

# 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**

Thursday, May 24, 1973

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

Prayer by the Rev. Mr. Samuel Henderson, III of Norway.

The journal of yesterday was read and approved.

**Order Out of Order**

Mr. Davis of Addison presented the following Order and moved its passage:

ORDERED, that Cynthia Grant, Cheryl Grant, Pamela Campbell, Charles Curtis, William Leighton and Michael Schevenius of Cherryfield be appointed Honorary Pages for today.

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

**Papers from the Senate  
Reports of Committees  
Leave to Withdraw**

Report of the Committee on State Government on Resolution Proposing an Amendment to the Constitution Making a Further Exception to State Credit Loaning and Debt Limit by Exceeding for Construction of Buildings to be used in Whole or in Part by the State Government (S. P. 274) (L. D. 799) reporting Leave to Withdraw.

Report of same Committee reporting same on Bill "An Act Relating to the State Employees Appeal Board" (S. P. 327) (L. D. 1031)

Came from the Senate with the Reports read and accepted.

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

**Covered by Other Legislation**

Report of the Committee on Education on Bill "An Act Relating to Viet Nam Era Veterans Student Assistance Program" (S. P. 519) (L. D. 1650) reporting Leave to Withdraw as covered by other legislation.

Report of the Committee on Natural Resources reporting same on Bill "An Act to Limit Lobster Fisherman to Fishing from Only One Vessel" (S. P. 522) (L. D. 1653).

Came from the Senate with the Reports read and accepted.

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

**Divided Report**

Majority Report of the Committee on Judiciary on Bill "An Act Creating the Uniform Alcoholism and Intoxication Treatment Act" (S. P. 13) (L. D. 76) reporting "Ought to pass" as amended by Committee Amendment "A" (S-150)

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
SPEERS of Kennebec  
BRENNAN of Cumberland  
—of the Senate.

Mrs. BAKER of Orrington  
WHEELER of Portland  
KILROY of Portland  
WHITE of Guilford

Messrs. PERKINS  
of South Portland  
DUNLEAVY

of Presque Isle  
GAUTHIER of Sanford  
McKERNAN of Bangor  
CARRIER 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 member:

Mr. HENLEY of Norway  
—of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-140)

In the House: Reports were read. On motion of Mrs. Baker of Orrington, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-150) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

**Non-Concurrent Matter  
Table and Assigned**

Bill "An Act Relating to Psychotherapist and Patient Privilege" (H. P. 1226) (L. D. 1601) which the House accepted the Majority "Ought not to pass" Report on May 21.

Came from the Senate with the Minority Report "Ought to pass" accepted and the bill passed to be engrossed as amended by Senate Amendment "A" (S-156) in non-concurrence.

In the House: On motion of Mr. Simpson of Standish, tabled pending further consideration and tomorrow assigned.

**Non-concurrent Matter  
Later Today Assigned**

Bill "An Act Repealing the Bank Stock Tax" (H. P. 1491) (L. D. 1919) which the House passed to be engrossed as amended by House Amendment "B" (H-380) as amended by House Amendment "A" (H-426) thereto on May 23.

Came from the Senate with that body insisting whereby they passed the Bill to be engrossed and requesting a Committee of Conference.

In the House: On motion of Mr. Simpson of Standish, tabled pending further consideration and later today assigned.

**Messages and Documents**

The following Communication:

The Senate of Maine

Augusta

May 23, 1973

Hon. E. Louis Lincoln

Clerk of the House

106th Legislature

Dear Madam Clerk:

The Senate voted today to Adhere to its action on Bill, An Act Establishing the Lewiston-Auburn Airport Authority. (H. P. 473) (L. D. 620)

Respectfully,

(Signed)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

The Senate of Maine

Augusta

May 23, 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 Conference 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)

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 Resolve, approved by a majority of the Committee on Reference of Bills, was received and referred to the following Committee:

**State Government**

Resolve Authorizing the Commissioner of Mental Health and Corrections to Convey Land at the Augusta State Hospital to the Augusta Sanitary District (H. P. 1533) (Presented by Mr. Sproul of Augusta)

Ordered Printed)

Sent up for concurrence.

**Orders**

On motion of Mrs. McCormick of Union, it was

ORDERED, that Hayes E. Gahagan of Caribou be excused from the 24th of May to the 5th of June.

On motion of Mrs. McCormick of Union, it was

ORDERED, that Frank R. Kauffman be excused for the 25th, 29th, 30th, 31st of May and June 1st.

Mr. Greenlaw of Stonington presented the following Joint Order and moved its passage:

WHEREAS, legislation has been proposed to provide for the licensing of all dispensing opticians in the State: and

WHEREAS, such regulation would be accomplished by establishing a State Board of Registration and Examination for Opticians; and

WHEREAS, it is generally felt more information is needed in this area of health care service before proceeding further; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the subject matter of the Bill, "AN ACT to Register and License Dispensing Opti-

cians," House Paper No. 1233, Legislative Document No. 1610, as introduced at the regular session of the One Hundred and Sixth Legislature to determine whether or not the best interests of the State would be served by enactment of such legislation; and be it further

ORDERED, that the committee report its findings and recommendations at the next regular or special session of the Legislature. (H. P. 1546)

The Order was read and passed and sent up for concurrence.

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

Mr. Churchill from the Committee on County Government on Bill "An Act Relating to County Estimates" (H. P. 1337) (L. D. 1771) reporting "Ought not to pass."

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

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

Mrs. Baker from the Committee on Judiciary on Bill "An Act Prohibiting Circulation of Obscene Literature and Moving Pictures among Minors" (H. P. 53) (L. D. 60) reporting "Ought to pass" in New Draft (H. P. 1532) (L. D. 1962) under new title "An Act to Prohibit Outdoor Motion Pictures Portraying Certain Sexual Conduct in Such a Manner that the Exhibition is Visible from Public Ways or Places of Public Accommodation."

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

**Divided Report**

Majority Report of the Committee on State Government on Resolution Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors" (H. P. 467) (L. D. 615) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. CLIFFORD  
of Androscoggin  
WYMAN of Washington

— of the Senate.  
Mrs. NAJARIAN of Portland  
Messrs. COONEY of Sabattus  
STILLINGS of Berwick  
GAHAGAN of Caribou  
FARNHAM of Hampden  
SILVERMAN of Calais  
— of the House.

Minority report of the same Committee on same Resolution reporting "Ought to pass."

Report was signed by the following members:

Mr. SPEERS of Kennebec  
— of the Senate.  
Messrs. CURTIS of Orono  
BUSTIN of Augusta  
CROMMETT

of Millinocket  
Mrs. GOODWIN of Bath  
— of the House.

Reports were read.

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

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

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

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

Mr. CURTIS: Mr. Speaker and Members of the House: This is a matter, as you can see from the report in the calendar, which is roughly equally divided, coming out of committee. It is also one in which there are members of both political parties signing each report. I think it is one of the most important pieces of legislation that will come before us. It is a constitutional amendment. Before final passage it would require a two-thirds vote of each branch of the legislature, and then before finally being adopted into the Constitution, it would require approval by the people in a referendum vote, which would occur next November.

My own thinking is that we are talking about the chief law enforcement officer of the state, a very important position, and one in which he ought to have the greatest possible independence. The best way that I can think of to choose that officer is by popu-

lar election of the people. The present system we have, I think, lends a great deal of validity to the situation, particularly perhaps when the Governor is of one political party and the legislature is of another political party. But that would not always be the case, of course.

In the United States as a whole, there are 42 states in which the attorney general, the chief law enforcement officer is elected by the people. There are seven states in which he is appointed by the governor, which I personally think is not a particularly good idea, and one state, Maine, in which he is chosen by the legislature.

I think this is a very important matter. I request a vote by division, and I hope the matter stays alive at least long enough so we can give it a good deal of thought.

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

Mr. ROSS: Mr. Speaker and Members of the House: I see absolutely no reason for this law here in the State of Maine. I will admit that the gentleman from Orono, Mr. Curtis, is right. There are a great many states where the attorney general has to run at large. In those states, not only is this generally a stepping stone for future political aspirations, but the job is a much better paying job, and if they win, it is generally worthwhile.

But here in Maine, I can't imagine anyone running statewide for the job of attorney general. It just would not be worth all of the time, effort and money they would have to put into it. If they were going to run statewide and if they were the caliber of men who was going to run for attorney general, they certainly might just as well run for governor of this state or even for the United States Senate.

I would move the indefinite postponement of this bill and request the vote be taken by the yeas and nays.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the indefinite postponement of this Bill and all accompanying papers. A roll call has been requested. For the Chair to order a roll call,

it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: My very good friend from Bath is really the one who got me on my feet this morning. I had no intention of speaking on this bill. It is my bill and I don't intend to be beholden to Tom, Dick and Harry for this or any other bill wherein it concerns some of the foolishness that I hear that is going on concerning the amendments to the Constitution.

The office of the Attorney General for the last few years has been the biggest political office in this state, including the elected Governor of this state.

I can recall four years ago, and frankly, being one of those who likes to play according to the rules, being one of those who believes in numbers, I can recall when there was an attempt made to upset caucus action by the majority party and elect an attorney general of the minority party. Action that went on that day, actually not heated me. If the vote had been taken in a booth in a corner, with everybody voting their mind and the ballots being of a secret nature, the gentleman from Bath, Mr. Ross, being a thoroughly honest gentleman, will agree with me that we would have had another attorney general. But when the election happened, the counters named by the Speaker were stationed in front of the Clerk's desk, in back of the Clerk's desk and the ballot box was next to the Clerk's desk, and I have never seen anything like it in my entire life. And I see one gentleman here, who voted and signed the report "ought not to pass," smiling and he has good reason to smile because he knows I am telling the truth.

There is always an old saying that before you are going to say something against somebody or clobber them, you say what a very fine person he is. Well, as far as I am concerned, the last attorney general was way up over his head in politics and this one is in politics, also. So let's make the job political. What is the difference is just in pay between the Attorney General's job and the Governor of the state. And as far as I am concerned, one is equally as important as the other.

I can even remember some attorneys general, going down to see them. They would actually ask you, how do you want the opinion written? What is your pleasure? I have been around a few semesters.

The idea of knocking down a bill like this, which is a perfectly good bill, and sponsoring some of those other constitutional amendments, it makes me want to wonder. As usual, this was my bill, so naturally I didn't lobby it.

The report of the committee and some of the personnel on it doesn't surprise me on the "ought not to pass" and it is perfectly all right with me. I appreciate those who signed "ought to pass" because they signed for good government, and I am tickled to death to have a roll call, and I can assure you there will be roll calls on all other constitutional amendments, packaged or unpackaged.

The SPEAKER: The Chair recognizes the gentleman from Sabatius, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I have a few notes here that I wasn't going to share with you, but Mr. Jalbert has indicated that the signatures on this bill might not be signatures aimed at good government but for some other reason. And I want to assure you that in my own case, that is not the case.

As you know, I have presented a legislative reform package. Although I presented the concept of an appointed attorney general. I do feel some of the merits in the idea of electing an attorney general. But I do feel in this session we do have an opportunity to do

more than one thing in a package, and to deal with this on a piecemeal basis is probably not the best way to proceed if we can do it the other way.

Now, I do see some problems inherent in the idea of an elected attorney general. I said, I would try to deal with the facts of the matter, not the stories of how we have elected attorneys general in the past or anything of that sort.

Before I share these, I would just like to comment on one thing Mr. Curtis said. He said that he worried about the independence of this office and how it could be assured by electing this gentleman. I don't see that he is any more or less independent by being elected. If we elected him, saying that this important office should be elected, why shouldn't we elect the Commissioner of Education or the head of the State Police, or how many other important jobs do we have here? Perhaps all our constitutional officers should be elected. Some states do it that way. I am just not sure that is the best and most efficient way to run a government.

It seems to me that your Governor, who is of course elected, is your chief executive officer. He should have a certain inherent responsibility for the Executive Branch of government. Now, if he has opposing politicians elected to office in his administration, I don't see how he can work efficiently with them, especially when one of them might be the Attorney General, who might have to run for Attorney General with the very idea of stepping into the Governor's chair a few years later. I can see that if they are opposite political parties, they would be at odds continuously, fighting each other. I don't see that that is the kind of thing that I want to rush to inject into our governmental system. I can see ways that it might work, but I don't see that as this is proposed here that it is going to be an advantage.

Mr. Ross commented about the salary and it not being desirable, and I can see not just one administration under the governor, and I guess you could say system of patronage that has to occur in any administration, but I can see

two systems of patronage in our Executive Branch, one under the Governor and one under the Attorney General. I can see two divisions in each political party, each trying to raise funds among political parties that in Maine frequently don't have all the funds we need to run effective campaigns. I am just not sure we can afford to sponsor this many state-wide campaigns.

I would urge you to support the motion of the gentleman from Bath, "ought not to pass." It may be that if we do deal with legislative reform that we may want to take up this issue of the Attorney General and how he is selected. I don't see that our way is the very best, but then I am not sure it is improved upon by the election. I hope that these reasons have some soundness to you. I hope that you will vote to indefinitely postpone the bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bath, Mr. Ross, to indefinitely postpone this Resolution and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

### ROLL CALL

YEA — Baker, Berry, G. W.; Berube, Bither, Bragdon, Brawn, Briggs, Cameron, Cooney, Cottrell, Cressey, Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Evans, Farrington, Ferris, Finemore, Garsoe, Good, Goodwin, H.; Hamblen, Haskell, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Maxwell, McCormick, McKernan, McMahon, McNally, Merrill, Morton, Murchison, Najarian, Parks, Perkins, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Susi, Tanguay, Tierney, Trask, Trumbull, Tynedale, Walker, White, Willard, Wood, M.E.; The Speaker.

NAY — Berry, P. P.; Birt, Boudreau, Brown, Bustin, Carrier, Carter. Chick, Chonko, Clark, Conley, Cote, Crommett, Curran, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Farnham, Fecteau, Fraser,

Gauthier, Genest, Goodwin, K.; Greenlaw, Hancock, Henley, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LeBlanc, Lynch, Mahany, Martin, McHenry, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Palmer, Peterson, Pratt, Ricker, Rolde, Santoro, Sheltra, Smith, D. M.; Smith, S.; Talbot, Theriault, Wheeler.

ABSENT — Albert, Ault, Binnette, Bunker, Carey, Churchill, Connolly, Dam, Deshaies, Dudley, Farley, Faucher, Flynn, Gahagan, LaPointe, Lawry, McTeague, Norris, O'Brien, Pontbriand, Soulas, Strout, Webber, Whitzell.

Yes, 71; No, 56; Absent, 24.

The SPEAKER: Seventy-one having voted in the affirmative and fifty-six having voted in the negative, with twenty-five 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: The gentleman from Calais, Mr. Silverman, having voted on the prevailing side, moves for reconsideration. All 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.

### Divided Report

Majority Report of the Committee on Labor on Bill "An Act Relating to Minimum Wages for Students Employed at Summer Camps" (H. P. 1313) (L. D. 1723) reporting "Ought to pass" as Amended by Committee Amendment "A" (H-437)

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
KELLEY of Aroostook  
—of the Senate.  
Mrs. CHONKO of Topsham  
Messrs. McNALLY of Ellsworth  
McHENRY of Madawaska  
FARLEY of Biddeford  
HOBBINS of Saco  
—of the House.

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



Report was signed by the following members:

Mr. HUBER of Knox  
—of the Senate.  
Messrs. BROWN of Augusta  
FLYNN of South Portland  
BINNETTE of Old Town  
ROLLINS of Dixfield  
GARSOE of Cumberland  
—of the House.

Reports were read.

