

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, May 23, 1973

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

Prayer by the Rev. Mr. Paul Ouellette of Augusta.

The members stood at attention during the playing of the National Anthem by the Lawrence High School band of Fairfield.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 629)

ORDERED, the House concurring, that the sum of \$10,000 be allocated from the Legislative Appropriation to the Joint Standing Committee of the 106th Legislature on Business Legislation for the purpose of obtaining professional assistance in evaluating "no fault" insurance bills pending before the Legislature.

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I wonder if someone, for the record, would indicate where the study is going to be done. I am a proponent of the order, but I think it is important that the members of the House are told who is conducting the study and what is going to transpire as a result of that study.

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

The Chair recognizes the gentleman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if I can answer this fully, but this is for an actuarial study. Nobody on the committee has the ability to do this, and this was the recommendation of the Insurance Commissioner, because we do not feel that we want to pass out a no-fault under false pretenses and let the people

think they are going to get a decrease when it may be an increase. So we need these figures.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair. Is the Business Legislation Committee this session going to pass out a no-fault insurance bill or are they going to wait and pass this one at the Special Session, and will the study be completed in time for the Business Legislation Committee to pass out a no-fault insurance bill at this session?

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

The Chair recognizes the gentleman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I will try to answer that. We hope to be able to pass one out this session.

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

Mr. JALBERT: Mr. Speaker, I move this order lie on the table for one legislative day.

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

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

A vote of the House was taken.

29 having voted in the affirmative and 51 having voted in the negative, the motion did not prevail.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: My conversation with the House Chairman of the Business Legislation Committee, who presently is not on the floor, he informs me that this actuarial study can be done

within two weeks. It is the intent of the Business Legislation Committee to report out a no-fault bill at this session, but they do not want to report out a bill, as the gentle lady from Portland, Mrs. Boudreau, has indicated, they do not want to report out a bill until they can explain to the people exactly what costs are involved and what savings are involved.

It is my complete understanding that they have six bills before the committee. They have every intention of reporting out a bill, but when they do, they want to have all the facts.

I think that holding this order up at all would just slow up this process. I hope it will be moved out of the House this morning.

The SPEAKER: The Chair recognizes the gentleman from Lewis—Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: The only reason that I asked tabling of the order was so I could get the explanation. I might suggest that we get an explanation on these orders which have \$10,000 on them without having to go through the idea of making a motion that it be tabled and then get a division motion, which spells dead the motion anyway, from the other corner.

Let's find out what these things are all about, then there will be no motions.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I am somewhat surprised at seeing this order in here this morning, because I would say that both parties were concerned with it. The reason I am, we passed a similar order six or eight weeks ago concerning the investigation of the Public Power petitions, and they are no more nearer to bringing those petitions out than they were when we passed the order six or eight weeks ago.

I move this lie on the table two legislative days.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The issue before us is one of not whether or not we are for or against no-fault. My only reason why I asked the question is I felt the members of the House were entitled to know what was contemplated with the money.

I had been told what was being done with it. I concur with it and I concur with the order. I knew that this was coming. The gentleman from Brunswick and myself were informed by the Business Legislation Committee, so I did not pose the question in an attempt to defeat the order, but merely to make sure that members of the House were aware that this was going on and that we were contemplating that the committee would report out a no-fault bill this time.

I am fully aware and agree with the gentleman from Bangor, Mr. Kelleher, that this was not discussed among members of the legislature, to my knowledge, except the members of the Business Legislation Committee. That is why I felt that one ought to be aware of it when they were going to be acting upon it.

Mr. Speaker, I would move passage of the order.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Lewiston, the reason why we did not want this tabled is for the very simple reason we would like to have this discussed this morning, and then at that time, if somebody felt that we were not in order, that there were some problems with it, then we would have been agreeable to table it. But I believe that time is of the essence.

This is a computerized study that we will be able to buy the services of. It is my understanding it will probably cost us around \$6,500. It is an out-of-state outfit that we will be doing business with. It has been very successful in other states. I believe all of us are interested in some type of a no-fault bill to come out. I am

sure that all of us know it is a complex issue and when it does come out, we would like to have a full understanding of it. I do believe that if we want to get out of here at a decent time, we should get this thing moving now.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I fully concur with the remarks of the gentleman from Standish, Mr. Simpson, as I do the remarks of the gentleman from Eagle Lake, Mr. Martin.

If the order had been presented and then the order would have been presented, Mr. Speaker, I present an order, move its passage, and I would like to speak briefly to the order. Boom! End of report.

Thereupon, the order received passage in concurrence.

Reports of Committees Ought Not to Pass

Report of the Committee on Business Legislation on Bill "An Act to Differentiate and Set Apart Industrial Banks from Industrial Loan Companies" (S. P. 415) (L. D. 1254) reporting "Ought not to Pass"

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

Leave to Withdraw Covered by Other Legislation

Report of the Committee on Taxation on Bill "An Act to Exempt Maine Home Health Service Agencies from the Sales Tax" (S. P. 431) (L. D. 1300) reporting Leave to Withdraw as covered by other legislation.

Came from the Senate with the Report read and accepted.

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

Ought to Pass with Committee Amendment

Report of the Committee on Business Legislation on Bill "An Act Repealing the Corporate Franchise Tax and Adjusting Fees in the Office of the Secretary of State" (S. P. 412) (L. D. 1251) reporting "Ought to pass" as

amended by Committee Amendment "A" (S-144).

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

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

Ought to Pass in New Draft

Report of the Committee on Natural Resources on Bill "An Act to Amend Maine Water Pollution Control Laws to Conform with Requirements of Federal Water Pollution Control Act Amendments of 1972 (S. P. 355) (L. D. 1019) reporting "Ought to pass" in New Draft (S. P. 624) (L. D. 1945)

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Current Service Appropriations from the General Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975" (S. P. 141) (L. D. 342) reporting "Ought to pass" in New Draft (S. P. 627) (L. D. 1949)

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

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

Divided Report

Majority Report of the Committee on Legal Affairs on Resolve to Reimburse Certain Persons for Property Taken by State Department of Transportation in the Town of Bingham" (S. P. 134) (L. D. 346) reporting "Ought to pass" as amended by Committee Amendment "A" (S-143).

Report was signed by the following members:

Mr. ROBERTS of York
— of the Senate.
Messrs. FAUCHER of Solon
EMERY of Rockland
CAREY of Waterville
BRAWN of Oakland

CONNOLLY of Portland
COTE of Lewiston
— of the House.

Minority Report of the same Committee on same Resolve reporting "Ought to pass" in New Draft (S. P. 628) (L. D. 1946)

Report was signed by the following members:

Messrs. JOLY of Kennebec
ALDRICH of Oxford
— of the Senate.
Messrs. DUDLEY of Enfield
FECTEAU of Biddeford
SHUTE
of Stockton Springs
SHAW of Chelsea
— of the House.

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

In the House: Reports were read.

On motion of Mr. Emery of Rockland, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-143) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Supplement No. 1 was taken up out of order by unanimous consent:

The following Communication:
STATE OF MAINE

Office of the Secretary of State
May 23, 1973

To E. Louise Lincoln,
Clerk of the House
of Representatives of the
One Hundred and Sixth
Legislature:

In compliance with the Constitution and Laws of the State of Maine, I hereby certify that a Special Election was held in the City of Auburn on May 21, 1973, for the purpose of electing a Representative to the One Hundred and Sixth Legislature to fill the vacancy caused by the death of Representative Peter T. Snowe of Auburn; that at said election Olympia J. Snowe of Auburn, having received a plurality of all votes cast in said election, as contained in a report submitted to the Governor and Council under date of May 23, 1973, appears to have been

elected a Representative to the One Hundred and Sixth Legislature.

IN WITNESS WHEREOF, I have caused the Great Seal of Maine to be hereunto affixed this twenty-third day of May in the (Seal) year of our Lord, one thousand nine hundred and seventy-three and of the Independence of the United States of America, the one hundred and ninety-seventh.

(Signed) JOSEPH E. EDGAR
Secretary of State

The Communication was read and ordered placed on file.

The following Communication:
STATE OF MAINE

Office of the Secretary of State
May 23, 1973

To the Honorable
Richard D. Hewes,
Speaker of the House
of Representatives of the
One Hundred and Sixth
Legislature:

In compliance with the Constitution and Laws of the State of Maine, I have the honor to herewith report the return of votes cast for Representative to the One Hundred and Sixth Legislature in the City of Auburn at a Special Election held May 21, 1973, according to a review of the return made by the Governor and Council, to fill the vacancy caused by the death of Representative Peter T. Snowe of Auburn, as follows:

Alfred L. Brodeur of Auburn received 1,425 votes.

Olympia J. Snowe of Auburn received 2,552 votes.

(Signed) JOSEPH T. EDGAR
Secretary of State

The Communication was read and ordered placed on file.

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

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

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

Mr. BIRT: Mr. Speaker, I would move that the newly elected gentlewoman from Auburn, Mrs. Snowe, was hereby duly elected as a Representative to the 106th Legislature.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to the Qualifications for Jury Service of 18-year-old Voters" (S. P. 496) (L. D. 1583) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. TANOUS of Penobscot
SPEERS of Kenebec
— of the Senate.
Mrs. BAKER of Orrington
WHITE of Guilford
Messrs. CARRIER of Westbrook
PERKINS
— of South Portland
GAUTHIER of Sanford
HENLEY of Norway
— of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (S-104)

Report was signed by the following members:

Mr. BRENNAN of Cumberland
— of the Senate.
Messrs. DUNLEAVY
— of Presque Isle
McKERNAN of Bangor
Mrs. KILROY of Portland
WHEELER of Portland
— of the House.

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

In the House: Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I move acceptance of the Majority "Ought not to pass" Report.

The SPEAKER pro tem: The gentlewoman from Orrington, Mrs. Baker, moves the acceptance of the Majority "Ought not to pass" Report.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I wonder if I could pose a question to the gentle lady to explain the two reports and what the purpose of the bill was in the first place.

The SPEAKER pro tem: The Chair recognizes the gentlewomen from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 1583 relates to qualifications for the jury service by 18-year-old voters. The majority report is "ought not to pass." The minority report is "ought to pass" as amended by Committee Amendment S-104. The Committee Amendment "A" on the minority report is simply a clarification. It would mean that 18-year-olds are qualified to serve for jury duty. I move the acceptance of the majority "ought not to pass."

The SPEAKER pro tem: The Chair recognizes the gentleman from Presque Isle, Mr. Dunleavy.

Mr. DUNLEAVY: Mr. Speaker and Ladies and Gentlemen of the House: As one of the signers of the minority report, I think that I should give you a few minutes of explanation as to what this bill does. Its purpose is to allow 18-year-old voters, 19-year-old voters to serve on juries. I think yesterday we recognized the rights of these people to drink. We recognized their right to vote. We expect them to be responsible citizens. All this bill would do would be to allow them to sit on juries, perhaps sit on a jury involving a trial of a person their age.

Now, the Constitution gives people the right to be tried by a jury of their peers. I might also add that jurors are selected from the voting lists. Since 18 and 19-year-olds are now on all the voting lists in this state, it would be an additional expense to have to extricate from those potential jurors 18 and 19-year-olds after the panel is selected.

I think that since we have shown that we are in favor of granting full adults rights to 18-year-olds in many other areas, that we

should simply extend it to jury service and I ask that you vote against the motion.

Mr. Peterson of Windham requested a vote.

The SPEAKER pro tem: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House accept the Majority "Ought not to pass" Report in non-concurrence. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Talbot of Portland requested a roll call vote.

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 gentlewoman from Orrington, Mrs. Baker, that the House accept the Majority "Ought not to pass" Report in non-concurrence. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Chick, Chonko, Churchill, Cote, Cottrell, Cressey, Davis, Deshaies, Donaghy, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Ferris, Finemore, Fraser, Garsoe, Gauthier, Haskell, Henley, Hoffses, Immonen, Kauffman, Kelley, Kelley, R. P.; Keyte, Knight, Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, McNally, Merrill, Morin, L.; Murchison, O'Brien, Parks, Perkins, Pratt, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Sproul, Strout, Susi, Theriault, Trask, Tynedale, Webber, White, Willard, Wood, M. E.

NAY—Albert, Bither, Boudreau, Brown, Bustin, Clark, Cooney, Crommett, Curran, Curtis, T. S.

Jr.; Dow, Drigotas, Dunleavy, Fecteau, Gahagan, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Hunter, Jackson, Jalbert, Kelleher, Kilroy, LaPointe, LeBlanc, Mahany, Martin, Maxwell, McCormick, McHenry, McMahan, Mills, Morin, V.; Mulkern, Murray, Najarian, Peterson, Ricker, Rolde, Rollins, Santoro, Smith, S.; Talbot, Tanguay, Tierney, Trumbull, Wheeler, Whitzell.

ABSENT—Birt, Briggs, Carter, Conley, Connolly, Dam, Dudley, Farley, Farrington, Faucher, Flynn, Good, Hamblen, Herrick, Jacques, LaCharite, Lawry, Lewis, E.; McKernan, McTeague, Morton, Norris, Palmer, Pontbriand, Sheltra, Smith, D. M.; Soulas, Stilings, Walker.

Yes, 68; No, 52; Absent, 29.

The SPEAKER pro tem: Sixty-eight having voted in the affirmative and fifty-two in the negative, with twenty-nine being absent, the motion does prevail.

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

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

The SPEAKER pro tem: The gentleman from Calais, Mr. Silverman, moves the House reconsider its action whereby the Majority "Ought not to pass" Report was accepted in non-concurrence. All those in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act Requiring the Registration of Off-highway Vehicles" (H. P. 1510) (L. D. 1940) which the House passed to be engrossed as amended by House Amendment "A" (H-408) on May 18.

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

In the House: On motion of Mr. Simpson of Standish, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Amend the Site Location of Development Act" (H. P. 1375) (L. D. 1831) which the House accepted the Majority "Ought not to pass" Report on May 15.

Came from the Senate with the Bill substituted for the report and recommitted to the Committee on Natural Resources in non-concurrence.

In the House:

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

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

The SPEAKER pro tem: The gentleman from York, Mr. Rolde, moves the House recede and concur.

The gentleman may proceed.

Mr. ROLDE: Mr. Speaker and Ladies and Gentlemen of the House: I have moved that we recede and concur with the other body in recommitting this bill to the Natural Resources Committee. As you know, I fought against this bill, which I felt would weaken our state's most important environmental law, and on two occasions this House rejected the bill.

My feelings about this particular piece of legislation have not changed. I feel that it is dangerously vague and potentially extremely mischievous in its attempt to weaken the site selection law. It is furthermore, in the opinion of the Attorney General, unconstitutional. But I am willing to see that the problem that spawned this bill, a feeling on the part of the Department of Commerce and Industry that the economic side of things was not being properly considered, should be studied as a delicate and difficult problem.

The difficulty is not that economic testimony is not presented under the site selection law. The transcripts of the hearings are full of economic testimony. The question is, how shall it be considered? I don't know if there is an answer. From what I have been able to gather, in view of the fact that more than 90 percent of all applications under the site selection law are approved, I doubt that

there is even a problem, but I would be willing to have the question examined.

The Natural Resources Committee will be reporting out a bill to create a commission to study our environmental laws. I believe this would be a proper place for an examination of the site selection law. With this goal in mind, I will support a recommittal of the bill to the Natural Resources Committee.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I do not know really whether this is the time to debate that particular issue of what the gentleman just said, but I would hope — first of all, I believe that we ought to stay away from commissions to study certain things and I would hope that the gentleman and his committee would possibly take the Natural Resources Committee and use it in its best wisdom during the off-session and not report out such a bill that we get into that type of debate on this House floor.

Thereupon, on motion of Mr. Rolde of York, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Exempt Diabetic Medical Supplies from the Sales Tax" (H. P. 1096) (L. D. 1433) which the House accepted the Minority Report "Ought to pass" and passed the Bill to be engrossed on May 18.

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

In the House: On motion of Mr. Binnette of Old Town, the House voted to adhere.

Messages and Documents

The following Communication:

The Senate of Maine

Augusta

May 22, 1973

Hon. E. Louise Lincoln

Clerk of the House

106th Legislature

Dear Madam Clerk:

The Senate voted today to Insist and Join in a Committee of Con-

ference on the disagreeing action of the two branches of the Legislature on Bill, An Act Authorizing the Commissioner of Agriculture to Investigate Certain Farming Practices. (H. P. 497) (L. D. 1924)

Respectfully

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

The Senate of Maine
Augusta

May 22, 1973

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

Dear Madame Clerk:

The Senate today voted to Adhere to its action whereby it accepted the Majority Ought Not To Pass Report on Bill, An Act Relating to the Prohibition of the Advertising of Drug Prices. (H. P. 930) (L. D. 1227)

The Senate also voted to Adhere to its action whereby it accepted the Minority Ought Not To Pass Report on Bill, An Act Providing for a State Lottery. (H. P. 1507) (L. D. 1938)

Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The communication was read and ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

The following Bills, approved by a majority of the Committee on Reference of Bills, were received and referred to the following Committees:

Judiciary

Bill "An Act Providing for the Foreclosure of Real Property Mortgages" (H. P. 1526) (Presented by Mr. McMahon of Kennebunk)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Authorizing Sale of the Seal Cove Water District" (H. P. 1350) (Presented by Mr. MacLeod of Bar Harbor)

(Ordered Printed)

Sent up for concurrence.

House Reports of Committees Ought Not to Pass

Mr. Shute from the Committee on Marine Resources on Bill "An Act to Increase Certain Sea and Shore License Fees and to Provide Additional Money for Purchasing Seed Lobsters" (H. P. 711) (L. D. 917) reporting "Ought not to pass"

Mr. Briggs from the Committee on Natural Resources reporting same on Bill "An Act to Provide for a Maine Scenic and Wild Rivers System" (H. P. 1184) (L. D. 1575)

Mr. MacLeod from the same Committee reporting same on Bill "An Act Relating to the Land Use Regulation Commission Law" (H. P. 1350) (L. D. 1881)

Mr. McNally from the Committee on Labor reporting same on Bill "An Act Relating to Preference for Maine Workmen in the Construction of Public Works" (H. P. 1211) (L. D. 1563)

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

Leave to Withdraw

Mr. Perkins from the Committee on Judiciary on Bill "An Act Relating to the Sanction and Conduct of Assistants to Physicians" (H. P. 369) (L. D. 498) reporting Leave to Withdraw.

Mrs. Baker from same Committee reporting same on Bill "An Act Relating to Accountability for Charitable Trusts" (H. P. 1305) (L. D. 1739)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Curtis from the Committee on State Government on Bill "An Act to Provide for Full-time Elected District Attorneys" (H. P. 69) (L. D. 82) reporting Leave to Withdraw as covered by other legislation.

Mr. Farnham from same Committee reporting same on Bill "An Act Relating to Full-time Prosecuting Attorneys" (H. P. 688) (L. D. 895)

Reports were read and accepted and sent up for concurrence.

Ought to Pass Printed Bill

Mrs. Knight from the Committee on Marine Resources on Bill "An Act to Authorize the Commissioner of Sea and Shore Fisheries to enter into an Agreement to Lease the Land, Buildings and Facilities of the National Marine Fisheries Service Biological Laboratory at Boothbay Harbor" (H. P. 648) (L. D. 864) reporting "Ought to pass"

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

Ought to Pass in New Draft New Drafts Printed

Mr. Soulas from the Committee on Health and Institutional Services on Bill "An Act Relating to Medical Treatment of Persons at State Operated Facilities" (H. P. 1079) (L. D. 1402) reporting "Ought to pass" in New Draft (H. P. 1527) (L. D. 1957) under same title.

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

Indefinitely Postponed

Mr. Binnette from the Committee on Labor on Bill "An Act to Clarify the Definition of Misconduct under the Employment Security Law" (H. P. 1034) (L. D. 1355) reporting "Ought to pass" in New Draft (H. P. 1529) (L. D. 1959) under same title.

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

Mr. BROWN: Mr. Speaker, is a motion for indefinite postponement in order at this time.

The SPEAKER pro tem: The Chair would answer in the affirmative.

Mr. BROWN: Mr. Speaker, I would so move.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Augusta, Mr. Brown, that this Bill and all accompanying papers be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirma-

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

Sent up for concurrence.

