

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, May 25, 1973

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

Prayer by Father Ray Laframboise of Sabattus.

The journal of yesterday was read and approved.

Order Out of Order

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

ORDERED, that John Horsman of Auburn be appointed Honorary Page for today.

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

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 633)

ORDERED, the House concurring, that Resolve Providing a Deceased Member of the Maine State Retirement System with a Minimum of 10 Years Creditable Service, Senate Paper 503, Legislative Document 1587, be recalled from the Legislative files to the Senate.

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would move passage of this order and I would like to speak briefly on it.

This order refers to the retirement benefits for the widow and adopted children of Larry Eaton, a math teacher in Boothbay Harbor High School. Larry was a dearly beloved teacher in town. He was respected by the parents and loved by the children and he had an unfortunate fatal accident this last winter.

Whereas the deceased member, Larry Eaton, had in excess of nine years and four months of creditable teaching service at the time of his death and had completed over 13 years of teaching in the State of Maine, and the deceased member's surviving spouse is Hel-

en Eaton, who has two children less than 18 years of age.

As shown in the bill, Mr. Eaton actually had 13 years of service in the education field. After four years at the Higgins Classical Institute, he interrupted his teaching career in order that he might himself improve his own teaching skills. Because of this dedicated effort, he deprived his heirs of continuity in the Retirement System. In spite of this, however, he did have nine years and four months of continuous service in the Boothbay Harbor High School at the time of his tragic death.

For this nine years and four months period, he had regularly paid in 5 percent of his gross income, as outlined in our statutes. Had Mr. Eaton lived, he would have been required to pay another six months or a total of \$243 to have his family legally qualified for the \$100 a month pension.

Mr. Eaton, as far as I have been able to determine, left no assets, and his wife and children are in a precarious financial position.

The other body voted overwhelmingly to bring the bill back from the legislative files, and I ask for your support of this order.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I do not rise to oppose this. I just want to continue a bit more the explanation of my friend, Mr. Kelley. Of course, by bringing this order back, it does not guarantee its passage, but it does guarantee that it will get a second chance.

A member of the other body wanted it brought back because of the fact that unavoidably he was absent at the time of the bill going through the process. So I will in no way object to bringing the resolve back as a courtesy. I will vote for the resolve, to bring it back to the Senate Chambers.

The SPEAKER: The Chair will order a vote. This requires a two-thirds affirmative vote of the members present and voting. All in favor of this Order receiving passage in concurrence will vote yes; those opposed will vote no.

A vote of the House was taken. 96 having voted in the affirmative and none having voted in the negative, the Order received passage in concurrence.

Reports of Committees Ought to Pass

Committee on State Government on Bill "An Act to Create a Department of Conservation" (S. P. 465) (L. D. 1521) reporting "Ought to pass"

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-163).

In the House, the Report was read and accepted in concurrence, and the Bill read once. Senate Amendment "A" (S-163) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading the next legislative day.

Ought to Pass with Committee Amendment Tabled and Assigned

Committee on Education on Bill "An Act Establishing the Maine State Student Incentive Grants Program" (S. P. 539) (L. D. 1758) reporting "Ought to pass" as amended by Committee Amendment "A" (S-153)

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

In the House, the Report was read.

(On motion of Mr. Jalbert of Lewiston, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, May 30.)

Committee on Public Lands on Resolve to Develop a Comprehensive Development Concept for Maine Mountain Areas and Provide Funds for a Preliminary Plan (S. P. 542) (L. D. 1694) reporting "Ought to pass" as amended by Committee Amendment "A" (S-151)

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

In the House, the Report was read and accepted in concurrence and the Resolve read once. Committee Amendment "A" (S-151) was read by the Clerk and adopted in concurrence and the Resolve assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on State Government on Bill "An Act to Create the Department of Business Regulation" (S. P. 350) (L. D. 1102) reporting "Ought to pass" with Committee Amendment "A" (S-154)

Report was signed by the following members:

Messrs. CLIFFORD

of Androscoggin
SPEERS of Kennebec
— of the Senate.

Mrs. NAJARIAN of Portland
GOODWIN of Bath

Messrs. CURTIS of Orono
BUSTIN of Augusta
GAHAGAN of Caribou
FARNHAM of Hampden
CROMMETT

of Millinocket
COONEY of Sabattus

— 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. WYMAN of Washington

— of the Senate.

Messrs. SILVERMAN of Calais

STILLINGS of Berwick

— 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-154) and Senate Amendment "A" (S-160) thereto.

In the House: Reports were read.

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

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

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

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I ask for a division and I would like to speak for a few moments.

There was an attempt to create the Department of Business Regulation. It was defeated at that time. I was opposed to it then and I am more opposed to it now.

I think you can read from the bill itself a very subtle indication that would downgrade the Department of Insurance and the Department of Banks and Banking. We now have a commissioner of insurance and we now have a commissioner of banks. Under this bill there would be one commissioner, the commissioner of Business Regulation. Insurance would now have a superintendent. Banks and Banking would then have a superintendent. If you know anything about effecting audit, the superintendent does not break with the commissioner.

This has been attempted in a nearby state and it practically ruined the Department of Banks and Banking. For the people of this state, there should be three regulatory agencies to protect the public at large, the Public Utilities Commission, the Department of Insurance and the Department of Banks and Banking. The people look for protection in this area; they cannot do it on a local level. Any attempt to weaken any of these departments is a disservice to the people of the State of Maine.

What does the bill do? It sets up a commissioner for the Department of Business Regulation, which is fine, except that I think it ought to be a business manager. But under Section 323, Subsection 1, the activities of the banks shall be directed by a superintendent, as heretofore appointed, who shall be appointed by the commissioner of the Department of Business Regulation, with the advice and consent of the Governor and Council.

Now, you cannot get away from political interference in state agencies, but it ought to be held to a minimum. This commissioner will be appointed by the Governor, with the advice and consent of the

Council, which is fine. But what happens to the superintendent of banks. At the present time, the commissioner is appointed by the Governor, with the advice and consent of the Council.

But look what the amendment introduced in the other body says. The superintendent shall have a term of office coterminous with that of the Commissioner of the Department of Business Regulation and shall remain in office until his successor is appointed and qualified. There you are introducing another political appointee. You are going to have a turnover every time you have a turnover in the Governor's office.

What does this do to the Department of Insurance and the Department of Banking? It does nothing but weaken and we do not have a strong Department of Banks and Banking in this state.

Under Section 206, Subsection 1, the superintendent, with the approval of the Commissioner of the Department of Business Regulation, may employ a deputy superintendent — he may appoint. I am sure that a Commissioner of Business Regulation who wants to control the Department of Banks and Banking will decide whether he wants a deputy superintendent, and I am quite sure he will decide who will be the deputy superintendent.

Then you go to the second to last paragraph under Section 3, Subsection 1. It says, in the event of a vacancy in the office of the superintendent, the Commissioner of the Department of Business Regulation may designate a special deputy superintendent — he may. If he doesn't, does the Commissioner then become the acting head of the Department of Banks and Banking? Who says the Commissioner of Business Regulation has to have any experience in banking? That, to me, does nothing but weaken the Department of Banks and Banking. We already have enough weakening controls in that department.

We have several advisory boards that limit severely the ability of any bank commissioner in the State of Maine to adopt any rules

and regulations in the interest of the public welfare. And I am sure you have seen what has happened in the last few weeks, what would happen to legislation to strengthen the power of the bank commissioner in the State of Maine. It is very difficult.

There is a move on foot on the national level, and Frank Wiley, the chairman of the FDIC would like to eliminate the duplication of bank examinations, and he will do it if the state banking departments meet his qualifications. Now, I am sure that if you adopt the Department of Business Regulation, the State of Maine will have the dubious honor of not being accepted by the FDIC and qualifying to do the bank examining for the FDIC. This, in my mind, is one of the worst creations that the state could do.

You have a nearby state that has a commissioner of banking who has absolutely no experience in banking. And if you look at their activities, I am sure you would want no part of that.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This proposal isn't even one which we considered or this legislature considered two years ago. It has been revised somewhat in the interim, and it has come back to us.