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

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

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

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

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: The bill currently before you is one which I consider to be an important step toward providing better minimum wage protection for Maine young people. As you may already be aware, profit motivated camps are exempted under Maine's minimum wage statutes from any minimum wage requirement whatsoever where students under 19 years of age are concerned.

It seems grossly unfair to me that simply because a person is a student and is under the age of 19, he does not receive any minimum wage protection in this particular industry we are talking about. As a result, summer camps are legally able to hire dishwashers, kitchen help, and maintenance crews at a fraction of the adult minimum wage and work them as many hours a day as the director see fit, without paying overtime or other additional compensation. A typical workweek, as I have been told, for a camp employee, may run from 50 to as much as 80 hours for which the campworker receives from \$30 to \$60, plus board and room. This is far below the minimum wage for adults and other students working in other areas, and adversely affects those students employed at summer camps who are trying

to pay for furthering their own educations.

I would like to make an important point. Of the 188 summer camps in Maine listed by the Maine Camp Directors Association in 1970, 140 of these are under out-of-state directorships. It seems only fair to me that these out-of-staters who come to Maine to make a profit be obligated to pay the Maine young people who wash the dishes and maintain the grounds a decent wage.

One of the arguments against this bill is a traditional one and which applies to all minimum wage legislation and I feel has traditionally been proven false.

L. D. 1723 has earned the endorsement of the Fair Wages for Maine Youth Committee and the leadership of the Maine Youth Commission, and received a favorable report from the Labor Committee. It will favorably affect something in excess of 500 young people and I think it is a step in eliminating some of the inequities of the law as it relates to young people in the State of Maine.

I urge you to act favorably upon L. D. 1723 and not accept the minority "ought not to pass" report.

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

Mr. TRUMBULL: Mr. Speaker and Members of the House: I have a great many camps in my area and I checked with them. Some of the facts the gentleman has just presented to you are just as false as can be. Number one, I don't believe that of the 40 camps in the State of Maine that three of them being in my legislative district are owned by the people living in Maine. I think what he is basing his judgment on is the fact that they have Boston offices to work out of, but they are actually citizens of the State of Maine.

Number two, I don't see why nonprofit employees should be exempt. Don't they work just as hard as the others. This Committee Amendment looks like they are discriminating against them.

Number three, I checked upon people receiving wages for the

summer - time working in the camps. This is the proposition they get; they receive an average of \$400 for working seven and a half weeks, plus room, board, meals, laundry, and the free use of all the facilities during their off hours. The average work week is the same, it is between 45 and 50 hours. Now, for this they would meet the wage as specified now, but they would not meet the overtime provisions.

If this goes through, what is going to happen is very simply this, they are going to be employed 40 hours, they are not going to be able to live there, they are going to have to live somewhere else. They are going to have to provide their own transportation to and from, they are going to receive no board at all, and when you get all through, if you don't think that they are going to be much more on the short end of the stick than they are now, just let's try it that way.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I happen to live in the Belgrade Lakes area. I think we do have as many camps as anywhere pretty near in the State of Maine. I have a son who has worked in these camps. I have had many children come to me and I have observed this.

Now, if a person thinks that these children are getting a big wage, this is not true. These children have to be there at 5 to 5:30 in the morning to help prepare breakfast, which is served at 7 o'clock, then they have to help clean up. Many of these children come six, seven, eight, ten miles. They have to hitchhike a ride in. They can not leave that camp. They have to hang around there to just before the dinner meal; they have to prepare that. Then after the dinner meal, they have to help do the dishes, they have the afternoon, a couple of hours then. They can't go home; they have to stay. Then they have to help prepare the supper meal. They serve the supper meal, and about 7 o'clock at night their work ends. If they have the summer people come on a sum-

mer day, it may be 8, 9, or 10 o'clock at night before these children get through.

They are charged for their room; they are charged for their meals. So when these children get done, they have about \$25 a week left. And when he says that they have all the rights to associate with the others, this is far from the truth. These million-dollar students that come here to these millionaire camps, this help in the kitchen and on the grounds are not allowed to even associate with them. They are not even considered on their equal.

Now, when a child works seven days a week, and the number of hours that he is there, I think these children should receive more than what they are getting. If this child is kept there and has to be there from 5 o'clock in the morning until 7 o'clock at night, seven days a week, I can't see how anyone can stand here and say what they are saying. They evidently have never had a child work under these conditions.

There are a few camps in my area which do pay good wages. Some of these children get as much as \$45 to \$50 a week. They do not abuse these children. These children do have the right with others, but this is not true with the majority of the camps. So I don't want to hurt the one or two camps that are really trying to help the youth. I hope you will go along with this bill this morning. I hope it does not fail.

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

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I concur wholeheartedly with Representative Hobbins. Actually, I think that this is a slave market that has been exploited by a great deal of the majority of our camps, using our youth to their advantage. I also feel that because of this, perhaps the smarter element of our young people do not wish to be employed, so consequently they don't apply for these jobs. So the end result being that you also have an inferior help problem whereby the camp children in turn do suffer. I think this is a very good bill, and I hope that you will go along with it.

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

Mr. McNALLY: Mr. Speaker and Members of the House: You will notice that I signed the "ought to pass" report on this. And as Mr. Brawn has told you, that is the very reason that I signed it.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: A couple of points here I think should be made. This is a bill that comes before us fairly consistently, and we consistently debate it in about the same way. But there is one factor over the years that has come into play. I can speak fairly positively for my own area, of course, but I think this is generally true throughout the state, and that is that these summer boys and girls camps are going by the way. They are not succeeding the way they used to. This used to be a very good business, and as has been mentioned, a money business. But in my area of the state, camp after camp has gone out of business because they could no longer get the people coming there. In my own area, I dare say in the last five years we have only about half as many camps operating, half as many boys and girls at these camps as we did five or six years ago. So I think that in considering what we do with the wage situation for these people, that this factor should be considered, that many of these camps are going out of business. It seems to be the trend today. I really don't feel that we should do anything to speed up that trend.

Now, the second thing that has been mentioned here by a couple of the gentlemen who have spoken in favor of the majority report, and that I think it was called slave labor and the long hours that were put in and the fact that many of these people who are hired for dishwashing jobs and other menial jobs around the camps are not allowed to associate with the boys and girls who are there on a paying basis, are not allowed to go swimming or use the tennis courts or whatever.

I would call your attention that this varies a great deal from one camp to another, and at many of the camps they are permitted on either a quite extensive basis to participate or at least on a limited basis they have the use of some of the facilities there. So I don't think that on the basis of one or two camps in a particular area we can condemn all camps for keeping these people isolated from the remainder of the group.

Again, in my area, and this is where I can speak, I have seen these camps, having done business with them over many, many years, it varies a great deal. I think that in my area the young people from the towns that I represent in that general community vie with each other to get some of these jobs because they like the working arrangement. The pay is not excessive, but they get their meals, in some cases they sleep there also, and they come away at the end of the summer with a pretty good bank roll for their school clothes and activities afterwards.

So I am inclined to support the minority "ought not to pass."

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the minority report, I would like to tell you some of my reasons. I can agree with everything that Mr. Hobbins has said, that it would certainly seem desirable to improve the economic situation of the young people working in these camps, but I don't believe that legislation of this type is actually going to accomplish this. These jobs aren't the kind of jobs that lend themselves to the definitions at the structure of minimum wage, overtime and so forth.

My experience at camps in my almost forgotten youth and the experience of my children has been that they were fortunate enough, and I was too, to work in camps where the facilities were made completely available. So I don't believe that passing legislation of this type will have the desired effect. I think it would be more apt to rule out these young

people if they are going to be in the minimum wage structure and overtime, they are more apt to go to adult help.

One of our most capable testifiers at the hearing who was making the points that Mr. Hobbins touched on, had worked over three years for this particular camp. He couldn't have felt that badly put upon or he wouldn't have stayed there. As he had indicated himself, he worked himself up through the ranks to a better paying job each year.

Touching on the points that Mr. Hancock made, it completes the sideline, but I think something we should consider. Those of you in the Cumberland County delegation who attended the meeting at the University of Maine about a month ago, may recall that Mr. Halsey Smith, in one of his studies mentioned the fact that camp owners in this state are the second largest owners of property and the largest owners of choice shoreland, wooded property, and they are indeed under a great deal of pressure for development. He was not speaking in regard to this bill, but he pointed out that they were having hard times financially, that these camps are disappearing. I feel that pressing on them a situation such as this might be just one more push along the road to indiscriminate development.

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

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I think another point which should be considered is the environment. Now, we all know the problems facing the youth today, drugs, all of the other associated matters. If these young people working in these camps were denied the opportunity to work there, they could be very well out on the street and getting involved in all kinds of trouble. We all know that the environment in these summer camps is the very best. It is character building for the youth, both the young people who are the children in the camp and also those who are working in and around the camp. So I think we should consider the social environment as

well as any monetary value which these young people do receive, and certainly the environment, in my humble opinion, is worth all of the dollars and more, too, than they are paid.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Unofficially I rise this morning in opposition to the minority report. The number of years that I have spent in business in the Sebago Lake area, I have had the opportunity to really get involved with a good number of children that work in summer camps. This happens to be one little area where, I guess, I have a real distinct feeling.

I had the opportunity to have these kids come in my drive-in night after night and during the day and talk with them. I have had the opportunity to hire a good many of them, hire them because they have left the environment at summer camps. Why? Because they go in there and work for \$100 for the entire summer, and they are just exactly like Mr. Brawn said. They get in there and they work, they are supposed to turn out for the morning meal, the noon meal, and the evening meal. They are supposed to have a break in between time, but instead, they find instead of being able to go swimming or participating in some of the programs the other kids at the camp participate in, no, they are not considered like junior councillors, they are kitchen personnel, they are maintenance personnel. So when they get done in the kitchen they put them out on the grounds and they make them work. They stay there all year.

Summer camps aren't regulated like the rest of the businesses are in this state. I say that that is one of the reasons why the summer camps are declining. I don't like to see the summer camps decline, but it is the time of the period. Summer camps used to be very popular, they are not now, because the automobile has made them unpopular. Vacations are now taken where people are going and traveling, they are traveling by plane

and automobile and taking their families with them.

The summer camps that we have in our area that are very successful and are not closing up are those camps that give the kids the service. They don't milk them, they feed them right, they give them the programs, they take their employees and they pay them and they treat them right. But the ones that don't are the ones that are hurting. I believe we are doing an injustice to the youth of this state when we are not compelling these campowners to give them a fair wage for a fair days work. I will submit to you that they don't even work a fair day's work. I have hired kids at the age of 12, they went to work for a kids camp when it is illegal. Furthermore, they put them in a tent, make them stay out in a tent, no supervision or anything else. This is the type of supervision we should be getting in the camps, but they are excluded. They are excluded from many items.

I say that a minimum wage is decent for these kids, and I think we ought to support the majority "ought to pass" report.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: This is very nostalgic for me, because several years ago, when I was in the other body I sponsored, as you have heard me say before, the first minimum wage. I was responsible for presenting all of the exemptions. The opposition, who namely wanted a higher starting minimum wage, was opposed to every one of these exemptions, and I had to fight them through.

Now, this particular exception I wrote myself, the Exemption "F". I know that I had a heck of a time getting the wording, "who are under the age of 18 and are regularly enrolled in an educational institution or on vacation therefrom."

I favor the bill and I support the bill.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the

House: I rise in opposition to the bill that is before you this morning. Primarily because I have worked in camps, I have worked in private camps, and I worked in nonprofit camps. I feel very strongly that some of the accusations that have been made here this morning, specifically about youngsters being used as human chattels, they are being employed under auspices of slave labor are somewhat inaccurate.

Furthermore, I would like to point out to you that these jobs that the youngsters select are done so by choice. I have been in the camping business as an employee, in both private and nonprofit camps for about six or seven years now on and off. Believe me, I do it by choice, not because of love of money, but more of love of job.

My first experience in a camp was in 1961. As a high school student I worked in a nonprofit agency camp, and I made \$80 for the summer. But believe me, I had the time of my life, I enjoyed it, and I enjoyed it immensely.

My next step in this career ladder was that I became a junior councillor, and I worked at that time for about \$200. My next step beyond that was a councillor. My next step beyond that was that I became director of a camp.

I speak in opposition to the bill because I feel that by offering this minimum wage within this very unusual camp community, it upsets the balance of this career ladder. I think that in today's society, which is highly depersonalized, which is extremely technological, microphones do break down, the camping community is a microcosm. It is a very small community but allows for certain things to happen which are not allowed to happen in the overall larger society.

I feel that this bill, if it passes would upset the situation somewhat and possibly could deny some people an opportunity in getting the full benefits of a camping experience in a camp employment experience.

Furthermore, as a director of a camp for two years, if I had a choice of hiring youngsters or adults, if I had to pay the mini-

mum wage, I think I would rather hire adults in terms of quality of work put forth. I speak as a director and I speak as a former dishwasher in a camp. As a dishwasher I enjoyed it, I enjoyed it a great deal, and we had the time of our lives, much to the consternation of the director and owner of the camp. But as a director, I would say that as a person supervising youngsters in a camp situation, that sometimes the situations and the antics that they come up with would almost compel me not to want to hire these youngsters.

I ask you to think very seriously about this bill here this morning. I recognize the fact that it is a perennial bill, it is a bill that comes before this legislature, it seems, every other year. I hope that you use your best judgment on this bill.

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

Mrs. WHITE: Mr. Speaker, Members of the House: It appears to me, from listening to debate this morning, that the most this bill would be to keep some students out of summer jobs, which I think would be too bad. I should vote against the bill this morning.

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 gentleman from Portland, Mr. LaPointe, when he said that this bill could deprive some of the youth of Maine of employment. First of all, if you look at the bill, you will see that the students who work at summer camps would only receive 75 percent of the minimum wage, or \$1.35 an hour. Now, if they were to hire adults for the same job, they would have to pay them the full minimum wage of \$1.80 an hour. Now, as you can see from the amount of money, the difference in the amount from \$1.80 to \$1.35, you will see that most likely, I strongly feel that the summer camps would hire students and it wouldn't affect any of the jobs.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I am one of the new members of the Labor Committee, and I asked to be on the Labor Committee because I was interested in labor, perhaps more being a contractor as much as anything else. But it has been a good committee, it has a lot of things in it and I have learned a lot. And being new, like all new legislators I have tried to acquaint myself with the different things that happen. Now, I don't mean to say that I am a new legislator, but I am new to this committee, and I have tried to acquaint myself.

This particular bill, it seems to me, applies to two kinds of camps. One is the nonprofit type and the other is the profit type. I must admit that there were several who testified for the nonprofit type that I thought were testifying honestly about what they did, about how the children were treated and so forth. So, when I had gone back home, in the two or three weeks that have intervened since we heard this bill, I have inquired from different ones that have worked in the camps, not being able to know any more than what I heard in the hearing. And what you have heard about the treatment of some of the ones that are hired as dishwashers, a dishwasher is a dishwasher, and that is the way they are considered except in some of the nonprofit camps.

Now, the whole thing to me comes down to this, is it right to have such a low-paid wage in camps that are making a profit, that are being run for a profit or is it right to go along like it should be going along? In a nonprofit camp, as I understood it from the testimony and even from some of the fellows home that have worked in them, it is more like a boy scout deal than it is a profit organization you are working for. But those who have worked for camps that are really doing all right and making a profit, I can assure you that if you are a labor-

er, you are a laborer, just like I have been all my life. I know exactly how the world looks at me.

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

Mr. BROWN: Mr. Speaker and Members of the House: I am the signer of the "ought not to pass" report, and I think for several reasons.

First, I believe last year, 1972, we had something like 109 of these camps in the State of Maine, 11 of them folded at the end of the year. There are currently and always have been more applicants for these jobs than there are jobs. I can remember as a youngster I was very envious of anyone who had a chance to work in one of these camps, it wasn't my privilege to do so. But I think they found it is a way of life, not just what they were getting for salary but all the other blessings and things that went with it. And many people were willing to accept a lower pay or salary for this type of living.

I think also that if we continue to add some more burdens to these people who are right on the line of going under or continuing on, that if we continue to add to these problems that these people have, then you are going to find more collapsing, you are going to find them either more efficient and hiring more adults, possibly bringing people with them from out of state, if they come from out of state, and they will not be hiring local people. I think it well behooves us to encourage our young people to continue and to get these jobs and to have these camps going than to have them closed up.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: Many of these children do not work in these camps by choice. Many of these children are state wards. They do not have a father nor a mother or anyone to turn to. They are used like dogs. I visited a camp last summer where these children were sleeping, 12 of them, without windows, without heat, and one flush, and cold water to

wash with, and one light hanging overhead that they all had to gather under. You wouldn't put a dog in these conditions.

When they tell us that these campers, I mean the operators, are here for any other reason than a profit, this is not true. Many of these camps have exchange students that come from other countries that hire for practically nothing. And if they could get all these to run their camps, they would be glad to do it.

I hope this morning that you will realize one thing, that the operator of these camps is there for a profit and not for the love of these little children that are there to get a little summer vacation, as some of these people would have you believe.

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

Mr. SHELTRA: Mr. Speaker and Ladies and Gentlemen of the House: In reference to what Representative Brown said, I agree wholeheartedly. When we were young, there was a great deal of honor and more respect and more quality and more of everything else in reference to the decorum of these camps. It was an honor and a privilege to serve or to be part of such an organization. But I assure you, the way that it is today and from my experience in visiting a few—because I had a stepson at the time that we wanted to have this privilege—from what I saw and observed, the lack of quality, the lack of responsibility, the lack of discipline — but the price was still there, higher than ever.

I think that these people have priced themselves out of business, and if they are folding, they deserve to fold. And I think that with the advent of your campers and trailers, I think that today, the family that plays together stays together. I think this is the concept that is being adopted. And this is why some of these slave camps are closing down.

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

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

House. In response to a couple of points. Number one, you have seen the camps in just over two years go from around 180 down to about 100. This to my mind means that somebody is really putting some nails in these coffins, and I don't think we need one more.

Number two, the conditions that Mr. Brawn describes reminds me of an exception perhaps the ventilation a little bit — of how the campers camped at the camp I went to for five years, and I thought it was kind of wonderful.

Mr. Martin of Eagle Lake requested a roll call.

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

Mr. McKERNAN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question to anyone who can answer and that is whether the employees who would be getting the minimum wage would also be getting room and board free?

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

Mr. Hobbins: Mr. Speaker and Ladies and Gentlemen of the House: In response to the question asked by the gentleman from Bangor, the required rate would not be excessive, especially since most of them receive full room and board, which would be counted as part of their wage, so this would be deducted from the wages.

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

Mrs. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: If I may answer Mr. McKernan's question, my children have worked at camps. The room and board was never deducted from their wages.

Mr. Brawn was granted permission to speak a third time.

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: My son worked at camps and it was deducted from his.

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

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

House: In order to answer Mr. McKernan's question, I think the situation as it exists now is the youngster is on a salary, and his board and room and his living in this environment is viewed as part of the overall salary and fringe benefits.

I wouldn't be surprised, Mr. McKernan, that if this bill went into effect, that it would be somewhat negated by the fact that a number of these camps would start deducting board and room and would start deducting laundry and would start deducting use of the recreational facilities that might be made available to them.

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

Mr. ROLLINS: Mr. Speaker and Ladies and Gentlemen of the House: I hope this morning you will listen to the gentleman from Portland, Mr. LaPointe. He has had the experience on both sides of the project here, and I believe that he knows more than some of these other people who have spoken.

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 Augusta, Mr. Brown, that the House accept the Minority "Ought not to pass" Report on L. D. 1723. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Albert, Ault, Baker, Bither, Bragdon, Brown, Cameron, Chick, Churchill, Cottrell, Cressey, Curtis, T. S., Jr.; Deshaies, Dunn, Dyar, Evans, Farnham, Farrington, Ferris, Finemore, Garsoe, Hamblen, Huber, Hunter, Immonen, Jackson, Kelley, R. P.; Knight, LaPointe, Lewis, E.; Lewis, J.; MacLeod, Maddox, Max-



well, Merrill, Morton, Mulkern, Murchison, Najarian, Palmer, Parks, Perkins, Pratt, Rollins, Santoro, Shaw, Silverman, Sproul, Stillings, Talbot, Trask, Trumbull, Walker, Webber, White, Wood, M. E.; The Speaker.

NAY — Berry, G. W.; Berry, P. P.; Berube, Birt, Brawn, Bunker, Carey, Carrier, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cote, Crommett, Curran, Dam, Davis, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Emery, D. F.; Farley, Fecteau, Fraser, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Herrick, Hobbins, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, LaCharite, Lawry, Littlefield, Lynch, Mahany, Martin, McCormick, McHenry, McKernan, McMahan, McNally, McTeague, Mills, Morin, L. Morin, V.; Murray, Peterson, Ricker, Rolde, Ross, Sheltra, Slute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Susi, Tanguay, Theriault, Tierney, Tyndale, Wheeler, Willard.

ABSENT — Binnette, Boudreau, Briggs, Faucher, Flynn, Gahagan, Jacques, LeBlanc, Norris, O'Brien, Pontbriand, Soulas, Strout, Whitzell.

Yes, 61; No, 76; Absent, 14.

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

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read once, Committee Amendment "A" was read and adopted and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Establish Privileged Communication for School Counselors" (H. P. 533) (L. D. 715) reporting "Ought to pass" as amended by Committee Amendment "A" (H-455)

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
BRENNAN of Cumberland  
—of the Senate.  
Mrs. BAKER of Orrington  
WHITE of Guilford

WHEELER of Portland  
KILROY of Portland  
Messrs. PERKINS  
of South Portland  
DUNLEAVY  
of Presque Isle  
McKERNAN of Bangor  
HENLEY of Norway  
GAUTHIER of Sanford  
—of the House.

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

Report was signed by the following member:

Mr. CARRIER of Westbrook  
—of the House.

Reports were read.

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

Mrs. BAKER: Mr. Speaker, I move that the House accept the Majority "Ought to pass" Report.

The SPEAKER: The gentle lady from Orrington, Mrs. Baker, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: As you notice, I am the only one who signed the "ought not to pass" report on this particular bill. I wish all of you, regardless of what you think and whichever way you vote, I hope that you take time and give serious consideration to this bill, because this bill is an immunity bill; and it can haunt you forever, especially in the fact as to the people you are giving this immunity to.

I submit to you that a school guidance counselor should not have immunity as to his duties within the school.

It will be said here, no doubt, by the proponents of this bill that certain things should be privileged between the student and the counselor because this is why the student comes and sees the counselor. Well, I suggest to you that if the student has that kind of a problem, the counselor is not the one to see. If it is a school problem, he should go see the principal. If he has other problems, he should be wise enough and fearless of going to see his own parents.

I submit to you that actually what this bill here, being an immunity bill — which, in general, I am against giving immunity to anybody, because I think it actually takes away the responsibilities of the party who gives the immunity.

This particular bill here, as you will see, there is also an amendment which will be presented, probably, if it passes. And this, in fact, does not require the people to be registered or to be licensed or to be certified by the Department of Education. It says that they can or possess a minimum of a Masters Degree in guidance and counseling. One of the objections of obtaining Masters Degrees is you can obtain some of these wholesale out of state. You can send for these correspondence courses, you can work yourself on many things. If you do it or if they do it rightfully, a Masters Degree is probably a great achievement, and this I will agree to; but in a lot of cases, a Masters Degree in different subjects are actually easy to get as far as some teachers will tell you. This is one of the reasons why — you do not have to be certified by the state in order to be a guidance counselor.

This amendment, in fact, has been put in because at the hearing somebody told us that in order to qualify as a counselor, you had to have a Masters Degree. I questioned them, and I still question them, and this is not the law. You can get a certified counseling certificate from the state without a Masters Degree.

I think this is an extremely dangerous bill. I do not think that people in general should be given immunity like you give to certain priests or lawyers and everything else which are extremely confidential. So, therefore, I hope that you don't vote to accept the "ought to pass" report.

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

Mr. GREENLAW: Mr. Speaker and Ladies and Gentlemen of the House: This is a bill that I sponsored that I have a great deal of interest in. The bill basically protects the client of the school counselor, and a client may be not only a student in the school setting from

elementary school up through secondary school but could also be another teacher or an employee in that setting.

I think there is a new and concerned effort being made by both federal and local governments to improve the guidance counselling situation in schools. I know the federal government in recent years has made fellowships available on a national level to a large number of individuals to get Masters and Doctorate Degrees at the University of Pennsylvania.

The school guidance counselors now are attempting to professionalize themselves to improve their profession. And this is a bill that they think they would like to have that would allow them the opportunity to have a better communication with their clients.

What this bill does is allow a client to come to a counselor and feel that there is some protection for him, that he can discuss any personal matters with the counselor without fear of having that information being disclosed.

There was, I think, a very good hearing. There were five counselors that appeared on the bill. There was no opposition to it. Mr. Carrier indicates there were some questions raised at the hearing which I concur wholeheartedly with him, that there were areas of concern, and as a result of that, Committee Amendment "A" was prepared.

I think there have been instances already where guidance counselors have cooperated with the authorities on matters where information has come to their attention where there is clear and imminent danger to the counselee or client or others. And I believe that the committee amendment clarifies any questions or at least most of the questions that the majority of the committee had, and I hope that you will vote to accept the majority "ought to pass" report.

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

Mr. MacLEOD: Mr. Speaker and Ladies and Gentlemen of the House: I would like to direct a question to some members of the committee. I see that Mr. Carrier

is the lone signer of the "ought not to pass" and carrying a spear in that direction.

I had always understood that privileged communications were reserved for clergymen, doctors and lawyers. Here recently, we have been hearing the news media coming in for a "shield law." I am probably quite stupid and do not understand the ramifications of this bill, but I would like to find out if we are now setting these people up in that type of category, and I would like someone to please answer this for me if they would.

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

Mr. PERKINS: Mr. Speaker and Ladies and Gentlemen of the House: In respect to the question that was just asked, the committee amendment was proposed in order to take care of the problem of a qualified or a conditional privilege. It is true, the committee has been besieged with the question of privilege for various people, and we have a couple more on the House floor now.

The amendment, in the eyes of the committee, diluted it down to the point where we could live with it. It does say that the counsellor will disclose in those instances where he feels or it is felt that it is necessary for the protection of the general public or others, and I will read it. "When there is a clear and imminent danger to the counselee or client or to others, the counsellor is expected to report this fact to an appropriate, responsible authority or take such other emergency measures as the situation demands."

Consequently, we felt that it really did away with the privilege by adding the amendment.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to make a comment to Representative MacLeod. I think if I take his question in the line that I am thinking about, the facts remain, ladies and gentlemen, as you know already, we are onto a parade here of giv-

ing immunity to many many people. The newspaper men want immunity no matter what you call it, if you call it a "shield law" or anything else. These particular people here want immunity.

Let me tell those who do not know this, that this bill has been in this legislature, I would say, every session since I have been here, and it never passed before, so that is something to consider.

We also have, within the committee — or it will be out pretty soon — we have others such as psychiatrists — I don't know what you call them, psychologists or anything else. We have a couple of other bills which are still there for immunity.

It seems to be a trend that we are following to take the responsibilities away from the people that do this kind of work. I feel very strongly that I have to be responsible for the things that I do whether here or in business or at home or anything else. I am not looking for immunity. And if anybody ever says that they want to take the immunity away from us here in the House, I will vote for it, because I wouldn't be scared to say what I say now even if we don't have immunity.

So I just want to point out that this is an extremely dangerous bill, and it can be much worse as we go along.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker and Ladies and Gentlemen of the House: Listening to the debate, I find myself very reluctant to grant this immunity to a group which, in the words of the sponsor, are attempting to professionalize themselves, and in the words of a member of the committee, they have an amendment that they can live with. It just seems to me that on the basis of this, I can't go along and vote for the majority report on this bill.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I am on the Judiciary

Committee. I signed the report "ought to pass," and I think you should know why.

I was on the school board in Sanford for many years, and I think that your guidance directors, especially those with a Masters Degree, are doing a very very good job. And they have before them — I have had the experience in many years that I have been on the school board that they have sent a lot of cases with children that — they went to them and settled a lot of their problems which could not be taken care of at home. As far as doing a good job, I would balance — in my thinking, I am not in favor of giving immunity to this one and that one. But I think in this locality here where the counselors are connected every day with these children in the schools, that they are in very good position to help these children out and put them in a better direction than what they are going in sometimes.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to comment on Mr. Perkins remarks concerning the Committee Amendment, and I will read it to you. "When there is clear and imminent danger to the counselee or client or to others, the counselor is expected to report this fact." That is not compulsory. To me, that still spells immunity.

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

Mr. GREENLAW: Mr. Speaker and Members of the House: I would like to try and answer a couple of points that have been raised here this morning. Mr. Carrier raised the point that this is a perennial bill. Since I am only a freshman, I haven't seen it before, but I do know that it has been included in a so-called package bill of privileged communications for certain professions. I believe this is the first time this bill has appeared before this legislature on its own.

I would also submit that to the best of my knowledge, in this state

the only professions or groups of people that have privileged communication are lawyers, psychologists and, yes, legislators.

The Education Department, concerning a question that Mr. Carrier raised, the Education Department is moving in the direction of certification of guidance counselors, to the best of my knowledge. The Maine Personnel and Guidance Association is presently at a point where they are requiring a Master's Degree to be a member of that association.

I do think, and I will stretch this point one more time very briefly, this is a profession that has considerable prospect of helping, mainly, people in a school. There may be occasions where a student may not wish to go and discuss something with the principal or a teacher or even their parents. A lot of your school counselors have been known to become friends with these individuals and are people they can go and discuss personal matters with. If we are to have this type of a relationship, I think it is very important that the individual knows that a counselor is not going to go and disclose information to parents or a principal when there is nothing that requires him to.

I do know that some of these counselors have been presented with information -- in one case I know of, an individual disclosed some information about a large purchase of drugs, and this information was disclosed to the proper police authorities and I think it was a very effective communication in this instance.

I do know that in certain areas of the state, certain guidance counselors are meeting frequently with law enforcement authorities and are setting up a system of communication with them so they may work better with the students. And I would again urge you to accept the majority "ought to pass" report.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the

House: In the debate on this bill this morning, it seems to me that we are not placing sufficient emphasis upon the young people who need help. Yet, the certified counselor — and that is what the bills says, certified counselor — is not granted immunity. The youngster who needs help would be very reluctant to go to them, because they are in a position where they feel that they cannot trust or cannot go, for some reason or another, to their parents, to the principal, to other people, but they feel that they can go to this counselor and tell them all that needs to be told and discuss their problem with them. Then, perhaps they will go somewhere and get help.

My children are grown up now, but if when they were in high school or about that age, teenagers, let us say, if they needed help, I would prefer to have had them come to me or to their mother, but if they felt for some reason that they could not do this, I certainly would want them to go somewhere and get that help.

I would like to quote to you from a mutual friend of every member of this House, and that is the columnist, Ann Landers. How many times, reading her column, do we see a youngster writing in and saying I cannot go to my parents because they do not understand. Whether it is true or not that the parents do not understand is a moot question, but the youngster doesn't feel that they understand. So, therefore, they need someone to go to. Let's let them have someone they can go to and discuss their problems and get some help. I am very much in favor of this majority report.

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

Mr. JACKSON: Mr. Speaker, may I pose a question here? What is a certified school counselor?

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

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question of the gentleman from Yarmouth in terms of what a certified counselor is for the Maine Personnel and Guidance Association, it must be someone who has a Master's Degree or higher. The state, to my knowledge, doesn't require that high a degree at this point, but I believe they are moving in that direction. I think the reason why they don't require that is because there are so many guidance counselors presently working in the state that don't have their Master's Degree that it would put an awful lot of people out of business.

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House accept the Majority "Ought to pass" Report on Bill "An Act to Establish Privileged Communication for School Counselors," House Paper 533, L. D. 715. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

70 having voted in the affirmative and 34 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-455) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on County Government on Bill "An Act Providing for a County Budget Review Board for York County" (H. P. 320) (L. D. 438) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. PEABODY of Aroostook  
CLIFFORD  
of Androscoggin  
— of the Senate.  
Messrs. DAM of Skowhegan  
CHURCHILL of Orland  
FARRINGTON of China  
SHELTRA of Biddeford  
DYAR of Strong  
PONTBRIAND of Auburn  
— of the House.

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

Report was signed by the following members:

Mr. ROBERTS of York  
— of the Senate.  
Messrs. TANGUAY of Lewiston  
McMAHON of Kennebunk  
WHITZELL of Gardiner  
— of the House.

Reports were read.

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

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

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

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly. L. D. 438 is my bill and I introduced it at the request of a vast majority of the municipal officials in York County. This bill has their support. They met on it and it received at the meeting the unanimous support of all the municipalities that were there.

The purpose of the bill is to give the municipalities of York County some input into the budget-making process. The bill originated as a result of the December public hearing that was held on the York County Budget. Three-fourths of the most populous municipalities in the county attended that hearing and raised many questions, none of which were answered. Many recommendations were also advanced; none were adopted, so another frustration, I should say. The municipalities called their own meeting and authorized this bill and voted their approval of it.

This bill has the bipartisan support of the municipal officials, most of whom are elected as non-partisan, anyway.

I recognize the problems with getting this bill passed, but I want to emphasize that it does have the support of the municipal officials and it is an important issue in our county. For this reason, I would respectfully request the yeas and nays.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1764, a county government home rule bill, should be coming out of County Government Committee tomorrow and be on your desks the first of the week. This bill does have a provision in it to set up a municipal finance board to review county budgets. This particular amendment to the bill was drawn up by the Maine Municipal Association so the municipalities would have an input in county budgets.

I hope this morning that we will go along with the majority report.

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 Strong, Mr. Dyar, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Birt, Bither, Boudreau, Brawn, Briggs, Bunker, Bustin, Carey, Carter, Chonko, Churchill, Clark, Conley, Cooney, Cote, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Dow, Dunleavy, Dunn, Dyar, Farnham, Fecteau, Ferris, Garsoe, Hamblen, Hancock, Haskell, Hobbins, Hoffses, Hunter, Jacques, Jalbert, Kelleher, Kelley, Keyte, LaCharite, LaPointe, LeBlanc, Littlefield, Lynch, MacLeod, Maddox, Martin, Maxwell, McCormick, McHenry, McKernan, McNally, McTeague, Merrill, Mills, Morton, Murchison, Najarian, Norris, Parks, Perkins, Rolde, Santoro, Shaw, Sheltra, Shute, Simpson, L. E.; Smith, S.; Snowe, Sproul, Susi, Talbot, Theriault,

Tierney, Trask, Wheeler, White, Wood, M. E.

NAY — Bragdon, Brown, Chick, Connolly, Cressey, Drigotas, Dudley, Emery, D. F.; Farley, Faucher, Finemore, Fraser, Gauthier, Genest, Goodwin, H.; Greenlaw, Henley, Immonen, Jackson, Kauffman, Kilroy, Knight, Lewis, E.; Lewis, J.; McMahon, Morin, L.; Mulkern, Murray, P r a t t , Ricker, Rollins, Ross, Silverman, Stillings, Tanguay, Trumbull, Tynedale, Webber, Willard.

ABSENT — Binnette, Cameron, Carrier, Cottrell, Deshaies, Donaghy, Evans, Farrington, Flynn, Gahagan, Good, Goodwin, K.; Herrick, Huber, Kelley, R. P.; Lawry, Mahany, Morin, V.; O'Brien, Palmer, Peterson, Pontbriand, Smith, D. M.; Soulas, Strout, Walker, Whitzell.

Yes, 84; No, 39; Absent, 27.

The SPEAKER: Eighty - four having voted in the affirmative and thirty-nine having voted in the negative, with twenty-seven being absent, the motion does prevail.

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Labor on Bill "An Act Relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 19) (L. D. 19) reporting "Ought to pass."

Report was signed by the following members:

Messrs. BINNETTE of Old Town  
McNALLY of Ellsworth  
FLYNN of South Portland  
HOBBS of Saco  
McHENRY of Madawaska  
ROLLINS of Dixfield  
Mrs. CHONKO of Topsham

—of the House.

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

Report was signed by the following members:

Messrs. HUBER of Knox  
KELLEY of Aroostook  
TANOUS of Penobscot  
—of the Senate.  
Messrs. BROWN of Augusta  
FARLEY of Biddeford  
GARSOE of Cumberland

—of the House:

Reports were read.

On motion of Mr. Rollins of Dixfield, the Majority "Ought to pass" Report was accepted. The Bill was read once and assigned for second reading tomorrow.

#### Consent Calendar

##### First Day

(S. P. 395) (L. D. 1175) Bill "An Act to Allow the Brunswick Sewer District to Treat Sewerage from the Topsham Sewer District and Septic Tanks"—Committee on Public Utilities reporting "Ought to pass" as amended by Committee Amendment "A" (S-149)

(S. P. 617) (L. D. 1928) Resolve Authorizing the Commissioner of Mental Health and Corrections to Lease Land in Windham to the Maine State Society for the Protection of Animals, Pursuant to Joint Order (S. P. 614)—Committee on Health and Institutional Services reporting "Ought to pass."

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

#### Order Out of Order

Mr. Fraser of Mexico presented the following Order and moved its passage:

ORDERED, that Elizabeth Fischer and Julianne Fraser of Rumford be appointed Honorary Pages for today.

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

#### Consent Calendar

##### Second 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

(S. P. 152) (L. D. 386) Bill "An Act Relating to Protective Services for Incapacitated Adults"

(S. P. 229) (L. D. 664) Bill "An Act Relating to Qualifying Foreign Corporations to do Business in Maine" (C "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"

(S. P. 311) (L. D. 977) Bill "An Act Relating to the Statute of Limitations in Contracts for Sale"

(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"

(S. P. 343) (L. D. 1042) Bill "An Act Relating to Warranties on Consumer Goods and Service"

(H. P. 483) (L. D. 627) Bill "An Act Amending the Laws Relating to Community Mental Health Services"

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

(H. P. 507) (L. D. 672) Bill "An Act to Establish a Uniform Program for Educational Leave for State Employees" (C. "A" H-436)

On the request of Mr. Martin of Eagle Lake, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-436) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 731) (L. D. 937) Bill "An Act to Lease Management and Cultivation Areas in Maine's Coastal Waters"

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

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

(H. P. 1100) (L. D. 1436) Bill "An Act to Clarify Procedures under the Municipal Public Employees Labor Relations Act" (C. "A" H-430)

(H. P. 1310) (L. D. 1740) Bill "An Act to Allow Coastal Wardens to Inspect Licenses" (C. "A" H-432)

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

#### Passed to Be Engrossed

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) (C. "A" S-144)

Was 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 to Amend Maine Water Pollution Control Laws to Conform With Requirements of Federal Water Pollution Control Act Amendments of 1972" (S. P. 624) (L. D. 1954)

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

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

House Amendment "A" (H-444) was read by the Clerk.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: As you all know, we have had this bill, 1945, in this session, which is to amend the water pollution control laws to conform with some of the federal standards, and this is a very simple amendment to just correct some of the wording in error in the original drafting of the bill.

Thereupon, House Amendment "A" was adopted. The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

#### Second Reader Tabled and Assigned

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. 627) (L. D. 1949)

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

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

Mr. HASKELL: Mr. Speaker, I move this lie on the table one legislative day.

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

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

Mr. Haskell of Houlton requested a vote on the motion.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore,



moves this matter lie on the table two legislative days pending passage to be engrossed. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 66 having voted in the affirmative and 20 having voted in the negative, the motion did prevail.

Resolve to Reimburse Certain Persons for Property Taken by State Department of Transportation in the Town of Bingham (S. P. 134) (L. D. 346) (C. "A" S-143)

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

**Second Reader  
Tabled and Assigned**

Bill "An Act 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)

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

(On motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and specially assigned for Tuesday, May 29.)

**Second Reader  
Tabled and Assigned**

Bill "An Act Relating to Medical Treatment of Persons at State Operated Facilities" (H. P. 1527) (L. D. 1957)

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 specially assigned for Tuesday, May 29.)

Bill "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" (H. P. 1528) (L. D. 1958)

Bill "An Act Authorizing Use of Maine Turnpike by Legislators" (H. P. 1281) (L. D. 1668) (C. "A" H-431)

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 to Establish the Saco River Corridor" (S. P. 469) (L. D. 1545) (C. "A" S-131) (S. "D" to C. "A" S-148)

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

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

House Amendment "A" (H-434) was read by the Clerk.

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: This amendment has been worked out with complete cooperation of the Public Highway Department and the Corridor members. It has been a few days in its preparation, and basically it would permit and allow for coordination of public highway projects as opposed to the permit provisions on maintenance, reconstruction and relocation of existing public ways and bridges that are along the Saco River Corridor.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "D" thereto and House Amendment "A" in non-concurrence and sent up for concurrence.

**Second Reader  
Tabled and Assigned**

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

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

(On motion of Mr. Ross of Bath, tabled pending passage to be engrossed and specially assigned for Tuesday, May 29.)

**Passed to Be Enacted  
Emergency Measure**

An Act Relating to Deposit of State Funds (H. P. 1503) (L. D. 1932)

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. 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Bond Issue**

An Act to Authorize the Creation of the Maine Inland Fisheries and Game Acquisition Fund and the Issuance of (Not Exceeding \$4,000,000 for the Financing Thereof (H. P. 288) (L. D. 362)

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

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't say whether I am for or against. I see where the bill has been amended twice. I wish someone would be kind enough to explain what the money is to be used for and what the two amendments do.

The SPEAKER: The gentleman from Norway, Mr. Henley, poses a question through the Chair to anyone who may answer if they choose.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: First of all, Committee Amendment "A" was a compromise within the committee. The original bill asked for \$2 million. After the hearing it was definitely felt that \$2 million wouldn't even begin to buy the land necessary through the Inland Fisheries and Game to protect our wetlands in the state and also to provide lands for game management areas and so forth, where we are having severe problems with deer herds. Therefore, there were some who

felt the amount should be considerably more than this and actually it was a compromise measure to the point where we increased it by \$2 million and asked for a \$4 million appropriation.

The Senate Amendment was put on strictly as a house cleaning amendment to the point that we had left out in the committee the part about the Secretary of State preparing the ballots and preparing the bond issue for referendum, and that is what the Senate Amendment calls for.

I urge you to support the bill in its form.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Just one further point in reference to the bill. If you take a look at the bill, which is L. D. 362, you will find that the funds that would be derived from the sale of these bonds would be used for either purchase or lease of land from private landowners in order to preserve the wild game of this state.

It was felt by the committee and obviously by the Department of Inland Fisheries and Game, that if we were going to be able to preserve the wildlands as well as the wild animals, we had to somehow make arrangements to have access to that land so it could not be simply stripped.

Now basically, one of the things that could happen is that the department could enter into a lease agreement to lease a certain amount of land. Let's take for example a cedar swamp where the deer would hang out, and at that particular point you would agree to lease it, let's say, for a dollar per year for X-number of years, and that area would then be managed in cooperation with the landowner to make sure that we were preserving the natural game of this state.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I thank the gentlemen in both corners for their explanation. I am still a little

bit uncertain as to whether this is intended as a benefit merely to the people who hunt and fish, or if any of this can be of benefit to parks and recreational areas other than hunting and fishing. It seems to me that possibly, as I see it right now, there may be too much stress on the special angle of hunting and fishing, that is all.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe that it is a stress on hunting and fishing per se. I believe it is just a bill that is in the best interest of the state to just preserve our wetlands and make sure that our wetlands are controlled under game management areas, that we do provide for a facility where our game will be able to live and prosper and reproduce. Some game management areas, hunting is allowed, there is no doubt about that, but it is allowed because the department feels that it is in the best interest of the area.

We have two different things here. We realize that the state is also buying lands for our parks and recreation for the use of the people along this particular line. I do believe it is in our best interest to purchase land in this state so that we can also protect the environment as far as the conservation of our game and our birds and so forth in the state.

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

Mr. DYAR: Mr. Speaker, Members of the House: I am a bit concerned over this piece of legislation before you this morning. We have approximately 400,000 acres of public lots in this state which could be utilized for this purpose in the eight northern and western counties.

I know for a fact that members of the department had made arrangements with the major paper companies in this state to lease cedar swamps at no charge as a public relations gesture of the large firms for an indeterminate number of years, and now we are

turning around and telling these major landowners that we are going to pay them for these leases.

I do not have the statistics but I would question any member of this House as to how much federal money over the last 30 years that could have been used to purchase wetlands, et cetera, were used for this purchase, and how much of this money was used for biological research?

If we had used this money in the State of Maine like Michigan, Pennsylvania, New York and some of the other states had done, we could have had over a million acres of land owned by the State of Maine at the present time without floating any bond issue of \$4 million.

Mr. Simpson of Standish was granted permission to speak a third time.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I am sure all of you are aware of a court case that is now pending due to action last week. One of the problems that the Public Lands Committee is facing is that we realize that there are public lots in this state, that many of these lots are unlocated. Even those that are located just might not be in the best interests of our using them for this type of facility. Therefore, one of the things that the Public Lands Committee will have to do in this legislature — I doubt if it will be this legislature, it will be a subsequent legislature — we will have to determine probably after this court case is decided which areas we would like to combine or swap or so forth so that we could actually use these lands, the public lots, in the areas that we are talking about now. But we are a long way down the road from that decision, and we have to have a court decision or an opinion from the chief justices before we could ever begin to determine whether we could do some of these things.

Therefore, I still believe that this particular legislation would be in the best interest of the state, and even if we are allowed to use our public lots in the areas where we feel we should, that would just enhance it even that much more.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: Most of the area that we are talking about here are on the coastal part of the state, and the public lots don't extend down there.

I would also like to mention that one of the proposed areas is in the Town of Mexico where we have talked about an airport.

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: I think this is a good bill. I sponsored this legislation because I felt the Department of Fish and Game could offer a lot more effective management if they owned the deer yards, and if they owned the salt marshes, they would be in a better position where they could protect the fish and shellfish population; not only this but every form of wildlife that Maine is known for.

Many of you may think there are cheaper ways to control our deer herds, salt marshes and so forth. You might mention the wetland act we passed a couple of sessions back. The trouble with the regulating approach is that the courts may, and in some instances have, said the landowners don't get paid for their land and the dual control makes it almost impossible to administer.

The bonds would provide money for said compensation, and once the state obtains the land outright, the state's control would be complete, not imperfect as it is today under these regulating schemes.

Out of state developers are constantly trying to buy land in Maine, sometimes at bonus prices. The pressure on rural land, which is the habitat of our wildlife, has never been greater and will undoubtedly increase. The desirability of Maine land has caused land values to rise sharply and has decreased the availability of land to citizens of Maine.

There are still right thinking people in the state who have the welfare of the people at heart and will give the state a break on price and availability of lands and

marshes that are to be used for this purpose.

These lands are not to be used solely for hunting and fishing; far from it. They will be used by all the people, the nature classes, the children who want to get out in the woods and observe nature and things of that nature.

This bill had a darn good hearing, it was very well attended. There were many proponents and no opponents at all. The committee voted the bill out unanimous "ought to pass." They even increased the amount that we asked for.

I must admit that I am a bit surprised that there is any opposition to this bill now. This is especially so because this bill only calls for a referendum. The question we are concerned with is do we want to let the citizens of this state have their chance to express their views on the needs of additional wildlife management areas. I feel very strongly that the answer to that question is yes.

Before I sit down, I would like to give you a list of the proponents to this bill in the hearing. There were no opponents at all. We had a list of proponents that included the Houlton Fish and Game Club; J. Lorraine Libby from East Limington; Duane Young from Fairfield; John Dudley from Belgrade; Chris Packard from Brunswick; Robert Simard, Knox County Fish and Game Club in Union; James Thompson, Princeton Rod and Gun Club; Fred Towle, Penobscot County Conservation Association; Associated Sportsmens Clubs of York; the Forest City Rod and Gun Club of Portland, Robert Coombs, President; League of Women Voters, Southwest Harbor; Frenchman's Bay Club, Scott Hutchinson, Canal National Bank; Robert BaRoss, Westbrook; Natural Resources Council; Maine Audubon Society and the Coastal Resources Action Committee.

I hope this bill passes now.

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

Mrs. BERRY: Mr. Speaker, Members of the House: I have a question I would like to ask. Under this bill in section 2, would they explain what "devise" means? It

says it may be by "gift, devise, lease or purchase."

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not a lawyer, but I understand it is a gift under a will of real estate.

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

Mr. DYAR: Mr. Speaker, Members of the House: I am not opposed to the concept of the State of Maine buying land for this purpose, but I would like to pose a question through the Chair to anyone who might want to answer as to what price the State of Maine paid for swamp land that hadn't been used for years and years along the Allagash Wilderness Waterway, and would we be paying this money on the same basis to acquire lands inland in this state on the same basis.

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I was one of those who was a member of that study committee that originally studied the question of the Allagash becoming a state wilderness area.

From what my knowledge — from the information that was supplied to us in terms of the price that was paid for that land as it was purchased along the Allagash, it is my understanding that the land that was purchased in those areas were either on public lots or in undivided — where the public lot had not been divided or laid out on the plot township, that the price was somewhat less than it was where it had not been.

It is indeed true that some money was paid to the paper companies for their rights, so they

claim, to the grass and timber rights legislation that previous legislatures had given them, and so the state did indeed pay, and in those instances where the grass and timber rights had been sold by the forest commissioner many years ago.

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

Mr. DYAR: Mr. Speaker, if I might pose a further question to the gentleman from Eagle Lake to clarify my question and answer my question, did the State of Maine pay \$100 an acre, \$450 an acre or \$800 an acre?

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

Mr. MARTIN: Mr. Speaker, Members of the House: I hope that the gentleman will not hold me to the exact figure because I don't have it in front of me. As I recall in some instances and in most, the average that was paid was somewhere between \$50 and \$56 per acre in those areas where the grass and timber rights had been sold.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Huber.

Mr. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: In further answer to a previous question by the gentleman from Norway, Mr. Henley, concerning the recreational aspects of purchases to be facilitated by this bill, I would just like to mention that one of the reasons that I favor passage of this bill is the Fish and Game Department has well defined priorities. It has a narrower set of goals. The recreational problems, the question of recreational land in Maine, is a much more complex question and I think will take longer to establish firm priorities in strictly park and recreation type land.

I do feel that rising prices, especially in our organized territories where much of the land that would be purchased under this bond issue lies, would lead to the situation where if we postpone this type of acquisition, we will have to pay a lot more for the

same land if, indeed, the land is still available. For example, if land in the coastal areas is appreciating at 7 percent, which I think is perfectly reasonable, in 10 years we would have to pay about \$8 million for the same land; and again, I emphasize that this would have to be paid — or could be paid only if the land is still available, and I remind you that the organized territories contain those areas which have the greatest pressure at this time.

I do hope that you will enact this bill today.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker and Ladies and Gentlemen of the House: To answer the question of the gentleman from Strong, Mr. Dyar, I have here before me the prices paid for that land. They ranged from a low of \$55 an acre to a high of \$85 for a total average price of \$65.33 an acre.

The SPEAKER: In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. All in favor of passage to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

#### Enactor

##### Tabled and Assigned

An Act Relating to Fees Received by State Officials and Employees. (H. P. 95) (L. D. 116) (C. "A" H-383).

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

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

An Act Relating to the Appointment of Active Retired Judges of the District Court. (H. P. 566) (L. D. 745) (H. "A" H-388).

An Act Relating to Minimum Wages. (H. P. 706) (L. D. 911) (C. "A" H-385)

An Act Relating to Temporary Restraining Order and Cost of Litigation by the Attorney General under Unfair Trade Practices Act" (H. P. 770) (L. D. 1004) (S. "A" S-125).

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 to Exempt Hairdressers who Hold Booth Licenses from Eligibility for Unemployment Compensation" (H. P. 1014) (L. D. 1333).

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I had this set aside, and I am hoping somebody will table it for me. I would like to explain why I did this.

This bill had a very good hearing in committee. They had a unanimous "ought to pass" report. At that time I tried to get an amendment on here to make that retroactive. I was informed by the House chairman and the chairman from the other body that this could not be done. However, I would like to get an emergency amendment on this, and I don't see why they should pay for another clause. This is just dragging something. This isn't unfair. The sooner we get it out of the way, the better.

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

An Act Relating to Reports of Bureau of Labor and Industry. (H. P. 1156) (L. D. 1489) (C. "A" H-386).

An Act Relating to the Public Employees Labor Relations Board. (S. P. 520) (L. D. 1651).

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

An Act to Authorize the Investment by Savings Banks in Real Estate for Purposes of Historic

Preservation. (H. P. 1408) (L. D. 1848) (H. "A" H-402).

An Act to Make the Maine Human Rights Act Substantially Equivalent to Federal Statutes. (H. P. 1506) (L. D. 1937).

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

#### Orders of the Day

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

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

Tabled — May 22, by Mrs. Boudreau of Portland.

Pending — Acceptance of Committee Report "Ought to pass."

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

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

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

Tabled — May 22, by Mr. Mills of Eastport.

Pending — Motion by Mr. Dam of Skowhegan to indefinitely postpone House Amendment "B" (H-420).

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

Mrs. BERRY: Mr. Speaker, we are having to look this over a little more, and I would like to have it tabled two days.

On motion of Mr. Simpson of Standish, tabled pending motion to indefinitely postpone and specially assigned for Tuesday, May 29.

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

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

(H. "A" H-271) (S. "A" S-100) (H. "B" H-361).

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

Pending — Enactment.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been tabled for some time to try to get some consensus of thinking on it. I think that this morning we should possibly make a final disposition of it.

I thought I would just give a little discussion of the background of it, which I have done some time ago. I do think the bill has some merit. I think that similar ideas have been developed in other states.

Some of the questions that I have been asked relative to the problems on it is things like recounts. I am not convinced that recounts are a problem. I think recounts can be speeded up if it was necessary. The possibility of whether the governor would be able, where there would be a problem with the governor being — the decision being made on the election of the governor. I think this is taken care of in a constitutional provision that we passed two years ago.

I basically think that the idea behind it of having the constitutional offices and the legislative officers elected at the prelegislative conference, the final decision on it makes a good deal of sense in the sense that they can immediately go to work, the committees can be appointed, there is no possibility of overturning of — the people who are given preliminary approval in December won't have to wait until January.

I personally think that has a lot of merit, several people have told me they did. I would hope that it might pass to be enacted.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I really hate to do this for a number of reasons. The gentleman from East Millinocket and myself have worked on this particular bill

for some time. We have been at it—I think this is our third session in dealing with this particular bill. But I guess I just can't bring myself to it.

Don't ask me—please keep in mind this is not political in the sense of political party getting involved and this type of thing. There is basically a difference of opinion and one which I think is, perhaps in my mind, valid, and I would just like to pass it on to you.

Keep in mind what we are saying here is that the governor and the legislature would come back in December after they have been elected around the 7th of November. At that point we would be sworn in, and as well, the new governor would be sworn in. At the present time, as you know, this is done in January.

Now, what would transpire, of course, would be that, as the gentleman from East Millinocket has pointed out, recounts would not be finished. For some of you, as you well know, left over from the last trip around, we had recounts scheduled up to the 31st of December.

Now, let's assume that we were to arrive at a situation where you had an evenly divided body in either place, and one or two votes could mean the difference of who is going to organize the body. You could come in in December with 10 or 12 recounts which is the normal amount for legislative seats in the House alone, and if any of them were overturned, you could end up with a switch in political parties from the time December was here to the time you come back here in January to start your legislative business. That would create, in my mind, a real constitutional crisis and one that would be very very difficult to solve.

Second, keep in mind that under this proposal, the governor would take office in December rather than January. He would take office less than a month after his election at which time he would have to start screening individuals who want jobs to individuals who are interested in seeing him because they worked for him in a political campaign, and he would

be simply unable to solve the problem of doing any work at all on a new budget.

I think there are two things that we can do, and we can do it without this constitutional amendment if we believe in the philosophy that we ought to come and elect ourselves and then go home. We can do it under the present constitution. For example we could meet as we do on the first Wednesday of January; set a filing deadline of bills, January 25 let's pick as a date; we then go home; we let legislators introduce bills, and then we come back later to act on those bills.

The second thing we can do to solve the problem—and it will be a serious problem the next time we come in because we will have a new governor of one political party or the other, and he has to prepare a budget. That budget has got to be presented, by law—even though sometime we are sort of a little lax in this type of thing, but it has got to be done sometime in January. Perhaps that ought to be extended if we want to give a new governor an opportunity for him to really prepare his own program. He can do that much better if he doesn't have to start greeting politicians immediately on the second week of December. I think that if we could get ourselves involved in passing this constitutional amendment, we could be creating a constitutional crisis which bothers me to some degree.

As the bill came out of the State Government Committee, it was divided politically and it was divided in a pretty even split in terms of pro and con. So, I don't think that politics enters into it. Basically, it is an issue of whether or not this is something we ought to do. I guess at this time I have taken the position that it is not.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I thank the good gentleman from Eagle Lake for his kind comments. I agree that this is—politically, there is no difference. It is just



a matter of philosophy of whether this can or cannot be done.

I think that there are two questions that have come up, and one of them is on the basis of recounts. I am not convinced that the recount procedure cannot be speeded up. I don't think that the Secretary of State's office has ever hurried upon recounts, because I don't think it is necessary. I don't see any reason why recounts have to drag on through until the latter part of December. From what I can observe in other states, I think probably we have one of the slower recount procedures. I am not criticizing the Secretary of State's office in this, there is just no reason doing it. I think this one can be taken care of.

I am also got the opinion, as far as the governor is concerned—and I have talked this over with him, he briefly discussed this with us the other day—he didn't take a real position one way or the other on it. He said he personally would rather have more time off between the time of election and the time of inauguration.

It would seem to me, if I were in his place — and I don't ever expect to be — that I would like to have this time when I could sit down in the position of the governor to be able to discuss these problems with department heads and work on the budget in an official position before I had to present it. He is faced with the position of coming in the day the legislature is installed or inaugurated — the day that he is inaugurated and we are sworn in with having to present a budget in a very short time after that. It would seem to me a more logical process to do it the other way. But I think this is the philosophy of this bill, and I think you will have to in your minds make the decisions from there.

The SPEAKER: This is a Constitutional Amendment and a two-thirds vote of the House is necessary for final passage. All those in favor of final passage will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 68 having voted in the

negative, the Resolution failed final passage.

Sent to the Senate.

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

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

Tabled — May 22, by Mr. Kelleher of Bangor.

Pending — Motion by Mr. Garsoe of Cumberland to accept the Minority "Ought to pass" Report.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: This is the bill that we talked about yesterday in conjunction with the other real estate bill. This is a bill that has been put in at the request, as I understand, of the realtors. I am opposed to it.

The good gentleman from Cumberland, Mr. Garsoe, has an amendment here which waters it down some, but it still requires on or after January 1, 1976, that an applicant for examination as a licensed broker, in addition to meeting the requirements otherwise set forth in this section, shall have satisfactorily completed a program or course covering 30 credit hours with specialization in real estate. And, of course, that is an honest attempt I don't question to upgrade, and to have all brokers have at least 30 hours of college education.

Now, they upgrade the one-year requirement, as I said yesterday, that a salesman in Maine could take the exam and serve for one year, and then sit for a broker's license. Again, I dislike the two-year phase in this bill, because I feel that one year in the field, actively participating in the real estate business, is much better training than even the 30 hours in the college would be. And it doesn't cost the person anything.

The thing is that we are narrowing down the opportunity that a poorer person might have of getting into the real estate profession. I submit that there are many

many brokers in the state today who have never attended college and are a credit to the profession.

So, I would hope that you would vote against the acceptance of the minority report and accept the majority report.

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

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman's objections from Brewer to this measure are well taken and I think are taken fairly squarely on the issue. This is indeed a measure, I believe a moderate, thought out effort on the part of the industry to upgrade its practitioners. I would have to refer you to 1113, the original draft, to make you aware of what the intent of this is. It was based on model legislation that I introduced at the outset that we immediately began, through the members of the Maine Association of Real Estate Boards working with the University of Maine and with the real estate commissioners, in an effort to consult them, find the objections and modify the proposal to something that would be reasonable and again moderate and not hasty.

By the time the hearing came we had fairly well roughed out a suggested committee redraft. Due to my shortcomings and no one else's, it never did come through the committee and so the original bill was reported out and as I pointed out the other day, I would concur with the majority report of that. But I do have a House Amendment "B", if it is permitted to just touch on it, that if the minority report is accepted I would introduce. And this is, in some effects, a companion to the legislation that was passed yesterday, in that it sets up guidelines for the Real Estate Commission to put into effect to lead, hopefully, to the fact that one day this state will be able to offer a degree in the practice of real estate.

I would point out that although I am the sponsor, the supporters of this are represented in the Maine Association of Real Estate Boards, and I feel that I would

just like to give you a little background on how these people have conducted themselves. They have gone on their own pretty much in their own sphere of activity to upgrade the qualifications of their own membership.

A great deal of this is a consumer-oriented measure, aimed at eventually increasing the degree of expertise that will be exercised in this field that the consuming public, inasmuch as 75 percent of the real estate sales that take place in this state are handled by a broker or an agent, that this is something the public should be able to rely on.

The qualifications that are set forth in the proposal for the exam at this time concern themselves with a very slight expansion of the field of study that is presently required. But it is hoped that eventually these requirements would project themselves into the field of soil chemistry, surveying, awareness of the many and complex laws that have been placed on the books in this state and that we are addressing ourselves to here almost daily, that these would eventually be reflected in the preparation for anyone desiring to function as a real estate broker.

The argument that this is intended to keep out individuals, it is pretty hard to defend myself against it. If anyone feels that this is the motive behind it, I would just have to say that this has not been made apparent to me. I would merely point out the fact that this still allows an individual, without having to take any specific preparations for the exam as a salesman and we do increase this requirement under my amendment to two years as a salesman being eligible for the examination as a real estate broker. The University of Maine, as I said, has been working with them, they are ready to go, they have got, I believe, 24 hours set up right now that they would be able to move into. The Association of Realtors has indicated their intention to, if this can be done, participate in some of the funding of these programs. These are not resident programs of instruction, but would be conducted in the continuing education division

in the evening and summer courses. It is not visualized that someone would have to go into residence in a college.

I think basically, if you feel that when the state takes on the authority to license and regulate a field that they should assume some degree of responsibility in setting standards and criteria, I think I could urge you to give favorable consideration to the minority "ought to pass" report and put this on the books for the first step in bringing in what people have to leave the state for now, which is a degree in the practice of real estate. Connecticut and New York are the only areas around here that this can be done in. But they do have this opportunity. So I would like to ask your favorable consideration of this minority report.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I would pose one question through the Chair to the gentleman from Cumberland, Mr. Garsoe and ask him if he could possibly give us a somewhere in the ballpark figure of what he thinks it would cost for a person coming out of high school to obtain this degree in order to get a broker's license?

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

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: Well, if I understood the question, there is no question of a degree at this point. I wouldn't be able to answer that. But to the extent that this proposal today would affect an individual, it is my understanding that the current rate for credit hours at the University of Maine, which I will use for a rough figure, is \$25 an hour, it would indicate to me something in the vicinity of \$750 to comply with this amendment.

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

Mrs. McCORMICK: Mr. Speaker, could I have the Clerk read the Committee Report? It has been so many days since it was tabled.

Thereupon, the Report was read by the Clerk.

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

Mr. TIERNEY: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to the bill we have before us and in support of the majority "Ought not to pass" report.

This bill is not a companion bill to that excellent piece of legislation which we acted upon yesterday, which would have regulated the real estate schools. Indeed, it is quite distinct. I think the gentleman from Cumberland quite aptly put the point when he spoke of the philosophy behind this bill. Although the particular amendment we have is only 30 hours and the committee redraft was two years.

The original bill stated that the eventual goal was to create a four-year degree in the field of real estate before one could be allowed to become a broker in the state of Maine. And this is the general philosophy to which we address ourselves today and it is the philosophy which I reject. I feel that no matter what the motives might be, and I am sure the motives might well be quite laudible, the eventual effect of this type of legislation is to exclude people from the field of real estate and to exclude them on a discriminatory basis. It excludes the people who don't have the time to go to night courses; it excludes the people who can't afford the \$700 to take the course.

The state already is, because of action yesterday, going to regulate the schools. We already regulate the examination. I feel this is sufficient regulation and that any problems in the area can be taken care of. Because of this, I feel that this bill and all of its accompanying papers should be indefinitely postponed and I so move.

The SPEAKER: The gentleman from Durham, Mr. Tierney, moves the indefinite postponement of Bill "An Act Establishing Educational Requirements for Real Estate Brokers," House Paper 839, L. D. 1113, and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 93 having voted in the affirmative and 21 having voted in the negative, the motion did prevail. Sent up for concurrence.

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

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

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

Pending — Passage to be engrossed.

Mr. Dam of Skowhegan offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-429) was read by the Clerk.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: A question through the Chair. Would the gentleman from Skowhegan, Mr. Dam, explain what his amendment does?

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: What this amendment does is, under the present law, any school department can use substitute drivers for up to 10 days of any year without an examination and certification prior to the driver driving a school bus. Now the reason I had to put this in, I will explain that.

I served for quite a few years in the past on the school board. This last year I did not choose to run because I had too much to do. That is the only reason I am not on it now. But I have seen cases where substitute drivers are being used that are not qualified to drive. And in my opinion, if we allow this to go on for 10 days, you can multiply this by the number of children that these bus drivers are driving and you are putting quite a number of pupils in a very hazardous position.

In case anyone gets up and says that this is going to put a burden on small towns and on school boards, I am going to speak on that also. It will not, because the

school boards can have a roster of substitute drivers that are certified to operate and these will be available for them to call when they are needed. I did have one good comment on this from a gentleman in the State Police Department that this was something that was needed and he appreciated it going on the bill to strengthen the bill. I think this answers the question of Mr. Norris.

Thereupon, House Amendment "A" was adopted.

Mr. LaPointe of Portland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-445) was read by the Clerk.

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

Mr. LAPOINTE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to take this opportunity to explain the reasoning behind this particular amendment. Essentially, what it calls for is the very distinct distinction between the rural and urban transportation problems, relative to school children. I realize that this bill has had a very thorough hearing and it has been studied for a great length of time. However, we only got a copy of the new draft bill last week and I have taken the time to share it with some of the officials of the Greater Portland transit district and we considered some of the impact this particular bill would have in the Greater Portland area.

I would like to point out that there are some very definite distinctions between transportation for urban and rural school children. One of the distinctions that stands out most readily in my mind is the fact that the top speed in the urban areas is approximately 30 miles an hour and the need for yellow school buses with flashing lights is sort of minimized in that traffic is traveling at a rather slower rate than it is in the rural areas where the speed is sometimes 55 to 60 miles an hour.

I would also like to point out, and we checked this with the State Police, that the safety record in terms of collisions and fatalities

with the transit district buses is much much better than it is with the so-called yellow safer school buses. This particular bill, as it is written, would require the Greater Portland transit districts and other urban areas who have transit districts, such as Lewiston—Auburn area, they would be required to have on their transit buses, flashers, systems of mirrors and permissive legislation that would require stop arms.

I would like to point out to the members of the House this morning that urban transportation right now is under the financial crunch and the problem in the City of Portland, in the greater Portland area, rather, has been somewhat minimized as the result of a federal grant. But the whole problem of urban transportation in a city the size of Portland, Lewiston or Bangor is a serious problem. So I hope that you adopt this amendment.

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

Mr. WEBBER: Mr. Speaker and Ladies and Gentlemen of the House: Being on the Transportation Committee, we heard this bill this year and it had a good hearing. There were quite a few ladies and quite a few parents from the City of Portland there requesting that we put this on, pass this bill, to require these transits to have their buses painted and safety lights on them. Then, I think we gave them four years to do this. They have had four years to do it. So, Mr. Speaker and ladies and gentlemen, I will move indefinite postponement of this amendment.

The SPEAKER: The gentleman from Belfast, Mr. Webber, moves the indefinite postponement of House Amendment "B".

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I was of the misapprehension, I guess, that all school buses were now supposed to be painted yellow and have the flashing lights.

I would like to pose a question to anyone who could answer it. How many cities are now operating school buses that are not painted

yellow nor have the flashing lights?

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to any member who may answer if he or she wishes.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am very much opposed to this amendment for the simple reason that we remember back 10 or 12 years ago that we had a lot of small school busses that were being operated by individuals to haul 10 or 12 students or less. We were having accidents all over the state. Since that time, we have painted them all yellow or I believe mostly all yellow, I don't think there are any that can operate without it, I am not positive of that. But you find the accidents, we have reports come into the school board every once in a while and how they have dropped off.

I know when you are in these cities where these are, and it is hard to tell whether you are coming up behind a school bus or whether you were coming behind a bus. I hope you will go along with the indefinite postponement.

I speak for the children and the safety of Maine rather than any individual. I don't think that any cost of the transportation company can be compared with a child's life.

I hope you will go along with the indefinite postponement.

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

Mrs. McCORMICK: Mr. Speaker and Members of the House: In answer to Mr. Ross's question, I believe there is only three, and that is Portland, Lewiston-Auburn area, and Bangor.

The Portland Transit Authority did appear before this hearing. They said they really didn't want to paint them yellow at the present time, it would be a hardship. So, we did give them four years. They weren't too happy, but they said they could live with it.

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: Mr. LaPointe said that in some of the areas in town, yellow is not needed because the safety factor is more prevalent due to the lower speed limits. But the purpose of the yellow buses and the flashing lights is for people to stop behind the busses when they are letting out children, and under another colored bus, these people may not stop. I still think that the yellow buses and the flashing lights are very important. This has been under study for a while, and let's indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Keyte.

Mr. KEYTE: Mr. Speaker, Ladies and Gentlemen of the House: I believe that Portland is the only place that does not have yellow buses. Bangor, Husson College, they hire the buses, they have yellow buses. And after giving Portland four years, to 1977, to paint their buses, I think that we should indefinitely postpone this amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Belfast, Mr. Webber, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

91 having voted in the affirmative and 16 having voted in the negative, the motion did prevail.

Thereupon, 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 to Repeal the Seasonality Provisions of the Employment Security law" (H. P. 519) (L. D. 684) (C. "A" H-319)

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

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

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

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: For five years I have tried to get this archaic seasonality clause repealed from the Employment Security Commission. I would like to tell you why.

For too long there has been discrimination against some sections of our labor force. First it was men and women of another color, any color. Then it was labor in general, black, white, red or brown. Women, child workers and isolated defenseless groups were discriminated and exploited for many years. I am glad to say that common sense, education, organized labor and the inherent desire of most men to treat their fellowmen fairly has changed most of this.

A little later, far-sighted men and women realized that some kind of employment security was necessary. Experts went to work, and out of the thousands of hours of planning, meetings, debates and discussion, there emerged what we in Maine know as the Employment Security Act under the Maine Employment Security Commission.

Now this was a start, but there were too many exemptions. In the beginning all agricultural workers were exempt, then employers who employed five or less. Later this was changed to three. Last year, we eliminated the numerical exemption entirely.

There was one thing left that worked a great hardship on many of our workers and that was the seasonality group. certain employers were declared seasonal, because for some reason, they could not operate their business more than a certain number of months a year. Now this clause has been eliminated for most of our workers, but a few isolated and defenseless groups are still being discriminated against by this phase of the employment security set-up, and that is what this bill is all about, to correct this oversight for them.

I will be a little more specific. In my own area, which happens to be Aroostook, although both pay

unemployment insurance, employees of potato processing plants are under unemployment insurance, while potato house workers are not, but at the same time potato house workers frequently work more days per year than processing employees. Heavy construction workers are under unemployment insurance, but many of these, due to the cold and snow, are unable to work in the winter.

For many years, by law, sardine fishermen could not even fish from November 15 to March 15 and yet sardine workers have always been covered by unemployment insurance.

The potato house workers work long and hard hours. They have to get up at 5:00 a.m. to 6:00 a.m., and are at work at 7:00 a.m. working until 5:00 p.m. There is no goofing off; you are one man or one woman in a crew. Usually when one is not working, the rest of the crew cannot.

Some of these people would be eligible for welfare or A.D.C., but they want no part of this; yet, there is a point of endurance beyond which no worker will go.

Seasonality is not the real problem and threat to the fund that it is made out to be. Seasonal workers in the highest quarter make up less than 5 percent of the total private covered employment in the state. The real problem, and one that we probably will have to live with, from a financial standpoint is not the industries that operate only part of the year but rather the industries that have substantial seasonal fluctuations in employment but operate throughout the year. A medium size fluctuation in a company like S. D. Warren or similar industries can draw more from the fund in one year than all the seasonality groups could do in 20 years.

The seasonality law of unemployment is almost impossible to administer, and it is financially unfeasible. In the heavy industrial New England area Maine is the only state that has any type of seasonality law; and of 52 states in the nation, Maine is only 1 out of 13 that have any semblance of the seasonality law.

The employment security people who try to administer this seasonality law could spend their time in a more productive way; namely, checking flagrant violations or working on job placements.

Just for our information, I will read a few excerpts of the seasonality set-up in other states. Florida had seasonality until 1947. The Florida administrator said: "Our experience with seasonal limitations of benefits was extremely undesirable from the standpoint of the worker, the community, the employer, the industry, and from the standpoint of administering the statute. It was the most undesirable provision ever enacted in the Unemployment Compensation Law."

Louisiana: "... even though the seasonal provision restricted the payment of unemployment benefits, thereby creating worker ill-will toward employers concerned, the seasonal employer generally continued to experience the maximum tax rate despite the seasonal provision."

This bill had a unanimous report out of the committee, and it should pass. But I am not fooled by the fact that I can get it through. I have presented my case. I want you to know what I am thinking about. And some day it is going to be repealed, maybe not today.

Mr. Brown of Augusta requested permission to withdraw his motion to recede which was granted.

Thereupon, the same gentleman moved that the House insist.

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

Mr. EMERY: Mr. Speaker, I move that the House recede and concur, and I would speak to my motion, please.

The SPEAKER: The gentleman from Rockland, Mr. Emery, moves that the House recede and concur, which motion takes precedence over insisting.

The gentleman may proceed.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am in sympathy with many of the problems that the gentleman from Westfield recently mentioned.

However, I have received a great many pieces of mail and telephone calls from sardine packers that live in my area, and they are very much opposed to this bill, opposed to the committee amendment, and opposed to other amendments that have been offered.

The problem with the fishing industry, the sardine industry, is that this is a very seasonal occupation. In fact the number of fish that are available to process varies, not only from season to season, but from day to day. They feel that the requirement of a \$300 minimum for two different base periods would be a hardship, and they feel that many of them would not be able to meet these minimum standards in order to qualify for their unemployment compensation under the unemployment security law.

Therefore, I would urge the House to recede and concur with the Senate, which moved to indefinitely postpone this bill the other day. As I say this is a hardship on many of those engaged in packing sardines along the coast.

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

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: I am kind of sorry Mr. Emery brought up the question of sardine packers, because they are in a precarious position as of now; because they have been drawing unemployment security illegally for many years.

Now, that was due to the fact that they didn't have the staff or the information to make a true evaluation. They are now computerized. They are now in the process of reevaluating every industry in the state, and sardine packers, if this law is not repealed, are going to lose their unemployment insurance right now if nothing is done.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am also very sorry Mr. Emery had this to say, because it doesn't seem hardly fair that these seasonal laborers can't receive it when the employer pays in on every indi-

vidual one of them. If they can pay it in, why can't they take it out?

We have up in Aroostook County, some processing plants that work seven, eight months out of a year or less, maybe three or four days a week. Their employees can receive it, can receive the full amount, full benefits. The ones that work in the packing plants — the unemployment is paid on them, every individual payment was paid on them — can work anywhere from 10 to 11 months — I would say 10 to 10½ months — out of the year, six and seven days a week — lot of times it is seven days a week — and can not draw. I call this very unfair, and I think we should do something about it.

We know this is a lost cause. Mr. Good has worked hard on it, and I hate to see it go down the drain, but it is going down the drain, and it is not on account of our House here.

I want you to know that we from Aroostook County thank the House for the support on this bill. It is being lost in the other branch.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Rockland, Mr. Emery, has advanced as this argument for killing this bill that the sardine packers don't want it. I would suggest that if he took a survey from most of the seasonal employers that they probably wouldn't want it either.

Mr. Good is speaking on behalf of the employees of the seasonal industries, and I think I would go along with him that we should end this kind of discrimination and go along with the motion of Mr. Good.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Very unofficially, I rise to support the motion to recede and concur. I have a bill that is before Labor Committee that is there at the same time awaiting to see what we particularly do with this one.



I would like to explain a few things to you, and tell you why I share the concern that the representative Good has in this particular area. In my hand, I have a pamphlet that is put out by the Employment Security Commission which states how employment in seasonal industry affects unemployment insurance benefits.

Maine's industries are considered seasonal, and they go down, they say apples between October 10 and January 15; they all have a date on them. Instead of saying the entire agricultural industry and so forth, they say applesauce, beans, shelled beans, string beans, beets, blueberries, carrots, corn, dandelions, golden relish, green tomato relish, peas, peas in Aroostook County, potatoes, pumpkin, squash, succotash. They never once mentioned the cabbage growers in Cape Elizabeth or the market farmers in Cape Elizabeth or this area.

They talk about retail sale of frozen milk products. Now, frozen milk products are your Dairy Delights, this type of thing. It does not mention a regular ice cream place that might be out.

It talks about summer hotels, inns, and camps from April 15 to November 15: wash and bleach and dry and curing seamoss from May 15 to October 15; drive-in theaters and concessions at drive-in theaters from April 1 to November 1; summer shows as carnivals, amusement rides, a museum parks from April 15 to September 15 and so forth.

Well, my particular bill would take and put it into the total number of consecutive days that anybody is open in any particular season as to whether it would be determined to be seasonal or not.

As soon as this came out and the seasonal employees got involved with paying unemployment compensation — I am not opposed to paying it, I don't mind paying it, I pay it on my employees — let me tell you how I have to pay it, who is eligible and who is not. My rate happens to be the lowest rate at 2 and 2.0, and most of them are. But in my own particular resort, my chambermaids

would be exempt from this because of the hotel provision, as such, and my chambermaids would be working from the 1st of April to probably around the 1st of November, and yet they would be exempt. My drive-in restaurant, which would be open only maybe 8-10 weeks, would not be. The same with my gift shop, which would be open about the same amount of time or the people that work on my beach. Therefore, as you look at the whole thing of seasonality, it is just a mishmash.

Now, if you look at the particular bill as to who would be able to qualify and who wouldn't, when the federal law came out and we had to comply with it, I posed a question over here to the Employment Security Commission if students that I hired that got through as of Labor Day would be eligible for unemployment benefits while they were also going to school? And quite frankly, I could not get an answer. Nobody would answer it. The more I pressed and pressed — I finally got somebody to admit that yes, they would be; but they probably wouldn't be because they wouldn't be eligible.

I asked them in my particular school district, which is on double sessions, if a student got out of school at noontime, which they do, and said that he went and asked for a job and said he was eligible to work from one o'clock on, if this wouldn't make him eligible for work? They finally admitted that it would, but that we didn't have that many students in the State of Maine that might be eligible to work that many hours in a course of a day and still go to school. But my question still was would he be eligible for unemployment, and they finally said, yes, he would be, that a student could still be in school and still draw unemployment in this state.

I also asked him if I laid him off Labor Day, because he was going off to school or because business just dropped right off and we closed, and he came back the following spring and asked me for a job and I hadn't been that really satisfied with his work, and I said, no, I think you ought to find work somewhere else, if he would be

eligible to draw unemployment that summer, and the answer was yes; that if I did not take him back, that it would be yes. Therefore, I would have to be in a position of firing that kid at the end of the summer rather than just laying him off or letting him go back to school on his own, because as his former employer, I no longer want him, and therefore, the job is not created and it puts him out on the market.

I do agree with the gentleman from Westfield that there is a great number of inequities, but I do not think that this answers it. It just opens the door up to more seasonal employees who will come in and a lot of people come to me, they just want to work enough to get — and in here it is going to be even greater — \$200 in his base period and total wages of \$600 and \$200 for the insured work in each of two different quarters. \$200 is not too much to earn today and then be able to put an awful burden on all the seasonal employers in this state if this bill should happen to pass.

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

A vote of the House was taken.

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

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

Mr. Kelleher of Bangor requested a vote on the motion.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I hope you will vote against the motion to insist so we can insist and ask for a Committee of Conference. The reason for this is that we understand there is one member who is working hard against this, that we may with some explaining and hard work,

we may convince him to take this, so that this bill still could be passed.

This bill really and truly needs passing in the State of Maine and it is discriminating against people who work long and hard hours, and it is discriminating against the employer who pays his full amount of money in. If they were not being paid, that is one thing, but they have just as much right to withdraw this as anyone in the State of Maine. I hope you will vote against the motion to insist.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I do not think that one injustice is going to help if we have a second one added to it. There is certainly going to be discriminating against the seasonal workers if this isn't indefinitely postponed somewhere along the line.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Brown, that the House insist. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

15 having voted in the affirmative and 99 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to insist and ask for a Committee of Conference.

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

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

Tabled — May 23, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Tuesday, May 29.

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

Bill "An Act Relating to Duration of Teachers' Contracts" (H. P. 834) (L. D. 1093) (S. "B" S-140) (H. "A" H-144).

Tabled — May 23, by Mr. Shute of Stockton Springs.

Pending — Passage to be enacted.

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

Mr. SHUTE: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday, I had this item tabled because I noticed that one of the House Amendments to the bill was absent from the calendar. But I have since found out there was just an error in publishing and I see it is back on the calendar today.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I would ask for a roll call on this particular bill and I would like to call attention to the people of the House that before you have a bill that — quite frankly, I am not going to debate the master bill. I am going to debate how this particular bill was handled and I am in total disagreement with it. I think it is — I hate to use the word "shabby" but I guess that is just exactly what it is.

It is a bill that went through here under one title, went to the other body, was on the Appropriations Table and came back off the Appropriations Table with an amendment on it that even changed the title and came through with a new draft. And that is just exactly what you are passing today under enactment. I happened to support the particular bill, after reading it, but I would ask for a roll call.

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

Mr. BITHER: Mr. Speaker, Ladies and Gentlemen of the House: I do not call this a shabby trick at all. It wasn't meant to be a shabby deal. I will admit that this is sort of an "end run," but it is certainly not shabby. And I am very, very sorry that our majority

leader put that up this way, because here is what happened to this bill. I think he perhaps has told you. This is a good bill.

This is a bill that the gentle lady from Mattawamkeag sponsored and it was a mandatory retirement for teachers. It went through this House, we had a good hearing on it. It didn't go into effect until 1976. There was no money involved. But you know what happens when the actuaries get a hold of this bill. The word "retirement" and it goes to the actuaries — don't ask me what happened, I can't tell you what happened, but I will tell you the unfortunate story about it.

They stuck a figure on there — just ridiculous — \$1,700,000 a year. Now in the first place, 1973 it wasn't going into effect, 1974 it wasn't going into effect, yet both those years there was a figure of \$1,700,000. If anyone is responsible for this shabby trick here — shoddy trick or shabby trick — it is myself, and I didn't plan it that way. I really planned an "end run" and I thought maybe, I might get away with it, I hoped I would get away with it because this is a good bill.

We took that same bill and re-wrote it, as you see here, an act relating to teacher contracts. Nowhere do we mention retirement, but this accomplishes exactly the same thing. I have talked with the Commissioner of Education about this, and he was in favor of this bill right from the first. I will admit that this reads a little different, but the whole intent is to try and get this out of the hands of the actuaries. That is not a shabby trick. It is a darn good thing to do. And I am sorry that the gentleman from Standish mentioned it that way because this is a good bill — I don't know whether he made a motion on this or not.

I hope that you folks will vote for this bill. I have talked to a lot of teachers; they are for it. Some of our older teachers may not be, I will admit. But this doesn't go into effect until 1975 and they will have some little time to prepare for their retirement or for their lack of tenure, shall I say, I am sorry I mentioned that retirement.

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: I would just like to concur with the remarks of the gentleman from Houlton, Mr. Bither. This Senate Amendment has strictly the same intent as the original bill that the gentlewoman from Mattawamkeag introduced, and what the bill does, it doesn't put people out of jobs automatically. It requires that between the age of 65 and 70 that teachers renew their contract annually, that each school board if they wanted to allow a teacher to stay on, could, but they would have to do it through an annual contract. And that is what the bill deals with. So I hope that you will vote to enact this bill today.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: Inasmuch as I heard the word retirement, I thought I would like to ask Mr. Bither, from Houlton, a question. If the bill had a million and a half dollars on it before, but this new bill, a rewrite, accomplishes the same thing. I think that I would like to know a little bit more about this magic of rewriting. If I could only manage some of my affairs up home that way, I would be very much interested. What happened to the million and a half dollars if you accomplish the same thing - no money this time?

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

Mr. BITHER: Mr. Speaker, where it does not mention retirement, I hope it does not go to the actuary and we hope there is no money attached whatsoever to this. There shouldn't have been in the first place. That is the whole point. It is just not reasonable.

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 passage to be enacted of L. D. 1093. All in favor of passage to be enacted will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Bunker, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Emery, D. F.; Farley, Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Fraser, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Herrick, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kelley, Kelley, R. P.; Keyte, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Martin, Maxwell, McCormick, McHenry, McKernan, McMahan, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulhern, Murchison, Murray, Najarian, Norris, Palmer, Parks, Perkins, Peterson, Pontbriand, Pratt, Rolde, Rollins, Ross, Santoro, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproul, Susi, Talbot, Theriault, Tierney, Trask, Tyndale, Webber, Wheeler, White, Willard, Wood, M. E.

NAY — Bustin, Connolly, Hamblen, Henley, Kelleher, Kilroy, Shaw, Shute.

ABSENT — Brown, Cooney, Davis, Deshaies, Evans, Flynn, Gahagan, Gauthier, Good, Kauffman, Mahany, O'Brien, Ricker, Shetra, Soulas, Stillings, Strout, Tanguay, Trumbull, Walker, Whitzell.

Yes, 120; No, 8; Absent, 22.

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

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

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

Joint Order Relative to Consumers (H. P. 1534)

Tabled - May 23, by Mr. Sproul of Augusta.

Pending - Passage.

Thereupon, the Joint Order received passage and was sent up for concurrence.

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

Joint Order Relative to Computers (H. P. 1535)

Tabled - May 23, by Mr. Ross of Bath.

Pending - Passage.

Thereupon, the Joint Order received passage and was sent up for concurrence.

The Chair laid before the House the eleventh 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 23, by Mr. Simpson of Standish.

Pending - Acceptance of Committee Report.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: The fishing industry in Maine, long regarded as the backbone of our coastal economy, may soon be facing a crisis and a crossroad. Will its future be bright? Will it grow and prosper and provide a good living for the thousands of Maine families who follow the sea or will it falter and fade due to neglect and lack of direction? The choice is ours to make.

If this important industry is to survive the rigors of our modern society, then serious thought and consideration must be given to three general aspects — research, conservation and management of our marine resources, modern marketing and promotion of our

sea products, and the encouragement of cooperation among fishermen and with the Department of Sea and Shore Fisheries for their mutual benefit.

The Maine fisherman has traditionally been the symbol of Yankee independence. He is known as a man who can take care of himself and who doesn't meddle in anyone else's business and expects the same in return. Unfortunately, this outlook has not always served the best interests of the Maine fisherman. There are numerous accounts of lobster wars and clam wars along the coast, usually the result of town rivalries. Wardens, biologists, and even commissioners are looked upon with suspicion and dislike. Almost every attempt at conservation and uniform management has been thwarted because the principals were unable to find a mutually acceptable plan of action. In short, internal cooperation, an essential element in any successful endeavor, has been almost totally lacking.

One aspect requiring our attention is conservation and management. In my opinion, this is the most important of all, because on it rests the very existence of the commercial species themselves. Lobsters, clams, and herring, to name a few, have become increasingly more scarce in recent years. This is due to several reasons, basically, however, to pollution and to over-fishing. If we are to protect our commercial fisheries from the several threats that face them, we must enact meaningful legislation designed to promote sound conservation and management practices. We are going to have to realize that our traditional methods may not be adaptable to today's increased demands for seafood and, indeed, may well be harmful to the future of the industry.

Several proposals, many of them radically new and controversial, have been aired in recent weeks. Public interest has been great. Unfortunately, however, too many people have been tempted to react negatively to the expressed concern of many legislators and

others. Any proposals that may hold promise for the future have received violent criticism from the fishermen and from others associated with the industry. If anything of a constructive nature is to be accomplished on behalf of the Maine fishing industry, then some measure of cooperation must be achieved between the fishermen and the legislature, and the Department of Sea and Shore Fisheries.

Cooperation infers active participation in identifying problems and in drafting necessary legislation to correct them. It demands open-mindedness from all sides and a true spirit of trust between all parties involved.

L. D. 1076, "An Act to Promote the Conservation and Management of Maine's Shellfish Resources," represents a radical departure from our traditional methods of shellfish management. For this reason, it has been very controversial and often misunderstood.

I firmly believe that Maine's shellfish industry is at a crossroad and could go in either direction. It could either prosper or fail in the near future depending upon our attitudes and our ability to solve problems.

The report before us today from the Committee on Marine Resources recommends that this bill be referred to the special session or to the 107th Legislature. Realizing the controversial nature of this bill and knowing that the Committee on Marine Resources intends to study this matter during the summer and fall, I will reluctantly accept the committee's decision. However, it is my intention to work for its passage in some form when it next appears before us.

Mr. Speaker, I now move acceptance of the committee report, "Refer to the Next Session of the Legislature."

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

The Chair laid before the House the twelfth 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 23, by Mr. Simpson of Standish.

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

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Natural Resources Committee who signed the unanimous "ought to pass" report on this bill, I rise to oppose the motion to reconsider. I do this despite the fact that I have a great degree of admiration and respect for the gentleman from Augusta who is the sponsor of this amendment.

I would like to give you just a bit of the history behind this bill and our reasons for wanting it to go through as presented to you by the Natural Resources Committee. Since January, our committee has received a number of bills seeking to revise in some way the municipal land subdivision laws. Those have had a great deal of consideration over a period of several weeks; as a matter of fact, about ten weeks. They have been drafted and redrafted. We have worked on them, and finally we came out with this redraft which you have before you and which the gentleman from Augusta seeks to amend.

I want to assure you that the amendments which are on your desk this morning, which we would consider should we reconsider this bill, have all been considered by the Committee on Natural Resources at one time or another during this past winter, and for many reasons, we found that we did not want them in the new land subdivision law.

I want to also say that the work which you have before you in the redraft has required a great deal of work on the part of 13 committee members and the Attorney General's Department and many many others. We have heard from home builders and developers, we

have heard from people who are strict environmentalists, we have heard from those in all walks of life. Each have presented their view; when out of all of this, we came up with what we think is the best that can be done at the present time.

We also want to remind all the members of this House that we hope there will be an interim study commission of all of our environmental laws, at which time this, among other laws, would be considered and all viewpoints considered once again as to areas in which we can make changes which would make it more beneficial not only to the builder, the developer but to the community and to the buyer. So we hope that you will refuse the motion to reconsider the action whereby we accepted this report.

I want to take just one or two more minutes, and I will be very brief, just to summarize this thing. In the bill which you have before you, we made a great deal of changes, many of them very beneficial to the home builder and the developer. Many of the things that we heard about during the winter which came directly from Maine citizens who were concerned about the land subdivision law were things like these: For example, that you couldn't even — that if you had an inheritance or a devise of some kind, that it was this land subdivision.

The law before you now—the bill before you now exempts land from subdivision which is transferred by inheritance, by order of the court, by gift to a relative or land which is used for the subdivider's own use for a period of five years —exempts lots of 40 acres or more.

It also does a great deal of benefit to the public, too, for we have a clearer understanding of what a subdivision really is. It requires a public hearing on municipal subdivision regulations, requires municipalities to keep written records of its decisions, requires notice of public hearings.

There are many many more things written in this bill which make it much more effective than the existing law, and I assure you it has had many many hours of

consideration. If you need further proof that this has had much consideration, if you need further proof that we have really tried to do a job for all segments of society, I would like to remind you of this — and I am sure people in the Natural Resources Committee will concur — that any time you see the name of the representative from Caribou, Mr. Briggs, on the same report; the name of the gentleman from Nobleboro, Mr. Palmer, on this legislation, you may be very sure that it was considered both from the environmental as well as the economic viewpoint of all concerned.

Now, I would almost say that we had arrived on this bill at that state of euphoria which the prophet, Isaiah, must have been thinking about when he said, "that the wolf also shall dwell with the lamb and the leopard shall lie down with the kid." This is how we feel about this bill, and we hope that you will not reconsider.

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

Mr. SIMPSON: Mr Speaker and Ladies and Gentlemen of the House: L. D. 1943 is a redraft of a bill that I put in. I would say that I would like to really commend the committee on a job that I know what they had a very hard job to do. We had spent a considerable amount of time with the particular bill before we put it in. I would have to say that the original bill that I introduced was my own thinking. I did not represent anybody else's views other than the fact that the original subdivision bill that was introduced and passed in the 105th was mine.

After the introduction of it, there were many problems that arose because of different things that the gentleman from Nobleboro just stated, especially the use of the word "convey" as well as some other items.

However, I do feel that even in the redraft, though, there are a couple of things that still are vague that I am afraid that are going — that just possibly can get us right back in the same court decisions that we are in now. One

is the fact that the definition of a lot has been determined to mean a — well, such as a condominium or a shopping center. In other words, they are saying that a building is the definition of a lot. Now, a lot is a piece of land, and a piece of land is described by metes and bounds and that is just about as simple as it can be done in real estate law or any other type of law.

When you start to say that a condominium is a lot or when you say a shopping center is a lot, I will tell you that you are going to be faced with this in the courts and this subdivision thing will be tied right up again and I am afraid hamstrung.

At the same time, they have ruled that an apartment house is not. Now, if that is the case, you could go out here — and we are talking about a site location law which is talking 60,000 square feet of ground floor or a building or piece of land more than 20 acres. Therefore, I could go out on a small piece of land and I could build an apartment house and go in the air 20 stories with it and still not be classified as a subdivision; and yet, I could go out and build a small shopping center and it would be because of the Attorney General's opinion. So I do believe that we should really seriously consider what is going to be the definition of a lot.

I also feel that if you read under the definition number one, "A subdivision is a division of a tract or parcel of land into 3 or more lots within any 5-year period, whether accomplished by sale, lease —" That was important to be put in there but now they have added these words: "—development, building or otherwise, except when the division is accomplished by inheritance—" and so forth and so forth.

Now, the way I would interpret that — and I believe that many attorneys have, too, including some out of the Attorney General's office — that those words "building, development," a farmer could have a piece of land out here, he could have a farm on it and he could then build two structures because that is building, without any

sale whatsoever, and that building would then constitute a subdivision for the fact that he has built two structures. So that is, I believe, what the amendment is trying to accomplish.

I in no way want to infer that I think that the committee did not do a good job. I know they have had an awful hard job wrestling this out and trying to come out with a compromise that would be suitable to everybody. But I just hope that if we go along with what they did, that we don't have to come back here again because of court cases that we might be able to take care of in an amendment right now.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Members of the House: I just want to clarify one point. I did speak this morning to the Attorney General or to one of the attorneys general, assistant attorneys general, about this very point which the gentleman from Standish has brought up, and in no way did he ever make the statement that a farmer couldn't build two or three houses on his land and still come under this guise of a subdivision. In fact, the new law states very clearly that in determining whether a parcel of land is divided into three or more lots, land retained by the subdivider for his own use as a single family residence for a period of at least five years shall not be included.

Also, it was pointed out that if perhaps he wanted to build three he could build twelve houses, he can build twelve outbuildings to his single family residence and there will be no subdivision. But naturally, were he to build three houses on his land or three cottages on his shore, he has subdivided.

I would also say, in conclusion, that I wouldn't be so foolish as to say that any bill ever passed by this House was in such good shape that it will never be tested in a court of law. This probably will be, and I am sure any other bills we have passed this session may be in the same condition. But I say to you it is the best work



of a long, arduous winter of this committee that we can find, and I feel now to try to jig it in some way will destroy the effectiveness of it; and if it has done something wrong, I am sure that in the next two years we can correct those minor errors.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Sproul, that the House reconsider its action whereby it passed L. D. 1943 to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 18 having voted in the affirmative and 86 having voted in the negative, the motion did not prevail.

The Chair laid before the House the thirteenth 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 23, by Mr. Simpson of Standish.

Pending - Motion by Mr. Dam of Skowhegan to indefinitely postpone Senate Amendment "A" (S-121).

Thereupon, Senate Amendment "A" was indefinitely postponed on non-concurrence.

Mr. Dam of Skowhegan offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-425) was read by the Clerk.

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

Mr. EMERY: Mr. Speaker, I now move the indefinite postponement of House Amendment "B" and I would speak to my motion.

The SPEAKER: The gentleman from Rockland, Mr. Emery, moves the indefinite postponement of House Amendment "B".

The gentleman may proceed.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: If you will look at L. D. 1725, which was introduced by the gentleman from Skowhegan, Mr. Dam, you will notice a marked similarity between that bill and House Amendment "B." The

reason for this, evidently, is because the gentleman from Skowhegan felt that probably since he couldn't get L. D. 1725 through the Committee on Legal Affairs when the bill was heard before our committee, he tried the amendment route.

We gave this bill a unanimous "ought not to pass" report in Legal Affairs Committee; and, therefore, I feel that we ought to go along with the committee's unanimous decision and indefinitely postpone this amendment.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: As my good friend, Mr. Emery, has so aptly put it, this is not the reason at all; and since he has mentioned the other L. D. that you had before you that came out unanimous "ought not to pass," I did mention this at one time prior on the floor of the House.

At that hearing on that bill, two selectmen from the Town of Solon appeared and one gentleman that has a very nice job of doing what, nobody knows, working for the federal government.

Now, when this was presented originally, the only thing that was intended was to put the planning board back into the statutes so that municipalities could have some guidelines to follow in the composition of a planning board. That is the only reason for it appearing in here now, because we had the Senate amendment that tried to amend the planning board section of the law and put restrictions on a municipality under the savings provision of the statutes; and if we are going to have these amendments coming in to limit memberships on planning boards, then there should be something in the statutes to take care of the composition of planning boards.

Now, this can work both ways. It can work in favor of developers, depending on the people of the municipality, or it can work in favor of the officers and the planning board of the municipality, again depending on the people, and the people being the legislative body. But as it stands now with nothing

in the statutes pertaining to guidelines for setting up planning boards, one town can have a two-member planning board, another town can have a sixteen-member planning board, and you could go to an unlimited number.

The only objection to the other bill was, one part, Section E, if I remember right, which said that no municipal officer could serve as a member of the planning board or an associate member. That was the only objection. There was nothing else objectionable in that bill. That was taken out.

There is an amendment, Amendment "A" that is on here that I think does the same thing, with the exception of the Senate Amendment we indefinitely postponed just now. They wanted to limit everyone, so no one from a municipality, if they were associated, could serve on a planning board. This was wrong.

As far as this amendment is concerned, this will set up guidelines. It does not say a municipality shall have a planning board. I had some people come to me yesterday and say to me — in fact, Maine Municipal, John Salisbury said to me, "I would not oppose this amendment if you took out the word where it says a municipality 'may establish' a planning board and put in the words 'shall establish'." But it is not my intention to stand here and impose restrictions upon municipalities.

I think these people in the towns, the people who go to town meetings or council meetings, or the people who served on the various boards in municipalities have got just as much intelligence as we have got here in this House. All this does is set up guidelines and it says they may do this. And if they do establish a planning board, it sets up the criteria for the establishment, and it takes the confusion out that exists now.

Some towns are voting out planning boards and other towns are enacting new planning boards under different guidelines as it suits the trend. But this would take out all confusion and make it uniform over the state in the case of a municipality establishing a planning board. This amendment does

that and also strikes out the part, the objectionable part, where no employee of a town or a school administrative district or a school committee could serve on a planning board, which I thought was very restrictive.

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

Mr. EMERY: Mr. Speaker and Members of the House: It was the feeling of the Legal Affairs Committee, when L. D. 1725 was head, that this was a matter of home rule. We have granted home rule to the municipalities. Therefore, we do not feel it is right to abridge that home rule provision by setting down unnecessary guidelines such as this bill would do.

The gentleman from Skowhegan is correct when he says that the municipality may have a planning board of any size, but they may have a town council of any size, too. And I don't see that this is really any business of the legislature now that it has adopted home rule. Let's let the municipalities establish whatever planning boards they want. I doubt very much if you will see a planning board of 350 members, so again I would ask you to support the motion for indefinite postponement.

This bill was heard before the Legal Affairs Committee a month or so ago. It received a unanimous "ought not to pass" report, and I don't think it is the proper thing to do to reintroduce a bill under the guise of an amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Belfast, Mr. Weber, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken

57 having voted in the affirmative and 35 having voted in the negative, the motion did prevail.

On motion of Mr. Emery of Rockland, the rules were suspended for the purpose of reconsideration.

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

Mr. EMERY: Mr. Speaker, I now move we reconsider our action whereby we adopted House Amendment "A" under filing number 349.

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

A vote of the House was taken.

49 having voted in the affirmative and 35 having voted in the negative, the motion did prevail.

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

Mr. EMERY: Mr. Speaker, I now move the indefinite postponement of House Amendment "A" H-349 and would speak very briefly to my motion.

The SPEAKER: The gentleman from Rockland, Mr. Emery, moves the indefinite postponement of House Amendment "A".

The gentleman may proceed.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment was also offered by the gentleman from Skowhegan, Mr. Dam, a short time ago. It does accomplish essentially two things, one of which I am in total agreement with. It would provide for a deputy moderator to assist the moderator at a town meeting. This part I have absolutely no objection to. The part that I question is the first section of the amendment that would repeal Sections 1 and 2 of the bill which refer to two minor inconsistencies in Title 20.

The gentleman from Skowhegan indicated to me at the time he offered this amendment that he did not feel that a municipal omnibus bill was a proper place to offer amendments to Title 20, which relates to schools. However, these two amendments are rather trivial. They had a complete hearing before the Committee on Legal Affairs, and we see absolutely no reason why these two rather trivial amendments, one of which merely renumbers a section, should be deleted from L. D. 1454. I would ask you to support the motion for indefinite postponement of House Amendment "A".

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I might agree with the gentleman from Rockland in reference to Section 1 of L. D. 1454, but he did not tell us what Section 2 does, which does repeal the law that was passed in 1971 and is now part of Chapter 11. I wonder if he could tell us what this particular thing is repealing.

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

Mr. EMERY: Mr. Speaker and Members of the House: To answer the gentleman's question, it doesn't repeal anything of great value. It merely strikes out the words "regardless of population notwithstanding in any other provision of the statute." This refers to Title 21, Section 631, Subsection 3, which relates to registration of voters for the district budget meeting.

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

Mr. DAM: Mr. Speaker and Members of the House: It seems kind of odd to me that today this tactic is being taken when the other day we adopted this amendment without question.

Now, what this does, this is an act clarifying certain municipal laws, the title of the bill. All right. As far as Title 30 is concerned, this is all right. But the first two sections refer to Title 20, which is educational law. This, in my opinion, should come under the errors and inconsistencies bill when it comes out from the Education Committee and it should be corrected in there.

The other thing that bothers me, and it bothered me at the time was, in Section 2 — that was why that was taken out — was in regard to the registration of voters. At that time we were still playing around with the election laws, title 21, so there was no telling what would come out at that time as far as the election laws were concerned. As it stands now in school district elections, as far as the budget meeting is concerned, the day of the election the town clerks will deliver to the secretary of the SAD, which is usually the superintendent, the 35 voting lists

of the various member municipalities and these will be used as a checkoff system at the budget meeting. This worked very well.

If there is anything to be done in Title 21, if we change this in any way, and the reason the words "regardless of population notwithstanding any other provisions of the statutes," in the last session of the legislature when I put this amendment in, I had to table the bill and take it back and have these words put in because that was the feeling of the department that this should be in so there would be no question as far as population of the communities was concerned, but we would use that section as a guideline for budget meetings all over the state. It has worked well. And this can be done as I explained to Mr. Emery prior to doing this, and there was no objection from Mr. Emery prior to doing this and it can be done when the errors and inconsistencies bill is taken on education.

As far as the second part, he may appoint a deputy moderator to assist him. If you have a large town meeting, many times one man, it is almost impossible for him to handle it. He has other duties to perform and he would have an assistant.

Very vaguely in the statutes you can find reasons to say that this is allowed now, and you can also find reasons to say that it is not allowed. And I can recall a little meeting that the Somerset Municipal Association had back about two months ago in the Town of Norridgewock, and they got a long-haired fellow down there — I don't think he is a resident of the State of Maine but he seems to be quite an authority of Maine law, especially law — and at that meeting he questioned the town clerk from the Town of Skowhegan. Well, I am very proud to be able to stand here and be able to tell you people that the town clerk of the Town of Skowhegan is only one of three certified town clerks in the United States and she is now in Nevada attending a convention. But she brought this so-called from MMA to his knees by her argument on this. But if you have got to argue this point

every time prior to a town meeting or immediately after to see if you had a town meeting that was held and was valid, then there should be something in the statutes to take away this vagueness. This is what this did where it said "and may appoint a deputy moderator to assist him."

As far as the other two sections, this can be done and done in any way that Mr. Emery would like under Title 20, where this belongs, and not in Title 30.

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

Mr. EMERY: Mr. Speaker and Members of the House: As I explained, I have absolutely no objection to the provision to appoint a deputy moderator. I would say that I think that that matter should be the subject for another piece of legislation since it did not appear in the original. It is a change that might involve some expense to municipalities and although I am not opposed to it, I certainly am opposed to the idea of combining this amendment, which may be desirable, with the proposed repeal of the two sections in Title 20, which, in my opinion, is not desirable. Therefore, Mr. Speaker, I would hope that you ladies and gentlemen of this House would support the motion for indefinite postponement, and if the gentleman from Skowhegan wishes to offer his deputy moderator amendment tomorrow, I would be perfectly willing to table the bill, after this amendment is indefinitely postponed, so he will have the opportunity to do that.

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Emery, to indefinitely postpone House Amendment "A". The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. MARTIN: Mr. Speaker, I move this item lie on the table one legislative day.

Thereupon, Mr. Dam of Skowhegan requested a vote.

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

Mr. FINEMORE: Mr. Speaker, I would like to table it for two legislative days.

Thereupon, Mr. D a m o f Skowhegan requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that this matter be tabled pending passage to be engrossed and specially assigned for Tuesday, May 29. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken, 61 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

The Chair laid before the House the following matter:

Bill "An Act Repealing the Bank Stock Tax" (H. P. 1491) (L. D. 1919) which was tabled earlier in the day and later today assigned.

On motion of Mr. Cooney of Sabattus, the House voted to recede from the Adoption of House Amendment "B", as amended by House Amendment "A".

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

House Amendment "B" to House Amendment "B" (H-446) was read

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

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

Mr. Carey of Waterville was granted unanimous consent to address the House.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: You have seen our Pages have to carry some of the newspapers that are brought through this place. They are here to deliver documents to us, notes, and whatever amendments and stuff that we need.

For instance, I picked up my K.J. in my mailbox, and I picked up my Bangor Daily News in the mailbox. I certainly would hope that the Speaker would use his influence in seeing to it that Church World rather than being distributed on the desks would be delivered in the boxes. But more particularly, I would certainly hope that the Speaker would use his influence to make sure that this rag called The Maine Times is delivered in the boxes so that I may be able to keep from having to undignify my desk with it by being able to drop it in the waste can before I get into the House.

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.