Mr. Binnette from the Committee on Labor on Bill "An Act Relating to Self-insurance under Workmen's Compensation Law" (H. P. 1155) (L. D. 1488) reporting "Ought to pass" in New Draft (H. P. 1528) (L. D. 1958) under new title "An Act Relating to Self-insurance under Workmen's Compensation Law and to Create a Fund for Payment of Adjudicated Industrial Accident Claims Involving State Employees and to Establish a Safety Program."

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

Order Out of Order

On motion of Mr. Whitzell of Gardiner, it was

ORDERED, that Nancy Brawn, Susan Hickey and Brenda Mansir of Gardiner be appointed Honorary Pages for today.

Divided Report

Majority Report of the Committee on Business Legislation on Bill "An Act to Remove Certain Restrictions under Small Loan Agency Law" (H. P. 561) (L. D. 740) reporting "Ought to pass."

Report was signed by the following members:

Messrs. COX of Penobscot
MARCOTTE of York
KATZ of Kennebec
— of the Senate.
Messrs. TRASK of Milo
MADDOX of Vinalhaven
DONAGHY of Lubec
O'BRIEN of Portland
DESHAIES of Westbrook
— of the House.

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

Report was signed by the following members:

Mrs. CLARK of Freeport
BOUDREAU of Portland
Messrs. TIERNEY of Durham
JACKSON of Yarmouth
HAMBLÉN of Gorham
— of the House.

Reports were read.

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

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

The SPEAKER pro tem: The gentleman from Milo, Mr. Trask, moves the acceptance of the Majority "Ought to pass" Report.

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

Mr. MARTIN: Mr. Speaker, I move the indefinite postponement of this Bill and all its accompanying papers.

The SPEAKER pro tem: The gentleman from Eagle Lake, Mr. Martin, moves the indefinite postponement of both Reports and Bill.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Many people think of small loan companies as users of financial ogres. This is not so. They do have their place. Now, some people cannot borrow money from banks, and they cannot get it from credit unions because they require too many co-signers. Perhaps most of us would not go to these institutions, but a great many people have to, and they find that they are treated fairly there.

In 1967, we cut down the maximum amount they were allowed to loan from \$2,500 to \$2,000. They can charge 2½ percent per month for the first \$300 and 1½ percent for the balance of \$1,700. Or, in other words, it is 30 percent per year for \$300 and 18 percent for the balance of \$1,700.

Now, this may sound very high to some people, but let's look at the conventional rates of other lending companies. A bank, for instance, with a secured loan, buying a used car, is allowed to charge about 13 percent per year, and on a new car about 11 percent per year.

We read about how you can finance a car for 7 to 8 percent. But, here are the facts. The interest may be 8 percent, but the true interest is nearer 10 or 11 percent. The reason is, the people

are making payments all this time, but they are being charged on the original amount. Now, credit unions charge about 12 percent per year, and they are now talking about increasing their rates.

The bill we are talking about today, we also enacted in 1967 and it did one thing that drove these companies out of the state. It said that after 36 months they couldn't charge more than 8 percent. This is just not realistic, it is not as much as banks or credit unions are charging and they just could not operate.

I hope you vote against the motion of indefinite postponement.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House I have offered you in this legislation one of the shortest bills of the session. It is actually quite a simple thing, despite the great deal of debate I am sure it will engender.

We are the only state in the United States that has a so-called 36 months rule. Three other states recently have tried to put it on, and their legislatures, in their wisdom, have refused to do so because it is such a restriction of trade, a trade that is part of the whole economy of banking. There are people, as Mr. Ross has said, who cannot go to the bank and borrow under a conventional loan. They cannot go to a savings and loan association and take a conventional loan. They cannot go to a credit union and get a conventional loan. Where do they go? Where do they wind up? Just as back in Missouri in the middle 40's, this was tried and found wanting. They wound up with the loan shark on the corner, the pool room, waiting for you at the gate at the plant. After this horrible experience that they had in Missouri, Missouri has rescinded the rule that did away with finance companies.

I have heard in the course of this debate, what do we need them for anyway? Maybe you don't need them, but there are people within our state, some of our constituents

who do need this source of financing.

I am sure that you are going to find out from the opponents that long-term indebtedness leads to economic slavery and bankruptcy. I am sure there will be many crocodile tears shed along this line. People are not good judges of future efforts of their present borrowing activities. In other words, you will hear that people don't have the right to spend their money that they have earned in their own best interest, in the way they wish to do it. We have someone sitting back in the corner that knows that "father knows best."

There will be statements that they would be better off without these loan institutions. I have already addressed that, in that this has been tried out in Missouri and was a dismal failure. This is the only place in the whole United States that has such a rule as we have here — I am sorry, the State of Maine is the only place that has such a rule, as I am trying to have repealed from our statutes.

The effects would be as serious to the industry as the industry is cautious. The industry has been put out of business here in the State of Maine or nearly so. We had roughly 500 employees here in the State of Maine working on small loans. These were people that have good jobs. Today we find that of these 117 there are only 19 of the 117 loan companies left, where we had \$31 million loaned to people in the State of Maine who needed this money. They needed it for their chainsaw or their old car that they couldn't finance through a regular finance company because they needed something that the regular finance companies or the banks would not finance, because it was too old, in other words, the bank won't finance a car in most instances that is over three years of age. Many of us drive cars that are over three years of age. As a matter of fact, I have asked my wife to drive one that was built in 1966, and I do ask her to.

It seems to me that we are going too far with this legislation, in putting people out of work, and

curtailing the sources of money for our citizens and constituents.

The SPEAKER pro tem: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning in opposition to L. D. 740, which has been presented to our committee for this House by my good friend from Lubec, Mr. Donaghy. I do not rise to bring crocodile tears to anyone, nor do I rise with a "father knows best" attitude, because I don't feel I am old enough to carry that sort of attitude to anyone except my one son, and he is only two years old. I also rise as the driver of a 1966 automobile, only worth \$250, but I do not rise as an expert in the area of consumer finance.

I would like to present to the House, especially to my colleagues who are serving their first term, to try to outline exactly what the 36-month rule is. Those of you who have been here a while, perhaps it is a bit redundant, but I hope you will bear with me.

In 1967, Maine Legislature, responding to a variety of complaints about the small loan industry, enacted legislation, first in the country legislation, which is called the 36-month rule. The bill before you today would abolish it. What that rule states is this. On small loans, loans under \$2,000, a 30 percent interest rate may be charged on the first \$300. On the next \$1,700, 18 percent interest rates may be charged. It averaged out to 21 percent interest rate. But after three years, after 36 months, Maine has required that that interest rate be dropped to 8 percent.

Why was this position taken? There were two particular abuses which the legislature saw fit to address itself to in dealing with the 36-month rule, the most important of which is a concept called clipping. When an individual goes and gets a small loan, he begins to pay it off, and like all loans, naturally we begin by paying the interest first. Now if the person gets in an economic strait, we found some unscrupulous small loan companies going out soliciting business, but

we also found some scrupulous small loan companies who just took it if you came in the door, who would rewrite another loan for a longer period. Then when the interest rate got too high and the person fell behind again, he could rewrite again, and rewrite again, and again. And what we were finding in the State of Maine were a great number of people who were thus consequently forced to go into bankruptcy because they just couldn't keep up the constant payments which were brought about by the collection arm from the small loan company.

The second of these which has tried to be cured was simply this. A small loan is meant to be a small loan. Why in the world should the small loan be dragged out over a three-year period, with the high finance charges which would naturally be attached to it. So the law was passed. And in the years since, at every session of the legislature they have tried to have it repealed, and in every session to date, the Maine Legislature, and the Maine Executive Arm have seen fit to keep the law right where it is.

Now, the issue has been raised that there has been discrimination in this field, discrimination against the small loan industry. Well, this may or may not be true, I am not an expert in the area. But, I don't think that discrimination is the issue we should face this morning, because we essentially discriminate in virtually every piece of legislation we pass if we feel that it is good for the people of Maine. For example, yesterday we passed a bill which had to do with the mass marketing of casualty insurance. This discriminates against certain people in the insurance agency, but we in the committee, and we in the legislature felt it was a good thing. We discriminate in the health care field when we give Blue Cross and Blue Shield a tax exempt status. But yet we continue to do this discrimination because we feel it is a good thing for the people of Maine. So that is the question we must ask ourselves this morning. Is it a good thing for the people of Maine to eliminate this law? I say no.

I would like to point to two facts which I feel substantiate this point, the first of which has to do with the availability of installment credit to the consumers of Maine. Since 1967, and since the small loan companies have begun to leave our state, installment credit, none the less, has increased by 95 percent — increase in the amount of money available by 95 percent from \$258 million in 1967 to \$412 million in 1972.

Indeed, I think if we analyze the situation, and we are worried about the jobs which we lost when the small loan companies left our state, we would find an increase in the number of jobs from our banking institutions and our other lending institutions, such as credit unions, which have expanded to take up the gap left by the departure of the small loan companies.

Second of all and most important, in those six years, there has been a 50 percent drop in the number of bankruptcy proceedings in the State of Maine, three times higher than the national average of the reduction of bankruptcy proceedings. And the Bankruptcy Referee in the State of Maine has stated time and time again that he attributes this drop in the number of bankruptcies to the 36-month rule. I think it is a good rule, I think we should keep it. I think when we make our decision what is good for the greatest number of people in Maine, we should bear those two important facts in mind. And when we make that decision, I would hope that we make it by the yeas and nays.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am on the minority side of this report and I hope very much that we will indefinitely postpone this bill.

It repeatedly was stated in front of the committee the need for the small loan companies and the credit they offer was discussed. There has been very little study on this, but one of the things that was presented to us was the highly clipped study by the lobby to show the need for this, the Benson study.

We eventually obtained the total study. We have discussed it in committee. There are severe flaws in the study in showing the need for small loan companies. I submit that much of this need has been absorbed by the credit unions that charge far lower rates and serve the people far better.

Another argument that will come up, I am sure, is the fact that much of the abuses of the small loan companies are ancient history, that they happened six years ago, that they have nothing to do with us today. I submit that right now the Attorney General's office is looking into at least two of the small loan companies in this state for abuses that they have perpetrated against this law and other laws. So it is a continuing problem. It is with us now. I hope we will indefinitely postpone this bill.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the majority "ought to pass" report of the Committee on Business Legislation in connection with the finance companies. I would call to your attention this sheet that was passed around, which is signed and distributed by Jack O'Brien. I would call your attention to the second page of it, where you will find that every kind of a finance institution not only in Maine but in all of New England has increased considerably concerning the business they are doing, except for the finance companies here in the State of Maine.

Let's go back a little bit. It seems that people will get money if they need money. And back in the early 1900's, Maine was one of the leading states in the country in adopting a program of regulation and control, and that resulted in the small loan companies and the small loan law as such.

Credit has become more available, but money is still in demand by many people and many people still need this. What we have done with the 36-month curtailment and a dropping to 8 percent is to put on a stoppage, that is all. You just aren't going to do any business.

These companies borrowing at even a higher rate than 8 percent can't afford to have money out at 8 percent.

There are people who need money who are unable to get money, you are leaving yourself open to criminal element, and this is the reason why the small loan law was originally established.

We have reduced in Maine some \$23 million of loans which came into Maine which made available to Maine people between 1967 and 1972—in other words, there was some \$23 million less available to Maine people than there was before. Yet, we have a department over here called Economic Development Agency which is spending millions of dollars trying to bring industries into Maine.

As the gentleman from Yarmouth has mentioned a couple of cases now going on called to the attention of the Attorney General's office. I think you are bound to find cases being brought to the attention of the Attorney General's office, whether it be in this field or any other field. Banks and all others which are regulated and controlled the same way as insurance companies are being regulated and controlled by the insurance department and it is a constant program.

I do not question that the wrongs that occurred a number of years ago brought on this drastic law. I think it probably was deserved. I do think that from now on it can be curtailed by regulation and control of the department.

Incidentally, I might say that for a number of years I lobbied for the small loan companies, and this isn't exactly like representing motherhood or Sunday or anything else when you talk about money lenders and one thing or another. In fact, most of us realize the difficulties of trying to be practical and trying to provide what is a fair shake for everybody in the State of Maine on a bill of this nature.

I do hope that you will support the majority report "ought to pass."

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I am neither a loan industry employee nor, I hope, shall have to borrow from them. I realize it is quite expensive. It is expensive to borrow anywhere.

I know it was mentioned by some of our young friends that it is discriminatory. I would say that we, with this 6-month law, which I opposed in the 103rd—and I tried to repeal it every time since, not particularly because we were discriminating by the law against loan companies, but it is the thousands of people that those small loan companies serve that we are discriminating against. I know some of those people. I have stated it before, it is a matter of record. We have a relatively poor county up my way, and I can show you right now families that are on relief that would not have been on relief if it had not been for this law. Now that is a fact.

We have a place for all areas of business and social loaning and borrowing and so on. Why don't we bar our pawn shops? They are still in business. They serve a certain purpose.

It seems that there is a gap between being on relief and being able to get by because somebody somewhere had a little money in their pocketbook that they can dish out now and then. We are all, thank God, not all the same. We are not created the same. Some of us have the ability to make money and hang onto it; some of us can make money and we don't hang onto it; some of us perhaps can do neither.

There is an awful big segment of our population, especially in rural areas, that somehow do not have the planning ability to properly conduct their financial affairs. The only thing that we can do is to either support them through welfare or supply them with a source of money that is not restricted quite as much as our banking systems.

We realize that there have been, of course, all through history — thousands of years there have been usury or loan sharks. There have also been reasonably useful legiti-

mate loans all through history. There has been a very good place for them. I say that we need this group of legitimate loaners and we need to rebuild this law so that they can fill the gap in between the banks and the real under-the-table loan sharks.

Now believe me, ladies and gentlemen, there will be people that will loan money to some of these people regardless of the law. They will do it under the table, and they will get not 18 or 21 percent, they will get 30, 40 and 50 percent. There will always be those. And the more we remove these hard working people — there are a few left in the state, and I know some of them personally. They have really done a good service in the area, and believe me, we need them. This one law has really hurt a lot more people than just the 500 employees of the loan companies and the people that run those companies. They have hurt thousands.

I urge you to oppose the motion to indefinitely postpone and take this unfair law off the books, and let the people decide whether they want to pay 18 percent and whether they want loans carried on after the 36 months is up. That is their business, not ours.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I stand to oppose L. D. 740 and support the indefinite postponement of L. D. 740. I would like to give you a little more background on this legislation and how it came about and what position we are at here today.

It was in the 103rd Legislation when this was enacted, this 36 months legislation. The argument has been given by several this morning that we need to get these small loan companies flourishing back here in Maine because they meet a need inasmuch as they furnish installment credit to Maine people. Well, since this legislation, this 36 month legislation went through, installment credit has increased from 258 million to 412 million. I do not know what your

experience has been, but from my experience and observations, the credit unions have acted with considerable more heart than our small loan companies have.

In my opinion, the legislation that went through in the 103rd was a Godsend to the poor people of Maine. Principal backers of that legislation in the 103rd were a one-term legislator by the name of Jerry Robertson from Brewer who was in this body and a gentleman by the name of Peter Mills in the other body. I am going to say this, they were very lonely. They started on this effort very much by themselves. They were unrelenting as a conscience and just about as popular. All that they had going for them was that they were right. I believe that for the good that they did the people of Maine — and by that I mean businessmen as well as consumers inasmuch as bankruptcies have been cut way back and the losses to businessmen have been reduced considerably due to this—that the pictures of these men who sponsored this 36-month legislation should be hanging out in the rotunda along with our other notables.

Since the enactment of this legislation, an effort has been made every session to wipe out this legislation. In one session, I remember the lobbyists involved in the effort to wipe out this legislation included practically everybody except the then acting governor.

They obtained a unanimous "ought to pass" from the Business Legislation Committee, and when the bill arrived on the floor, there wasn't a single member of the committee who had enough stomach for his project to stand up and identify himself with the bill.

Apparently, because there are so many low income families in Maine always in need of additional money, these small loan companies have found Maine to be a real happy hunting ground. This has prompted the spending of a king's ransom in the efforts to get back their hunting license to operate in Maine.

I think that today it would be a kindness to most of these com-

panies involved if we halt this unreasonable expenditure that they make session after session hoping to revive the old situation where they could move in here.

With most issues, it is possible to find some redeeming feature. In my considered opinion, this legislation is unique in its complete lack of merit, unless you find merit in the fact that it is the shortest bill that we have before us this session. We need this legislation like we need a cancer. I hope that you will support the indefinite postponement of the bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker and Ladies and Gentlemen of the House: I rise to take exception to what the distinguished gentleman from Pittsfield, Mr. Susi, has just related and endorse the comments by the gentleman from Augusta, Mr. Brown, and the gentleman from Norway, Mr. Henley.

I can vividly recall the situations which the gentleman from Pittsfield, Mr. Susi, points out because I was in that other body, and I well know the gentleman that he was referring to over there in that body, and he was, as the gentleman says, not the most popular individual in that body.

I think that the matter has been quite well covered here. I would only bring one or two points. The gentleman from Durham, Mr. Tierney has made reference to the 36 month borrowing. It is not necessary that a person borrowing from a small loan company have to borrow for 36 months. He can borrow for 36 days if he wants to. That is his own choosing.

There is one thing that I think we should be considering and that is the individual who has, through necessity, gone to a small loan company and has borrowed a given amount of money, and he finds after two years that he is in dire need of additional money, any amount that you wish to say, 500 or 1,000 dollars or whatever the case may be.

Now if under the present law, that person goes to the loan company and he needs another thousand dollars, his time limit is still

the 6 months of the original loan. Now, when he has only 12 months left to pay the original plus the thousand additional which he has borrowed, this makes it absolutely impossible for him to possibly pay back the money. So I think that in itself is reason enough to vote in favor of this bill to wipe off this discriminatory piece of legislation which was implemented back some two sessions ago.

I would hope that you would oppose the indefinite postponement and that you would accept the majority "Ought to pass" report.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I can truly say that I had not intended to speak on this bill. I can truly say that I haven't been lobbied and that I don't have a canned speech. But I am a member of a credit union, and I am on the credit committee, and no loans are made through my credit union that I don't put my okay on it or my refusal. And those that we do refuse, which are few, have no other recourse but to go to a loan company. And I happen to know that their assets are very very limited. If the loan company wishes to take that risk, I feel that they are entitled to the interest for which they are asking.

It was stated on the floor of the House here this morning that bankruptcies have gone way down, and this is true. But I would like to know how much has increased the wage earner plan. I would like to know also, those who are responsible, how many thousands and thousands of dollars they are making every year on this wage earner plan. And you would be amazed to know of some of the salaries which some of these individuals are making. This morning I am going to go for the majority "ought to pass" report.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I was on that committee, Business Legislation, in 1967 when we passed this bill in this House

here and also when it was passed in the Senate. And I have to disagree with most of those who have spoken against the bill that was passed at that time. But I have to agree with Mr. Susi in his statement and with Mr. Tierney.

What Mr. Tierney has told you here this morning is precisely the reason why we fought for the bill at that time. In fact, it was Senator Harding from Presque Isle who redrafted the bill with Mr. Fecteau and myself on that committee. And the reason for that was that you had Mr. Mills who did work hard and you also had people from the U. S. Bankruptcy Department representing the U.S. Government here in the State of Maine who appeared before our committee. And Mr. Robertson worked hard from the House here. We were told that many people who took a loan at that time, after a while were in there, they were locked in, they couldn't get out, and the main reason, I would like to tell Mr. Hoffses here, that we fought for this bill, my good friend, is the fact that when these people were captured in these loans, it was told before our committee that the people had paid, somebody had paid much more, many, many times more in interest than they had paid in the original amount they had borrowed.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I realize the debate on this item has been very extended, and I am only going to make a couple comments.

I would just like to bring to your attention the remarkable lack of documentation that has been presented this morning for changing the present law. We have been told that there is a large body of people who can't get a loan. The statistics prove just the opposite.

It seems to me that if we are going to make such a dramatic change as this in the Maine law, a law that even one of the former lobbyists who sits on this floor today, who was a former lobbyist for the small loan companies, admits there were blatant abuses a

few years ago. It seems to me that when we are going to reintroduce a situation where those abuses could become present again in the State of Maine, we ought to have some documentation, some sort of basic documentation, for the need of the people of the State of Maine.

I am not saying that if a need were presented, a legitimate need were presented, that I would be opposed to it. I think if a legitimate need were shown, I would be in favor of repealing this law, but there has been no legitimate need, not one stitch of documentation. There is, however, a vehicle by which we can investigate this entire situation.

There is a committee that has been appointed by the Governor to investigate the availability of credit for Maine people. That committee is just getting off the ground. Mr. Donaghy is a member of that committee. The committee is composed of all representatives of all the financial institutions in the state, all types of financial institutions. There are lobbyists for the small loan companies on that committee, and I think their case will be well presented if they have got a case. I think we ought to allow that committee to see if, in fact, there is a need to repeal this law. I am a member of that committee and I am going to be very interested and I am going to be very open-minded on it.

So I would hope that you would vote down the present motion and accept the "ought not to pass" report of this committee, as we have in past legislatures.

At this point, the Speaker pro tem appointed Mrs. Lewis of Auburn and Mr. Simpson of Standish to escort Mrs. Snowe of Auburn to the Governor's office to subscribe to the oaths of office to qualify her to enter upon her duties.

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I am sure many of you expected me to rise this morning. I didn't want to disappoint you.

I have a certain amount of expertise in this field. I am not the smartest guy in the world, but I have some knowledge of what has happened and what is about to take place.

I have to disagree with many statements on the floor of the House today. It is very difficult to say which one I should start with first. Let me start with the last one first to make it a little easier.

The gentleman from Dover-Foxcroft, Mr. Smith, said there was no documentation. He is absolutely right. There is no documentation in opposition to this piece of legislation. All the documentation is in favor of passage. Documentation is so in the Benson study that was mentioned shortly ago. Well, the Benson study, what is the Benson study, where did it come from?

This piece of legislation has faced the House many times before, so they decided to have a study on it, an independent study by a couple of university professors from New Hampshire. Now, where did he have to get his facts from to make this study? The best place to get them from was the Referee in Bankruptcy, Mr. Poulas. And he got his facts from Mr. Poulas, and now this study shows what they didn't want it to show. Mr. Poulas is now saying in his letter this morning, which I received, that they did not study the right facts, but, yet they were the facts that were presented to the Benson study.

I have to submit that is documentation. I don't see any documentation in opposition to the bill. My good friend from Durham, Mr. Tierney back here, he says that this piece of legislation has been defeated every time. He is wrong. This piece of legislation was passed in 1969 and vetoed by the Governor at that time.

I would like to take just one brief comment of the Governor's veto message. It is the same Governor. I quote, "I do not wish to suggest that the small loan companies do not play an important and legitimate role in the financial affairs of our communities. They are often the only source of credit

for people who are badly in need of financial help and who, because of marginal financial status are cut off from other sources of credit. Most small loan companies deal with these borrowers in a responsible way. But in return for the risk of providing credit to these marginal borrowers, the state permits the small loan companies to charge a higher rate of interest. Indeed, our small loan regulatory laws are and they remain favorable to the small loan concerns." This is a quote from the Governor. I don't know how much documentation you have to have. Even the Governor recognizes that there is some need—I think a great deal of need for the small loan companies.

Both of the two young gentlemen who spoke are law school students. Now surely they must know the law, what is bringing down the bankruptcies. My friend Mr. Tierney from Durham says that bankruptcies are on the decrease, they are on the decrease all over the country—all over the country bankruptcies are going down, and they are not going down just in Maine, they are going down all over the country. Let me tell you why they are going down. This is more documentation, gentlemen. They are going down because the State of Maine and every state in the Union has made it almost impossible for anybody's wages to be attached. If the law student wants to stand up and tell me this is not fact, I will listen to him, but this is fact. This is what used to force people in bankruptcy. Their wages were attached. They would go to a lawyer and the first thing the lawyer would say was, "Well, let's go to a small loan company, we will borrow \$300, we will put you through bankruptcy and we will list the finance company we borrowed money from." That is a fact.

Credit union expansion. They spoke about easy accessibility to the credit unions. I might speak to Mr. Tierney to leave his microphone down a little, too. I will give him a chance. They spoke about the expansion of credit unions. This is the reason we defeated the bill that would have

allowed credit unions to expand in this State of Maine. In the testimony in favor of expansion by the credit unions and by people on the floor of this House, they wanted to expand to take up the vacancy created by the discharge of the small loan companies.

It is very difficult to stand on the floor of the House and defend any money lender, whether it be the bank, the credit union, the small loan companies. You know, like the used car dealer, the money lender has been held in a very, very poor light since Christ kicked them out of the Temple. I can't deny that fact —

The SPEAKER pro tem: The Chair will caution the gentleman to be temperate with his remarks, please.

Mr. O'BRIEN: Mr. Speaker, I thought Christ was God. I meant it in that respect, sir.

The SPEAKER pro tem: Please keep it that way then.

Mr. O'BRIEN: Yes, sir. I will rephrase that statement — since the Lord removed the money lender or the money changer from the Temple — I hope that is acceptable. In defending the money lender, it is very difficult to defend the money lender.

Why did small loan companies come into existence? They didn't just see an idea here and decide to start loaning money. They came into existence all over the country to put the real "break-a-leg" organization, the organization that loans you \$10 for a week and takes back \$20 at the end of the week or else they break your leg. That is why the small loan companies came in, to keep these marginal borrowers from getting involved in that kind of trouble.

The interest rates they spoke of, interest rates, how high they were. I have a list of interest rates charged all over the country. Maine ranks in the lower half of interest rates that are allowable to be charged. We control our small loan companies. They are legitimate businessmen. The problem that we can't control, we can't control the fellow who is loaning money on the corner without a license. You have seen them. We know they exist. You can't

close your eyes to them, and this is why the small loan company came into being. Their interest rate, 21 percent is the high in the average of loan companies. That sounds preposterous. But no one objects to the savings banks or any commercial bank charging 18½ percent, and 18½ percent for a guaranteed loan. You can recognize the difference between a guaranteed loan and a loan that has been secured. So 21 percent is not high by comparison to banks that are charging 18 percent, when their loan is guaranteed. And not only that, when the bank loans the money, for example, one of those credit cards that they loan out at 18 and 18½ percent, they are not loaning the full amount.

Let me try to explain that a little bit. You have your credit card in your pocket, and I don't know how many of you are aware of this, if you walk into your local department store and buy a hundred dollars worth of merchandise and you present your card for the hundred dollars and the merchant accepts it. He sends his bill to the bank with your credit card — let's call it Master Charge — to the bank for his payment. The bank only pays him \$95, \$94, that is called a service charge. Now, if the small loan companies loaned you a hundred dollars and only gave you \$90 and then charged you interest on the hundred dollars at 18 percent, the true interest there would be somewhere around 23 percent. Now, you have absolutely no objections to the banks doing this, but you do object to the small loan company charging you 21 percent. That is what you call "flipping". That is a revolving charge that never gets paid off, that is "flipping".

To stand before this House and say the small loan companies only want the interest, interest, interest is absolutely ridiculous. The small loan companies, they loan a man a thousand dollars. They don't want \$160 back for that year, they want their thousand dollars plus their interest. They don't want just their interest. What good is interest on anything if your initial

thousand dollars is still out some place.

The SPEAKER pro tem: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and Members of the House: I rise in some fear and trepidation in a humble attempt to answer a few of the statements made by my dear, dear friend from Portland, Mr. O'Brien. I would like to make five quick points and then perhaps we can get on with the vote.

Number one, the issue of bankruptcy. Yes, indeed, bankruptcies are declining all over the country. I stated that in my original remarks. However, they are declining in Maine three times faster than the national average.

Point number two, the Benson study. How independent the study was is open to question. We had a number of professors come to our committee and disagree with the validity of it, and particularly we received a letter this morning from the Bankruptcy Referee of Maine who stated that his figures which you were given were fragmentary and not necessarily accurate and he was shocked to find them in the Benson Report.

The members of the committee through this letter were extremely careful in accepting the report.

Point number three, the expansion of credit unions. That bill, you will recall, was passed in the House, we passed it. There is no question that credit unions have expanded.

Finally, the question of other lending institutions, an extremely important point. The gentleman from Portland says none of us object to any of the practices in other lending institutions. He knows that is not true. He knows there is a bill pending before our committee called the Maine Consumer Credit Code, which attempts to deal with all lending institutions equally. And that bill will be brought out perhaps next week before this body. He knows we are concerned with other items, but let's deal with this item first and let's indefinitely postpone this bill.

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 Eagle Lake, Mr. Martin, that both Reports and Bill "An Act to Remove Certain Restrictions under Small Loan Agency Law" House Paper 561, L. D. 740, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, P. P.; Yerube, Binnette, Boudreau, Briggs, Bustin, Carrier, Carter, Chonko, Clark, Cooney, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Dyar, Faucher, Ferris, Fraser, Gahagan, Garsoe, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Herrick, Hewes, Hobbins, Huber, Immonen, Jackson, Kelley, R. P.; Kilroy, Knight, LaPointe, LeBlanc, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Morin, L.; Morin, V.; Morton, Mulkern, Murray, Najarian, Peterson, Ricker, Rolde, Shute, Silverman, Smith, D. M.; Smith, S.; Strout, Susi, Talbot, Tanguay, Tierney, Wheeler, Wood, M. E.

NAY — Ault, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Carey, Chick, Conley, Cote, Cressey, Dam, Davis, Deshaies, Donaghy, Dudley, Dunn, Emery, D. F.; Evans, Fecteau, Finemore, Hancock, Henley, Hoffses, Hunter, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Lawry, Lewis, E.; Littlefield, MacLeod, Maddox, Mahany, Merrill, Murchison, O'Brien, Parks, Perkins, Pratt, Rollins, Ross, Santoro, Shaw, Sheltra, Sproud, Stillings, Theriault, Trask, Trumbull, Webber, White, Willard

ABSENT — Albert, Churchill, Connolly, Farley, Farnham, Flynn,

Good, Jacques, LaCharite, Lewis, J.; Lynch, Mills, Norris, Palmer, Pontbriand, Simpson, L. E.; Soulas, Tyndale, Walker, Whitzell

Yes, 71; No, 59; Absent, 20.

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

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

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

The SPEAKER pro tem: The gentleman from Pittsfield, Mr. Susi, moves that the House reconsider its action whereby this Bill and Reports were indefinitely postponed. All in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

At this point, Speaker Hewes returned to the rostrum.

SPEAKER HEWES: The Chair thanks the gentleman and commends him for an excellent job.

Thereupon, the Sergeant-at-Arms escorted Mr. Norris to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

At this point, Mrs. Lewis reported that she had performed the duty with which she was charged and that Mrs. Snowe had taken and subscribed to the oaths necessary to qualify her to enter upon her official duties.

Thereupon, Mrs. Snowe was assigned to seat number 54. (Applause, the members rising)

Thereupon, Mrs. Snowe was assigned to seat number 54 and appointed to the Committee on Election Laws. (Prolonged applause, the members rising.)

Divided Report

Majority Report of the Committee on Marine Resources on Bill "An Act Providing Free Licenses for Passamaquoddy Indians to Dig Clams on Reservation Lands" (H.

P. 1016) (L. D. 1335) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. HUBER of Knox
— of the Senate.

Messrs. WEBBER of Belfast
DAVIS of Addison
LEWIS of Pemaquid
GREENLAW

of Stonington

SHUTE
of Stockton Springs

BUNKER of Gouldsboro

Mrs. KNIGHT of Scarborough
— of the House.

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

Report was signed by the following members:

Messrs. RICHARDSON
of Cumberland

DANTON of York

— of the Senate.

Messrs. MULKERN of Portland

BROWN of Augusta

LaCHARITE of Brunswick

— of the House.

The SPEAKER: The Chair recognizes the gentleman from Gouldsboro, Mr. Bunker.

Mr. BUNKER: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report.

Mr. Mulhern of Portland requested a vote.

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

Mr. GOODWIN: Mr. Speaker, Members of the House: The sponsor of this bill, Mr. Mills, is not in his seat and I would request that somebody perhaps table this for one day.

The SPEAKER: The Chair recognizes the gentleman from Gouldsboro, Mr. Bunker.

Mr. BUNKER: Mr. Speaker, Members of the House: I talked with Mr. Mills this morning and they are going to take care of the matter with the town ordinance. He doesn't care about the bill at all.

The SPEAKER: The pending question is on the motion of the gentleman from Gouldsboro, Mr. Bunker, that the House accept the Majority "Ought not to pass" Report on L. D. 1335. All in favor of

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

A vote of the House was taken.

103 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

Divided Report

Majority Report of the Committee on Transportation on Bill "An Act Authorizing Use of Maine Turnpike by Legislators" (H. P. 1281) (L. D. 1668) Emergency, reporting "Ought to pass" as amended by Committee Amendment "A" (H-431).

Report was signed by the following members:

Mr. SHUTE of Franklin
— of the Senate.

Messrs. FRASER of Mexico
WOOD of Brooks

WEBBER of Belfast

JACQUES of Lewiston

KEYTE of Dexter

STROUT of Corinth

— of the House.

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

Report was signed by the following members:

Messrs. GREELEY of Waldo
CIANCHETTE

of Somerset

— of the Senate.

Mrs. BERRY of Madison
McCORMICK of Union

DUNN of Poland

McNALLY of Ellsworth

— of the House.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

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

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

The Chair recognizes the gentleman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I would like to just give the reasoning for those who signed the "ought not to pass." We are not against legislators. We are legislators ourselves, of course. We just thought that this would give the public something more to gripe about. I

don't know but perhaps we couldn't blame them.

Many citizens themselves do not use the turnpike because they cannot afford it, and there is another route for legislators to travel just as good, if not better, than many who come from opposite directions. We felt that if they would like to use the turnpike, that it wouldn't be up to the legislature to reimburse them.

This was our reasoning for the "ought not to pass" report, and I would urge that you would think about it.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I support the majority report of ought to pass, and I will tell you why I do. I was in this House in the 105th, and a gentleman in the other body had a bill in here to abolish the Maine Turnpike Authority. The reason I want to support this bill this morning is because I want the people of this state, particularly in the southern end of this state, to get up in arms. If the legislators can ride on the turnpike for nothing, so they can expect themselves to.

As long as we have the Maine Turnpike Authority, they are going to continually keep putting us in debt. We are never going to be able to do away with it, and I know this isn't probably just the route to take, but I know this will certainly enrage the people in this state to think that the legislators can ride on the turnpike for nothing and that they cannot.

I come down from Bangor, and we ride down 95 and it is a beautiful four-lane highway, and we ride for nothing. But the poor people in the southern half of the state have to ride over that bumpy road, and those people are going to continually keep us in debt, and we are never going to be able to abolish the Maine Turnpike Authority.

Now, this might be an indirect way of attempting to do it, but I think this is just the road we all should take and support it this morning and give our brothers and sisters in the House in the south-

ern part of the state a chance to ride on a free highway just like I do and the boys in Aroostook County and in northern Penobscot.

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

Mr. McNALLY: Mr. Speaker, Members of the House: This was one of those bills that when you knew who had sponsored it, a very nice and kind lady, you kind of hated to do what you did when you signed the minority "ought not to pass" report, but going into it in a more logical way, I felt in the first place that the bill didn't say that all us legislators could pass back and forth on the turnpike and collect for it; and I want to say right here that ever since I have been in here, since 1966, that I felt that one of the things that should be for the legislators that would help them along from being one shade higher than the second class citizens would be that you could travel on the turnpike for nothing. Everybody that belonged to the legislature with the magnificent salaries we get, I always thought we should be able to travel for nothing.

Now, it is a fact that people that work for the state, people who are in the departments, people who are in the committees, Legislative Research Committee, do collect for tolls when they travel on it because it is for official business.

This particular bill, the way it is now written, would lead you to believe that only those people who live south of Augusta and belong to the legislature would be the ones that would be allowed to travel on it free of charge. That I couldn't hardly see.

Now, the other thing is — and this is questionable — page 12, section 7, it says, "The expenses of the Members of the House of Representatives in traveling to the Legislature, and returning therefrom, once in each week of each session and no more —" And it goes on to say right in the first sentence of that, "but no law increasing their compensation shall take effect during the existence of the Legislature, which enacted it."

Now to be sure, this has got an emergency on it, but it also

says, "an emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety." Now, that is in, of course, this law, but I went to the finance part of the Legislative Research and inquired if it would be possible with this emergency on it that you would collect, and he said, "Well, it is going to be pretty hard to go against the Constitution of the State of Maine, and I guess it would be a question that would have to be taken up by somebody higher up." So it is possible it could be and it is possible that it couldn't, but the main idea that this bill is only for those who live south of Augusta that can travel on it as legislators, I cannot see.

Presently myself, I would say that we all, as legislators, should be able to travel on that turnpike for nothing and should have ever since that I have at least been here in the House as far as my costs go, but I signed it "ought not to pass" for those reasons because another thing, by the time you get it decided whether you are going to be able to get your pay or not, I hope that we will be out of this session.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: This is one of these perennial bills that keeps us here forever and a day, and I think it has been debated long enough.

When I got elected here, I knew exactly what I had to pay for tolls on the turnpike. I am willing to pay them. I don't think we should get them free, and I now move its indefinite postponement and all its accompanying papers.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the indefinite postponement of L. D. 1668 and all accompanying papers.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I don't take this bill as lightly as my very dear friend from Standish, Mr.

Simpson. This is no — if it is a perennial with me, it should be a perennial, because when the introduction of the first turnpike bill came, it was at my first session; and I put in a bill to stop it, because I predicted one thing: It would come right through my area, and we would all have to pay, and Route 95 or some subsequent highway — I didn't name it Route 95 then — would come through the other area and they wouldn't have to pay.

Now, here is the situation we are in in the second largest area in the state. We have got one turnpike that I don't go over at all, and I assure you I don't go over it. Now, if you do go over it, all you do is you must make very certain that your springs of your automobile are in pretty good order. If you take the other road, the best way down from Lewiston to Winthrop in the last 20 years is about a four inch skinny mix. I finally succeeded in having the Highway Department give us a study that they are going to make, which I could make myself by just a very few words saying rebuild the road, because within an area of 32 miles of that road lies two thirds of the population of the State of Maine.

Now, two years ago there was a bill put in for a median strip. It was put in because I did take the turnpike one day and out of the clear sky wound up in the median strip, and believe me, if I ever got arrested for speeding, I don't think any court in the land could convict me. I was, when I drove, a notorious 35 to 45 miles an hour driver. I suggested to one of my colleagues, who is not here at this session because he didn't choose to run, to put in a bill, and it was put in.

Now, let's go for a moment into the history of the turnpike. The first strip that was built was supposed to revert back to the state in 30 years. It has been 30 years. Now they are going to widen the strip up around the gentleman from Standish, Mr. Simpson's area. They are not widening it in my area. We are still going bumpety-bump if we

take it, and I am only talking from hearsay because I don't take it. Now, they have added and added and added. So it will be forever and a day that we will be harpooned for paying.

Now, I am not in the circumstances of the gentleman from Standish, Mr. Simpson, as well as several of my colleagues. And the buck has stopped in the post office for those little bobbles until we get out of here, and I think the least we could do is give this thing — who are these people who run this Maine Turnpike Authority, gods? Just let's come up here instead of finding out in the Snoop Book. Let's find out just how much they are paying their engineers and their architects and their high-priced people. If this bill is killed — and it is no threat because I don't threaten, I merely promise — I guarantee you that I am coming up with an order that is going to make them declare how much they pay, whether they are a quasi or nonquasi enterprise or not, how much they pay their engineers that I am paying for.

It gets into a point now where we have got to pay — I used to have to pay 10 cents to go from Lewiston to Auburn, and a great many people, hundreds upon hundreds of people go over that strip for a lousy three miles and pay 15 cents. When they get tired of that, they will make it 20 cents. Just let's take what the prices have been on that turnpike since they started as to what it is now. We have clipped everybody else. This is one area where I would really like to do some tall clipping. I certainly hope this bill passes.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Members of the House: I signed this bill "ought to pass." I never dreamed it was going to start a donnybrook against the Maine Turnpike. My only thoughts were that the cost of it is peanuts, and the courtesy isn't any greater than the telephone credit cards that we have, which I am sure are abused.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: If this bill is not indefinitely postponed, I would like to prepare an amendment so that we can transfer the Maine turnpike to northern Maine and supplant that moose track that we use for a road up there.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise because I feel I have a distinct interest in this bill since I am probably one of the three legislators who has to pay the most for this as I usually get on at either—well, York now or Sanford exit and end up paying two bucks each way.

I oppose the measure to indefinitely postpone. We receive \$10 a day for travel and because of our ridiculously low salary, I have had to maintain a second job which requires me to drive back and forth several times a week, and this has run into quite an expense for myself. I really don't feel that riding on that road is worth it. I think I have ruined my car more than anything else.

I would like to take issue with the gentlewoman from Madison, Mrs. Berry. Sure, there are other roads coming up here, only it would take an extra hour or so to drive them. Occasionally I try and go off the turnpike if I have enough time, but that isn't usually the case.

I feel that by indefinitely postponing this measure, we are discriminating against those legislators who live south of Augusta. I feel it is not fair that we have to drive this road and have to pay the expenses. When I was elected, I was led to believe that our expenses are paid. I assume this would also mean for the legislature. As Mr. McNally stated I think it was, state employees are paid for use of this when they are on business. Jobs that I worked before whenever I have traveled the turnpike, I have been reimbursed.

I think Mr. McNally also stated some good reasons why we should pass this law, and I have to take issue with the fact—as I understand it, the reason he signed “ought not to pass” was because he wanted it for all legislators all the time. Well, I don’t want this, I don’t want special consideration. All I want is to be reimbursed for the two dollars or so that I spend every time I travel this only in conjunction with my duties here in Augusta. That is all I think we are asking from this bill, and I would hope that you would oppose the motion to indefinitely postpone this and pass it. I would even be willing to go along if you want to put an amendment to take off the emergency, I would be willing to wait until the next session. I hope I will be around then also.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I suspect you are wondering why the gentleman from Caribou and myself are involved in an issue where neither of us can benefit or be hurt by whatever transpires, but I do feel strongly that there has been discrimination, and I want to just tell you of a couple things which bother me.

First of all, keep in mind that when we are here in off session that members can submit their vouchers for payment when they use the turnpike, and they are reimbursed.

Secondly, ever since I have been a member of this body, any person who lives on one of the islands off the mainland of this state and uses the state ferry service, this legislature has passed orders authorizing them to use the ferry and for the state to reimburse them for the expenses that they have incurred. Now, certainly if we do that now in two instances, it seems to me that we ought to help and when they do get paid—I am sorry, when they are traveling from one location to the other on legislative business, that we ought to reimburse them for that purpose.

I am going to vote for the bill not because I feel strongly that

I cannot use the pike or anything like that, but I just think that they are entitled to it as much as anyone else.

I know the gentleman from Camden, Mr. Hoffses, is probably going to say that the cost of using the ferry is much greater and that you have to watch out for the high seas, et cetera. I agree with that, but you compare that with what the gentleman from York or the gentleman from Kittery or the gentleman from Berwick or South Berwick would have to pay and you multiply that by the number of trips daily and by the number of trips per week and multiply that by the number of days in the session and it gets to be kind of ridiculous. You stop and think, it is one thing if you are going to Lewiston, for example, to take the back road, but try to take the back road from Augusta going to Kittery, and you will find yourselves somewhere perhaps in either Quebec or along the coast somewhere where you would rather not be.

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

Mrs. McCORMICK: Mr. Speaker and Members of the House: As far as the ferry service goes, that Mr. Martin spoke of, I think we only have one member, and I believe that is Mr. Maddox, that has to take the ferry. I don’t think he is empowered with any special powers that he can walk upon the water, and that has to be his direct route. So I have no qualms about coming from the islands. But the bill as it is says the most reasonable direct route, and I believe there are all kinds of roads coming in that are direct, and I can’t see why we should pay the extra for tolls. Not only that, but if you read the amendment, and the law states now that you shall be paid one round trip, no matter what the distance it, that is fine. But this bill, if you read the amendment that has been hooked onto it, that says “such tolls shall be reimbursed where legislators use the turnpike in traveling to and from the sessions.” But it does not state just once a week, as everybody else has paid their full time. So a person that is driving

more than the maximum or up to the maximum is going to collect this toll, it could be \$2 a day, in excess of the \$10, \$2 both ways which could make it \$4 a day in excess of the \$10. My travel doesn't have to come to the \$10, I have to get just what I get in mileage, that is fine, I have no qualms with that.

My seatmate, I believe, travels more than the \$10 limit. So, once a week he gets a round trip and the other four days he travels he has to travel at the \$10. He doesn't have a nice road. He has to come along with the potholes and everything else that the rest of us have to put up with. Now, you are willing to pay these people the extra amount because they want a nice highway to ride on, when they have a choice. What would happen if Mr. Dyar coming down from Strong happens to hit the potholes that the rest of us have to hit, and he blows a tire, are you going to pay for his tire?

I just think that we are putting a few more expenses into this thing that we don't need. These people have a choice; they have two roads to take. Either they can take the toll road and pay for it or they can ride the others. We have no choice in our area, we have to drive what the state gives us. I can't see that we should give them a little extra money.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: In view of the fact that the distinguished gentleman from Eagle Lake, Mr. Martin, had made reference to my possible remarks, I don't think he could read my mind, because actually, what I was going to say is that any time that the gentleman from Eagle Lake, Mr. Martin, cares to journey to Vinalhaven or North Haven or even out to Matinicus Island, if he does not care to take the prescribed route; namely the ferry, I would suggest that perhaps he might take one of the alternate routes out to either of those islands. It might be a little bit choppy for his car,

but then he could at least try to get there by the alternate routes.

The only other thing I would mention is, the gentleman from South Berwick, Mr. Goodwin, spoke about the ridiculous low pay that he received as a Representative, and that he had to supplement his income by another job. I would point out to the gentleman that I do not believe that he was required to run for office in this legislature. He could have stayed to home and avoided the ridiculous pay which he says he is receiving and he could have devoted his entire time to a more lucrative income than he receives here as a member of the legislature.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I also have an interest in this bill. I commute daily from Westbrook. And I agree completely with the remarks made a few moments ago by Mr. Kelleher. However, I would like to add that the Turnpike Authority should pay us for using it. And for those of us who have traveled it this past winter, you know what I am talking about. I don't have a shock absorber left on my car. I hope we pass the bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I hate to take the time, but I am really amazed at my good friend from Caribou, Mr. Briggs. I voted and voted, and I am proud that I have, for the good roads that Aroostook County has. The roads are good. As a matter of fact, if the roads weren't good, the scenery is so beautiful that you just can't speed, you are not going to get hurt anyway. But we don't have any four-lane highways around my area, and if he wants to measure mile for mile, and put a few bob and quid on the side, I guarantee you he won't be as wealthy as he is after we get through with the little wager.

I have also got to disagree with the good lady from Union, Mrs.

McCormick. After seeing the gentleman from Vinalhaven Mr. Maddox, last week, in his tux and all dolled up, surrounded by the pretty, I would say he can walk on water.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I can just see the headlines now, gentleman from Lewiston, Mr. Jalbert, gets free ride.

Everyone in Aroostook County feels that all the roads in southern Maine are piled one on top of the other to a senseless degree of uselessness. I can tell you that our roads are so good there, especially between Caribou and Houlton, which is my biggest concern, as some of you may know, it has cost me the cost of two shock absorbers, one muffler, three tires no end to discomfort, which has come to a total expense \$3,232.14½. If there is any way possible that we could transfer that terrible Maine Turnpike to replace the section of road between Houlton and Caribou, I sure would like to get an amendment on to this to make it possible for us to do so.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address myself to a few points as far as reimbursements for mileage go. The gentlewoman from Union, Mrs. McCormick, stated they don't get any extra, they get up to the \$10 and everything else. This would continue. The only promise, they don't have that added expense of the \$2 each way on the turnpike. Now, if you take a person going from here to Portland, that isn't, I guess, a full 100 miles. They, themselves, wouldn't get the \$10 plus the \$2, whatever it is for toll. Whereas, in my particular case, same as I think she was referring to Mr. Dyar or somebody who travels over 100 miles, my mileage is 110. Once a week I get that completely, which is round trip \$22. The rest of the time, I get the maximum of \$10, so in effect, if

you figure it 10 cents a mile, I am losing money on that, plus I have to pay the \$2 for tolls each way.

All we are asking in this bill, it is not my bill by the way, all I think we are doing is to just get reimbursed for this added expense that the rest of the people in the state don't have that we have to bear to come to and from the legislature. Granted, there are other roads, but as I stated, I could go up to Route 1, I suppose, which would take me through the Biddeford-Saco area, Portland area, Brunswick and everything else which would add on at least an extra hour, or I could come up through 202 or Route 4 or something, through Lewiston and some of these other places which would add on more mileage. I try doing this when I have the time. If I come up on a Sunday night I do this, just because I can't afford this two bucks each way. But there are many times that we just can't do this.

I also would like to state that as far as my taking an extra job, that is true, I didn't have to run for the legislature, but I just have a weird feeling that the people in my area deserve some good representation and I thought I could give it to them. But I also have this feeling that I have to pay my bills. I don't know if that is contradictory or not, but I do feel I do have to pay my bills, and to do that I had to work a second job.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I rise to support the gentleman from Caribou, Mr. Briggs. I too am north of this turnpike, but I think we should accept the majority report. In order to help Mr. Briggs from Caribou, and myself, we are going to need to get them up here, because the Highway Department is going to need them up here. They are going to need a \$19 million bond issue, they are going to need a couple cents on the gas tax. And if the gasoline consumption is cut back much further, they are going to need a five or ten cent increase

in the gasoline tax. So I think we probably should pass this bill and make it easier for them to get here, because they are going to need them to keep highways in Caribou and West Enfield and these places, because we are going to need to get this bond issue through for \$17 million or \$27 million or whatever they decide on finally, and probably a nickel on the gas tax.

So let's probably pass this bill so they can be sure to get here.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday this body considered L. D. 818, at which time, with an overwhelming vote, they felt it was mandatory to dictate to municipal government and any vote they took, with a direct or indirect interest would be void. So, I would like to inquire how many of the people use the Maine Turnpike are going to vote this morning.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, to indefinitely postpone L. D. 1668 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.

36 having voted in the affirmative and 84 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-431) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act to Require Returnable Beverage Containers" (H. P. 1289) (L. D. 1674) reporting it be referred to any special session of the 106th Legislature held in 1974 or to the 107th Legislature.

Report was signed by the following members

Messrs. ALDRICH of Oxford

ROBERTS of York
JOLY of Kennebec

—of the Senate.

Messrs. COTE of Lewiston
FECTEAU of Biddeford
FAUCHER of Solon
SHAW of Chelsea
DUDLEY of Enfield
CAREY of Waterville
BRAUN of Oakland

—of the House.

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

Report was signed by the following members:

Messrs. EMERY of Rockland
CONNOLLY of Portland
SHUTE

of Stockton Springs

—of the House.

Reports were read.

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this piece of legislation, and I sponsored it because I believe in it, and I believe that a majority of the people in the State of Maine believe in it. By now you are well aware of the advantages, if this legislation were passed, and I am sure you are well aware of the ramifications.

Now, to me the intent of the committee is obvious. The intent of the majority of the committee is obvious. They want time to evaluate more data that will be coming from the states of Oregon and Vermont, the two states that have passed this legislation.

For those who have worked so hard for the passage of this bill, The Keep Maine Scenic Committee, The Audubon Society, The Grange, Congress of Lakes Association, numerous conservation commissions, towns, and many, many people, to those who may not understand the legislative process, I apologize. But I am a realist, and I move acceptance of the majority report, that this bill be referred to any special session of the 106th Legislature in 1974 or to the 107th Legislature.

Thereupon, the Majority Report was accepted and sent up for concurrence.

**Consent Calendar
First Day**

(S. P. 77) (L. D. 194) Resolve Authorizing Fred P. Haskell, or his Legal Representative, to Bring Civil Action Against the State of Maine — Committee on Judiciary reporting “Ought to pass”.

(S. P. 152) (L. D. 386) Bill “An Act Relating to Protective Services for Incapacitated Adults” — Committee on Judiciary reporting “Ought to pass”

(S. P. 229) (L. D. 664) Bill “An Act Relating to Qualifying Foreign Corporations to do Business in Maine” — Committee on Judiciary reporting “Ought to pass” as amended by Committee Amendment “A” (S-145)

(S. P. 310) (L. D. 976) Bill “An Act Relating to Lack of Privity as a Defense in Action Against Manufacturer, Seller or Supplier of Goods” — Committee on Judiciary reporting “Ought to pass”.

(S. P. 311) (L. D. 977) Bill “An Act Relating to the Statute of Limitations in Contracts for Sale” — Committee on Judiciary reporting “Ought to pass”

(S. P. 313) (L. D. 979) Bill “An Act Relating to Requirement of Notice of Breach in Contracts of Sale Where Personal Injuries are Suffered” — Committee on Judiciary reporting “Ought to pass”

(S. P. 343) (L. D. 1042) Bill “An Act Relating to Warranties on Consumer Goods and Service” — Committee on Judiciary reporting “Ought to pass”

(H. P. 483) (L. D. 627) Bill “An Act Amending the Laws Relating to Community Mental Health Services” — Committee on State Government reporting “Ought to pass”

(H. P. 507) (L. D. 672) Bill “An Act to Establish a Uniform Program for Educational Leave for State Employees” — Committee on State Government reporting “Ought to pass” as amended by Committee Amendment “A” (H-436).

(H. P. 731) (L. D. 937) Bill “An Act to Lease Management and Cultivation Areas in Maine’s Coastal Waters” — Committee on Marine Resources reporting “Ought to pass”

(H. P. 1100) (L. D. 1436) Bill “An Act to Clarify Procedures under the Municipal Public Employees Labor Relations Act” — Committee on Labor reporting “Ought to pass” as Amended by Committee Amendment “A” (H-430).

(H. P. 1310) (L. D. 1740) Bill “An Act to Allow Coastal Wardens to Inspect Licenses” — Committee on Marine Resources reporting “Ought to pass” as amended by Committee Amendment “A” (H-432)

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

Order Out of Order

Mrs. Murchison of Mattawamkeag presented the following Joint Order and moved its passage:

WHEREAS, occasionally in the course of day to day living our lives are unforgettably touched by the great worth and deeds of a particular person; and

WHEREAS, Carl Ellwood Troutt, O. D., a resident since 1936 of the Town of Mattawamkeag, has so moved the entire community by the merits of his service; and

WHEREAS, in appropriate ceremony the citizens of Mattawamkeag will, on Wednesday, the 23rd day of May, 1973, signify such feelings and appreciation by renaming their only school the “Dr. Carl Troutt School;” now, therefore, be it

ORDERED, the Senate concurring, that the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature of the State of Maine pause from their duties to join the grateful citizens in the Mattawamkeag region in acknowledging with pride and appreciation the unrelenting efforts Dr. Troutt has made, both privately and professionally, and a period of many years for the betterment of his community; and be it further

ORDERED, that a suitable copy of this Order be presented to “Doc” Troutt in token of the sentiments expressed herein. (H. P. 1531)

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

**Consent Calendar
Second Day**

(H. P. 950) (L. D. 1247) Bill "An Act Relating to the Registration of Farm Motor Trucks having 2 or 3 Axles" (C. "A" H-424)

(H. P. 1071) (L. D. 1396) Bill "An Act Relating to Mirrors on certain Vehicles" (C. "A" H-423)

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

Mr. Jackson of Yarmouth was granted unanimous consent to address the House.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: We skipped over this bottle bill very quickly. I feel that the people of the State are due for a little more consideration on this particular bill than quickly burying our heads in the sand and saying we are going to put it off for another session of the legislature.

I received a great deal of mail from my town supporting this bill, and I really feel that these people want this now, they feel that now is the time for it. And to quickly shuffle it off and say that we are going to consider it in another two years or four years or sometime, and that possibly we are going to study something in another state, I think this is something the people of the state want now, and I think we should consider it now.

Passed to Be Engrossed

Bill "An Act to Clarify the Industrialized Housing Act as it Relates to Mobile Homes" (H. P. 1521) (L. D. 1951)

Bill "An Act Relating to Student Rates for Ferry Service for North Haven, Vinalhaven, Isleboro, Swan's Island and Long Island Plantation" (H. P. 1520) (L. D. 1950)

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

**Second Reader
Tabled and Assigned**

Bill "An Act Relating to Regulation and Inspection of Plumbing" (H. P. 1523) (L. D. 1953)

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

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

Bill "An Act Relating to Location of Certain Facilities in Public Ways" (H. P. 1524) (L. D. 1954)

Bill "An Act Relating to Discontinuance of Town Ways" (H. P. 1522) (L. D. 1952)

Bill "An Act Providing that Public Utility Construction Contracts be Awarded by Competitive Bidding" (H. P. 1525) (L. D. 1955)

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

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

Bill "An Act Relating to Schools Teaching Real Estate Subjects" (H. P. 1517) (L. D. 1944)

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

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

Mr. TRASK: Mr. Speaker, I move the indefinite postponement of this bill and its accompanying papers and would speak to my motion.

The SPEAKER: The gentleman from Milo, Mr. Trask, moves the indefinite postponement of L. D. 1944 and all accompanying papers.

The gentleman may proceed.

Mr. TRASK: Mr. Speaker and Ladies and Gentlemen of the House: My objection to this bill, basically, is that we are giving a commission of this state almost carte blanche authority to do anything that they want to and in this particular case, I think we are putting the Real Estate Commission into an area that they are not particularly well qualified for. They want to set up rules and regulations concerning schools for the instruction of people to take the real estate examination. I think if the legislature wants to make these rules, they should do it and

not leave it to the commission.

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

Mrs. McCORMICK: Mr. Speaker and Ladies and Gentlemen of the House: I didn't expect this to come up today. I expected them to wait until enactors. I have been doing a little bit of research, ladies and gentlemen of the House, on this particular bill. As I understand it, all the commissioners of the state, in all of our departments, rather, set their rules and regulations, so I can't see why the Real Estate Commission should be different.

Maine has some of the most stringent laws in the whole United States as far as brokers go. And true, Maine has a good percentage of brokers. There is a total of 4,719 real estate people in this state. There are 3,996 brokers. Of that amount, there are 775 who are inactive. There are 93 who are non-resident brokers. There are 723 salesmen. Of that, there are 98 that are inactive.

Now, if you think we have a lot of real estate people, New Hampshire has 9,000; Massachusetts has 65,000. And they don't have the exams and such that we have to go through here in the State of Maine.

The Real Estate Commission, I believe this bill was drafted through the Attorney General's office and it was to clarify the law. As it is now, they cannot regulate all of the courses, and this is what they want to do. New Hampshire has had a problem down there because they do not have any rules or regulations. They have an outfit that is coming in and giving cram courses and trying to get things passed. If we don't get a few rules and regulations for the Real Estate Commission to regulate courses here in the State of Maine, we are going to be in the same situation that New Hampshire is in. If you think we have problems now, you just let them kill this bill and we will have twice as many problems later on. I ask you not to indefinitely postpone this bill.

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

Mr. MADDOX: Mr. Speaker and

Ladies and Gentlemen of the House: I do not see that this bill has any horrible implications. We are faced with a problem where Maine is enjoying a real estate boom. And it is natural that many people would want to get into this particular occupation because they believe it is lucrative and it is to a certain extent.

But the Real Estate Commission is faced with the possibility and not only the possibility but the probability now exists of many people who are not qualified opening up schools to teach applicants that they may take the examination as a real estate salesman or broker.

The commission is very anxious that it protect the public or the members of the public who wish to take these examinations against schools that are not qualified. It is very easy to set up a school, take in applications at a hundred dollars a person, teach a 6-week course and tell them they are qualified to take the real estate examination. That sort of thing should be stopped.

The commission also desires to upgrade the type of ability of the applicant, the qualifications, that he may make a good salesman or real estate broker. The question, the environmental laws, the various zoning laws, the various requirements in making a site location and what not now-a-days, requires tremendous knowledge of those subjects. And I think it is only natural that the commission, which is empowered to regulate this, should have the opportunity to say how qualified a person should be and how qualified a person should be who endeavors to teach these applicants.

I hope that this bill is passed to be enacted.

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

Mrs. BOUDREAU: Mr. Speaker and Ladies and Gentlemen of the House: I serve on the Business Legislation Committee and I signed this "ought to pass" and I oppose the indefinite postponement. This is a very simple little bill. All it does is give the commissioners authority to approve the teaching

of real estate courses. Presently they might have reason to believe some of the schools or teachers are not qualified. But they do not feel that they have the authority to prohibit this. I think my friend, Representative Trask, is ignoring the fact that these schools are popping up all over the state and they are not going to disappear. So I think they should be regulated. This bill will do that, but it is not so restrictive and it does not close the profession to anyone who wants to get into it. So I hope you will vote against the indefinite postponement.

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

Mr. DESHAIES: Mr. Speaker and Ladies and Gentlemen of the House: Some of you may recall a photo in the newspaper recently which showed over a thousand people taking a real estate exam at the Augusta Civic Center. Well, this is a sample of the tremendous interest shown in this field in the last few years. The Real Estate Commission is, in my opinion, rightfully concerned over the quality of courses and study material being offered to these people. And this bill authorizes the commission to formulate rules and regulations relative to the establishment and operation of real estate schools.

This bill does not apply to courses now conducted by the U. of M. or any other public high education institution. But it is designed to regulate courses offered elsewhere so that the study material will properly prepare the person to take the exam.

The purchase of real estate is probably the largest single transaction most of us will ever be faced with in our lifetimes. And I believe that we should have the benefit of professional counsel when we do buy. We occasionally hear of abuses in this area and hopefully this could correct them. I think this bill has merit and I would urge you to vote against the move to indefinitely postpone.

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

Mr. SHELTRA: Mr. Speaker and Ladies and Gentlemen of the House: I think all this calls for really is accreditation like you have in your present school systems. It is a fair bill. In a sense, it is a consumer bill because all of the applicants that might be desirous of pursuing a real estate course, it makes sure that the course they do pursue, that the school they attend will be properly accredited. So consequently, this is a good bill and I hope that you will go along with it and move against the indefinite postponement.

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

Mr. O'BRIEN: Mr. Speaker and Ladies and Gentlemen of the House: I am one of the signers of the minority report "ought not to pass" on this bill. And I am thankful again that we said the prayer this morning. At least we still have that privilege left. I promise I won't use the Lord's name, but let me make a few points here. We are discussing extending the Real Estate Commissioner's powers into the field of education. The gentleman from Westbrook, Mr. Deshaies, said he saw a picture in the paper of a thousand people taking the real estate course. I find that fine. A thousand people are about to go to work. I have no objections to that providing that they can pass the Real Estate Commission examination. I think that is where the authority of the Real Estate Commission should stop. He shouldn't get involved in reaching out further into education. If he wants to restrict the number of people who have real estate licenses, in this state or brokers' licenses in this state, he does it through the examination, not by trying to regulate the school.

In this state, we are very very fortunate. We have a man by the name of Paul Creteau who teaches a real estate course. He also happens to be the gentleman who wrote the book on real estate law. For no reason can I dream of any commissioner wanting to reach out because of the success of this

gentleman and start regulating the type and the number of schools. Let me say that Mr. Creteau — 85 percent of the people who take his course pass the examination. Now, the course that was taught at the University of Maine in February, only 51 percent of those people passed. So who is teaching the better course?

I have an awful, awful habit of calling a spade a spade. I shoot right from the hip and let the chips fall where they may. This is just an attempt by the real estate industry to lock their industry for themselves. They don't want any more brokers, they don't want any real estate salesmen.

We are in the midst of a large real estate boom, the whole country is, and more and more people are turning to real estate and insurance. Now, if these people can pass the examination set down by the commissioner, if the commissioner says they have passed my examination and they are qualified to sell, that is where his authority should stop. He has no right to reach out into the field of education and decide whether he shall regulate or perhaps get into the field with Mr. Creteau.

He is a little upset that Mr. Creteau is teaching five courses, two in Portland and two in Augusta. He is doing it very successfully, and I might also add, financially successful. Good luck to him! This is not the commissioner's deal.

If they want to restrict the number of people coming into the field, let them restrict it by making the examination difficult. The most important thing, regardless of what you hear or don't hear as facts, the most important thing that a real estate broker or salesman does is to bring a buyer and a seller together. That is the most important thing he does. It is the most important thing I do, bring a buyer and a seller together. If you have a home to sell, you don't care where your agent was educated as long as he sells your home. If you have a home you want to buy, you don't care where the gentleman was educated either, or lady, if she is in real estate,

all you want to do is buy the home. That is the most important thing they do.

Now they are going to try and close in the industry for themselves, and I hope that you support the indefinite postponement of this bill.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I would just briefly respond to the gentleman from Portland that if this were the intent of this group, it wouldn't be to go through this process. They merely would do what he suggested, raise the difficulty level of the tests to indeed lock out unwanted people into this deal. But the facts of the matter are that over the past few years there have been some minor increases in requirements for this type of license, and each increase in the requirements has brought about an increase in the number of applicants. So, I don't believe that this is a valid argument against this bill.

This bill is a moderate step on the part of an industry to attempt to upgrade the requirements of the people coming into it. The level of entering is still open on the salesman level. There are no requirements for a salesman examination. You take the exam, and if you pass it, you have the opportunity to go to work in the field for a broker.

I would like to have you consider this on the basis of the facts of the case, and the base of the case and not accept this gentleman's remarks as to the motives behind the presentation of this bill.

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

Mrs. McCORMICK: Mr. Speaker and Members of the House: I am very pleased that Mr. O'Brien happened to bring in Mr. Creteau's name to this, because I think he was trying to imply that this would sort of lock him into a position.

Knowing Mr. Creteau is one of the leading teachers in real estate courses in the state, he was one

of the people that I called and checked on with this bill, and he is in full accord with this. He said it is a needed piece of legislation and he is all for it.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. But I do have a few remarks to make in answer to the gentleman from Portland, Mr. O'Brien. The other day I can assure him that the real estate brokers in no way want to prohibit the prayer here in the morning.

I do apologize for gaveling the gentleman earlier this morning, but I heard the Lord's name, and I looked down where it came from, and I didn't realize that he would be quoting from the Bible.

I do take issue with him when he says that his profession is the same as the real estate broker. Of course, he is completely unregulated, and as far as having a commission the same as the brokers are, of course they have to answer, too. I suppose that is what defines the difference between being professional and not being professional as far as the sale of real estate would go. So, it is regulated, and it is regulated by the commission.

Now, I submit that the problem that the commission has found here is the fact that many people have been taking these courses — and I am not discriminating against Mr. Creteau, who is a wonderful man who has written a wonderful book on real estate law, and as a matter of fact the book is used by the commission and accepted by real estate brokers across the state as being the word. But I submit that the problem is that a lot of these people — and they are poor people, a lot of them — spend their hard earned money to take these courses, and they get a good mark, they graduate, they go before the commission, they take the exam and they flunk. And it is dollars and cents. I know a lot of people that have spent the fees to take these courses and then go before the commission and flunk the

examination after having passed the course.

So, I would say that it would behoove us this morning to allow the commission to work with these schools in order to come in line so that the people that paid for the education and passed these courses are able to send for the exam and pass the exam. There is too large a number of people that are failing today, and the reason that they are failing is that they are improperly prepared, they are improperly prepared.

So, I submit that this law is necessary and I would hope that there would be no ill feeling, because certainly the real estate commission are the people that write the examinations, and certainly they should work and regulate in order to better prepare people for these courses that are to be given by anyone.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I address you today as a realtor and a broker.

You know there are a couple of things that kind of confuse me here. I would like to first say that I wish all I had to do to make a living was to take and bring a buyer and a seller together, because that is just about phase number one. The next 99 steps is where a broker makes his money and where he has to have the knowledge and the background to do it.

You know, there are two bills before us right now. One represents the views of the realtors and one represents the view of the commission. I don't believe they are that far apart. It was my understanding that possibly that this bill was the one that would be disposed of, and the other one was going to be the one that we work with and amend to the point that we would have something. I wish someone would please clarify this. I just wonder if we are not spending a lot of time debating something that has been worked out somewhere.

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

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

Mr. NORRIS: Mr. Speaker and Members of the House: To answer the gentleman's question, I have read the other bill, and I am diametrically opposed to it. I am opposed to 30 credit hours or again the poor man spending — and I hate to debate another bill — but the poor man spending let's say \$1,000 in order to be qualified to sit for a broker's license. And that is why I favor this bill, and I don't favor the other bill.

While I am on my feet, with the Chair's permission, the claim here this morning is that the Real Estate Commission makes it impossible — it is possible to sit for a salesman's license without any education as the law is written now and to serve as an apprentice with a qualified broker for a year and then sit for your broker's license. So, if this is being restrictive and unfair to the public, I just don't understand it because a person can get a real estate broker's license without actually taking any formal courses.

The requisite as far as education goes is a high school education or equivalent thereto, and even without a high school education you can get a special hearing before the Commissioners, and they will listen to your story and there have been cases where people have been allowed to sit for the license exam without the high school education.

Order Out of Order

On motion of Mr. Garsoe of Cumberland, it was

ORDERED: that Ralph Duquette, Mark White, Michael Bonville and Richard Morrison of Gray be appointed Honorary Pages for today.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: Education does not make you a salesman. I don't care how many

degrees you have, because I know many people who have the real estate licenses and never sold a piece of property in their life.

When the gentleman tells me you have to have a high school education, I know of a man that sells, and he can't even read and write. And he has sold for years, and he is probably the most honored real estate man there is in the State of Maine. When he goes out, he has a photostatic mind. When he goes home, he tells his wife, and he tells his office girls. They do all the work for him, and all he can write is his own name.

Now, when the time comes that we have to have degrees, it is coming to the point where you have to have a college degree or you are not going to be able to earn a living. And I say a salesman is a salesman, and I don't care if he never went to school a day in his life. I think we better take some of these professionals that we are talking about and do away with them, and let's let someone earn an honest living.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: One thing that I wanted to point out on this particular bill — and I favored this one over the other — we now have in the State of Maine giving real estate courses the University of Maine, its various branches, Paul Creteau, Clayton Howard, Ward Graft, and Bernard Cratty, Husson College, the American Institute of Creative Education.

I personally feel the real estate brokers, and I am one, should work more themselves to upgrade their profession; it shouldn't be legislated to them.

I am concerned here very deeply with the fact that the Real Estate Commission, at this point, has no way to control who will be teaching the real estate courses in the state. What I am afraid of is what has happened in some other states, that anyone who wants to make a fast buck will set up on a street corner to teach a real estate course, saying that if you take their course, you can become a broker and

make a million dollars. I feel that there should be someone or somebody — and I think the Real Estate Commission would be that body — to pass on the people who will be teaching these courses, so that people won't be putting down their \$120 or what have you to take a course that in no way prepares them for the exam. I see this as a problem, and I think there should be a means that the Real Estate Board can control who will be teaching real estate courses.

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

Mr. TRASK: Mr. Speaker, Ladies and Gentlemen of the House: I have no quarrel with the real estate profession upgrading their profession. As Mr. Simpson, the gentleman from Standish, said, there is another bill which they are trying to amend to set up rules that the Real Estate Commission will be governed by.

My objection to this bill is wholly on the fact that this body is abdicating its responsibility when they will turn over the right of making laws and rules governing people to a commission. I think if we want to upgrade the Real Estate Commission, we should set up the rules that they should be governed by and not the Real Estate Commission.

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I hope to answer the real estate broker's on the corner question, not the majority floor leader, but the real estate broker.

He is exactly right, there are two bills. Both bills came before the committee, and this is exactly my point. Both bills were endorsed by the real estate commissioner. This is a classic example of now you see it, now you don't. They gave us this very very restrictive bill and told us how they want to upgrade the profession, and they slipped this one in the back door, and we are supposed to buy it carte blanche. Now, Mr. Simpson said he is a little confused on that point, so I thought I would clear it up for him.

When it comes to mystery, Mr. Norris can testify to you that I am an expert, and we are regulated in our fields of endeavor, such as a used car peddler. I recognize when I see something being juggled. I see two bills being juggled here, and I realize I am beating a dead horse, but I want all the proponents of this bill to remember their arguments when L. D. 1113 comes before you.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I have tried to sit still on this, but this is much the same as has happened in the committee; it is a very confusing thing, not because I am not aware of some of the problems of real estate, I have been a broker for a good many years.

Many of the people that have spoken here have said the truth and are sincere in what they have said. But the real point, as far as I am concerned, is enmeshed by both these bills that have been referred to.

The Real Estate Commission has failed to recognize the fact that you can spend all the money you want to and take courses; you can work as hard as you wish, you can pass all the tests that you want — I am sorry, that is not true, you can take the examinations and fail them and still go out and sell real estate in the State of Maine through what is known as option brokerage. They are not facing up to the problem of option brokerage. This is something that is being used by developers, it is being used by people that are not completely scrupulous. It is people that are failing these courses and failing their exams. All you have to do is — you don't even need the high school education, all you have is a few dollars and go out and the glib term, to convince someone that they will be better off to let you sell their property, and so you give them a few dollars down on it and then you go out and try to sell it at a huge profit.

Now, brokerage is quite different from this. You have a limited prof-

it, and it is all under contract, and it is a legitimate business. But the problem, as far as I am concerned, with this great surge in real estate development in the State of Maine is the regulation of option brokers, and it is not being faced up to by this legislature or by the Real Estate Commission.

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

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to belabor this bill. But this morning I have to be up against my good friend Mr. O'Brien, whom I respect. But in this particular instance here, I think the gentleman is out of order, shouldn't we say.

Now, this particular bill here deals strictly with the consumer, in this instance the consumer being the applicant. In other words, the commission wants to assure him that when he lays his good money on the line and pursues an education, that he is going to be, for all intents and purposes, properly prepared to go before the commission and take the exam.

I don't think this is anything new, your beauticians do this, your beauty culture schools are licensed, certainly, your teachers are. I mean, this is just trying to upgrade the profession in that sense.

As far as the other bill is concerned, that bill there I can challenge, because the second bill relates more to making it more difficult for people to become licensed. This is not the case with this bill. This is a good bill, and I hope that you go along with it.

The SPEAKER: The Chair recognizes the gentlelady from Portland, Mrs. Kilroy.

Mrs. KILROY: Mr. Speaker, Ladies and Gentlemen of the House: This was originally my bill. It is in a redraft now, which is 1944, my L. D. was 517. In very simple language, you don't have to be high school educated to understand what this bill is. It is simply to protect the consumer. The Real Estate Commission is very concerned that the people who pay to take the real estate course will be taught properly by qualified instructors,

using a well-planned course of study. Thus, they will be properly prepared to take the real estate examination.

This bill is strictly to protect the consumer. I think enough has been said about it already, and I hope that you will not go along with the indefinite postponement. I ask for a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Milo, Mr. Trask, to indefinitely postpone L. D. 1944 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Birt, Brawn, Cameron, Carrier, Dunn, Genest, Hamblen, Kelley, O'Brien, Shute, Talbot, Trask, Webber.

NAYS — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, B i n n e t t e, Bither, Boudreau, Bragdon, Briggs, Bunker, Bustin, Carey, Carter, Chick, Chonko, Churchill, Clark, Conley, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Emery, D. F.; Farnham, Fecteau, Ferris, Finemore, Fraser, Gahagan, Garsoe, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Henley, Herrick, Hobbins, Hoffses, Huber, Hunter, Jackson, Jacques, J a l b e r t, Kelleher, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, M c H e n r y, McKernan, McMahon, McNally, McTeague, Merrill, Morin, L.; Morin, V.; Morton, M u l k e r n, Murchison, Murray, N a j a r i a n, Norris, Palmer, Parks, Perkins,

Peterson, Pontbriand, Pratt, Rolde, Rollins, Ross, Santoro, Shaw, Sheltra, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Strout, Theriault, Tierney, Trumbull, Tyndale, Wheeler, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Brown, Connolly, Dyar, Evans, Farley, Farrington, Faucher, Flynn, Gauthier, Immonen, Kauffman, Lewis, E.; Mills, Ricker, Soulas, Susi, Tanguay, Walker, Whitzell.

Yes, 13; No, 119; Absent, 19

The **SPEAKER**: Thirteen having voted in the affirmative and one hundred nineteen in the negative, with nineteen being absent, the motion does not prevail.

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

Passed to Be Enacted Emergency Measure

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

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. 115 voted in favor of same and 2 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 Administration of Funds for Social Services (H. P. 434) (L. D. 583)

An Act to Amend the Minimum Lot Size Law (H. P. 630) (L. D. 844)

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

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

Enactor

Tabled and Assigned

An Act Relating to Duration of Teachers' Contracts (H. P. 834) (L. D. 1093)

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

(On motion of Mr. Shute of Stockton Springs, tabled pending passage to be enacted and tomorrow assigned.)

An Act Appropriating Funds to Educate and Rehabilitate Persons Handicapped by Deafness (S. P. 445) (L. D. 1377)

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

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

An Act to Revise the Election Laws (S. P. 613) (L. D. 1916)

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

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

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

Mr. **KELLEHER**: Mr. Speaker, I move we reconsider our action on item 10, page 3, where the action of this House this morning was to adhere.

The **SPEAKER**: The gentleman from Bangor, Mr. Kelleher, moves the House reconsider its action whereby it voted to adhere on Bill "An Act to Exempt Diabetic Medical Supplies from the Sales Tax" House Paper 1096, L. D. 1433. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

92 having voted in the affirmative and 20 having voted in the negative, the motion did prevail.

Thereupon, on motion of Mr. Kelleher of Bangor, the House voted to insist.

(Off Record Remarks)

On request of Mr. Martin of Eagle Lake, by unanimous consent, unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

On motion of Mr. Birt of East Millinocket,

Recessed until four o'clock in the afternoon.

**After Recess
4:00 P.M.**

The House was called to order by the Speaker.

On the disagreeing action of the two branches of the Legislature on Bill "An Act Authorizing the Commissioner of Agriculture to Investigate Certain Farming Practices" (H. P. 1497) (L. D. 1924) the Speaker appointed the following Conferees on the part of the House:

Messrs. EVANS of Freedom
COONEY of Sabattus
ALBERT of Limestone.

On the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Membership on the State Board of Barbers" (H. P. 844) (L. D. 1118) the Speaker appointed the following Conferees on the part of the House:

Messrs: DYAR of Strong
LeBLANC of Van Buren
WHITZELL of Gardiner

Supplement No. 2 was taken up out of order by unanimous consent.

Report of the Committee on State Government on Bill "An Act to Establish Title to Islands in Maine's Coastal Waters and to

Create the Maine Coastal Island Registry" (Emergency) (S. P. 500) (L. D. 1608) reporting it be referred to Committee on Public Lands.

Came from the Senate read and accepted.

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

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

WHEREAS, there is concern that consumers should be represented on state regulatory and examining boards, agencies and commissions; and

WHEREAS, it is not currently known how many boards, agencies and commissions already have such representatives; and

WHEREAS, it is also not known whether a distinction should exist in this regard between policy-making boards and examining boards; and

WHEREAS, members of some boards have indicated that consumer members should not be reimbursed by fees which support such boards; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the subject matter of the following bills: "AN ACT Providing for a Consumer Member on All Regulatory Boards and Commissions," House Paper 1115, Legislative Document 1495; "AN ACT Establishing a Consumers' Council," Senate Paper 464, Legislative Document 1495; "AN ACT to Provide that Consumers Shall be Included on Certain Boards," House Paper 1291, Legislative Document 1679 and "AN ACT to Establish an Insurance Consumers' Advisory Board," House Paper 1357, Legislative Document 1813, as introduced at the regular session of the 106th Legislature, in order to determine to the extent possible, through consultation with interested parties and groups, and such public hearings as it deems appropriate, whether or not the best interests of the State would be served by enactment of such legislation; and be it further

ORDERED, that the Consumer Fraud Division of the Office of the

Attorney General be directed to provide the Committee with such technical advice and assistance as the Committee feels necessary or appropriate to carry out the purposes of this Order; and be it further

ORDERED, that each regulatory or examining board or commission authorized by the Revised Statutes of the State of Maine be directed to provide such assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report its findings, together with any necessary recommendations or implementing legislation, at the next special or regular session of the Legislature; and be it further

ORDERED, upon passage of this Order, in concurrence, that each office, board, agency and commission specified herein be notified accordingly of the pending study. (H. P. 1534)

The Order was read.

On Motion of Mr. Sproul of Augusta, tabled pending passage and tomorrow assigned.

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

WHEREAS, the State of Maine operates computers in various state agencies, including within the Employment Security Commission, the Department of Transportation and for general use within the Department of Finance and Administration; and

WHEREAS, statutory authority has been proposed for centralization of such services within a single agency for the orderly coordination and economical processing of all data; and

WHEREAS, such legislation might improve economical utilization of equipment; provide data processing services to the Legislature in its legislative process; and prevent the unnecessary proliferation of equipment, programs and personnel and the overlapping of functions among the various state departments and agencies; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee study the sub-

ject matter of the bills: "AN ACT Creating the Bureau of Data Processing within the State Planning Office, House Paper 1339, Legislative Document 1754 and "AN ACT Creating the Bureau of Central Computer Services within the Department of Finance and Administration," House Paper 154, Legislative Document 178, both introduced at the regular session of the 106th Legislature, and further to explore the feasibility of establishing an electronic Data Processing Center as a separate entity and to analyze the benefits which might accrue to the Legislative, Judicial and Executive Branches of State Government to determine whether the best interests of State Government would be served by enactment of this type of legislation; and be it further

ORDERED, that the Committee investigate the use of computers which has been made in this and other states and the Federal Government and that the Committee confer with the Maine Management and Cost Survey and the University of Maine; and be it further

ORDERED, that the Department of Finance and Administration, the Department of Transportation, the Employment Security Commission and such other agencies or departments as may be determined by the Legislative Research Committee, be directed to provide the Committee with such information, technical advice and assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Legislative Research Committee report its findings, including potential cost savings and utilization benefits, with any implementing legislation to the first special session of the 106th Legislature in 1974; and be it further

ORDERED, that upon passage of this Order, in concurrence, each agency specified herein be notified of the pending study. (H. P. 1535)

The Order was read.

On motion of Mr. Ross of Bath, tabled pending passage and tomorrow assigned.

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

Bill "An Act to Establish the Saco River Corridor" (S. P. 469) (L. D. 1545)

Tabled - May 22, by Mr. Simpson of Standish.

Pending - Motion by Mr. Pratt of Parsonsfield to Accept Report A "Ought to Pass" as Amended by Committee Amendment "A" (S-131)

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I guess today is the day of reckoning and a lot of people have been waiting for it and so forth and wanted to know maybe just exactly why I am opposing this particular bill.

I would like to first state at the outset, I think all of you know exactly what my profession is and I know it has been discussed in the halls somewhat and I can tell you that if I had to make a living off from what I sold on the Saco River, I would surely be the first man in the poor house.

I would also tell you that I would be the very first man to stand before you and tell you that I wanted to see the Saco River in any way destroyed or see the point where myself or my children or my grandchildren could never swim in it or boat in it or fish in it or anything else. I would also like to state that I think that the particular committee that did the work probably had good intentions and everything but, you know, let me give you a little background on this.

When the bill was known to be coming before this session of the legislature, the committee was starting to finalize their work, they did start to approach the legislators and I am sure that a lot of us discussed it with them and everything but I for one just could not agree to support the particular concept until I had a chance to look at the bill in printed form. Now, that bill came out sometime in March.

I would hate to really poll the membership of this body right now and ask them if they have ever really read the bill from front to back and just see exactly what is in that piece of legislation and what this body could or could not be doing.

I would start from down around the Biddeford-Saco area, where I know the people from the Biddeford-Saco area are pretty well committed with it because they are concerned about what might be coming in the drinking water in the northern part of the river, the upper part of the river. Well first, I believe by 1976, any municipalities that might be dumping sewage in the particular river are bound now by legislation and also by court order to make sure this is cleared up to the point where we clean the river up.

If you read the bill, there is a corridor at 500 feet from the high water mark of the particular body of water. Go right through the heart of Biddeford now, right through the city and take every single building, every single piece of land 500 feet back from that high water mark and those people would have to comply with this bill throughout. I would really ask if we want to put those people to that type of compliance as to what is inside this bill?

There is not a municipality in this state that has ever given a planning board the right to adopt a zoning ordinance that the people do not have the right to adopt, reject or amend. Now just think about that one minute, because a zoning ordinance is one of the most powerful ordinances that any group can ever put forth. This bill gives a commission, which is an appointed group of people by the selectmen, the power to adopt a zoning ordinance for thousands of acres along that stretch, from the ocean all the way to the New Hampshire border, that the people in those municipalities do not have the right to adopt, reject or amend. Now stop to think about just that one portion alone.

Now, if we want to talk about veto powers or development powers and what we can do with the river and what we can't do

with the river, let's go back to the site location law. We passed the site location law. We gave the site location law some good teeth and it has been discussed here at great lengths. Last time around, I introduced a bill which caused a lot of friction after the legislature adjourned. It was called Chapter 454, of the so-called subdivision law.

Some people have asked how I could put through a bill like that in the last session but this time come back and not support a bill such as this. At least my subdivision bill only created guidelines and some criteria for local planning boards to use and for local control and what they did with it. We also have local planning boards with local ordinances, subdivision ordinances and zoning ordinances. We have a very strong and strict state plumbing code. No matter who builds on that river, or tries to build, has to comply with every single one of these agencies and every single one of these agencies has a veto power.

I would be the first to admit that in the past we have had some very unscrupulous developers in this state and out-of-state that have come into the state. And I am sure that we probably have some that would like to come in and do some things that we would just as soon not have them do now. But I submit that right at the present time we have law after law at least six of them, that they would have to comply with. I question whether we want to create a commission that is given some pretty broad powers to go ahead now and have just that much more supervision, a commission formed by this legislature.

Just go into the bill a little bit and read portions of it. I would like to have you, on page one alone, just read the purposes and the findings that this legislature is stating that they find and the purposes behind it — on page 5 in Section 6 where it requests for appropriations.

In part of this bill it will call for transcripts. The one thing that LURC has found out since LURC has been formed, that when any-

body has to go before this commission for a permit or for a hearing, a transcript has to come forth. That means a court reporter. That means a very high cost, not only for his costs but for the reports that come out of there that he is going to sell us.

Section 7 on page 5 talks about parties at the hearings, whereby this commission shall determine who shall be parties to hearings. In Section 8 on page 6, they talk about additional powers and duties and then in Section B they say that this commission shall compel the attendance of witnesses and shall require the production of evidence. I submit to you, that is just one step short of a subpoena power, if it is not. Shall compel — that is a pretty strong delegation of authority that we are giving to a commission.

This commission is also given the right to purchase lands and also to convey lands. On page 8 in Section 2 they are talking about all of the following requirements that have to be met, not just part of the requirements, but all of the following requirements have to be met or no permit shall be given. On page 10 they are talking about combined frontage and they are saying that the combined frontage and setback shall be at least 500 feet.

Then they talk about a designated road, an approved road that could go through there. And they talk about the man that has the lot on the back side of that road. He also has to have a combined frontage of greater than 500 feet. That road could go down within 100 feet of the water and the guy could own that land and do nothing with it under this law and the fellow behind could do the same thing.

If you go through the rest of the bill and take it piece by piece, I could go through this and I could show you that we are talking about what I consider a very, very dangerous piece of legislation and something that we are going to set a precedent with. I can easily foresee right now that this type of legislation if it goes through here, will either be amended in days to

come or new corridors or new commissions will be established, such as every river in this state, every piece of shoreline in this state or everything else will be handled by a commission.

When the gentleman from Eagle Lake in the 105th brought through his shoreline zoning, the one thing that troubled me about it was that in the 104th, the 250 feet within the navigable bodies of water in the unorganized territories had to be zoned. It was suddenly realized that this just would not work and so the 105th was asked to zone all the territory in the unorganized territory.

I am not really opposed to that, and I am not really opposed to LURC, because that is an area where somebody has got to control. But then suddenly we have a bill in before us that says the organized territory has to have shoreline zoning, and if they didn't do it, the state would do it for them. It was supposed to have been done by July of this year. Right now, we have a bill before us to extend it. Why? Because local control no longer really pertains. We are waiting for guidelines from the state. Next thing we know, local planning boards won't have the authority and the people won't have that authority to decide for themselves how they want to zone and subdivide their own town. The state will do it for them.

This bill is just another means, in my opinion, where we are getting into that type of bureaucracy that I don't believe we need. Ladies and gentlemen, I won't ask for the indefinite postponement of this bill. But when you decide to vote on it, I hope you will vote on it because you have read the bill and I hope you know exactly what you are doing. And I hope that I never have to come back to this legislature or any other legislature, after we see the problems that can and will be created by legislation such as this, and have to stand and say I said so and I told you so, so don't regret it.

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

Mr. TRUMBULL: Mr. Speaker and Ladies and Gentlemen of the House: I think you have just heard a lot of reasons on why this gentleman doesn't like this bill. But some of it he doesn't understand, I submit to you, is that number one, it isn't 500 feet back from the hundred year flood plain, it is 500 feet back from the river, of the bank, except where that portion may be in the flood plain or a thousand feet back. And I could go on and on with things that I don't believe that he understands, but I do. I have looked at this bill, I have talked to my people.

In my legislative district we have more of the river there than any other place and the people, probably over 95 percent of them, are solidly behind this bill. They believe if it isn't passed, if it is left up to the small town governments to decide what zoning occurs and doesn't occur, that very easily you can get a lot of things that you don't want. Therefore, in order to save this river and leave it in the largely unspoiled state it is in now, it is very imperative that this legislation be passed.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: I love Larry and I will always love Larry. He is a fighter. But I want to ask him now if he is speaking for the party or just as an individual over there? I am deeply concerned about the future development of this state. Any law that we might pass now, if it is too restrictive, we can change it later.

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

Mr. MacLEOD: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to try to answer the question. But I do think that I would like to shed a little light on the bill and some of its background and history. Since being up here to the Maine legislature, I have heard of amending a bill to death, but I think there is a gentleman today who might be trying to scare it to death.

We had a good hearing in the 105th and a group of very interested people came down to ask for the formation of this commission at that time or something similar, before the Natural Resources Committee. In fact, we had a hearing in the 105th — now I am talking in the 105th Legislature right now for just a moment folks. These folks came down, and at that hearing I tried to find some opposition to the formation of what they were asking. After listening to all their very, very dedicated remarks and the fact that they wanted to see this river protected, they wanted to see it zoned — nobody likes zoning today. The small towns don't like it. Our cities don't like it. We are living in a prime example of no zoning right here in our city of Augusta, which is the Capital, and I think it is a disgrace to the State of Maine. It could be a very beautiful thing, and the way it is laid out, it's terrible. I know the good mayor in front of me will probably take umbrage with me, but nevertheless, I have to say it.

Going back to some of Mr. Simpson's remarks. These folks have had a dedicated effort for over a year. We at the time told them no, they couldn't have what they wanted at that session of the legislature. We thought it was too encompassing, we hadn't had time to study it, but that we would form them up as sort of a committee and to research and to come back to the 106th. This is one of the things that we do here every day. We refer something to something else. Today you are hearing the results of the referral from the 105th Legislature to the 106th. Now I say to you folks, these people have gotten together. They did have some people who were against it. There are cries now out of the wilderness against this legislation. We are hearing it. I have had mail, you have all had mail. There have been people in the corridors dead set against it. They are a minority, as far as I am concerned.

Today, these people have come and held meetings in all these towns up and down the river. Now I live on the coast, as you all

know, and I don't know one piece of that river from the other, but from listening to these people explain to me what they are trying to do from the waters as far into New Hampshire as to down to the mouth by the sea. I think it is a good piece of legislation and I don't want to see you scared to death here this afternoon and I wish you would give it support.

The good gentleman from Parsonsfield, Mr. Pratt, has moved the majority report. I would like to shed a little light today on the report that came out. This got kind of scuttled the other afternoon and was laid on the table as it seems to be the polite thing to do here when you want to get a bill. You just table it so we can get a little bit of gossip or a little bit of something going on in the corridor in order to kind of get somebody's thinking going off half cocked.

There was a split committee report, I will agree. There was money asked on this bill to the tune of \$50,000. There were a few of us on the committee and a very few that felt that maybe the towns ought to contribute a few dollars along with some matching funds from the state. That was the reason for one form of the report — three of us were on it, Senator Schulten and Representative Palmer and myself. The majority of the committee felt that this was a good endeavor and that it should be funded to the tune of \$50,000 to get this thing off the ground. We had one lone member, Representative Herrick, who came in with the third report, which he felt that no funds were necessary and that it shouldn't have any funding.

I feel very strong for this piece of legislation. I would like to second the motion of the representative from Parsonsfield, Mr. Pratt, and accept the majority report today.

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

Mr. PRATT: Mr. Speaker and Ladies and Gentlemen of the House: A 23-page document such as this makes a pretty good target,

whether you are using a BB gun or shotgun. And it is pretty easy to shoot holes in something this large.

You recall yesterday, I gave an introductory talk on this bill, mentioning the creation of the Saco River Environmental Advisory Committee by the 105th Legislature, which was instructed to submit a comprehensive plan for the protection and development of the Saco River Corridor.

This was a grass-roots effort. It required many hours of work and planning by many people to accomplish this and prepare the report and bill that you have before you. Questionnaires were sent out to many landowners along the river, such as myself, indicating — these questionnaires came back and indicated that an overwhelming majority wanted controls and they asked that they be administered by a joint local, regional, and state agency, with very close relationship to local government. This is what they tried to accomplish by having one person from each of the 17 towns on the committee, have local planning boards recommending the protection areas with public hearings before districting takes place.

I told you I was living on the river in 1936. I saw what happened to homes and businesses that were built on a flood plain. I have seen some of the crummy developments spring up before we had a minimum size lot law, with the shacks and the pollution that goes with this, it makes an unfortunate situation.

This is a recreational river in a populated area. Our Department of Parks and Recreation has just lately purchased 1200 acres on this river in this area at a cost of some half million dollars. So I say, let's protect our investment with the passage of this bill and protect those 100,000 people down the river who use this water for domestic purposes.

So let's pass this on to the Appropriations Committee. We all know they will give it consideration and assess its merits. And I will correct Representative MacLeod. It is \$47,000 and it is for the biennium.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to concur with the gentleman down in the right-hand corner in his theory. I based my thinking on what is good for the goose is good for the gander.

In the 105th Legislature we did pass the legislation that created the Land Use Regulation Commission which put all the wildland in this state under the same category that the Saco River will be placed in.

I have before me a letter from the Land Owners Association of Maine, which may point out the problem we are in in unorganized townships. This letter was sent to Senator Jerrold Speers, and I will read a portion of it. "Enclosed is a file on Morris Parsons from Magalloway Plantation, Maine, which points up the need for central state land department. The average Maine citizen just does not know where to go or what to do concerning the use of his land. In this case, Mr. Parsons attempted to comply with the regulations, only to find that after he had built his camp, he now must remove it. He paid a considerable amount for the land and for his camp and now faces considerable economic loss, and he is not a wealthy man. There are hundreds of Maine citizens who are uninformed about all the new regulations. There should be a single department where they can go to process their applications. And all of the state departments should coordinate their efforts in the same direction." This is signed by Shelton Noyes, President of Maine Land Owners Association.

Now, I had legislation in here this session, I had four bills in fact, before the Natural Resources Committee, three of them to clarify the subdivision law here in the state to have the same understanding to the word subdivision in all cases, which came out unanimous "ought not to pass". I also had a bill in before State Government putting Land Use under DEP to have one agency.

Now, this is a classic example of what happens. This Mr. Parsons, he went to Health and Welfare, Bureau of Sanitation, was approved by them as far as his septic tank was concerned. Land Use got a hold of it; they sent him a letter of disapproval. He had soil suitability tests and percolation tests taken by a soil consultant. He did have a plot plan. The Soil and Water Conservation Commission approved his application with conditions it recommended. He had a notice of land violation from LURC, which said he had to cease construction and use of the camp, submit application and send in his \$10, which he did, and it was denied.

I think the thing that really bothers me, this gentleman didn't realize it, that it was coming about. On December 13, 1972, he received a letter from the State of Maine Department of Health and Welfare. "Dear Sir: Under authority conferred by Title 32, Chapter 49, Section 3353, and 3451, Revised Statutes of 1964, the following named person is appointed as plumbing inspector for the town of Magalloway Plantation, the year ending December 31, 1973."

Now, this man had made application to all these different agencies in the state government and was denied and told he had to move his building, is now appointed plumbing inspector of Magalloway Plantation. This, in my mind, is a joke.

I believe that we should try to save areas such as the Saco River. But when we get a piece of legislation like we are faced with here today, and we were faced with the same type of legislation in the 105th, the Land Use Bill, which I voted for in the 105th, and I remember very strongly a point that the gentleman from Pittsfield, Mr. Susi had worked on, an amendment put on that bill saying that the people living in the unorganized territories and plantations of this state, year-round residents, could repair, alter or build on their own land.

Well, the gentleman from Eagle Lake, Mr. Martin, happened to be in Sugarloaf at a Land Use meet-

ing they had last fall, and I brought this up because one of my constituents from Sandy River Plantation had built a porch on the year-round place he lived at. He was told that he was in violation of the law because he had not applied to the Land Use Regulation Commission for permission to build this, and he could be fined \$500 a day as long as he ceased and desisted to go along with their recommendation.

But this little amendment said that any person living in an unorganized territory covered by LURC could do these things. And, yet, through the rules and regulations of this commission, they said he couldn't. My question to Mr. Haskell and the board on that particular evening was, how come? Then the Attorney General or somebody in the Attorney General's office said that wasn't the intent.

It seems strange to me, I don't think they contacted Mr. Susi, they certainly didn't contact me. I think it was our minds that had the intent of what was going into this legislation, and yet this commission made their own provision as to what the intent was and said a person could not drive a nail in an unorganized township unless they sent down a \$10 bill and had an application made out.

It seems to me the gentleman from Standish, Mr. Simpson, has mentioned the subdivision laws and mentioned the fact that local planning boards and so forth should have more say. But the subdivision laws, as I understand it today, the local government has no say whatsoever, there are three house lots in a five year period and that is it.

So, as I said, I think possibly we should pass this piece of legislation and let the people of the organized towns know what it is to live in the north country in the unorganized towns and go through the same harassment we are going through.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I feel somewhat concerned

that perhaps we are debating the wrong issue here in reference to the remarks made by the gentleman from Strong.

I do think, though, that if he is using one issue versus another, it is important, I suppose, that we try to join them up at some point to take a look at where we are going and to take a look as to exactly what the story is.

I agree with the gentleman from Strong, that perhaps we do need a Department of Land Use, which would involve not only the unorganized but the organized as well. I do take strong exception to the letter he read or read from, from Mr. Sheldon Noyes of Rangeley, Maine, for a number of reasons.

First of all, Mr. Noyes happens to be a realtor and a developer, president of Land Owners Association which is interested in one motive alone, that is destroy whatever zoning provisions or regulatory provisions that there are flying around because that bothers them a little bit and it bothers what they want to do with the land, because they want to do whatever they decide to do and not necessarily what this legislature wants to establish as a policy.

In reference to that particular application, I went through that letter and I read through it. I want to inform the gentleman, number one, the individual from New Hampshire who built the camp was in violation; he installed it in violation of the law; it was in violation at the time it was put in. Secondly, the big issue is not the fact that you are allowing or disallowing a camp from being constructed here. But it is because of another point, and that is because the land is not fit to have a septic system. If any of us want to believe that we ought to let realtors sell land so that they can have septic systems that can pollute the water, then I suppose that is what we ought to do.

The Department of Health and Welfare and the Sanitary Engineering Division made a recommendation what ought to be done here. It was not done properly. The Department of Land Use Regulation ruled on the basis of that, that it

should not be granted and the license should not be issued. Granted, the individual had started to construct that camp prior to requesting from the State of Maine, knowing what the laws were and knowing what he ought to do to try to preserve the environment.

The other issue which the gentleman from Strong raises is one of the fact that we have appointed these plumbing inspectors and therefore they are God Almighty and because they have been appointed that they are doing all right and no wrong. I have seen plumbing inspectors operate in my own area, in my own legislative district, they operate without knowledge of the law, they operate without training, and they operate not because they want to operate that way, but without direction from the Division of Sanitary Engineering of the Department of Health and Welfare.

Every time that the Land Use Commission, when I served as its chairman for eight months, came down with a decision in reference to a particular area involving sanitary reasons, invariably the individual would then go to the Bureau of Sanitary Engineering and get a variance from the original request or the way it was written by the bureau, and then were faced with having to reverse our stand because the Division of Sanitary Engineering had changed its stand.

I know there is a problem and I sympathize with that. But let's put the blame where it belongs, and let's not try to spread it around to defeat a measure which ought to be passed.

In reference to the issue of what the intent of the last legislature was, I have worked with the gentleman from Strong in reference to the amendment in terms of long range and year-round residents. I agreed with him, I still do today. That is a provision of the rewritten bill that I submitted to this legislature because I felt that that was part of what we had intended to do. Unfortunately, we write laws and then we let lawyers in the Attorney General's office and the courts interpret what they are and what they mean.

Now, I hope that the gentleman from Strong was not implying that because the A.G.'s office told us that this is not what the legislature had said when it accepted that amendment, that what we should have then done is to forget the A.G.'s opinion and say, "No, that is not what it is at all. You people who interpret laws, you don't know anything you are talking about, and we are going to do exactly the way we feel like." That is what we felt like doing, but I believe in following the law and I believe in doing what I believe is right. And the A.G.'s office indicated to us at that time that they felt that the intent of the legislature was the following. Obviously the thing then to do is to try to change it in legislative process, which we are now doing.

One final point. We are talking about a proposal in Saco, along the Saco River Basin, which I think will set a precedent for the entire state. I think that is important, because what we do here I think is a precedent for other areas. And we ought to look at it in that light. We ought to look at it with the theory in mind that whether or not we want to preserve the area that we have in this state or whether or not we want to let people just set themselves with whatever they are coming up with from Connecticut and New York or whatever state in the nation, and decide that they are going to decide what is going to happen in this state. I am totally, completely sick and tired of people from out of state telling me and telling this legislature what we ought to do. We have got to stand up on our own two feet, we have got to do the job, and I think this is how we ought to do it.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I take real exception to the gentleman from Eagle Lake. And I am speaking now not as majority floor leader, but I am speaking now as a representative from at least two of the towns from along the Saco River, the

Town of Baldwin and the Town of Standish. I would also take exception to his statement that he made when he said that all realtors and land owners in this state are interested in just complete destruction and destroying of our Land Use Regulations. I personally think this was an indictment on a profession that has the highest standards of ethics going. And I would challenge the gentleman, if he wants to put the landowners and the realtors together, to tell him that there are two separate groups, and if he would like to take a look at the policy of the realtors in this state as to their decisions and their thoughts on land use regulations, then I would gladly discuss them with him at any time, but I hate to see them indicted on this floor like they just were. I also hate to think that I can't stand up here to represent a few people in this area of mine who happen to be in opposition to this particular bill.

The bill was not printed and put on this floor until March sometime. Hearings were started back a long time prior to that. People were told, sure there was a plan coming forth that was going to do something to really help the Saco River and was going to be able to keep the river pure and clean, be allowed to canoe in it, fish in it, boat in it and everything else. Nobody could argue that philosophy, including myself. You know, how many people agreed and agreed to support that particular legislation. The comprehensive plan itself did not even reach this floor until well after a month, a month after this this bill did. After the bill came out, the hearing was held within days after the bill reached this floor. It wasn't until the bill got back and the people back home started to read it, until they started to realize just exactly what was going on. And these are not people from Massachusetts, Connecticut, Rhode Island or any other state, these are people who live in this particular state. It would be more believable if you told me that the people from out of state are the ones that came in and wanted to write this ordinance.

Now this is the very first time that I have heard of a bill being scared to death. I guess if I voted for legislation in here which scared me, I would vote for a lot of legislation in here. All I am saying to you is that there is legislation here before us that has got some long and far-reaching things, and I am just asking you to read it and decide if you want to start to create that type of legislation.

It was stated that we table this under convenience of building up some things in the corridors. Yesterday morning I came in here and within minutes before this bill was to come up there was a three and a half page amendment from the Senate on it. I would have to admit that since my first objections to this bill, and many of the objections I have had have either been amended out in a Committee Amendment or now some have been taken care of in the Senate Amendment.

One of the things they were going to do, the Governor was going to have the final say in the amendment to the plan, the legislature wasn't, the Governor was.

When I happened to see the amount of effort that was being put in to lobby for this bill, that also made me take a double look at this bill. I am saying that the people back home are concerned. It might be a late grass-roots effort to take and come against the bill, and that could be so. At the particular hearing there weren't many people here. But since that time, there has been a great deal along the river, and there are petitions up and down along the river right now being signed. There are petitions here and more coming from local property owners on the river and around the river and those towns that would like to have a say up here, maybe through me, that they are in opposition to to this particular bill.

It was mentioned about a questionnaire. The questionnaire went out and wanted to know if people thought that control, some type of control ought to be put on the river. They sure did; they felt that there should be some type of con-

trol to make sure that it stayed that way.

But I would submit to you that the plurality of the three questions asked came out that they wanted local control—local control. The second group wanted regional control and the third group wanted state control, in that order. That is the way the questionnaire came out.

Last, I guess I would have to state that land use regulations and subdivision laws are not new to me. I have been bloodied at town meeting after town meeting, faced an impeachment procedure once from my whole planning board because they felt that we were doing things that were just far too far-reaching in the way of zoning and land use regulations and subdivision laws. So these are not new to me. I have worked on them, I have tried to write them, I have tried to amend them and everything else. So, therefore, when I read this bill I see many things in it.

I believe that this type of legislation belongs back to local control and that is exactly where it belongs. And this legislation will not do it.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I want to make sure that I make the point that this was not an indictment of real estate dealers or agents or salesmen of this state. But what I was saying, and I hope that the point was made, and if not I will sort of briefly repeat it, we ought to discuss the merits of legislations we have in front of us; we ought to worry about the bills that we presently are debating, rather than drag out some other issue which may or may not have meaning.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: Would it be all right to talk about horse racing? Would that be considered germane to the bill?

The SPEAKER: The Chair would answer in the negative.

Mr. BRIGGS: Mr. Speaker, would it be all right to talk about potatoes?

Ladies and Gentlemen, a great massive effort is being made on behalf of the Republican Party, I hope not, to scare you all to death about this measure. The measure, as has been pointed out very ably, has been heard by the Committee on Natural Resources and has received a unanimous "ought to pass" report. The amendments which have been more recently referred to have also been considered by the Committee on Natural Resources. May I say we have an excellent committee.

I would like to make it clearer to the members of the House, if indeed that be necessary at all, that this measure has not, in true fact, been just recently spawned upon the citizens of the valley of the great S-o-c-k-o. They have known about the work that has been being done over the last few years, and they have gone to great ends to have large numbers of canoe trips, at the end of each was a massive bean supper, to which all officials of the various area sections were invited. Every effort has been made, I understand, to make clear to as many people as could possibly be made clear to what effort was being tried in this case, and I can't see anything so terribly alarming about this. It is just a series of small towns trying to get together to rule their destiny. As a matter of fact, I see it as a great deal less onerous than the possibility of the shoreline zoning act which we passed and I assume received the support of the gentleman from Standish, Mr. Simpson.

As a matter of fact, what will happen with the shore land zoning act if the municipalities refuse to zone their shore lands? I guess you are all aware of what will actually happen. In fact, what will happen, as it says in the statute, if I understand it correctly, is that the state will zone the shore lands for them if they fail to do so. I, personally, don't regard this as a very large threat. I would like it made known, if necessary, that I have the pleasure to have in my hands a petition, signatures of over a thousand persons who are mainly from the

Saco Valley area who are very much in favor of this measure.

I do not believe, as it has been stated, that this is something that has just recently been spawned upon these citizens. I think the vast majority of them are very well apprised of the plan. I think the plan is excellent and the bill is needed. It is needed to protect one of the most intensively used recreational rivers that we have remaining in this state.

Why should I, I often say, a boy from the far north way up in Aroostook County be concerned about a little river down in southern Maine? The answer, of course, is obvious. It is because it is in the best interest of the Republican Party. It is also, ladies and gentlemen, to possibly protect the water supply of the communities of Saco, Biddeford and Old Orchard Beach. Not a very serious problem, I know, but living in a community where we have a problem with the water supply because of the careless use of our long-standing public water supply by upriver dirty industries — pardon me for bringing that in. I realize that my river is a long way from this one being discussed.

I think this plan by these communities in this river basin is very much needed to prevent the future need for expensive possible pollution control facilities along the river. I think it is needed to protect this unique asset of Maine from abuse at the hands of fast-buck land speculators, present company notwithstanding —

The SPEAKER: The gentleman will be careful with his language, please.

Mr. BRIGGS: Thank you for reminding me of that.

I think that, as I have pointed out adequately I am sure, the whole effort to control this river valley basin has been designed and is being promoted by the citizens of that river valley. And the mere fact that there are a few citizens in the valley who for one reason or another do not find the plan totally without flaw, is, in my opinion, no reason to reject the entire plan. I do hope you will support it in fine fashion.

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

Mr. HOBBS: Mr. Speaker and Members of the House: I would like to take issue with the statement made by the gentleman from Standish, Mr. Simpson, in regard to local control. If you look at the bill, on page 15 you will see what is defined as a general development district and what this district is. It defines the areas of residential, commercial, industrial development and reserve growth areas.

The gentleman from Standish, Mr. Simpson, mentioned the Biddeford-Saco area. Under this definition, I am sure the commission would put Biddeford and Saco under this area. Therefore, I don't think the problem he feels will arise because of the lack of land control will happen. And I would like to say that I don't think this bill would have any ill effect on the local communities that are developed, because they would have their own control of zoning. All this bill would do is affect areas that are not populated and aren't zoned.

Mr. Briggs of Caribou 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 Parsonsfield, Mr. Pratt, that the House accept the Report A "Ought to pass" on Bill "An Act to Establish the Saco River Corridor," Senate Paper 469, L. D. 1545. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Berry, G. W.; Berube, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Bustin, Carey, Carrier, Chick, Chonko, Clark, Conley, Cooney, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Drigotas, Dunleavy, Dyar, Emery, D. F.; Evans, Farnham,

Ferris, Finemore, Garsoe, Gauthier, Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Henley, Hobbins, Hoffses, Huber, Immonen, Jackson, Jacques, Kauffman, Kelleher, Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McKernan, McMahon, McNally, McTeague, Merrill, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Perkins, Peterson, Pratt, Rolde, Ross, Shaw, Sheltra, Silverman, Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Strout, Susi, Talbot, Theriault, Tierney, Trumbull, Webber, Whitzell, Wood, M. E.; The Speaker.

NAY—Berry, P. P.; Birt, Bither, Dunn, Faucher, Hunter, Jalbert, McHenry, Rollins, Shute, Simpson, L. E.; Wheeler, White

ABSENT — Ault, Binnette, Cameron, Carter, Churchill, Connolly, Cote, Dam, Donaghy, Dow, Dudley, Farley, Farrington, Fecteau, Flynn, Fraser, Gahagan, Genest, Good, Goodwin, H.; Herrick, Kelley, Kelley, R. P.; Lawry, Mills, Morin, V.; O'Brien, Parks, Pontbriand, Ricker, Santoro, Soulas, Tanguay, Trask, Tyndale, Walker, Willard

Yes, 101; No, 13; Absent, 37.

The SPEAKER: One hundred-one having voted in the affirmative and thirteen in the negative, with thirty-seven being absent, the motion does prevail.

The Bill was read once. Committee Amendment "A" (S-131) was read by the Clerk and adopted. Senate Amendment "D" to Committee Amendment "A" (S-148) was read by the Clerk and adopted. Committee Amendment "A" as amended by Senate Amendment "D" thereto was adopted and the Bill assigned for second reading tomorrow.

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

Bill "An Act to Promote the Conservation and Management of Maine's Shellfish Resources" (H. P. 753) (L. D.1076).

Tabled — May 22, by Mr. Ross of Bath.

Pending — Acceptance of the Committee Report.

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

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

Bill "An Act to Register and License Dispensing Opticians" (H. P. 1233) (L. D. 1610).

Tabled — May 22, by Mr. Emery of Rockland.

Pending — Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

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

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

The gentleman may proceed.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the gentleman from Rockland, Mr. Emery, for tabling this yesterday, and the gentleman from Portland, Mr. Connolly, for giving me a vote so I could briefly explain what this bill is about.

It came out of committee 12 to 1 "ought not to pass" and I had originally thought maybe I would try to attach an amendment to it that would clarify some of the questions the committee had and hope that we could get it through.

This came to my attention earlier in the session, or actually in March, just before cloture time, as a bill that was looking for a sponsor and I looked into it and I thought that perhaps it was an area of health care that merited considerable attention, so I sponsored it. The bill, quite frankly, had a poor hearing. Only one optician spoke on the bill, although there were several opticians present. I subsequently found out that perhaps the intentions, my intentions of the bill were misunderstood.

I met with the opticians and I think clarified the misunderstanding. They are very much in favor of regulating licensing the profession, but I think there is some additional information which I was not able to be in possession of at this time to clarify some of the questions. So I have prepared a joint order, which I am going to introduce later on, asking this be referred to a study committee.

In the field of eye care, there are three professions that we are concerned with here, the ophthalmologist, who is basically an eye surgeon, the optometrist, who is a doctor who examines the person for glasses and they also fill prescriptions and opticians, who is strictly a merchant filling prescriptions of optometrists. In the past, the legislation that has been before this legislature has been sponsored primarily by opticians and subsequently has wound up regulating opticians.

There is a bill, L. D. 1107, which we will be considering subsequently on the optometrists, and I think I and other members of this body may have additional things to say about that bill, as it intends to regulate opticians.

I would call your attention very quickly to an editorial from the Portland Press Herald, which I did reproduce and distribute it on your desks this morning which illustrates the controversy existing today between optometrists and opticians. I think it merits your consideration and I hope you will take time to read it so that perhaps you can become more familiar with the arguments when the optometrist bill comes before us.

Mr. Speaker, I now move acceptance of the majority "ought not to pass" Report.

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

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

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

Tabled — May 22, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

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

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

House Amendment "B" to Committee Amendment "A" (H-439) was read by the Clerk and adopted. Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

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

Mr. EMERY: Mr. Speaker and Members of the House: Very briefly. What I have done is to put on an amendment which corrects two errors that were originally in the Committee Amendment. The first was, we wanted to clarify the point in the bill relating to the operation of snowmobiles by individuals younger than 10 years of age. The amendment would have required that there be an adult on the same vehicle. And we got information from the Department of Inland Fisheries and Game that this is a rather dangerous situation. Therefore, the amendment merely requires that there be another adult with such an individual when they are not on the land of the owner.

The other was to correct a mathematical error relating to a formula for payment for regulating the snowmobiles.

Mr. Speaker, I now move the bill be passed to be engrossed.

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

Tabled — May 22, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

Mr. Evans of Freedom offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-435) was read by the Clerk and adopted. The Bill was passed to be engrossed as amended and sent to the Senate.

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

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

Tabled — May 22, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

On motion of Mr. Simpson of Standish, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-438) was read by the Clerk.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: You will notice on your particular amendment that the gentleman's name from Caribou is on there, Mr. Gahagan, I will assure you that the original that the Clerk has had that taken off, that his amendment is under my name. The gentleman from Caribou, Mr. Gahagan, will not be with us for a few days, and therefore, rather than keep this on the table, we felt we should move this along.

There was some objection from the Executive Branch on certain portions of this, and we have had a meeting with the leadership and with the Executive Branch. This amendment would take care of some of those objections.

I believe before you you have probably one of the most far-reaching bills that is before this legislature. It is a bill that would consolidate all the reports that we get at the present time, and if you have had a chance to look underneath Representative Gahagan's desk, you would see these all put together in a box and everything, and if this bill goes through, we could have, at the time we

come into session, one book that would be in a volume about 8½ by 11 maybe, or 8 by 11 that would have every single report of the state departments and everything in it and we would get away from these different volumes and it would be a considerable savings to the state.

Mr. Speaker, I move the adoption of the amendment.

Thereupon, House Amendment "A" 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 seventh tabled and today assigned matter:

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

Tabled — May 22, by Mr. Bragdon of Perham.

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

On motion of Mr. Henley of Norway, House Amendment "A" to Committee Amendment "A" was adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted, the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The Chair laid before the House the eighth 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 22, by Mr. Simpson of Standish.

Pending — Final Passage.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: We tabled this the other day on probably a rather useless fright that we had made a huge error, but I find pretty conclusive evidence that we had not.

The committee at the hearing of the request to grant Miss Barbara Goodwin this special four years towards her retirement, as I explained the other day — and unless I am questioned on it, I feel no reason why we should take the time in the legislature any greater on it — we in the committee, there were no opponents. We all felt that it was very justified. The lady is only 46 years old, but she has had a tremendously large amount of bad luck. As I say, she is unmarried, she has no one to turn to. She had seven years of out-of-state teaching, which she has spent \$1,300 to purchase — and I guess possibly she may have had to borrow some of the money — so that she could get a reasonable retirement.

As you may or may not know, our retirement system is so set up that in order for a school teacher to get credits for out-of-state service, they must have 20 years in-state service. Consequently, we had to arbitrarily give her not three years of time but four years because she did not have 17 years in order for her to qualify.

The idea of her going back to work was this, that she was in a position of possibly losing her house. She had no money. She asked for a little bit of part time work, and the doctors said that she could possibly do a little bit of work between the time of the hearing and the end of the session. That is why someone reported that she was working. Everyone said that she should not be working, but apparently, she is trying to earn a little money until the situation is decided.

So, until I can get a doctor's reading on it, which I expect to do, she is scheduled to have a thorough examination in the first week in June, but we just cannot wait on that. I feel that in the meantime, the bill should be passed. It is an emergency measure, requires two thirds for enactment.

The price, as I told you the other day, is \$15,000 that it is going to cost, because that is the actuarial cost because she is only 46 years old; and even though

she cannot work or will not be able to work and believe she will not be able to work, it may be a few weeks longer; nevertheless, she might live for quite a few years. So that is the price that we have got to pay to build up the fund for that amount. That will give her not \$210 a month but around \$310, and she can get along on that probably and keep her home.

Consequently, I move for passage of this bill, and if anything happens later on, why, it will take some time for it to go through. But I am convinced she is worthy of it.

The SPEAKER: This being an emergency a two-thirds affirmative vote of the entire elected membership of the House is required. All those in favor of final passage of L. D. 1600 will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Martin of Eagle Lake requested a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Norway, Mr. Henley, that L. D. 1600, an emergency measure, be finally passed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Bunker, Bustin, Carey, Carrier, Chick, Chonko, Clark, Conley, Cottrell, Cressey, Crommett, Curran, Curtis, T. S. Jr.; Dam, Davis, Donaghy, Drigotas, Dudley, Dunleavy, Dyar, Emery, D. F.; Evans, Farnham, Faucher, Finemore, Garsoe, Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Henley, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Keyte, Kil-

roy, Knight, LaCharite, LaPointe, Lawry, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McKernan, McNally, McTeague, Merrill, Morin, L.; Morton, Murchison, Murray, Najarian, Norris, Palmer, Perkins, Peterson, Pratt, Rolde, Rollins, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Strout, Theriault, Tierney, Trask, Trumbull, Webber, Wheeler, White, Whitzell, Wood, M. E.; The Speaker.

NAY — Dunn, McCormick, McHenry.

ABSENT—Albert, Ault, Berry, G. W.; Briggs, Brown, Cameron, Carter, Churchill, Connolly, Cooney, Cote, Deshaies, Dow, Farley, Farrington, Fecteau, Ferris, Flynn, Fraser, Gahagan, Gauthier, Genest, Good, Goodwin, H.; Herrick, Kelley, Kelley, R. P.; LeBlanc, McMahon, Mills, Morin, V.; Mulkern, O'Brien, Parks, Pontbriand, Ricker, Ross, Santoro, Soulas, Susi, Talbot, Tanguay, Tynedale, Walker, Willard.

Yes, 103; No, 3; Absent, 45.

The SPEAKER: One hundred three having voted in the affirmative and three having voted in the negative, with forty-five being absent, the motion does prevail.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

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

Tabled—May 22 by Mr. Simpson of Standish.

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

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I apologize. I assure you it was not my intention to monopolize so much of the time. I have waited quite a little while to get up here and tell you what I want to tell you this afternoon. In fact, I have waited about four years.

I know a lot of you may say, well, this is the same old story. It is not the same old story. The story I have got to tell has never been told on the floor of this House. I don't know how many of you are aware that there has been dissatisfaction with the direction county government has been taking. There has been dissatisfaction for many years. There have been several investigations or studies of county government.

I have based my talk and my presentation on the most recent of those, the study that was made by members appointed both in the legislature and out, at about the time of the 101st Legislature, but I guess it overlapped because they spent two or three years studying it.

It was reported—this report was turned over to the 103rd. The only member now here that was on that commission, on the governmental study commission, was the minority floor leader, Mr. Martin down in the corner.

I would just like to skip over briefly the highlights of that study. This commission spent around two years and then they reported to this study, and some of you may have copies of it. If not, they are available. And they recommended ten points in their program, of which only one of them was ever acted upon, and that one was reversed later on.

The point number one and two were auditing procedures, which I believe were not entirely acted upon but have been partly so.

Number three, they recommended that legislative action be taken which transferred the responsibility of county roads and bridge functions to the State Highway Department and that the legislature assume the 30 percent county contribution to bridge construction.

Number five, one of the things they recommended was that the legislature authorize and appropriate the sum to complete a comprehensive, technical and detailed study of law enforcement on the county and state level for the purpose of determining and recommending the proper responsibility

of law enforcement in Maine today.

Then in six, they recommended — the commission recommended that the probate court be placed in districts and that the judges and registrars be appointed.

In recommendation seven, the commission recommended that presently existing county attorneys be replaced by district attorneys.

Recommendation eight, that legislative action be taken which enables the Chief Justice of the Maine Supreme Court to appoint the clerks of court in respective counties where they are now elected.

Part nine recommended that the legislature enact permissive legislation to allow the county to employ a county manager, if desired.

Number ten, it was thought a general recommendation that the employees of the county be placed under the state retirement and civil service grouping.

More than ever now, Maine needs county government. The top priority problems facing us, environmental improvement, land use, soil conservation, waste disposal, sewerage treatment plants, area welfare, medical aid, hospitals, et cetera, could be administered better at the county level. Now we are at the crossroads. Shall we abolish counties and set up regions or districts or extensions of state government, or shall we strengthen county government by giving them home rule with the tools to go ahead on their own? I believe in the latter and so this bill, 1802.

Now, I have prepared text here, and I hope you will be patient and bear with me. I won't take too much of your time, but there are things here that perhaps some of you do not know.

A New England county enjoys, more accurately, rather than a government, only part of a government. It lacks that power essential to all bodies governing in full to decide its policies and cast its future for itself and is relegated to the less viable task of merely carrying out policies once they have been made by another. Thus, the controversies and hammered

compromises so often related to any institution identified as government take place not within but rather outside the county structure, and the policies, now decided and tame, are passed on to a part of government responsible only for their administration. The development of such a governing level, then, is a history not of controversy but of necessity.

The counties derive no powers directly from the people of the state but are rather entirely creatures of the legislature which has created them. Their powers are controlled by the legislature. In fact, they could be abolished by legislative action. Far from being responsive to the wishes of the people for their direction and policies, they are rather responsible for administering those wishes only after they have been determined by the legislature.

The major functions which involve county responsibilities include keeping the peace, maintaining records, and the administration of justice. A board of county commissioners in each county is responsible, in general, for the county property and the exercising of its corporate powers but lacks any overall authority over other county offices.

The concept of county government was transplanted long ago with the settlers from England. In Maine the offspring of that concept was established and expanded as the needs of a growing population dictated. In its early history, most of the district of Maine comprised but one county, called Yorkshire. By 1670 there were several "commissioners" in the various towns of the district with the authority of magistrates to perform the small legal functions necessary to maintain law in the community. They were responsible for such duties as trying small cases, solemnizing marriages, and acknowledging deeds.

In 1674 the Massachusetts legislature established a county court in Maine. It was more a legislative body than a judicial court. This court established taxes and appointed a treasurer to administer the program. In 1680 the Massachusetts legislature decided that a

provincial president should be established to govern the province on a yearly term. A provincial legislative body of two sections: a standing council, appointed by a board of colony assistants, who would be judges of the Supreme court and magistrates throughout the county, and a group of delegates from the various towns. This legislative body administered all affairs of the province county.

By 1716 the county of Yorkshire extended all the way to St. Croix river. By 1760 Cumberland and Lincoln counties were established. The county officers by then were a sheriff, judge of common pleas, judge of probate, registrar of probate, treasurer and a registrar of deeds. In 1789 Washington and Hancock counties were formed. In 1796 all superior court records were transferred from Boston to the several counties and clerks appointed to care for them. Kennebec county came into being in 1799 with Oxford county established in 1805.

Right after 1820, in the constitution of our newborn state, the offices of sheriff, county attorney, clerk of courts, registrar of probate, coroner, and all judges were appointed by the governor. Only the treasurer and registrar of deeds were elected.

The first 40 years of statehood brought in the forming of all the remainder of our present 16 counties. In these early years of statehood, the court of sessions, as the judicial and administrative body was called, consisted of a chief justice and two to four associate justices in each county. By 1825 a chief justice and two associate justices were the standards for each county and the present system of three county commissioners was emerging.

In 1831 this "evolutionary" trend crystallized when all county administrative duties were transferred to three commissioners who were appointed by the governor for each county. In 1842 the office was made elective by the people of each county. Then in 1855, by a constitutional amendment, sheriffs, municipal and probate judges, and registrars of probate were made elective.

In 1961 a district court system was established with 13 judicial districts which disregard county lines. This is an inferior court system, entirely separate from the superior court. So has the administration of county government evolved through the years. Practically all county offices were originally appointive. They have changed in some cases many times, until presently they are all elective, for various term lengths.

County government in Maine has developed, not as a result of carefully studied planning with constitution and statutes, but rather as a result of a transplanted tradition and then the growth of a patchwork of laws, hurriedly enacted to meet the expanding needs of a fast-growing population. Because county government has never been given the type of organization to allow the people to determine their own future, they have missed, as a result, the political wars and compromises on their level which ultimately could have contributed to a far stronger county government.

Thus, the New England county of today has little to say about its own destiny, but yet, it must continue to discharge its primary responsibilities of law enforcement, maintaining vital records, and cooperating with the judicial system of the state.

In this bill, 1802, An Act to Reform County Government, provides an opportunity for this legislature to create a whole new county government structure generally based on home rule policies. As you will note, this bill has four general sections of change in county government.

One, the reform eliminates several elective offices and replaces them with appointive offices and also creates a legislative body called a council which will be truly responsive to the people in the county and councillor district.

Two, this bill transfers all Superior Court functions to the state.

Three, the prosecution system is changed to a district attorney in each of the thirteen districts with necessary assistants.

Four, this bill places all deputy sheriffs under civil service assur-

ing the continuity of service regardless of politics.

I believe that a five member council, with the aid of a competent administrator, will make for a much higher degree of efficiency in administering the services which are peculiar to county government. I believe the councillor himself is bound to be more responsive to his electorate if he has to stand for reelection within his district every two years.

As for the duties of the administrator, I see no problem in his having the responsibility of treasurer, tax collector, custodian of buildings and property, plus director of personnel within the county. I see no reason why an efficient director of vital records, appointed by the administrator, cannot adequately operate both the department of registry of deeds and registry of probate. I realize that all of these positions, including the elected personnel, will and should be subject to different pay scales in different counties, but this situation is ably provided for within the bill itself.

The transfer of the administration of the Superior Court system to the state has been previously considered and seems but a matter of time when it would become a reality anyway. Actually, county government has no control over the Superior Court system even though, because of long usage, it has seemed like an individual county project. Under this change, the county would still receive revenue for use of courtrooms, services, county personnel fees, et cetera. The clerk of courts would revert to the status of term appointment by the Chief Justice where I believe it should be anyway. Any little administrative problems which might arise because of this cleavage can be easily worked out.

The district attorney part of this bill is mostly a plan with which most of you are already familiar. It proposes that the district attorney shall be appointed by the state Attorney General subject to approval by the Governor. Assistant district attorneys shall be appointed in the same manner but assigned where needed. The

terms of these district attorneys shall be the same as that of the Attorney General.

It has long been my contention that we should have county police who are completely shielded from politics. The time has long gone when just anyone with practically no training can function capably as a deputy sheriff merely by being sworn in, given a badge and gun, and told to go out and enforce the law. The time has long gone when we can entrust our county law enforcement to the hands of people whose chief qualifications might be that they were instrumental in helping elect a high sheriff. We need well-trained, high quality, dedicated people who can look forward to a career of progressively more efficient law enforcement work with full assurance that a change in the politics of their county government administration cannot endanger the continuity of their job. This kind of a police officer we can feel justified in paying a good salary with generous working conditions and benefits.

I assure you that nothing in this discourse casts any reflection on any person or persons, elected or appointed, that I know in county government today.

Indeed, I am amazed that within our sheriff departments we are presently having such good luck with hard working, dedicated deputies. But because of the uncertainty of their futures, we are inclined to hesitate in granting the scale of pay which they would be entitled to if we were sure of their continued services.

I believe the taxpayers of the Maine counties can no longer afford the luxury of all the present elective offices which we have in county government. I believe that we should confine our elective offices to those officials who have policy making decisions to make in the every day discharge of their duties, policies which can and should normally be influenced by the voter himself. I cannot see the fulfillment of these requirements in such positions as clerk of courts, registrar of deeds, registrar of probate, county treasurer or even judge of probate.

As to prosecuting attorney, I believe the appointive method to be superior to being elected. It seems to me that the average voter on the street would have no way of knowing who would be a successful prosecuting attorney and who would not.

Regarding county commissioners, as near as I can tell from my research, the term "commissioner" usually applies to one who is appointed and commissioned for a certain task and responsibility; so, I feel that a five-member council with an administrator to carry out their wishes would be far superior.

Finally, I believe that this restructuring of county government is bound to cost the taxpayer less money. The cost of county government in recent years has skyrocketed, especially that which pertains to salaries of elective officials.

This, then, is my proposal for the restructuring of county government in Maine. This bill, if implemented in its entirety, will give to the counties that independence of home rule whereby they will be in a position to more truly work out their own destiny; subject, of course, to the approval of their electorate.

I hope this bill can receive favorable consideration. In all humility, I believe that because of the hodgepodge of laws pertaining to present county government and the seeming alarming trend toward the building of kingdoms and bureaucracies within these county governments, something must be done to bring about change while we in the legislature can still control this wild growing child of the legislature which could soon be too big for us to control.

Ladies and gentlemen, I think the time has come when we have got to make a pretty good decision, if not at this session, at some session very soon; whether we are going to continue to have a hodgepodge county government, as it has been growing for over 300 years, little by little, piece by piece adding on, detracting, with no framework to begin with.

This state, for instance, had a constitution to begin with. A lot of towns and cities have a charter within the framework that they organized. Counties did not. They have had a hodgepodge which has changed from time to time, and apparently there have been those that would still prefer to see it continue in that direction.

Are we going to continue that way or will this legislature, as the term now seems to be appropriate, bite the bullet and create a real worthwhile home rule government for counties or will we continue the patchwork, horse and buggy type of taxation without representation which is county government today?

For the sake of looking over this bill and giving it a little time to be digested and to give it time to discuss it, possibly with a view to adding to it, taking out of it, amending it, I ask that this House at this time accept the minority "ought to pass" so that this bill can be in our area for some time. It has been a long time building. It has been four years, and I feel that there are parts of this bill which really should be viewed. Consequently, I am asking for a roll call for us to accept the minority "ought to pass" report on this bill.

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

Mr. DYAR: Mr. Speaker, Members of the House: I will try to be brief. I won't rebut Mr. Henley on all the points involved in this bill.

He does question the acts of county government at the present time. This bill came out of committee ten to two, "ought not to pass." We have another bill in committee which is a redraft of three other bills on county government reform which gives counties actually home rule, which should be on your desks Monday, and I hope this afternoon you will vote to accept the majority "ought not to pass" report.

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

Mr. BIRT: Mr. Speaker, Members of the House: I think in all

fairness, a couple of comments should be made relative to this bill. I think — I know that the representative from Norway has spent a great deal of time on this bill. I know also he has had a great deal of assistance from his wife, and she is presently up in the balcony, and it is one of the very few times that I have ever seen her in the balcony. I know that both of them have spent a great deal of time on this.

The report would indicate that possibly it doesn't have a very good life at the present time, but I thought — it has been editorialized in at least one paper in the state. It was given a very excellent editorial. I thought at least that there should be some little comment made of the tremendous effort that has been made on this bill.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: I too would like to commend the gentleman from Norway on what is obviously a tremendous amount of work that has been put in over several months, and I am going to vote for this bill today, and I hope I will have some company.

There are some points in the bill that I might debate. I think the term of office of two years is too short. I think some of the smaller counties should have a board of three commissioners and maybe Cumberland County, being the largest county, should have seven, but these, I think, are rather trivial points that could be taken care of by an amendment.

The important thing to me and I think the important thing that should be considered by this legislature is the fact that this is an attempt to get away from a bureaucratic system that has grown without any real consideration of economy and with getting the job done that needs to be done.

One of the things that I am very much in favor of, and I have changed my mind over the past three or four years on this particular point, and that is the fact that I don't really believe that many of

the people that administer county government, such as your registrar of deeds, your clerk of courts and so forth, really need to be elected offices. Why do we have to elect these people? It certainly — in business and industry, people who have far more responsibility in running affairs of a company are not elected. They are hired. And I think that if we could hire people to do these jobs, it would give many of these jobs to a county administrator. The job would be done more efficiently, more effectively and with less expense.

So I certainly would hope that there would be a good number of you here this afternoon that would be willing to vote in favor of this, keep the bill alive and see what practical amendments we might be able to work — iron out any particular problems that there might be. I feel that this matter is too important to brush under the table so lightly, and I would hope that you would vote to support the minority "ought to pass" report.

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

Mr. FINEMORE: Mr. Speaker, Members of the House: I do feel the same way, too. I am going to vote against the "ought not to pass" report and vote for the "ought to pass" report.

I believe in most of these counties, especially in my county — I am not going to talk about the rest of them — we do need some reform, not that our county commissioners are not doing a good job, but there are ways that we can do it cheaper and easier and have more people involved and the people in the county know what is going on. I hope this afternoon we will vote against the "ought not to pass" and give a chance to the "ought to pass" to get some publicity on this bill.

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

Mr. GARSOE: Mr. Speaker, Members of the House: I would like to add my voice to this, too. I want to commend the gentleman from Norway, not only for the

quantity of the work but for the quality of the work, and if there is one thing that came through to me in my brief experience on the Cumberland County Steering Committee is that there is a great deal of support at the municipal level for action just such as this. I hope we are going to have a big surprise today and see a much better vote than he is looking for.

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

Mrs. WHITE: Mr. Speaker, Members of the House: I didn't particularly call one of my county commissioners today on this bill, but in the conversation, I did ask him what he thought about it. His reply was, "Well, I am certainly not wholly against it." He said, "There might be some things that I would want different, but I am not against it." I am going to support the bill today, too.

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

Mr. CURTIS: Mr. Speaker, Members of the House: In the whole series of very excellent reforms that are provided in this piece of legislation, it seems to me one that is very worthwhile, giving thoughtful consideration to — and perhaps if we are unsuccessful in passing this — I hope we are successful — but if we are unsuccessful, it ought to be referred to in the future as the division of counties into elected districts for county commissioners. This will provide a little more direct responsibility between the municipalities and localities and their commissioners.

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 Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker, Members of the House: I want to thank the people that have gotten up and spoken for this bill.

I might say that I have told the news media that I didn't have too much hope for the passage of the bill. I did tell them that I thought that this legislature would be perhaps interested in taking a few days after it was presented, because as we all know, a bill has to go through quite a process before it is killed. It has to be acted upon, it has to be passed back and forth, and then it finally has its chance at enactment.

I know many times we hear people say, well, let's let it live. There are a lot of bills that don't have the history that this one has. I don't know how many of you are aware that I wrote almost exactly a description of this same proposed county government four or five years ago, and several papers in the state picked it up, but this is the first session I have had a chance to put it in bill form. Also, it isn't just myself and a few — I thank you for the few backers I have got here. You will be aware that the University of Maine — William Coogan looked the bill over, and he sent a letter which I had distributed so that there is a lot of areas where it is very much accepted, and they think we have got to do something.

As far as the other bills coming in are concerned, I am not averse to having the bills come out. We can consider them all at once. So I ask you to vote against the majority "ought not to pass" and then we will vote for my motion.

The SPEAKER: The pending question is on the motion of the gentleman from Orland, Mr. Churchill, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Reform County Government." (H. P. 1385) (L. D. 1802) All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bither, Boudreau, Crommett, Davis, Drigotas, Dyar, Evans, Hunter, Jacques, Jalbert, Lewis, E.; MacLeod, Maxwell, McNally, McTeague, Rolde, Silverman, Simpson, L. E.; Theriault, Wheeler, Wood, M. E.

NAY — Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bragdon, Brawn, Briggs, Bunker, Bustin, Carey, Carrier, Chick, Chonko, Clark, Conley, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Donaghy, Dudley, Dunleavy, Emery, D. F.; Farnham, Faucher, Ferris, Finemore, Garsoe, Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Henley, Hobbins, Hoffses, Huber, Immonen, Jackson, Kauffman, Kelleher, Keyte, Knight, LaCharite, Lawry, LeBlanc, Lewis, J.; Lynch, Mahany, Martin, McKernan, Merrill, Morton, Murchison, Murray, Norris, Palmer, Perkins, Peterson, Pratt, Rollins, Shaw, Sheltra, Shute, Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Strout, Tierney, Trask, Trumbull, White, Whitzell.

ABSENT — Albert, Ault, Brown, Cameron, Carter, Churchill, Connolly, Cooney, Cote, Deshaies, Dow, Dunn, Farley, Farrington, Fecteau, Flynn, Fraser, Gahagan, Gauthier, Genest, Good, Goodwin, H.; Herrick, Kelley, Kelley, R. P.; Kilroy, Littlefield, Maddox, McMahon, Mills, Morin, L.; Morin, V.; Mulhern Najarian, O'Brien, Parks, Pontbriand, Ricker, Ross, Santoro, Soulas, Susi, Talbot, Tanguay, Tyndale, Walker, Webber, Willard.

Yes, 21; No, 80; Absent, 49.

The SPEAKER: Twenty-one having voted in the affirmative and eighty having voted in the negative, with forty-nine being absent, the motion does not prevail.

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

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

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

Tabled — May 22, by Mr. Simpson of Standish.

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

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

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

Bill "An Act Clarifying Certain Municipal Laws" (H. P. 1118) (L. D. 1454) (C. "A" H-329) (H. "A" H-349) (S. "A" S-121).

Tabled — May 22, by Mr. Dam of Skowhegan.

Pending — Enactment.

On motion of Mr. Dam of Skowhegan, under suspension of the rules the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" was adopted.

Mr. Dam of Skowhegan moved the indefinite postponement of Senate Amendment "A".

On motion of Mr. Simpson of Standish, tabled pending the motion to indefinitely postpone Senate Amendment "A" and tomorrow assigned.

Mr. Rollins of Dixfield was granted unanimous consent to address the House.

Mr. ROLLINS: Mr. Speaker, Members of the House: In the 105th Legislature we passed laws that as the gentleman from Hodgdon, Mr. Williams, told us made it impossible for two self respecting skunks to get married, build a home and raise a family without first coming to Augusta and having someone go up and tell them how and where to build.

This, of course, was in the unorganized towns of the state. We were told at that time that, of course, this would not apply to the organized towns. Today I am afraid that with L. D. 1545 we have not only included the organized towns but have gone beyond the 105th. I cannot help feeling that one by one our freedom is being eroded away.

Ladies and gentlemen, I was not amused by the speech of the gentleman from Caribou, Mr. Briggs. I believe that much of it was in poor taste and certainly in view of the vote was not needed.

On motion of Mr. Birt of East Millinocket,

Adjourned until tomorrow morning at eight-thirty.