I think I better explain a little bit in greater detail and correct some of the mistakes that were made in the previous presentation about where the bill stands right now and what it would do. First of all it is involved more with the departments of banks and banking and insurance. Also included are the Real Estate Commission, the Boxing Commission, the Running Horse Race Commission and the Land Damage Board.

Secondly, there was some concern expressed by the previous speaker about the term of the superintendents of the two divisions of insurance and banking being coterminous with that of the commissioner.

Now, the committee, in its consideration, decided to revise the

initial bill which was presented and do just indeed what the previous speaker said. It seemed to us that this was a more logical way to have it, to have all of the people who were in a policy making position responsible for those who appoint them. However the other body, in its wisdom, has adopted a Senate Amendment under filing S-160 which takes out that suggestion by the committee and returns the relative independence, I suppose you might say, of those two commissioners. So if you read all the amendments together, why, that particular concern as expressed by the previous speaker has disappeared.

I think that it would be fair to say that that amendment, S-160, was introduced at the urging of the banking people. Some of them are, obviously, very concerned about their own profession and about the shape of banking and what is going to happen there. As I said before, I don't happen to agree with that particular provision, but I am not going to fight that little matter on the floor here. I think that if we can just get the overall concept adopted, it will come back in a couple of years and correct what I consider to be a mistake. But as I said, the relative independence of those two departments are indeed protected with the bill the way it stands now, and I hope we will adopt it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It has been my pleasure to even know the gentleman from Livermore Falls, Mr. Lynch, is from my area. It has been my pleasure to only have known him for about four years, and I liked his reasoning the very first time I spoke to him and I like it now.

It is heartening to listen to him talk about the banking industry, because I know he knows a great deal about it. It is indeed refreshing to listen to him say that the banking department is weak, because I happen to know just what he has done in his area for the banking industry.

We had a banking commissioner who withdrew himself, who was a personal friend who did a good job. I know the reasons why. His predecessor, who was also a very dear friend who died, unfortunately, so many times told me the inequities within the system of the banking industry.

Now, it has been my pleasure to meet the insurance commissioner a few times, and I like his logic, and I like his reasoning.

I presented a reorganization bill, which enjoined a couple of departments with a dedicated department, the big one, Transportation, which amounts to \$228 million, aeronautics and one or two others. And if I had it to do over again, I would not have presented the bill. It might have passed, but at least I would not be the author of it, and it wouldn't be with my name on it.

This measure here means more money in its eventuality. It means dictatorship in some areas, which I dislike. I don't like to be told, and I don't like to tell. I like to be asked, and I like to ask, and this measure does not do it.

Mr. Speaker and members of the House, I move for the indefinite postponement of this bill and all of its accompanying papers, and when the vote is taken, I move it be taken by yeas and nays.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the indefinite postponement of this report and bill and requests a roll call.

The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to bring a few facts to your attention this morning about this bill. As a majority signer of this report, and having served in the last session on the Reorganization Committee, the State Government Committee which dealt with reorganization, I was extremely sensitive to the feelings of the industries concerned. I think it is fair to report to you this morning that there has not been any tremendous opposition. In fact, there has actually been some favoring of this legislation.

Now, Representative Lynch has told you that the powers of these departments would be endangered. But I would ask you to look on page 3 of the bill, Section 8001. "The Bureau of Banks and Banking shall be the successor to the Department of Banks and Banking and shall have all the legal authority and duties presently delegated to said department." It says the same thing about the Bureau of Insurance; further down the page, it says the same thing about all of these different departments and agencies.

Mr. Lynch also said that the terms of these people had been made coterminous. Indeed he was right, but I just handed him the Senate amendment to Committee Amendment "A," which restored the five year terms of these people as the banking industry preferred it, and I think he sees that that is now the case. So that argument I don't think now stands.

He also brought up the problem of who should become the superintendent of banks or the superintendent of insurance should there be no superintendent. I think that if you look on page 5 of the bill, top of the page, it says, "The deputies shall perform such duties and exercise such powers of the superintendent as the superintendent may from time to time authorize. The first deputy shall be acting superintendent during a vacancy in the office of Superintendent of Insurance and during the incapacity of the superintendent." So, I think you can see that the provision for taking over is there.

Just speaking generally about banks and insurance, we have had many bills about these two subjects before this body. I think we can see that more and more banks want to get into insurance related business, and insurance companies are getting into bank related business; that the government function of regulating these two industries and of serving the public is one that is best handled in a single department. There is no need to fracture these things into different departments.

So, I would ask you to support the majority report of the committee, it is a significant majority,

and pass this legislation in concurrence.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion to accept the majority report. I would point out that this is a reorganization measure, one that puts several departments under one commissioner; those departments being the Banking Department, the Insurance Department, the Fire Prevention Division, Real Estate Commission, Boxing Commission, Running Horse Racing Commission, and the Land Damage Board.

Now, whenever you have a consolidation, you wind up with a general and several people who were generals suddenly find themselves colonels. This is inevitable in any reorganization. It does streamline government and mean several fewer people reporting to the Governor.

Now, I share the concern of the gentleman from Livermore Falls, Mr. Lynch, for certainly he is an authority on the subject. I am sure all of you will recall that some few weeks ago he was vitally interested in two bills, and the record will show that I voted with him in both instances; his object being to protect the smaller banks in the state from being swallowed up. I agreed with him 100 percent on that, but those measures lost.

I think his concern is unwarranted, and if he has a concern, it really is with the advisory board to the Banking Commission, and that is not directly involved in this reorganization measure. This is a step forward, it strengthens the two departments, it does not weaken them, and I urge your support.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make two very brief comments. One is the fact that the advisory board is one with which we are having the problem at the moment in reference to the banking situation be-

tween the small and the large banks. There is presently a move underfoot to try to resolve that problem. There is, I believe, real merit to the fact that you should not have all of the same type of people on that advisory committee with actually a veto power, which at the present time they have.

Secondly, I think is the fallacy which I think many of us hold, which I used to hold, was the fact that you needed to have a person who was knowledgeable in the subject area in order to administratively run a department. I found that if you could actually have an individual who knew a little bit about management, who knew something about how to operate and work with people, that in the final analysis, you would be better off than having someone who knew every ins and outs of that particular profession.

I think that if you work on that concept, then this bill is a good bill, and I ask you to work to support the bill, and vote against the motion of indefinite postponement.

Now, I know that the gentleman from Bath, Mr. Ross, and the gentleman from Lewiston, Mr. Jalbert, both feel that doing this is going to, number one, cause us to spend more money in the future; and secondly, it is going to downgrade both of the departments of the major departments that are involved. I don't think this is so. I think that what we are trying to do, if we believe in this and if we believe in legislative reorganization as well as executive reorganization, we are trying to place ourselves in a position so that we can grab a handle on some of these things.

As you well know, it is so difficult for us to try to run 150 boards and commissions. But we were and we would be capable if we were to have committees, for example, that would have sole responsibility in dealing with "X" large department, whether it is the Department of Transportation or the Department of Business Regulation or whatever it might be. Then trying to then have a committee that would be knowledgeable in that field working directly with that department, I think that we would be able to

grab a handle on the situation; secondly, we would be able to control the policy a heck of a lot more than we are now, and we would be able to solve the problems.

At the present time, it is so easy for various departments to pick and choose on each one of us so that they can sort of establish a serf, so to speak, so they can get what they want. Then they wear us down and eventually we lose the battle. As I view, over the years, what has transpired, this is what I think has happened. So I would ask you to vote against the motion for indefinite postponement.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I don't possibly know how the gentleman from Eagle Lake, Mr. Martin, knows how I feel or what I think before I even speak. Perhaps he has the same powers as Senator Tanous' brother, I don't know.

Last session we put together the Department of Labor and Industry and the Employment Security Commission and several other advisory committees under the Department of Manpower Affairs. We specified that the commissioner of this department would also be the head of the Employment Security Commission. We have had nothing but trouble ever since. You have read over and over again what problems we have had, not only with the appointments but also this group concerned has suggested complete revisions in the Employment Security Commission without any legislative consideration at all. I think we should go very carefully with reorganization, or we will end up with all sorts of problems.

I am also interested in the fact that a couple of weeks ago when we discussed the savings bank life insurance company, some of the proponents of this bill today said that banks and insurance companies had absolutely nothing to do with each other.

Thank you very much, and I support the indefinite postponement motion.

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

Mr. JALBERT: Mr. Speaker and Members of the House: So far there have been three speakers who have spoken for this bill. One of them, the gentleman from Orono, Mr. Curtis, whose sincerity I admire, states that he liked the bill, but he is not particularly fond of the Senate amendment, but he is going to go along with the bill.

I much more than often, concur with the gentleman from Eagle Lake, Mr. Martin, but in his approval of the measure, he gives two valid arguments as to why we should at least wait for the bill. The third speaker, the gentleman from Hampden, Mr. Farnham, speaks for the bill, but all he does is praise Mr. Lynch of Livermore Falls who is against the bill. So I think those are three valid arguments to go against the measure.

I want to seriously tell you one thing, and make no mistake about it. Pass this one and the advisory board who now is in complete control of the banking business of this state will also be in control of the insurance business in this state.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I would like to speak just briefly on this bill and more or less put myself on the record. It is well known to most of you that I perhaps took a very dim view of reorganization in the last session of the legislature. So you can assume that I am prejudiced in this matter anyway. But I think as we look back at some of the things that have been happening, that we have become aware of in this session, the record of reorganization is not good.

Like the gentleman from Lewiston, Mr. Jalbert, I do have a very high regard for the gentleman from Livermore Falls and his opinions. I think he speaks some wisdom that I wish you would listen to.

I do go along with the indefinite postponement of this reorganization bill.

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

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question through the Chair. In January, I believe it was, we had a meeting up at the Civic Center. There were a great number of businessmen, the Governor and everybody concerned — there weren't too many legislators there — but they are conducting a very extensive study of state government and, as I understand it, the Governor has guaranteed to use facts from this study to come up with new legislation on reorganization areas and other areas. I would like to know if the State Government Committee has received any input from this group?

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

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: On behalf of answering the question, at one point, one of the representatives of that committee did come and testify on a different bill before the committee. We have inquired as to when the information might be available from that group that is doing the investigation, but we were told probably about September.

We have had several other matters in which we felt that the material they might be producing would be helpful. And you found that on several occasions, and a couple more today, the State Government Committee is recommending that other legislation in which we think that material provided by the committee would be useful and we recommended it be referred to a study by the Legislative Research Committee.

On this particular bill, however, it would not become effective until 90 days after we adjourn anyway, and pretty good assurance is that whatever information is provided by that cost management study would be incorporated by

the new department in reorganizing that department.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: In further response to the question posed by the gentleman from Chelsea, according to the information which I have acquired through the Governor's office in reference to the cost management survey team, it is not their intention or purpose to recommend consolidation of departments, and that is not what they are going to be involved in. They are working on the premise that everything is going to remain the way it is. They are working within those guidelines however, to make recommendations to us. So the reorganization issue is one which you and I have to solve and not one which they are going to recommend either way to us.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to concur with the gentleman in the corner to the extent that this study should be used by us, but I don't think now is the time. I think we should wait until after we get this result of the study and then see that it gets put into the consolidation, if that is what is recommended or thought of.

This is not the first time that this House has been asked to turn down the reorganization of these two departments. I heartily concur with Mr. Jalbert. I think he has made some very telling points. It is not usual that I do agree with Mr. Jalbert, although I have great respect for his analysis, and the same goes for Mr. Lynch.

I will go even further. At the present time — and this seems to be even a farther step for the Republican from Lubec — the Governor, in his wisdom, has appointed the so-called Spanogle Committee of some 20 bankers because the banking laws of the State of Maine are in such a mess. Hopefully, we will have the results of this for

the next session, the special session, at least, and so that we can do something about the banking business. I don't think this is the time to put in a new banking commissioner, a new setup or superintendent of banks.

Further, the insurance business is in a great state of flux now between mass merchandising and no-fault insurance and all this sort of thing that we all are hearing about here in the legislature. It does seem to be no time to consolidate these two departments. Even though the theory is fine, the practicality of it is nil at this time. I hope you will go along with the indefinite postponement.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the statement made by the gentleman in the corner from Eagle Lake about departments coming to the legislature asking for this and that, anything they deem needed, I would like to remind you that the Department of Banks and Banking is supported by a tax on the assets of the various financial institutions of the state. The money accumulated by this tax does not lapse. It is carried forward to the next year. Furthermore, every examination conducted by the Department of Banks is paid for by the financial institutions being examined, except for transportation, and that is charged to the Department of Banks and Banking.

The gentleman from Sabattus said in reference to my comments on the Department of Banks, he referred me to page 5, Section 2, "the deputy shall perform such duties and exercise such powers of the superintendent." That is in the insurance section. There is a similar section in the Department of Banks, but it also says, "the superintendent may appoint a deputy superintendent, with the consent of the Commissioner of Business Regulation." — he may appoint. I would like to see "shall appoint," shall appoint a man knowledgeable in banking activities. There should be some continuity of expertise in the Depart-

ment of Banks. I don't think it should be weakened.

I would like to go back to page 2, which specifies that during his term of office as superintendent or any employee of the bureau shall not be an officer, director, trustee, attorney, stockholder or partner of any financial institution or national bank, federal savings and loan associations or federal or state credit unions located in this state. The Senate Amendment takes out "located in this state." Does that mean that they are going to bring in a superintendent who has direct connections with an outside financial institution as an officer, director, trustee, attorney or stockholder? What was the purpose of removing "located in this state?"

One final note, I think if you subordinate the head of the Department of Banks and Banking as a superintendent under a commissioner of Business Regulation, you are downgrading the office to such an extent that you will not get a good knowledgeable career officer in banking to take the job, other than one who is looking for an opportunity to say "I have been a superintendent of banks and banking in Maine" and immediately jump to a better paying job.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you have listened with great care to the gentleman from Livermore Falls, Mr. Lynch. You have heard considered arguments of why this is not good legislation, particularly at this time. I don't know that it will ever be good legislation because these are two very significant business segments in the State of Maine. I am not sure that it isn't a pretty flimsy argument that there should not be someone reporting to the Governor directly from these two great segments.

This is a bill of reorganization purely for reorganization sake alone. I see no need for it. The gentleman from Sabattus has mentioned the fact that the insurance companies are getting in-

to the banking business, the banks are getting into the insurance business. If that is the case, I think it is a bad trend and we ought to turn it around. Consolidation makes for bigness. I think you know how I feel about bigness. Bigness is unhealthy and it certainly would be unhealthy if the banks were selling insurance and the insurance companies were in the banking business.

As far as I am concerned with respect to insurance and banking, east is east and west is west and never the twain should meet. I think regulation is good for both industries, it is necessary, it should be on the highest level. I hope you will support the motion to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Hamblen.

Mr. HAMBLÉN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to add much to what has been said here, but I served on the Committee on Business Legislation this year, and we heard a lot of testimony both from the Insurance Department and the Banking Department, not only the commissioners but quite a lot of employees, too. I haven't really dug into this bill very deeply, but I see nothing in it that I think will help either the Banking Department or the Insurance Department, and I hope you go along with the motion to indefinitely postpone.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: It gives me a good deal of pleasure this morning to favor the gentleman from Livermore Falls, Mr. Lynch, in his position. He lives in Androscoggin County, true, but I think within a stone's throw of Oxford County and his position here is very clear.

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

vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, to indefinitely postpone both Reports and Bill "An Act to Create the Department of Business Regulation," Senate Paper 350, L. D. 1102 in non-concurrence. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Ault, Baker, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Carey, Chick, Churchill, Clark, Conley, Cote, Cottrell, Curran, Dam, Donaghy, Drigotas, Dunn, Dyar, Evans, Farrington, Finemore, Garsoe, Good, Hamblen, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kelleher, Kelley, Kelley, R. P.; Keyte, Knight, Lawry, Lewis, E.; Lynch, MacLeod, Maddox, Mahany, Maxwell, McCormick, McNally, Merrill, Mills, Morin, L.; Morton, Mulkern, Norris, Palmer, Parks, Peterson, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Strout, Theriault, Trask, Walker, Webber, Wheeler, White, Willard.

NAYS — Berube, Birt, Bustin, Carter, Chonko, Connolly, Cooney, Cresse, Crommett, Curtis, T. S., Jr.; Dow, Emery, D. F.; Farnham, Ferris, Fraser, Goodwin, K.; Greenlaw, Hancock, Hobbins, LaCharite, LaPointe, Lewis, J.; Martin, McHenry, McKernan, McTeague, Morin, V.; Murray, Najarian, O'Brien, Perkins, Pontbriand, Ricker, Rolde, Smith, D. M.; Smith, S.; Susi, Talbot, Tanguay, Tierney, Whitzell.

ABSENT — Albert, Berry, G. W.; Berry, P. O.; Binnette, Carrier, Davis, Deshaies, Dudley, Dunleavy, Farley, Faucher, Fecteau, Flynn, Gahagan, Gauthier, Genest, Goodwin, H.; Kauffman, Kilroy, LeBlanc, Littlefield, McMahon, Murchison, Santoro, Shel-

tra, Soulas, Stillings, Trumbull, Tyndale, Wood, M. E.

Yes, 79; No, 41; Absent, 30.

The SPEAKER: Seventy-nine having voted in the affirmative and forty-one having voted in the negative, with thirty being absent, the motion to indefinitely postpone does prevail.

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

Mr. ROSS: Mr. Speaker, I now move that we reconsider our action whereby this bill was indefinitely postponed and I trust that you will vote against my motion.

The SPEAKER: The gentleman from Bath, Mr. Ross, having voted on the prevailing side, moves that the House reconsider its action whereby it indefinitely postponed this matter. All in favor of reconsideration will say yes; those opposed will vote no.

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

Sent up for concurrence.

From the Senate: the following Order: (S. P. 636)

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to Tuesday, May 29, at ten o'clock in the morning.

Came from the Senate read and passed.

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

By unanimous consent, ordered sent forthwith.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Legal Affairs on Bill "An Act Relating to Mobile Home Parks" (S. P. 488) (L. D. 1554) reporting "Ought to pass" in New Draft (S. P. 630) (L. D. 1956) under same title.

Report was signed by the following members:

Messrs. ALDRICH of Oxford
JOLY of Kennebec
ROBERTS of York
—of the Senate.
Messrs. EMERY of Rockland
CAREY of Waterville
SHUTE
of Stockton Springs
BRAUN of Oakland
SHAW of Chelsea

FECTEAU of Biddeford
DUDLEY of Enfield
COTE of Lewiston

—of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (S-152).

Report was signed by the following members:

Messrs. FAUCHER of Solon
CONNOLLY of Portland
—of the House.

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

In the House: Reports were read.

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

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

(On motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Emery of Rockland to accept the Majority Report in concurrence and specially assigned for Tuesday, May 29.)

Non-Concurrent Matter

Bill "An Act Relating to Probate Fees" (S. P. 172) (L. D. 427) which the House passed to be engrossed as amended by Committee Amendment "A" (S-114) on May 17.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (S-114) and Senate Amendment "A" (S-157) in non-concurrence.

In the House:

On motion of Mr. Farrington of China, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Establishing an Office of Early Childhood Development in Maine" (S. P. 515) (L. D. 1639) which the House insisted on their action on May 22 whereby the Bill was indefinitely postponed on May 17.

Came from the Senate with that body adhering to its action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" (S-146) in non-concurrence.

In the House:

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

Mr. O'BRIEN: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Portland, Mr. O'Brien, moves that the House recede and concur with the Senate.

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

Mr. MARTIN: Mr. Speaker, Members of the House: I oppose the motion to recede and concur, and very briefly, I would like to tell you why. This bill was conceived with the idea of solving all the problems dealing with early childhood development, in trying to coordinate and control the programs and put them into one area of development and one department and one concept.

I would like you to take a look at L. D. 1639. If it is a bad thing in terms of consolidation and in terms of placing everything in one hand, this is it. L. D. 1639 develops the concept which might become workable in the future. If you take a look at the way that is structured, it just is totally improper.

We had agreed last week that this would go to the other body and they were supposed to try to place amendments on this bill which would solve the problems. It did go back to the other body. One amendment was added. It solves absolutely nothing. The way that this is structured, private groups could literally determine the future of what this state is going to do in terms of community child care, and it could be done regardless of what school boards decided, regardless of what town councils decided to do.

I think it is a very very poor concept and I would ask that you vote against the motion to recede and concur, and I would then move to adhere.

Basically, the purpose behind the motion to recede and concur is a very simple one. It is to then place this bill on the Appropriations Table, and then as we get it on the Appropriations Table, it will have to be killed because there is no money for it and then the onus of killing it then falls upon the leadership and then everyone is off the

hook, which sounds like a good theory if you can accomplish it. But as far as I am concerned, you don't pass bad legislation and then place it on the Appropriations Table.

Order Out of Order

On motion of Mr. Emery of Rockland, it was

ORDERED, that Clarence Landre and Wayne Fowles of Rockland be appointed Honorary Pages for today.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: I merely rise to say that I concur with the gentleman from Eagle Lake, Mr. Martin. I only wish that he would take this attitude on many many more bills.

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

Mr. O'BRIEN: Mr. Speaker, Members of the House: I won't take that attitude, Mr. Speaker.

I see the gentleman in the corner, Mr. Martin from Eagle Lake, is still acting like Mr. Tanous' brother in trying to determine what my intent might be in asking that you recede and concur, and nothing could be farther from the truth. My only concern with this piece of legislation is it is the first only and real attempt that this body has made this session so far dealing with the problems of our youth.

I ask you to recede and concur.

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

Mr. MARTIN: Mr. Speaker, Members of the House: I was not attempting to read the gentleman's mind at all, but I would ask you to take a look on page 6 of the five intents of the act and read them carefully and then made a determination as to if that is what we want to do.

I don't believe that we want to give the right of funding, the right of organization, the right of planning, the right of coordination to anyone else. I think that the purpose it had gone to the other body was to work out the problems.

This did not occur. That is why I cannot agree with the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentle lady from Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker, I move that this lie on the table one legislative day.

Mr. Birt of East Millinocket requested a vote.

The SPEAKER: The pending question is on the motion of the gentle lady from Portland, Mrs. Wheeler, that L. D. 1639 lie on the table one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

29 having voted in the affirmative and 64 having voted in the negative, the motion did not prevail.

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

A vote of the House was taken.

Mr. Connolly of Portland requested a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. O'Brien, that the House recede and concur with the Senate as to L. D. 1639. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Birt, Bither, Bunker, Bustin, Clark, Conley, Connolly, Curtis, T. S., Jr.; Farrington, Goodwin, K.; Hancock, Hobbins, Kelleher, LaPointe, McKernan, McTeague, Mulkern, Murray, Najarian, O'Brien, Pontbriand, Shute,

Smith, D. M.; Talbot, Tierney, Wheeler.

NAYS — Albert, Ault, Baker, Berry, P. P.; Berube, Boudreau, Bragdon, Brawn, Cameron, Carey, Carter, Chick, Chonko, Churchill, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Donaghy, Dow, Drigotas, Dunn, Dyar, Emery, D. F.; Evans, Farley, Farnham, Ferris, Finemore, Fraser, Garsoe, Good, Greenlaw, Hamblen, Haskell, Henley, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kelley, Keyte, Knight, LaCharite, Lewis, E.; Lewis J.; Lynch, MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, Merrill, Mills, Morin, L.; Morin, V.; Murchison, Norris, Palmer, Parks, Perkins, Peterson, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Simpson, L. E.; Smith, S.; Snowe, Sproul, Strout, Susi, Tanguay, Theriault, Walker, Webber, Whitzell, Willard.

ABSENT — Berry, G. W.; Binnette, Briggs, Brown, Carrier, Dam, Davis, Deshaies, Dudley, Dunleavy, Faucher, Fecteau, Flynn, Gahagan, Gauthier, Genest, Goodwin, H.; Herrick, Hoffses, Kauffman, Kelley, R. P.; Kilroy, Lawry, LeBlanc, Littlefield, McMahon, McNally, Morton, Santoro, Sheltra, Silverman, Soulas, Stillings, Trask, Trumbull, Tyndale, White, Wood, M. E.

Yes, 26; No, 86; Absent, 38.

The SPEAKER: Twenty-six having voted in the affirmative and eighty-six having voted in the negative, with thirty-eight being absent, the motion does not prevail.

On motion of Mr. Martin of Eagle Lake, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Creating the Stationary Steam Engineers' and Boiler Operators' Licensing Law" (H. P. 1502) (L. D. 1939) which the House passed to be engrossed on May 18.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-155) in non-concurrence.

In the House:

On motion of Mr. Shute of Stockton Springs, the House voted to recede and concur.

Messages and Documents

The following Communication:
The Senate of Maine

Augusta

May 24, 1973

Hon. E. Louise Lincoln

Clerk of the House

106th Legislature

Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it Indefinitely Postponed, Bill, "AN ACT Requiring the Registration of Off-highway Vehicles" (H. P. 1510) (L. D. 1940).

Respectfully,

(Signed)

HARRY N. STARBRANCH

Secretary of the State

The Communication was read and ordered placed on file.

Orders

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

WHEREAS, the Legislature believes that it is important that citizens of Maine have a chance to participate fully in basic health care services; and

WHEREAS, the regulation of Health Maintenance Organizations in the State of Maine has been proposed before the Legislature; and

WHEREAS, the Legislature wishes to assure itself that Health Maintenance Organizations are a method of providing better basic health care services for the citizens of the State of Maine; and

WHEREAS, the Legislature further wishes to assure itself that the proposed regulation of the Health Maintenance Organizations is best designed to assure that better basic health care services will be provided for the citizens of the State of Maine; now, therefore be it

ORDERED, the Senate concurring, that the Legislative Research Committee study the subject matter of the bill, "AN ACT Creating the Maine Health Maintenance Organization Act" House Paper No. 786, Legislative Document No. 1230, as introduced at the regular session of the 106th 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 present its findings and recommendations as a result of the study to the next regular session of the Legislature; and be it further

ORDERED, that the Insurance Commissioner and the Commissioner of Health and Welfare are respectfully directed to cooperate with the Committee and provide such technical and other assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that upon passage of this Order, in concurrence, that copies of this Order be sent forthwith to the Commissioners of Insurance and Health and Welfare as notice of the pending study. (H. P. 1541)

The Order was read.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This is one of the two orders which I would like to introduce this morning that I mentioned earlier in the debate. This particular one recommends that L. D. 1230, An Act Creating the Maine Health Maintenance Organization Act, which was sponsored by the gentleman from Lubec, Mr. Donaghy and which the Committee on State Government which considered the matter thinks has a great deal of merit, really needs more development and more investigation, be referred to the Legislative Research Committee for further consideration.

The Joint Order received passage and was sent up for concurrence.

Tabled and Assigned

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

WHEREAS, the Legislature believes it is vitally important that citizens of Maine have a full and reasonable opportunity to effectively advise state agencies on the conduct of programs; and

WHEREAS, the 106th Legislature has been presented with several legislative documents pertaining to the organization, operation and jurisdiction of advisory committees, boards of visitors and task forces related to the Departments of Mental Health and Corrections and Health and Welfare; and

WHEREAS, the Legislature wishes to assure that there is an effective and reasonable method for the people of Maine to affect the operation of state agencies through advisory groups that do not duplicate, overlap or contradict the responsibilities of each other; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee study and present its findings and recommendations to the next special or regular session of the Legislature relating to the purpose, organization, powers, duties and functions of all advisory committees assisting the Departments of Mental Health and Corrections and Health and Welfare established by statutory or administrative authority; including, but not limited to the following:

- MRSA, Title 22, § 43
 Advisory Committee of Health and Welfare
 § 44 Powers and duties
 § 253 Comprehensive Health Planning Council
 § 1709 Advisory Council (hospitals and facilities)
 § 2026 Advisory Commission (Medical Laboratory Act)
- MRSA, Title 34, § 41 Board of Visitors
 § 2003 Committee on Mental Health
 § 2063 Maine Committee on Problems of Retarded and further including, but not limited to, the subject matter of:
1. The Citizen's Advisory Committee to the Bureau of Medical Care;
 2. The Citizen's Advisory Committee to the Bureau of Rehabilitation;
 3. The Citizen's Advisory Committee to the Bureau of Social Welfare;
 4. The Task Force on Children's Mental Health;

5. The Development Disabilities Advisory Commission and relating to the purpose, organization, powers, duties and functions of units of the departments assisted by the advisory committees; and be it further

ORDERED, that the Departments of Health and Welfare and Mental Health and Corrections are respectfully directed to cooperate with the committee and to provide such technical and other assistance as the committee deems necessary or desirable to carry out the purposes of this Order, including, but not limited to personnel and staff as a part of their regular employment and the study of any subject or matter to be relevant or germane to the subject or helpful to it in the consummation of their work as ordered, shall be deemed within the scope of said committee's inquiry hereunder; and be it further

ORDERED, upon final passage that copies of this Order be transmitted forthwith to said Departments of Health and Welfare and Mental Health and Corrections as notice of the directive. (H. P. 1542)

The Order was read.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This is the second order that I was talking about. This particular one is a matter that has been of considerable concern to the State Government Committee and that is the fact that we have a wide variety of different visiting committees and advisory boards in the two departments of Mental Health and Corrections and Health and Welfare, and it seems to us that in some areas there is too much advice from the citizenry and in some areas there is not nearly enough advice.

Now, the purpose of this order is to recommend to the Legislative Research Committee that the overall field of all these advisory groups be studied in depth.

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

Mr. DYAR: Mr. Speaker, Members of the House: I object to this

order here. The Health and Institutional Services Committee of the 105th doing an investigation did investigate many of these boards of visitors, these advisory councils and advisory boards. We didn't make recommendations in our report. We presented legislation to the 106th Legislature. We compromised on the legislation that we put in to allow some of these boards to continue.

There was debate on the floor of the House the other day on boards of visitors where we amended the bill to have these boards report to our committee at our request. I am quite sure if there is any question in the mind of Mr. Curtis, possibly in 30 minutes time we can give him the facts and figures; and within a few short hours, we could put our investigation — our full investigation into writing so that it would be available to him.

I have no objections to an investigation, but it seems as though this investigation that is being recommended in this order was already done within the past year.

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

Mr. WHITZELL: Mr. Speaker, Members of the House: I rise in support of this joint order. As a matter of fact, I was sort of surprised to see this item on my desk this morning, because I would have liked to have initiated the same order.

There is a lot of duplication in these committees, and naturally, wherever there is duplication, it should be eliminated; where there is inefficiency, it should also be eliminated. This joint order will point out where those inefficiencies and overlaps are.

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

Mr. CURTIS: Mr. Speaker, Members of the House: Very briefly, I would be very interested in the comments that might be made by anybody who has previously studied in this area.

I would like to relate the experience of the State Government Committee, though. As we continually, through every session, re-

ceive many proposals to create new advisory boards for particular areas of state government in which there are problems — the Pine-land area is one that we really got into in great depth this year, and from our analysis of the situation as a governmental organization problem, it just seemed to us that there were overlapping advisory groups, boards of visitors and commissions, and they ought to be fully studied in great depth.

I would also like to point out that if this order passes, it may very well be that the Legislative Research Committee will not be the organization which would study the whole field, but perhaps the legislative — one of the joint standing committees of the legislature — indeed, perhaps the committee that Representative Dyar is the chairman of — would be the organization which would actually do this study; and again, I hope that we will provide future reorganization of our own legislative committees so that we will have permanent joint standing committees, and those committees will handle the matters that we are now sending to the Legislative Research Table.

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

Mrs. McCORMICK: Mr. Speaker and Ladies and Gentlemen of the House: May I ask through the Chair — I do not see anybody in either corner of leadership — it seems to me that in the beginning of the session, there was an order put in, I believe by Representative Berry on standing committees doing this investigation which would cover this. I believe it was put on the table in the other body and I would like to know whether that is still so or what happened to that order?

The SPEAKER: The gentle lady from Union, Mrs. McCormick, poses a question through the Chair to anyone who may care to answer.

The Chair would indicate that under the present system, the Legislative Research Committee is still a body that would investigate matters after the legislature has adjourned sine die, there is a consideration being given to having

the individual committee, such as the Committee on Health and Institutional Services, study problems simply relating to theirs, if that helps the gentle lady. That has not become yet into full issue.

On motion of Mr. Ault of Wayne, tabled pending passage and specially assigned for Tuesday, May 29.

(Off Record Remarks)

House Reports of Committees Ought Not to Pass

Mr. Dunleavy from the Committee on Judiciary on Bill "An Act Relating to Forceful Entry and Detainer Process for other than Nonpayment of Rent" (H. P. 847) (L. D. 1121) reporting "Ought not to pass."

Mrs. White from the same Committee reporting same on Bill "An Act Relating to Earning of Good Time by Inmates" (H. P. 862) (L. D. 1147)

Mr. McKernan from the same Committee reporting same on Bill "An Act Relating to Eligibility for a Parole Hearing" (H. P. 867) (L. D. 1155)

Same gentleman from same Committee reporting same on Bill "An Act Relating to Security under the Financial Responsibility Law" (H. P. 1059) (L. D. 1383)

Mr. Henley from same Committee reporting same on Bill "An Act Relating to Furloughs for Inmates and Prisoners of State Institutions" (H. P. 937) (L. D. 1262)

Mr. Carrier from same Committee reporting same on Bill "An Act Relating to Shoplifting" (H. P. 978) (L. D. 1292)

Mrs. Baker from same Committee reporting same on Bill "An Act to Require the Grantee's Address on any Deed Presented for Recording" (H. P. 1060) (L. D. 1384)

Mr. Cottrell from the Committee on Taxation reporting same on Resolution Proposing an Amendment to the Constitution to Permit the Federal Government, by Agreement to Collect Maine Individual Income Taxes (H. P. 1369) (L. D. 1826)

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

Leave to Withdraw

Mrs. Wheeler from the Committee on Judiciary on Bill "An Act Relating to Reimbursement of Municipalities for Expenses and Costs in General Assistance to Nonsettled Paupers" (H. P. 929) (L. D. 1261) reporting Leave to Withdraw.

Same gentlewoman from same Committee reporting same on Bill "An Act Relating to Election of Jury Trials in Misdemeanor Proceedings" (H. P. 1170) (L. D. 1504)

Mrs. Baker from the same Committee reporting same on Bill "An Act to Permit Board of Directors of a Corporation to Act by Conference Telephone Equipment" (H. P. 1032) (L. D. 1354)

Mr. Faucher from the Committee on Liquor Control reporting same on Bill "An Act Relating to Liquor Licenses at Augusta Civic Center" (H. P. 413) (L. D. 562)

Mr. Tanguay from the same Committee reporting same on Bill "An Act Permitting Sealed Tickets to Promote Attendance on Premises of Liquor Club Licenses" (H. P. 1040) (L. D. 1359)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Bustin from the Committee on State Government on Bill "An Act Creating the Bureau of Central Computer Services within the Department of Finance and Administration" (H. P. 145) (L. D. 178) reporting Leave to Withdraw as covered by other legislation.

Mrs. Najarian from same Committee reporting same on Bill "An Act Providing for a Consumer Member on all Regulatory Boards and Commissions" (H. P. 1115) (L. D. 1451)

Mr. Farnham from same Committee reporting same on Bill "An Act to Provide that Consumers Shall be Included on Certain Boards" (H. P. 1291) (L. D. 1679)

Same gentleman from same Committee reporting same on Bill "An Act Creating the Bureau of Data Processing within the State Planning Office" (H. P. 1332) (L. D. 1754)

Mrs. Goodwin from same Committee reporting same on Bill "An Act to Establish an Insurance Con-

sumers' Advisory Board" (H. P. 1357) (L. D. 1813)

Mr. Maxwell from the Committee on Taxation reporting same on Bill "An Act Exempting Sales to the American Cancer Society from the Sales Tax" (H. P. 293) (L. D. 397)

Mr. Rolde from the Committee on Natural Resources reporting same on Bill "An Act Amending the Wetlands Control Law to Include Inland Wetlands" (H. P. 1082) (L. D. 1405)

Mr. Stillings from the Committee on Liquor Control reporting same on Bill "An Act Relating to Sale of Malt Liquor on Sundays by Part-time Restaurants" (H. P. 1413) (L. D. 1853)

Reports were read and accepted and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Fraser from the Committee on Transportation on Bill "An Act Increasing State Aid for the Construction of Highways" (H. P. 888) (L. D. 1173) reporting "Ought to pass" as amended by Committee Amendment "A" (H-450).

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-450) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Ought to Pass in New Draft New Drafts Printed

Mr. LaCharite from the Committee on Marine Resources on Bill "An Act Relating to Nets to Catch Shrimp" (H. P. 906) (L. D. 1194) reporting "Ought to pass" in New Draft (H. P. 1537) (L. D. 1967) under same title.

Mr. Herrick from the Committee on Natural Resources on Bill "An Act to Extend the Deadline for Mandatory Shoreland Zoning" (H. P. 1362) (L. D. 1818) reporting "Ought to pass" in New Draft (H. P. 1538) (L. D. 1968) under same title.

Reports were read and accepted, the New Drafts read once and assigned for second reading the next legislative day.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Forcible Entry and Detainer Procedure" (H. P. 846) (L. D. 1120) reporting "Ought not to pass."

Report was signed by the following members:

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

Messrs. DUNLEAVY
— of Presque Isle
McKERNAN of Bangor
PERKINS

Mrs. — of South Portland
BAKER of Orrington
WHITE of Guilford
WHEELER of Portland
— of the House.

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

Report was signed by the following members:

Mrs. KILROY of Portland
Messrs. CARRIER of Westbrook
GAUTHIER of Sanford
HENLEY of Norway
— of the House.

Reports were read.

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

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

On motion of Mr. Martin of Eagle Lake, tabled pending acceptance of the Majority "Ought not to pass" Report and specially assigned for Tuesday, May 29.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Create Trustee System to Collect Support and other Installment Payment Court Orders" (H. P. 954) (L. D. 1264) reporting "Ought not to pass"

Report was signed by the following members:

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

Mrs. BAKER of Orrington
KILROY of Portland
WHEELER of Portland

WHITE of Guilford
Messrs. CARRIER of Westbrook
PERKINS
of South Portland
— of the House.

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

Report was signed by the fol-
lowing members:

Messrs. DUNLEAVY
of Presque Isle
McKERNAN of Bangor
HENLEY of Norway
GAUTHIER of Sanford
— of the House.

Reports were read.

On motion of Mrs. Baker of Or-
rington, the Majority "Ought not to
pass" Report was accepted, and
sent up for concurrence.

Divided Report

Majority Report of the Commit-
tee on Judiciary on Bill "An Act
to Protect Families with Children
and Recipients of Certain Benefits
Against Discrimination in Rental
Housing" (H. P. 975) (L. D. 1289)
reporting "Ought not to pass."

Report was signed by the follow-
ing members:

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

Messrs. HENLEY of Norway
CARRIER of Westbrook
GAUTHIER of Sanford
PERKINS
of South Portland

Mrs. BAKER of Orrington
KILROY of Portland
WHEELER of Portland
— of the House.

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

Report was signed by the follow-
ing members:

Mr. BRENNAN of Cumberland
— of the Senate.

Mrs. WHITE of Guilford

Messrs. DUNLEAVY
of Presque Isle
McKERNAN of Bangor
— of the House.

Reports were read.

The SPEAKER: The Chair rec-
ognizes the gentle lady from Or-
rington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I
move the House accept the Ma-
jority "Ought not to pass" Report.

The SPEAKER: The gentle lady
from Orrington, Mrs. Baker, moves
that the House accept the Majority
"Ought not to pass" Report.

The Chair recognizes the gentle-
man from Bangor, Mr. Murray.

Mr. MURRAY: Mr. Speaker and
Men and Women of the House:
I think it is generally conceded
that probably the three basic
necessities of life are food, shelter
and clothing. This particular bill
addresses itself to the second need
that I mentioned, that of shelter.
I think if any of you picked up the
want ads in any one of today's
daily newspapers and went through
the ads relative to apartments,
you would probably note that about
half of them arbitrarily say, no
children or adults only. As a mat-
ter of fact, if you counted, there
are probably more saying adults
only or no children than ones that
say no pets.

I think that there has been a
number of issues that we have
discussed in this body this ses-
sion talking about the family unit
and what is happening to it, and
a number of people have expressed
concern at that. I think that we
ought to really maybe stop and
think about it today before we
vote on this bill and ask why
we can arbitrarily say no chil-
dren.

This bill before us is an exten-
sion of the Human Rights Act
that we passed in the last ses-
sion of the legislature. In the Hu-
man Rights Act, the preamble
starts out something to the effect,
"to protect the public health,
safety and welfare, it is declared
to be the policy of this state to
keep continually in review all prac-
tices infringing on the basic hu-
man rights to life with dignity
and the causes of such practices
so that corrective measures may,
where possible, be promptly recom-
mended and implemented to pre-
vent discrimination in employ-
ment, housing or access to public
accommodations on account of
race, color, religion, ancestry or
national origin and in employ-
ment discrimination against age."

I think we maybe ought to go
one step further today and ask
that this state put on record that
we don't discriminate against those

families that have been blessed with children or that we don't discriminate against those people who, unfortunately, might be on some form of public assistance. That is all this bill says.

It has in it provisions that — we are not talking about a duplex house where the owner is living in that home, we are talking about apartment houses. Also we are not talking about anything that would require 15 people moving into a two-room apartment, because the bill specifically says, "with respect to health and safety." And in most communities, there are housing codes which tell you how many people can safely live in a two or three or four-room apartment.

So, I hope today when we vote, that we vote against the pending motion and accept the "ought to pass" report, so that when families are looking for accommodations, that they can go to a home and at least talk with an owner — I might say an apartment house — at least talk with the owner and see if they can get an apartment and not be arbitrarily cut off because they have children. So, I hope that we will defeat the pending motion so that we can accept the "ought to pass" report.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I have a great deal of interest in this because in 1965, I sponsored the fair housing law which was enacted and later emerged into the Human Rights Commission for which I also spoke.

In checking the record of the 1965 Legislature, I found where Mr. Ross said: "For the record, I want it definitely understood that I am opposing this Fair Housing Law. I am sure that if it went to referendum, the people would reject it, if they knew it was telling them what to do with their own property. I maintain it is an infringement on their basic rights. I am heartily against it and so are the people I represent. I think it is unnecessary legislation and

I move the indefinite postponement."

I was dumbfounded. I knew that I, as sponsor, could never have said such things. In that session, strange as it may seem, there were two Rodney Rosses in the House of Representatives. It was confusing, to say the least. We were good friends, but quite often our philosophies were entirely different. It finally dawned on me that those were his remarks and not mine.

The policy of the Human Rights Commission is that for the public health, welfare and safety, we should continually review all practices which tend to infringe on basic human rights. Everyone should be entitled to a life of dignity. We should prevent discrimination in employment, housing, access to public accommodations, and so forth, without regard to race, color or ancestry.

Our human rights law is relatively new and must be changed from time to time. There are those who oppose the entire concept and claim that it is wrong to restrict a man's right to treat other persons just as he wishes. It is difficult to legislate morality and prejudice. Nevertheless, we do have a law that recognizes the basic dignities of all individuals and forbids discrimination. I am a firm believer in this idea, and I am pleased to do anything to improve our law and make it more equitable, and I support this particular bill which attempts to correct one more case of unlawful discrimination. I heartily oppose the motion before the House.

Mr. Kelleher of Bangor 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: As a signer of the minority "ought to pass" report on the Judiciary Committee, I just wanted to add one thing. This is not as radical as many people might think. Massachusetts has had this law and it has worked well for at least two years that I know of.

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

Mr. MULKERN: Mr. Speaker and Ladies and Gentlemen of the House: I am only going to make a very short speech about this piece of legislation. I think it is a very humane piece of legislation and I think it will be of great benefit to the citizens of the State of Maine and I strongly urge you to support this bill.

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

Mrs. BAKER: Mr. Speaker and Members of the House: I think there is another basic right here that we need to consider, and that is the right of the property owner. I am not opposed to children in any sense of the word, I love children. But I think it should be the right of the property owner to decide each case on its individual merits.

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 gentlewoman from Orrington, Mrs. Baker, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing," House Paper 975, L. D. 1289. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Ault, Baker, Berube, Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Chick, Cressey, Dunn, Dyar, Emery, D. F.; Evans, Garsoe, Hamblen, Haskell, Henley, Hunter, Immonen, Kelley, Knight, Lawry, Lewis, E.; MacLeod, Maddox, Mahany, McCormick, McNally, Merrill, Morton, Murchison, Norris, Parks,

Perkins, Pratt, Rollins, Shaw, Shute, Simpson, L. E.; Sproul, Strout, Susi, Trask, Walker, Wheeler, Willard.

NAYS — Albert, Berry, P. P., Boudreau, Bustin, Carey, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dow, Drigotas, Finemore, Fraser, Good, Goodwin, K.; Greenlaw, Hancock, Herrick, Hobbins, Huber, Jackson, Jalbert, Kelleher, Keyte, LaCharite, LaPointe, Lewis, J.; Lynch, Martin, Maxwell, McHenry, McKernan, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, Palmer, Peterson, Pontbriand, Ricker, Rolde, Ross, Smith, D. M.; Smith, S.; Snowe, Talbot, Tanguay, Theriault, Tierney, Webber, White, Whitzell.

ABSENT — Berry, G. W.; Binnette, Briggs, Brown, Carrier, Carter, Dam, Davis, Deshaies, Donaghy, Dudley, Dunleavy, Farley, Farnham, Farrington, Faucher, Fecteau, Ferris, Flynn, Gahagan, Gauthier, Genest, Goodwin, H.; Hoffses, Jacques, Kauffman, Kelley, R. P.; Kilroy, LeBlanc, Littlefield, McMahon, O'Brien, Santoro, Sheltra, Silverman, Soulas, Stillings, Trumbull, Tyndale, Wood, M. E.

Yes, 48; No, 62; Absent, 40.

The SPEAKER: Forty-eight having voted in the affirmative and sixty-two having voted in the negative, with forty being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Penalties for Assaulting or Killing an Officer of the Law" (H. P. 1029) (L. D. 1351) reporting "Ought not to pass."

Report was signed by the following members:

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

WHITE of Guilford
 WHEELER of Portland
 Messrs. DUNLEAVY
 of Presque Isle
 McKERNAN of Bangor
 PERKINS
 of South Portland
 — of the House.

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

Report was signed by the fol-
 lowing members:

Mrs. KILROY of Portland
 Messrs. CARRIER of Westbrook
 HENLEY of Norway
 GAUTHIER of Sanford
 — of the House.

Reports were read.

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

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

The SPEAKER: The gentle-
 woman from Orrington, Mrs.
 Baker, moves the acceptance of
 the Majority "Ought not to pass"
 Report.

The Chair recognizes the gentle-
 man from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker
 and Members of the House: This
 bill that I presented was presented
 with the idea of possibly being a
 deterrent on the increasing assault
 and killing of police officers. It does
 not ask for increase in the present
 penalty. All it does is to require
 that the offender would not be
 able to plead to a lesser charge.

The other matter that is changed
 is in the case of the killing of an
 officer. If convicted, the offender
 will not be eligible for parole.
 There may be some feeling in this
 matter that a police officer should
 not be used any different than
 anyone else. I would agree with
 this if that formula was used 100
 percent, but it is not. A police of-
 ficer is human, in spite of much
 thought to the contrary. Being
 human he makes mistakes, as do
 all other humans. As any other
 group, there are some police of-
 ficers who are no good and bring
 discredit to all law enforcement.
 But as a result, if any officer
 steps out of line, breaks the law,
 his punishment is much more

severe than would be dealt to any
 other citizen.

I would cite an example. Dur-
 ing my services as a police offi-
 cer, at one time a police officer
 was arrested for driving under
 the influence. At that time, the
 penalty was a fine of \$100 and an
 indeterminate jail sentence, and
 loss of operators license. But this
 officer, when he was found guilty,
 was fined \$100, lost his license,
 lost his job, and was sentenced
 to three months in jail. Never had
 this kind of sentence been passed
 in a case of a first offender. The
 offender would have either the
 fine or the jail sentence, but
 never both. This is just one ex-
 ample of many instances. I agree
 with this. An officer goes wrong,
 I feel he should be more severely
 punished than others. But I also
 feel that when he is assaulted or
 killed in some way, that person
 committing the assault or killing
 should be more severely dealt
 with.

This bill would do this by in-
 sisting only after he has been
 found guilty, that he could not
 plead to a lesser charge. And in
 the case of killing a police officer,
 he would not be eligible for parole
 after being sentenced to life im-
 prisonment.

In my opinion, this is a very
 small punishment for the offense.
 Consider the fact that when an
 officer makes an arrest, if the
 person resists arrest, the officer
 is immediately put at a disadvan-
 tage. If he uses the necessary
 force to subdue this person and
 hurts the person, he will be ac-
 cused of police brutality. It doesn't
 matter if the person resisting is
 bigger than the officer or that
 there are more people helping the
 offender, the police officer will al-
 ways be in the wrong. Any by-
 stander will more quickly come
 to the aid of the offender than the
 aid of the police officer. This is
 quite a change from when I be-
 came a police officer. In those
 days we didn't even have to ask
 for help. Any able bodied bystand-
 er would always come to the aid
 of the police officer in trouble.

In the last couple years in my
 home town, on two different oc-

casions, police headquarters have been shot up. The first time the shots were fired from a car through a glass door in a corridor just outside the dispatcher's office. This corridor is where people stand when they come to make a complaint, pay a parking ticket or do business with the police. It was just by the grace of God that no one was hurt in either of these instances. It could have been any citizen actually and not only a police officer.

Even within the last two weeks the police officer in Mexico had his police cruiser shot up. And when he took off on foot after this person, he himself was shot at.

In 1972, a total of 112 local, county and state law enforcement officers were killed due to criminal action. They were killed, 14 of them, in an ambush type attack, 24 while attempting arrests for other crimes, burglaries or robbery, 25 in robbery matters, 9 in burglary matters, 15 in disturbance calls, 14 while making traffic stops. This is just when they are trying to enforce the laws such as speeding or going through stop signs or that type of violation, where they come to a car and are unprepared to have someone take a shot at them. Five were killed investigating suspicious matters or circumstances. Two were killed during civil disorders. Two were killed by mentally deranged persons, and two at the hands of prisoners.

Members of the House, I would urge you to vote against the majority report so that the "ought to pass" report could be accepted.

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

Mr. MILLS: Mr. Speaker, there are other persons who signed this who are not present today, I therefore move this be tabled one legislative day.

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

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

Thereupon, Mr. Simpson of Standish requested a vote on the motion.

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

A vote of the House was taken.

35 having voted in the affirmative and 58 having voted in the negative, the motion did not prevail.

Thereupon, Mr. Carey of Waterville requested a roll call vote on the motion to accept 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 Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, as a signer of the minority report, I feel the time has come when we have to give more legal backing to our police force. I feel that this is a worthwhile bill, that it does not allow for the pleading of a lesser charge in cases where an officer is assaulted. Also, it does not allow for provisions for a convicted murderer of a police officer. And in partial line with that, I feel that we are perhaps a little too easy on a lot of our capital punishment.

I would like to cite the case of the coroner case on the west coast by this man who was convicted of murdering 22 people. I understand that he will be eligible for parole in 7½ years.

I urge you to oppose the "ought not to pass" on this bill and accept the "ought to pass".

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

Mr. PERKINS: Mr. Speaker and Members of the House: As a signer of the majority report, I would like to just make a comment in respect to a plea of a lesser charge. It is not uncommon that law enforcement finds itself in a predicament of having a difficult time to convict a person or provide sufficient evidence to convict the individual of the offense of which they are charged. In many cases, to get a conviction of any type, they encourage a plea to a lesser charge. So I can see the instance occur where a fellow is charged with this particular offense, he is not permitted to plead to a lesser charge, he has gotten off scot free. Consequently, you may be opening up something that you don't really want. It may be to his best advantage to plead to a lesser charge, true. But it may also be to the state's best advantage for him to plead to a lesser charge. So I ask you to seriously consider whether or not you want to let him out free just because the state can't prove their case.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In the same light as Representative Perkins has stated, I am sure that if any defendant was going before a court of law and he had an opportunity by the lawyer that was representing him to think that the state didn't have a chance of convicting him to begin with, he would take the apparent road, he wouldn't be making any of these deals. This is just a similar thing that happens continually between the law courts and the lawyers in this state.

I hope you support Mr. Theriault's bill this morning. I don't buy that argument, because if I were standing before a trial justice and it looked to me that if I took the route that the state was trying to charge me with, and I could beat them, I am certainly going to take that opportunity and I am sure they are. I don't buy that argument one little bit.

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

Mr. PARKS: Mr. Speaker and Members of the House: I am going to oppose this motion here this morning to accept the "ought not to pass." You can see by the signers of this majority report here, all except two are attorneys. This is an attorney's paradise on this bill here. I am going to support the gentleman in the corner down here, if we can turn this bill down, turn down the majority "ought not to pass" report.

Some of you people sitting here don't know or have no idea what a police officer has to go through at times when he is chasing these fellows, the armed robbers. If you had a little bit of experience in that field, you certainly know what I am trying to get across to you. I urge you to vote no on the "ought not to pass" motion.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I am quite disturbed over the actions that are being determined here. This is not a bill for police officers. This is a bill that is trying to be defeated for the benefit of the Maine Bar Association. I am not pulling any punches on that one.

There is no question in my mind that if this bill goes through "ought not to pass" that the cops and the law enforcement agencies in the State of Maine or any other state around here will be an open target for any gunman that wants to walk into the state.

Now, Maine has been noted in years gone by for its leniency. But here you are making a leniency for the criminal to take a crack at the cop. We have had more cases reported in the past three years in the State of Maine in regards to police officers being beaten up when they only walk in a door to ask a question to find out what is going on. We had six of them up in Calais. When an officer questioned them about the way they were parking a car, jumped out of the car and beat the cop unconscious. I don't know whether that officer is out of the hospital yet or not.

But if we are going to have any justice, if we are going to have it possible for our women folk to walk the streets in safety, then we have got to protect our police officers. I am totally against the "Ought not to pass" report.

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I support the concept of the bill, but I have a question for anybody more knowledgeable than I, and that is, after you have pleaded and are convicted, how can you plead to a lesser charge?

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

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: There is a problem with the bill, but apparently — at least the people who signed the "ought not to pass" didn't bother to correct that because we hoped it wouldn't pass. If this ever does get by, it is going to have to be amended.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Orrington, Mrs. Baker, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Relating to Penalties for Assaulting or Killing an Officer of the Law," House Paper 1029, L. D. 1351. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Birt, Bither, Bragdon, Brown, Connolly, