrossed.

Mr. Bragdon of Perham requested permission to withdraw his motion for reconsideration, which was granted.

The Chair laid before the House the tenth item of Unfinished Business:

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

Tabled — May 18, by Mrs. Berube of Lewiston.

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was just reading a note telling me to clean my desk. Since this measure has been reconsidered, I am almost happy that it has been reconsidered. The measure was killed in this body last week and it came back to us and the motion to adhere was made and that went under the hammer. In all honesty and fairness, I can say that I can hardly blame the motion to reconsider. There were not too many of us here. Although I am opposed

to the motion to reconsider, I believe in a sense of fair play.

This measure here calls for liability to the distributing utility for death or injury to person or damage to property caused by natural gas. It is a very very short bill. It says a gas company, a natural gas pipeline company which distributes natural gas shall be held strictly liable for death or injury to persons or damage to property resulting from explosion or fire caused by natural gas.

It has an amendment to it which says, very briefly, unless that explosion or fire was the result of a separate intervening cause, treated by such company as an affirmative defense and demonstrated by clear, convincing evidence.

In other words, this measure here calls—and bear in mind if you would that this thing, that this measure restricts itself strictly to gas.

This is plainly a bill that is not a bill that would prevent, it is not a preventative measure, it is a bill that would place absolute liability. Now, William Prosser on Torts, the authority on torts, says on Page 527 that the restatement of torts has accepted the principle of Rollins versus Fletcher but has limited it to ultra hazardous activity of the defendant defined as one "which necessarily involves a risk of serious harm to the person, land or chattel of others which cannot be limited by the exercise of the utmost care and is not a matter of common usage."

There has been a case on this in Maine, 145, page 343 in which it states, and I will just read very briefly the abstract, "When the defect in a declaration is a matter of form and not of substance, it must be specially set forth.

"A declaration which fails to set forth in what particular or particulars a defendant or its servants were negligent is demurrable.

"The doctrine of res ipsa loquitur is a rule of evidence and not a substantive rule of law.

"Under the law of this state it is the duty of a plaintiff in an action of negligence to inform the

defendant of the facts upon which he relies to establish liability.

"By direct averment a pleader must at least state facts from which the law will raise a duty, and how an omission of the duty with injury in consequence thereof.

"The rule of absolute liability whereby one acting entirely without fault is liable for damages resulting from his innocent acts has never been adopted in this state and the only logical rule for this court to adopt is the rule that fault is a requisite for liability." And it was signed unanimously by the court with the honorable Justice Thaxter not sitting.

Now, I mentioned to you the other day when this thing was debated that I was for my community at least to pass an ordinance which would involve all utilities. And on the day after I spoke on this measure, I went to a meeting of the Ordinance Committee made up of three members of the board of aldermen in Lewiston, a very lengthy and very fine meeting, in which in attendance was the three members of the Ordinance Committee of the board of aldermen, the fire chief and the superintendent of Public Works and last but not least, the director—the police chief which make up the Safety Committee for the City of Lewiston; also the engineers and the representatives of the gas company were there.

The ordinance was discussed and the headline is "Earth Removal Ordinance Is Approved by Committee," which would set forth as the City of Portland, as the City of Auburn, as the City of Bangor, that all utilities be involved, Central Maine Power, New England Telephone, Northern Utilities and Portland Water District; in Auburn, the Northern Utilities, the Auburn Sewer District, the Auburn Water District, the Central Maine Power, the New England Telephone and Telegraph Company; and in Portland, all of the utilities.

Now, I spoke at that hearing—and incidentally, at the meeting, I was the only legislator there and outside of the members of the

board of aldermen—the mayor was there—outside of the members of the board of aldermen, I was the only other member holding public office there.

Last night at 4:00 o'clock, the mayor and the board of aldermen met and the headline this morning is "Aldermen Iron Out Excavation Ordinance, Hearing Scheduled." There will be a public hearing Thursday, and there is no doubt in my mind that at that time the ordinance will become fact and on our statutes in the City of Lewiston.

Now, wherein it concerns a remark that was made last week, there were five deaths, need we go more? I might state that I had a measure I wanted to present that would ban natural gas, and the editorial in the paper stated, "A law to ban the distribution and sale of natural gas in Maine seems like a simple and direct solution to the problem of leaking gas mains and the danger of explosions in homes such as has taken place both in Lewiston and in the Portland area, and actually, such a ban would not be practical. In the Lewiston and Auburn area alone a ban on natural gas would mean the loss of 2,000 jobs. In addition, it would precipitate a crisis for homeowners who heat with gas as well as for the thousands who have gas operated hot water tanks, laundry dryers and other appliances."

There is actually here a headline on the 22nd of July when the sponsor of the measure was then mayor of Lewiston in which it says in the headline, "Twin City Officials Pleased, Not Surprised With Report." And the very same newspaper says, "Jalbert Scores Gas Report, Will Seek Strong Legislation." I am succeeding in seeking the strong and getting the strong legislation through the actions of the city government of the City of Lewiston. And while we are on that subject, we did pass home rule a couple of years ago. I opposed it, but now I am living by it and we are having the situation before us.

It says here, "Gas consultant feels system safe. Jalbert ex-

presses some doubt." I could stand before you, as I stated two weeks ago, for over two hours reading you things and articles and meetings that I have gone to at which time I have expressed some deep concern wherein it concerns the gas problem at home. But I am happy that the ordinance as it is going to be presented at public hearing and hopefully passed on that very day on Thursday involves all the utilities. Just bear in mind that when you talk about utilities and one faction of utilities, you should talk about them all.

It is only one year ago that the steel from the blade of a backhoe a few miles from here in Winthrop hit a cable, an electric cable and blew up both the machine, the man and whatever surrounded him. That is my situation. That is what I want to do. I am saying to you this, that this measure here is not one that would prevent. The ordinance would prevent — and I say in all honesty to you that either at this session if I can get it by the leadership or at a next subsequent special session, the ordinance is so good in sections of it concerning the cities, the larger communities which have this problem, so good that I would like to put it in the form of a measure. I don't think this Bill is good, and that was my reason for opposing it.

As far as the comment was made by the very good lady from Orrington, Mrs. Baker, the chairman of the Judiciary Committee, that there was no one that opposed the Bill. There was no one that supported it either outside of the sponsor, regardless of the committee report which was ought to pass.

Certainly, I do hope that you do not reconsider so that we can continue with our thinking that we had last Friday which was to adhere which would put an end to this measure which is not good and a measure that could be drafted which would be good which would be preventative of these actions.

The SPEAKER pro tem: The Chair recognizes the gentlelady from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I think that we all agree this is a local issue, especially since it is my city which is the one susceptible to gas explosions.

A state statute is needed since the Superior Courts can hear cases of this nature, and the courts are run by the state; therefore, the need of a state law. This bill will not put people out of work in other industries as you may have heard, for if it did, I would be the first to oppose it, and I believe that my voting record will attest to the concern which I have on the employment of our people.

We should look at the positive reasons for the necessity of this legislation; namely, that it will serve notice on the distributor of natural gas to implement the needed safeguards, and when their system is made safe, then there will be no need to fear the loss of liability insurance. Further, there is an amendment which absolves the gas company in cases of separate intervening causes.

Now, most of us do not have personal newspaper headlines good and bad to show you to indicate our concern or lack of it for human life. The headlines to remember are those which have told and will tell of the sudden deaths in Lewiston by gas explosion and I should say plural, explosions.

This bill had no opposition, as you have heard, at the hearing and received a unanimous report, "ought to pass." I am very surprised at the sudden opposition which has not been settled by any means to say the least, so perhaps there is no hope for the bill because of this and because of the type of lobbying, which obviously, most of us in our delegation cannot match, but we are learning fast.

Therefore, I ask that we vote as though we all reside in Lewiston under the present conditions of uncertainty with the gas safety measures. That we vote as though we are all representatives of our fellow citizens of Lewiston and not the gas utility company; and if we come from areas other than Lewiston and Auburn, perhaps we vote as though this were

by secret ballot, and Mr. Speaker, I request a roll call vote, please.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: As all of you know, I don't live in Lewiston, never have. The remarks I made a few days ago concerning Dr. Wiseman who was killed in a gas explosion were from a personal involvement.

I sympathize with the problems Lewiston and Auburn are having, but this bill doesn't cure anything. This bill doesn't prevent gas explosions. It offers no solutions, no cures, but it does impose absolute liability which is a horror. No person, no business should operate under these conditions. Absolute liability is judgment before trial.

The fundamental concepts of our judicial system establishing negligence, establishing fault, is set aside in this bill. A housewife could turn on the gas jet without lighting it, forget it, and if an explosion occurs or fire and no one could prove the cause, the gas company is automatically guilty. This is wrong. Just think for a moment what would happen if we applied this philosophy to automobile accidents or to any accidents, fatal or otherwise. If you are involved, you are automatically or the manufacturer is guilty. This doesn't make sense, but this is what this bill does and it is wrong.

The PUC is working with this firm very closely, and if they are guilty of any wrongdoing, they should be and will be held liable. But if they are not, they should not be prejudged. I hope the House will not reconsider its former action. This problem should be handled by home rule.

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

Mr. TANGUAY: Mr. Speaker, Ladies and Gentlemen of the House: The first speaker, Mr. Jalbert, mentioned that Lewiston is taking proper consideration of this, what is existing in Lewiston as far as the gas is concerned. It has no bearing on the contents

of this bill. They are creating ordinances where if a backhoe or any contractor wants to dig a hole or any homeowner wants to dig a hole with mechanized equipment, that they first will get a permit to do so.

Now, it doesn't concern itself with the liability of the gas companies for having these pipes going throughout the City of Lewiston. I dare say that Mr. Wiseman, who was just mentioned a while ago he failed to turn on his gas jet. His wife also failed to light it. In fact, there was no such thing existing. All we want to do is make sure that the utilities, when they are responsible, that they accept the liability.

We lost, I would say, out of three explosions several lives. These people cannot come back and pass legislation whereby to find out who is liable.

I can also assume to that respect, like the gentleman from Westbrook mentioned, assuming that a family of five, five children, the kids are in a city park, Lewiston City Park enjoying themselves. The husband and wife are at home, and there is a gas explosion. The father and mother are gone. Who will assume the responsibility? There is a considerable amount of responsibility there.

Now, if you don't make the gas companies liable, who are we going to make liable? I know if I had a pistol and I shoot you in the head I am responsible. I feel that the gas companies, they have the gas, they are selling the gas. If their insurance rates are going to go higher, let them increase the cost of the utility. They are just going to — I believe if I read the newspapers right, they just got a 33 percent increase in their rates. We can — I am a user of the gas, so if it goes up another nickel, I will take on a nickel. Why not feel that they are responsible? If they are holding the gun, I feel that they should pay for holding the gun. I think this is just legislation, and we should pass this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman

from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: Very unofficially, I would like to address myself to this particular bill, and I do so not from a local point of view but somebody who is outside, I guess, looking in, because I don't look at this bill as a bill for Lewiston and Auburn. I look at the bill from a point that it says that any gas company or natural gas pipeline company "which distributes natural gas shall be held strictly liable for death or injury to person or damage to property resulting from explosion or fire caused by natural gas unless said explosion or fire was a result of a separate intervening cause pleaded by said company as an affirmative defense and demonstrated by clear and convincing evidence."

Now, I look at this particular legislation from a point of view that I think that natural gas is going to come into this state even greater than what it is now, and it is going to be distributed even further around the state.

I am one that takes a very dim view of giving immunity to people, and I am also one that takes a very dim view of making people strictly liable. Now, should a case arise such as we have heard here this morning, we have the courts that people still can go to.

I think it is very hard and it is very cruel maybe to have to face the facts of life that we are talking life and death, and we have had some loss of lives, but I have to look at it strictly from what is in that legislation; and in my conviction, I just cannot support it, and I don't believe we should reconsider. I think we did the right thing when we adhered.

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

Mrs. WHITE: Mr. Speaker and Members of the House: As has been debated numerous times, this bill did come out of committee unanimous "ought to pass." It has also been stated there was no opposition. Subsequently, however, some of us on the committee at least were informed of problems

that would arise if this bill passed. I felt the opposition had good cause, and I changed my vote. I wanted to explain why I had changed it.

I feel that this should be taken care of and will be taken care of by ordinance.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. MCKERNAN: Mr. Speaker and Ladies and Gentlemen of the House: First I want to thank the gentleman from Lewiston, Mr. Jalbert, for showing me the way to proceed in debate. I noticed a Prosser on Torts on his desk yesterday, so I went down to the library and got one for myself. I got the latest edition, though, rather than the one that he has.

In the last edition of Prosser on Torts, he talks about strict liability, and even though in a previous edition he has said that strict liability was not the majority law in the states, he says that now as of 1971 it was the majority and that only seven states had not adopted the strict liability for dangerous activities. In fact, he says that "it has been approved by name or a statement of principle clearly derived from it has been accepted in some 30 jurisdictions with the number expanding at the rate of about one a year." That was in 1971.

I want to make another comment on the case that he cited, which was Reynolds versus Hinman on page 804 of 75 Atlantic 2d. It says that the reason that they did not apply strict liability was because simply that is not the law in this state. Well, we have a chance to make it the law in this state and to follow the trend of other states around the country. Strict liability in other states has been applied according to Prosser, to want or collect quantities in a dangerous place, explosives, inflammable liquids, stored in quantity in the midst of a city, blasting, pile driving, crop dusting, I could go on.

As I said, we have a chance to make a more just and equitable law now. The basis of strict liability is that a person whose inten-

tional behavior exposes those in his vicinity to great danger, should have the burden of proving that his activity did not cause the injury. Well, this is exactly what this bill does. I don't see how anything could be fairer than that, especially with the amendment that has been put on it that allows the gas companies to prove that it was not their fault. They can prove that it was an intervening cause, and therefore they would not be held liable.

The gentleman from Westbrook, Mr. Deshaies, is not in his seat, but he mentioned that the basis of negligence and fault in our legal system would require that we not shift this burden. But one final point I would like to make, that is that in both trespass and liable cases, fault has no bearing at all. For instance, if someone trespasses on another's land without knowing that it is another person's land, that has no bearing whatsoever. The fact is, he was on the other persons land and therefore he is guilty of trespassing.

Well, in this case, the fact that the gas companies are making it dangerous for people to be in the vicinity, they should have the burden of proving that it was not their fault that the explosion occurred, because it would be almost impossible, in many cases, for the person injured or killed to prove that it was negligence on the part of the gas company that caused the accident.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this bill would prevent further accidents, it is a preventative bill, because it is the only way that we can make the Northern Utilities keep its equipment up to snuff.

Now, I explained the other day that we used to have manufactured gas in Lewiston and Auburn and also in Portland. That is a gas that has steam on coke. That is how the gas is formed, and it used to go through the pipes in a liquid form with the water in it. You might have seen in Lewiston, there used to be trucks that went

around periodically to pump out that water. When we converted from manufactured gas to natural gas, the conditions changed considerably.

Natural gas is hydroscopic, it is very dry. When it went through the pipes it caused the caulking compound that previously had been kept wet, and had been kept in an expanded form, this compound dried up and therefore the gas which couldn't leak before because of the tight seal did leak. So this gas was seeping out without anybody knowing where it was going. The gas company, of course, hoped that this would not happen, that the compound wouldn't dry up and the gas wouldn't seep out. However, it did happen, and that is the cause of the explosions in our area.

The first case that was cited, the Wiseman Case, those people weren't connected with the gas main at all. What happened was, the gas seeped up through a cellar drain. This gas is a fairly heavy gas and it builds up. It likes to go into pockets, and it builds up in the cellar, and finally when it gets to the point where it can be ignited by an oil burner or whatever kind of furnace a person has, this causes the explosion. Since that time, the utility company has dug up the joints, has repacked, and I think I am not positive of this, but I am quite sure they are using a Carboseal to keep moisture in the pipes, and probably we won't have another explosion with this kind of safeguard. But if we don't have this bill, we can't be positive that they will take this kind of care. So I would implore you to vote for this bill.

I would like to read from the paper. This is Mayor John Linnell who cited the people from Auburn for voting for the bill. And he said, "The essential fairness of the bill," said Linnell, "is that it allows the supplier"—the gas company—"to raise as an affirmative defense, that there was an independent intervening cause which led to the explosion, rather than a failure of the system. A good example of such a situation would be where a person excavating with

a backhoe or the like, inadvertently breaks a line.

"While much has been done by the municipal government, state government and the gas company itself to bring the system locally into a condition which is compatible with industry standards, there is no such thing as a system which is completely fail-safe.

"When there is such a failure, the results are catastrophic, and it seems to me that in addition to what has already taken place, a law which would give our citizens the added assurance that the gas company would have to answer for the failure of their system, is desirable."

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I simply would like to suggest to the residents of Lewiston and Auburn that if this bill is passed, and if I were the owner of the utility and operating in a system as old as the one in Lewiston and Auburn, I would immediately ask the PUC for a very, very substantial increase in rates. And I would immediately start overhauling the gas mains and the services to the older homes in Lewiston-Auburn area. I am sure the gentleman from Lewiston, Mr. Tanguay, is not going to get a nickel increase.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Two speakers, the gentle lady from Auburn, Mrs. Lewis, and the gentleman from Lewiston, Mr. Tanguay, have mentioned the Wiseman people, the Wiseman family. This is what exactly triggered me originally to ask for my first investigation, which was for the City of Lewiston system. Subsequently, I asked for a state-wide investigation.

Now, the comment has been made that the gas was not turned on by Mr. Wiseman or Mrs. Wiseman. I know the situation very well, certainly I know the family well. The Wiseman family and my family's friendship dates back nearly 100 years. As a matter of fact, the father of the deceased Dr. Wise-

man put me into this world. So I have some emotions as far as I am concerned.

The comment has been made, also by the lady from Auburn, Mrs. Lewis, concerning the remarks of the mayor of Auburn, the Honorable John Linnell. Yesterday, there was a meeting of the Auburn City Council, with the mayor of Auburn, Mr. Linnell presiding. Not one word about this bill was mentioned. And I made sure of that by calling some councillors. Yesterday at 4 o'clock there was a meeting of the City of Lewiston Mayor and aldermen. Not one word is in the paper this morning where this bill was mentioned.

When the original order was presented, which was not passed, and the sponsor of this measure was then mayor of the City of Lewiston, here is exactly what it says about the shut-down law, "When fire commissioner Philip Meldrum said he felt the wording of the ordinance should be made that the gas system shall be shut off, rather than may be shut off; Mayor Robert W. Clifford replied that according to law the word shall gives no leeway."

Now, Mr. Speaker and Members of the House, yesterday I spoke to you somewhat emotionally wherein it concerned Justice Webber. After I got through, I was speaking to a member of this House who informed me that I was against this bill because of the sponsor. It so happened at the time that the Honorable lady from Portland, Mrs. Kilroy happened to be along, so the three of us being together, I said to the good lady from Portland, Mrs. Kilroy, "Jane, who would you say has been more friendly and attempted to help more the family of the sponsor of this bill in the City of Lewiston?" And her immediate reply was, "Louie Jalbert."

It so happens that even before I was born, my family went for law advice to the family of which he is a partner now of the firm of Clifford and Clifford. My wife's will and my will are in their office. This afternoon at 2 o'clock my good wife will be meeting in that firm to discuss some property in Pemaquid. Recently we purchased a house and we bought it through

their firm, which has a controlling interest in a small bank in our area. This also is a friendship that dates back 100 years.

Mr. Speaker, I mentioned that for only one reason. I have been around here since 1945, and I am happy that you are there as the Speaker pro tem, because I would like to know of two individuals in this body since you have been here, and you have been here quite a few semesters, who have sided in together yet opposed one another on more occasions than you and I have, and I would like to ask you, Mr. Speaker, if we have not remained the closest and best of friends, regardless of the issue. I don't judge an issue on personality, I judge it on an issue.

This is not a good bill. As a matter of fact, the sponsor of this measure sponsored a bill, an act to authorize a municipality to shut down all or all parts of a natural gas system in time of an emergency. You can go down in the office of the Research Committee, I have a like bill, but because the member was a new member and I wanted him to have the bill, and I wanted not to go along and say me, me, me, I let the bill by and I wholeheartedly supported it. Certainly I am not motivated by any feeling of personalities, and it chagrins me, it doesn't anger me, it merely chagrins me why anyone would make such a comment which is so, so untrue.

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

Mr. TANGUAY: Mr. Speaker, Ladies and Gentlemen of the House: I will admit that Mr. Jalbert has spoken the truth on one particular phase of this subject, where he personally saw fit that the PUC would probe the situation. The PUC has probed the situation in and out, yet, we are still having the explosions.

One thing that I fail to see in the newspapers, at least I didn't notice it in the papers, is on one particular Saturday night, which is the night that I am out, I am standing in the window, which is a social club, and just as true as I am here, I saw a manhole going up. I saw it come back down and split in half with such force — this man-

hole was thrown up in the air so high, way above what they call the Bleaching Mill, and came back with such force that it split in half. Seeing that, several of us went out to investigate, and we noticed that on the Lisbon Street side, where the Unemployment Office is, there were two manholes out of the street, and to the rear of the Unemployment Office there was one. I didn't see that in the newspaper. But, one little automobile which happened to be a tiny little Volkswagen happened to come into Lewiston, enter the one way street where it splits in the middle, was just driving by. We were told on the scene that it must have been the exhaust of that particular car as it went over the manhole that caused the explosion.

If we don't adopt this particular bill, and assuming somebody would have gotten killed, who would have been responsible? Who would be liable for the life of a family man? A child, all well and good, a child, his soul is white, we know he is going to heaven, but what happens if the family man gets it? What happens to that family? Somebody should be liable if it does happen to a family man, I hope that you don't vote to reconsider this particular bill so that we can send it merrily on its way.

The SPEAKER pro tem: 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 pro tem: The pending question is on the motion of the gentleman from Sabattus, Mr. Cooney, that the House reconsider its action whereby it voted to adhere on Bill "An Act Relating to Liability of Distributing Utility for Death or Injury to Person or Damage to Property Caused by Natural Gas" (H. P. 448) (L. D. 1415). All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Berube, Briggs, Carey, Chonko, Clark, Connolly, Cooney, Drigotas, Dunleavy, Farley, Farnham, Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Huber, Jackson, Knight, LaPointe, Lawry, Lewis, J.; Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Murray, Najarian, Norris, Peterson, Pontbriand, Ricker, Rolde, Smith, D. M.; Talbot, Tanguay, Tierney, Wheeler, Whitzell.

NAY — Ault, Berry, P. P.; Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Bustin, Cameron, Carter, Chick, Churchill, Conley, Cote, Cottrell, Cressey, Crommett, Curran, Dam, Davis, Deshaies, Dow, Dudley, Dyar, Emery, D. F.; Evans, Finemore, Garsoe, Good, Hamblen, Hancock, Haskell, Henley, Hewes, Hoffses, Hunter, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, McCormick, McNally, Merrill, Morton, Mulkern, Murchison, O'Brien, Parks, Pratt, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Stillings, Strout, Susi, Theriault, Trask, Trumbull, Tyndale, Walker, Webber, White, Williard, Wood, M. E.

ABSENT — Albert, Carrier, Curtis, T. S., Jr.; Donaghy, Dunn, Ferris, Flynn, Gahagan, Herrick, Hobbins, Immonen, Palmer, Perkins, Ross, Santoro, Sheltra, Smith, S.; Soulas, Sproul.

Yes, 50; No, 81; Absent, 19.

The SPEAKER pro tem: Fifty having voted in the affirmative and eighty-one in the negative with nineteen being absent, the motion to reconsider fails.

At this point, Speaker Hewes returned to the rostrum.

The SPEAKER: The Chair thanks the gentleman and commends him for a very excellent job.

Thereupon, Mr. Ross of Bath returned to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

The Chair laid before the House the eleventh item of Unfinished Business:

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

Tabled — May 18, by Mr. Finemore of Bridgewater.

Pending — Passage to be engrossed.

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

Mr. McTEAGUE: Mr. Speaker, I offer House Amendment "A" under filing number 409.

House Amendment "A" (H-409) was read by the clerk.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: House Amendment "A" amends L. D. 1913, An Act Regulating Mass Marketing of Casualty and Property Insurance. This is a committee report. I think that there has been contact with the committee members regarding House Amendment "A", and hopefully it has been worked out to the satisfaction of all. This is a most important area, because it would give all of us and all of our constituents the opportunity to save 15 to 20 percent on our homeowners and our automobile insurance. It is probably the most significant item of insurance reform we will consider in this session of the legislature.

The reason for the amendment was to make completely clear and beyond the shadow of a doubt the ability of groups like credit unions, labor organizations, employer organizations, such as the M.S.E.A., the M.T.A. and so on, to participate in this form of mass marketing.

In a nutshell, mass marketing is the system of selling these two types of insurance which enables a group of people, like the State Employees Association, a particular credit union, the employees of a particular company to band together and have the opportunity to purchase insurance at reduced rates.

There is no compulsion in the bill. No person would be compelled to purchase any type of insurance. But he would have the opportunity to do so, and we would hope that based on the savings available to the public, they would take advantage of this. Mr. Speaker, I move the adoption of House Amendment "A".

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

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

Mr. BRAWN: Mr. Speaker, is the House in possession of H. P. 1326, L. D. 1738, An Act to Annex the Town of Brunswick to Sagadahoc County?

The SPEAKER: The Chair would answer in the affirmative.

Mr. BRAWN: Having voted on the prevailing side, I move that we now reconsider our action whereby this bill was passed to be enacted.

The SPEAKER: The gentleman from Oakland, Mr. Brawn, moves that the House reconsider its action whereby it passed this Bill to be enacted.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: I would not presume to speak for the entire House, but I think I can speak for myself and the other gentleman from Brunswick, it is certainly not our pleasure; and it has been shown on, I think three or four occasions after lengthy debate not to be the pleasure of the House. I guess there is not too much more new that anyone can say on this bill today. We heard the gentleman from Portland, Mr. O'Brien, describe it as a sham yesterday. I have heard conversations involving the Saco River corridor and the social services budget for Cumberland County, both of which, to my small mind, have little to do with the merits of this bill.

Mr. Speaker, I would ask that the House sustain its prior vote, which has been on the merits of

the issue rather than extraneous items like the two I have mentioned.

I would like to draw to the House's attention a matter that we considered in the 105th Legislature involving safety barriers on the Maine turnpike, because another "red herring" that has been dragged across the path of this bill has been what the eminent law firm in Boston, Ropes and Gray, thinks about it. I am certain that the town of Brunswick is wonderfully delighted to know that one of the largest law firms in Boston even knows that we exist, but we really would prefer to have the Maine Legislature and the voters of our town run our affairs than have them run out of a Boston law office.

The reason why I bring up Ropes and Gray again, as I recall, after the debate yesterday that when the gentleman from Biddeford, Mr. Lizotte, who served in the 105th, was putting through an excellent safety measure regarding safety barriers on the Maine turnpike, which have been put in most places and now are in the stage of completion on the last part of the pike from Augusta down, when he was trying to get that bill through, which I assume has saved lives and which if it had been all the way, might have saved some additional lives by now, Ropes and Gray didn't like that idea either. There is something about the legislature couldn't do it, bond council and all that. Well, after Ropes and Gray had their say, the State of Maine, through us, the representatives of the legislature, directed the building of this barrier. We saved some lives, and as far as I know, bonds are still being sold out of the State of Maine.

So the idea of the Saco River corridor is fine, and the idea of Ropes and Gray down in Boston is fine, but none of them have to do with the merits of this bill; nor does the Cumberland County social services budget have to do with the merits of this bill. The only question involved is, is it fair and reasonable that the people immediately involved should have an opportunity to vote on it.

Mr. Speaker, the facts have not changed overnight. These other items mentioned are not relevant to an honest consideration of the bill. We would ask the House to vote as it has in the past, and I ask for a roll call.

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

Mr. ROSS. Mr. Speaker and Ladies and Gentlemen of the House: I disagree with the gentleman from Brunswick, Mr. McTeague. I feel that there is something a little different today.

I have spoken twice on this bill, really neither for it nor against it, and I voted twice for the bill only because it had these referendum clauses on it. However, I now believe that there is a real problem that has not been discussed enough, and that is the transfer of records. I raised this question in the very beginning and was told that this was no problem at all. But I believe that now it is a tremendous problem.

In the register of deeds, they keep deeds, mortgages and attachments. Registers of Probate keep wills, inventories, guardianships, conservatorships. The clerk of courts have to keep lawsuits, receiverships and corporate dissolutions. All county commissioners' records have to be kept. You must go back 40 years.

Now, they are not listed by town, they are listed by person. For instance, deeds are listed by the grantor and the grantee by the year. If they don't move these records, it would mean a double recording or more cost for the taxpayer. The time lag involved might even prevent a sale. I still feel that the people should be allowed to vote but not until they know exactly what they are voting for.

I have been told that this could run between 25 and \$100,000. That is just hearsay, of course. The proponents will say that the records have already been microfilmed, but this only goes back a few years. What about the other 20 or 25 years of records?

Until we know exactly how this complicated subject is going to

be handled and how much it is going to cost, I don't think it is fair to put such an unknown factor to the people for their vote.

I see no hurry about this. Both counties have been operating perfectly satisfactorily since 1854. Until all costs are really proven, I see no harm in holding this bill, for instance, for a special session.

We must remember that there is one more cost that hasn't been mentioned, and that would be the cost of renovating Sagadahoc's County courthouse to provide more room for both records and additional personnel.

I have been told that all of the newspapers in the area and all of the radio stations are for this. Certainly, they favor the conception, such as I do, but they do not know the details. Until we are really on solid ground, I hope today you will reconsider.

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to ask the gentleman from Brunswick where he was fishing and caught a "red herring"? I have fished all my life and I have never seen one; although a week ago last Sunday I was privileged to see a world's champion pink, completely pink trout, four pounds and four ounces of blueback. The State of Maine holds this record.

I had people approach me in the hall that did not get a chance to speak upon this bill. I did vote on the prevailing side. I believe this is a democracy that we live in, and I think every person should have a right to have their say. If they vote different than I did, after all is said and done, I care not; but I think they should have the courtesy to have this reconsidered so they can speak upon it.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: I think the record will show three or four roll calls on it. I do not have the information. Perhaps the gentleman from Oak-

land, Mr. Brawn, does. But I think of the 151 members of us here, all of us have had a chance to vote on it once or twice. But I tend to agree in a broader sense with Mr. Brawn in that I think that there should be a chance to vote, not only by this legislature but by the people involved.

I do not know with certainty how the citizens of Bath will vote represented by the gentleman from Bath, Mr. Ross, nor do I know how the citizens of my town will vote. But I do know that I firmly want them to have that opportunity, because that is what democracy is all about.

Mr. SPEAKER: The Chair recognizes the gentle lady from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I do not think that there is any way this morning that we can either prove or disprove the figures which Representative Ross has given us, although I rather doubt their validity. And if we find out by next November in the city of Bath that we are being robbed, we will gladly hand Brunswick back to Cumberland County on a silver platter if Cumberland County will have them back.

I kind of wish that my colleague from Sagadahoc County would make up his mind. I really wasn't too surprised at his action this morning, because the gentleman from Bath has had his feet firmly planted on both sides of the issue since the very beginning. I would like to perhaps quote from his own speeches of last week. He says, "I am a trusting soul, and I am sure that their legislators" — meaning Brunswick, "— are honorable men and not apt to be motivated by nefarious schemes. Furthermore, the referendum clause that is in this proposed legislation is the saving grace." And yesterday, he said, "I am willing to let the residents decide."

Well, I am one of the residents of Sagadahoc County, and I want a chance to vote on referendum. I don't yet know how I am going to vote, but I do believe in the Maine Constitution which gives

the people of Brunswick the inherent right to alter, reform or totally change their government if their safety and happiness require it.

I urge you not to vote for reconsideration.

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

Mr. LaPOINTE: Mr. Speaker and Ladies and Gentlemen of the House: My good friend from Brunswick, Mr. McTeague, who seems to be the nefarious leader of the "McTeague's King's Militia" is continuously driving home the point the opportunity to vote. Last week I voted for the opportunity to vote on this issue for the people of Cumberland County. That opportunity was denied recently as a result of some legislative actions in that the amendment that was placed upon the bill allowing for the people in Cumberland County to vote on this in a referendum was denied. I maintain that the people in Cumberland County who are going to be affected by this bill, who are going to be picking up the tab for some of these costs, I believe they also should have an opportunity to vote.

So, ladies and gentlemen of the House, I ask you to reconsider this morning and don't annex until you see the whites of their eyes.

Mr. Jackson of Yarmouth requested a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Oakland, Mr. Brawn that the House reconsider its action whereby it passed to be enacted L. D. 1738, An Act to Annex Town of Brunswick to Sagadahoc County. All in favor of that

motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berube, Birt, Bither, Boudreau, Brawn, Briggs, Bunker, Cameron, Churchill, Clark, Conley, Cottrell, Cressley, Dam, Deshaies, Donaghy, Dudley, Dunn, Evans, Ferris, Garsoe, Goodwin, H.; Greenlaw, Hamblen, H a n c o c k, Henley, Hoffses, Huber, Hunter, Jackson, Kilroy, Knight, LaPointe, Lawry, Lewis, E.; Lewis, J.; Littlefield, Mahany, McKernan, Merrill, Morton, Mulken, Murchison, Najarian, O'Brien, Peterson, Pratt, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Sproul, Trask, Trumbull, Wheeler, White, Willard, Wood, M. E.; The Speaker.

NAY — Berry, P. P.; Binnette, Bragdon, Brown, Bustin, Carey, Carter, Chick, Chonko, Connolly, Cooney, Cote, Crommett, Curran, Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farley, Farnham, Farrington, Faucher, Fecteau, Finemore, Fraser, Gauthier, Genest, Good, Goodwin, K.; Hobbins, Immonen, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, LaCharite, LeBlanc, Lynch, MacLeod, Maddox, Martin, Maxwell, McCormick, McHenry, McMahan, McNally, McTeague, Mills, Morin, L.; Morin, V.; Murray, Norris, Parks, Pontbriand, Ricker, Rolde, Rollins, Smith, D. M.; Smith, S.; Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Tyndale, Walker, Webber.

ABSENT — Albert, Carrier, Curtis, T. S. Jr.; Davis, Flynn, Gahagan, Haskell, Herrick, Palmer, Perkins, Santoro, Soulas, Stillings, Whitzell.

Yes, 64; No, 72; Absent, 14.

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

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

Bill "An Act Establishing Educational Requirements for Real Estate Brokers" (H. P. 839) (L. D. 1113).

Tabled — May 18, by Mr. Trask of Milo.

Pending — Acceptance of Either Report.

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

Mr. GARSOE: Mr. Speaker, I move the House accept the Minority "Ought to pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, moves that the House accept the Minority "Ought to pass" Report. The gentleman may proceed.

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: This is my bill. It came out of the committee with a substantial "ought not to pass" report with which I am in full agreement. I am having an amendment prepared and I would like to have the minority report accepted in order that I may come in at its next appearance and present my amendment.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a division. I presume this had a good hearing, and the majority report is "ought not to pass," and I have read the legislation over, and I have also looked at the amendment, and I think it is going much too far too fast. But I shall not belabor the point this morning. I just hope you vote against acceptance of the minority report so that we can accept the majority report of the committee.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: It is my own shortcomings that have put me in this position. I failed to get into the committee in time to get a proposed committee re-draft considered and, in fact, right now I am in the process of redoing the amendment that you have on your desk in response to suggestions and objections from members of the committee. I hope that in division you will support this motion.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Trask.

Mr. TRASK: Mr. Speaker, Ladies and Gentlemen of the House: I signed this report out of committee "ought not to pass" as the bill was then written, but as the gentleman, Mr. Garsoe, has stated, there is an amendment and a further amendment coming on the floor which I think you will find acceptable, and I would like to see us keep the bill alive so that we can put this amendment on.

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

Mr. KELLEHER: Mr. Speaker, I move that this lie on the table for two legislative days.

Mr. Birt of East Millinocket requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that L. D. 1113 lie on the table two legislative days pending the motion of the gentleman from Cumberland, Mr. Garsoe, to accept the Minority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

78 having voted in the affirmative and 27 having voted in the negative, the motion did prevail.

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

Bill "An Act Adopting Emission Regulations of the Department of Environmental Protection" (H. P. 1146) (L. D. 1595) (C. "A" H-398) (H. "A" H-404)

Tabled — May 18, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

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

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

Mr. WHITZELL: Mr. Speaker, maybe I should not have allowed the passage to be engrossed. I have an amendment to offer to the bill. I would move that we reconsider our action whereby this bill was passed to be engrossed.

This House amendment has the approval of the Department of Environmental Protection. It is with regards to the Ambient Air Quality Standards Act which was passed and adopted by the 105th Legislature of which I was the sponsor.

The current legislation is really bringing the State of Maine in line with the federal guidelines that were passed in July of 1971. If Maine does not meet these guidelines and act on this piece of legislation, the department would lose certain matching federal funds.

The amendment that I wish to offer is for the purpose of allowing open burning with permits in certain areas. There presently is allowed open burning where a permit is obtained pursuant to subsection 3 which means there is quite a procedure for getting the burning permit in the first place; but in certain instances, there are occasions when the amount of debris that has to be burned is such that it cannot be removed any other way or it can be disposed of. In those cases, with the approval of the fire warden or fire marshal for the area, they would be allowed to burn.

This particular House amendment would change only one word, the word "modification" to "maintenance," and it had to do with construction with state highway maintenance or modification and the state highway modification or modification of certain industrial sites or — would be — they felt the term was just too broad and modification would seem to indicate that we would have to make some unusual change in the structure whereby the Department of Environmental Protection was willing to go along with the proposed change to clear up the language and use the word "maintenance."

Anytime highway maintenance or — which is a — for instance, tearing a roof off the highway garage, disposing of this could be done through burning.

I ask the House to please reconsider their action where we

passed it, and I would like to offer House Amendment "B" after that.

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to concur with the young gentleman from Gardiner, Mr. Whitzell. I have checked the amendment. I had an amendment the other day myself which I don't know whether all of you read which took care of some large amounts of debris that the Highway Department might be concerned with on a project they might have.

This is just a minor change on page 5 of the document under "C" at the bottom of the page where they would be inserting the word "maintenance," and I think it might be of a help, for instance, to bring it to a little better example. If a railroad crew were picking up old ties or something and they didn't want to haul them out, they could burn them there.

While I am on my feet, I did have a question directed to me the other day by Mrs. Berry on behalf of the apple growers, and I would like to just read from this section, 599, in the bill under paragraph 3. To begin with, there will be no restrictions until after January 1, 1975. After that, burning will be permitted by permit. This would further cover certain small jobs that could be classified of a maintenance nature and get away from that word or following the word "modification" in the bill.

I wish the young gentleman had been off his hands, though, and had got his amendment in.

The SPEAKER: The pending question is on the motion of the gentleman from Gardiner, Mr. Whitzell, that the House reconsider its action whereby L. D. 1595 was passed to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

93 having voted in the affirmative and 5 having voted in the negative, the motion did prevail.

Mr. Whitzell of Gardiner offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-427) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

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

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

Tabled — May 18, by Mr. Donaghy of Lubec.

Pending — Final Passage

On motion of Mr. Simpson of Standish, tabled pending final passage and tomorrow assigned.

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

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

Tabled — May 18, by Mr. Donaghy of Lubec.

Pending — Motion by Mr. Shute of Stockton Springs that the House reconsider its action whereby they adopted Committee Amendment "A" (H-384).

The SPEAKER: The Chair will order a vote. All in favor of the pending question will vote yes; those opposed will vote no.

A vote of the House was taken.

69 having voted in the affirmative and 9 having voted in the negative, the motion did prevail.

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

House Amendment "A" (H-406) was read by the Clerk.

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

Mr. FERRIS: Mr. Speaker and Ladies and Gentlemen of the House: House Amendment "A" to Committee Amendment "A" does two things basically. The original intent of the bill, first of all, was to require a certificate of training for motorcycle operators under 18 years of age.

House Amendment "A" does two things. It lowers the age from 18 to 17 and that is acceptable as far as I am concerned and as far as — unanimously in the Education Committee.

However, the second thing that House Amendment "A" does is to completely thwart the intent of the bill and that is to put us back in the situation where we are now at and that is to require no training for operators under 18 years of age or 17 years of age for that matter, too.

I would just like to say from personal experience that having driven a car and piloted an airplane and operated a motorcycle, I can assure you that operating a motorcycle is the more dangerous of the three, and it is a very complicated thing. I am sure anybody who has had that experience will agree with me.

As I say, the committee agreed to lower the age from 18 to 17, and we will accomplish that with Committee Amendment "B" which will be offered, I hope, after we indefinitely postpone House Amendment "A". So I now move that we indefinitely postpone House Amendment "A" to Committee Amendment "A".

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Ferris, to indefinitely postpone House Amendment "A" to Committee Amendment "A".

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

Mr. SHUTE: Mr. Speaker and Ladies and Gentlemen of the House: The Education Committee evidently heard this motorcycle bill, and I have a couple of questions I would like to ask any member of the committee if they would care to answer them. I have four questions as a matter of fact.

The first is how many motorcycle training schools are there in the state now? The second is are there any appropriations attached to this bill under another bill? And third, how many states have this law? And fourth, how many motorcycle exams were given last year?

The SPEAKER: The Chair would inform the gentleman that the pending question is the adoption of

House Amendment "A" which I believe basically changes the age and does not get into the merits of the bill.

The Chair recognizes the gentle lady from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker and Ladies and Gentlemen of the House: I would like to go along with Mr. Ferris on this. If you will go back a ways in this motorcycle problem that we have got, the original bill was a good bill that Mr. Goodwin put in. It came before the Transportation Committee originally. We felt that it dealt with the education requirements for driving a motorcycle and asked that it be sent to the Education Department.

I do go along with the Committee Amendment "A." but I cannot go along with House Amendment "A." House Amendment "A" puts us back down to 17. I don't object to that part, but it seems to me a while ago we passed a bill in this House on motorcycles which was sponsored by Representative Wheeler of Portland which took out this phrase "or hold a valid motor vehicle operator's license." At that time, the bill that she presented — the requirements now are that you have to have a motor vehicle operator's license. There are many people who want to drive a motorcycle who do not drive a car. So we passed that bill along on its merry way and took this out. And as I can see it, House Amendment "A" is trying to put this back in. And I just can't go along with it.

Also, I believe — and I hope Mrs. Wheeler will correct me if I am wrong — but I think we amended that bill down to be 16 years old that you could drive a motorcycle. Maybe these two amendments ought to get together somewhere along the way. But I have no objections to it being 16 as long as they also would have to take this motorcycle course.

In answer to Mr. Shute as to how many now teach it, I don't think any of them do, but this could be a requirement along with driver education. There is a device out which can teach motorcycle safety without being on the road. I believe it is on a roller-type device, and I think they should also be

taught this the same as driver ed. I certainly would not like to see this amendment go on.

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

Mr. SHUTE: Mr. Speaker and Ladies and Gentlemen of the House: Earlier in the session we did pass a bill that was put in by the representative from Portland Mrs. Wheeler. That bill separated the motor vehicle operator's license and the motorcycle operator's license. Under the bill as presented by Mrs. Wheeler of Portland, a person would have to be 16 years of age in order to get a motorcycle operator's license provided they have taken a driver's education course in high school, and this is essentially what my bill does. If a person has taken an operator's course in high school and they hold a valid operator's license, they can then apply for a motorcycle operator's license without having to go to another school set up for the operation of motorcycles.

At the present time, there is only one motorcycle driver education school in the state. That is in Saco. Last year there were 5,810 examinations given in motorcycle operator licenses. If you pass this bill, you are going to set up motorcycle operator schools all over the state; and I think if you are going to do that, there should have been an appropriation on the bill because there is an appropriation somewhere.

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

Mr. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: In regards to Mr. Shute's comments, his amendment would, in effect, nullify this bill. There will be driver training programs set up in conjunction with your regular driver's ed programs in the high schools and your private programs. As you can read, if you take a look at this bill it doesn't take effect until September 1, 1975, the reason being it would give us a lead time to develop these programs.

There is no appropriations because the only need for this will be to train the various instructors, and they are being trained now in driver's ed courses at the University of Maine in Farmington. And the ones that are in the field now will be given the type of training — when they get recertified, this training will be included. It will be up to them to bear the expenses as they do now.

Hopefully, by February, the standards will be set up in national driver's education program for motorcycles. There is a group working on this now and there will be a meeting in, I think, February that will set up the final standards for this.

So, I would ask you to indefinitely postpone this, because what it would do, in effect, it would allow a person with a license, a 15- or 16-year-old with a license to get his motorcycle operator's license which is what I am trying to do with this bill, and that is to say that just because you can operate a car does not necessarily mean you have the expertise and the training to operate a motorcycle.

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

Mr. DESHAIES: Mr. Speaker and Members of the House: I would like to pose a question on the amendment. Does this amendment or does this bill, for that matter, apply to off-road trail bikes?

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

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

Mr. SHUTE: Mr. Speaker and Members of the House: No it doesn't.

I don't know if I have made myself quite clear on this amendment or not, but the gentleman from South Berwick, Mr. Goodwin, said if this amendment was adopted a person could get their motorcycle license at 15. Well, they can not get it at 15; they have to be 16

if they have taken a driver education course in high school. Without that driver education course, they have to be 17. You can't even get a motorcycle license now at 15. So if you do not adopt this amendment, a person is going to have to be 18 years old before they can get a motorcycle operator's license. And even though they have taken a driver education course in high school, this counts toward nothing on getting a motorcycle operator's license.

Now, during their driver education course in high school, they have learned the safety and road rules, and I don't see any reason why they should have to have an extra expense put on them in order to get a motorcycle operator's license. They will still have to take their motorcycle operator's exam.

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

Mr. GOODWIN: Mr. Speaker and Members of the House: I want to apologize, I didn't mean 15. When I got my license you were able to get it at 15. But I would like to state that there will be an amendment offered if this is postponed to bring the age from 18 down to 17. On the original bill when I drew it up, I did make a mistake on that, it should have been 17.

I would like to speak to this point, the fact that as a motorcyclist, which I am and I have been for several years, and I am a very ardent motorcyclist, I have become very concerned with the increase in the number of younger students, high school students, who have been getting their motorcycle license. And all you have to do to get a permit to drive a motorcycle is to pass ten questions, written questions on the rules of the road. And then you can jump on a motorcycle you can go out and buy for a couple hundred dollars, a small one, and go out and take it on the road and travel 50-60 miles an hour without a ny experience or never having driven one of these. From my personal experience, because I have done this, I feel this is extremely dangerous, and I do not feel that

just because a person knows how to drive a car, can sit behind a wheel of a nice beautiful car, can drive it on a road, means that he can get on a motorcycle where it involves balance, it involves the use of both of your hands, it involves the use of both of your feet, shifting and steering, and with the accelerator, do you know how to do it?

All we are proposing here will be a short course dealing mainly with actual experience on a trainer as Mrs. McCormick has stated, perhaps in a large parking lot. This can be tacked on as an optional course along with any driver training program.

I just hope you would go along with the motion to indefinitely postpone this. We will bring it down to 17, and by doing that, it will set up exactly the same procedure as you now have for a 16-year-old to get a motor vehicle license to drive a car. He has to have drivers education for that vehicle. If this passes, if we indefinitely postpone this and we accept the next amendment, you will set license to drive a car. He has to have drivers education for that vehicle. If this passes, if we indefinitely postpone this and we accept the next amendment, you will set up the exact same procedure for a motorcycle license, as they will have to have the driver education program for the motorcycle and then they can get their license.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I am also a motorcycle rider, ridden many years, I still am. We own four in our house. As a matter of fact, my four-year-old son was riding a motorcycle when he was four, he is seven presently. Anyone who can ride a bicycle can ride a motorcycle. If he can hold the balance with a bicycle he can certainly ride a motorcycle. Don't let anybody kid you that they can not ride a motorcycle, that they have to have a learner's permit to drive a motorcycle.

I represented this country many, many times overseas. In Cuba I

paced motorcycles professionally, and I think I know a little about motorcycles.

It is an awful job to try to get a drivers permit today on a motorcycle. It takes almost two months when you apply for your permit. So a lot of these kids that are coming out of school, who do desire to have a motorcycle permit cannot get it unless they wait many, many, many days. And believe me, you are going to see more motorcycles than you have ever seen in your life in the State of Maine this year. The trend is there, with the gas shortage and all that, so you might as well accept it and go along with it. And as far as driver's education, I think it is a good thing. But I think Mr. Shute has got a good amendment and I hope you go along with it.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Very briefly, I support the amendment of Mr. Shute, and I, too, have been a motorcyclist for many, many years. I don't have one at the present time. I am beginning to be a bit old for that. But let me say that I think that there are other things in the curriculum at school that we could spend time on other than this that is more important at the present day with the science fields and so forth. I think if they have drivers education and know the rules of the road, this is sufficient.

Now, running a motorcycle, it depends on the power of the machine. I think they probably should start out on a lesser powered one because the people that are getting hurt on one are getting onto the one that has more horsepower than they know how to handle. And this is regardless of education or how long they have run one. And if you will notice, most of your accidents with motorcycles have been people that have been running one for quite some time.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Ferris, to indefinitely postpone House Amendment "A" to Com-

mittee Amendment "A". The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Shute of Stockton Springs requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Ferris, to indefinitely postpone House Amendment "A" to Committee Amendment "A" (H-406). All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, P. P.; Berube, Birt, Ither, Cameron, Chonko, Clark, Cottrell, Crommett, Curran, Donaghy, Dundee, Dunn, Farrington, Fecteau, Ferris, Finemore, Fraser, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Hobbins, Hoffses, Huber, Jackson, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Maddox, Mahany, Martin, McCormick, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morton, Mulhern, Murchison, Murray, Najarian, Norris, Parks, Peterson, Pontbriand, Ricker, Rolde, Rollins, Ross, Silverman, Smith, D. M.; Smith, S.; Sproul, Susa, Tanguay, Tierney, Trask, Walker, Wheeler, White, Whitzell, Wood, M. E.

NAY — Berry, G. W.; Binnette, Brawn, Brown, Bunker, Bustin, Carey, Carrier, Carter, Chick, Churchill, Conley, Connolly, Cote, Cressey, Dam, Davis, Deshaies, Dow, Drigotas, Dudley, D y a r, Emery, D. F.; Evans, Farnham, Faucher, Garsoe, Good, Hamblen,

Henley, Hunter, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Littlefield, MacLeod, Maxwell, McHenry, Morin, V.; Pratt, Shaw, Shute, Stillings, Strout, Theriault, Trumbull, Webber, Willard.

ABSENT — Conley, Curtis, T. S., Jr.; Farley, Flynn, Gahagan, Gauthier, Herrick, LaCharite, O'Brien, Palmer, Perkins, Santoro, Sheltra, Simpson, L. E.; Soulas, Talbot, Tyndale.

Yes, 82; No, 60; Absent, 17.

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

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

House Amendment "A" (H-407) was read by the Clerk.

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

Mr. MURRAY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is the amendment that Mr. Goodwin referred to. This lowers the age in the bill from 18 to 17, requires a bicycle driver-ed course for 15 and 16 year-olds just like the present law requires it to receive a drivers operator's license.

So I hope that you will vote in favor of this amendment.

Thereupon, House Amendment "B" to Committee Amendment "A" was adopted. Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

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

Mr. SHUTE: Mr. Speaker, I now move we indefinitely postpone L.D. 1434 and all accompanying papers.

Thereupon, Mr. Goodwin of South Berwick requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Stockton Springs, Mr. Shute, to indefinitely postpone L. D. 1434 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 53 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

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

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

Bill "An Act Relating to Fees and Traveling Expenses for State Humane Agents" (H. P. 129) (L. D. 153).

Tabled — May 21, by Mr. Simpson of Standish.

Pending — Acceptance of Leave to Withdraw Committee report.

On motion of Mrs. White of Guilford, the Report was accepted and sent up for concurrence.

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

Bill "An Act to Reform County Government" (H. P. 1385) (L. D. 1802).

Tabled — May 21, by Mr. Simpson of Standish.

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

On motion of Mr. Simpson of Standish, tabled pending acceptance of the Majority "Ought to pass" Report and tomorrow assigned.

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

Bill "An Act Relating to School Buses" (S. P. 622) (L. D. 1936).

Tabled — May 21, by Mr. Martin of Eagle Lake.

Pending — Engrossment.

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and specifically assigned for Thursday, May 24.

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

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

Tabled — May 21, by Mr. Simpson of Standish.

Pending — Motion by Mr. Brown of Augusta that the House recede.

On motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Brown of Augusta that the House recede and specially assigned for Thursday, May 24.

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

Bill "An Act Relating to Hours of Work and Minimum Wages for Taxicab Drivers" (H. P. 1035) (L. D. 1356) (C. "A" H-387).

Tabled — May 21, by Mr. Carey of Waterville.

Pending — Motion by Mr. Brown of Augusta to recede and concur.

Thereupon, the House voted to recede and concur.

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

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

Tabled — May 21, by Mr. Simpson of Standish.

Pending — Motion by Mr. Sproul of Augusta to reconsider action whereby Bill was passed to be engrossed.

On motion of Mr. Simpson of Standish, tabled pending motion of Mr. Sproul of Augusta to recon-

sider passage to be engrossed and tomorrow assigned.

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

Bill "An Act Repealing the Bank Stock Tax" (H. P. 1491) (L. D. 1919)

Mr. Cooney of Sabattus offered House Amendment "A" to House Amendment "B" and moved its adoption.

House Amendment "A" to House Amendment "B" (H-426) was read by the Clerk and adopted.

House Amendment "B" as amended by House Amendment "A" thereto was adopted.

The bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act Clarifying Certain Municipal Laws" (H. P. 1118) (L. D. 1454)

On motion of Mr. Dam of Skowhegan, tabled pending passage to be enacted and tomorrow assigned.

(Off-Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until eight-thirty o'clock tomorrow morning.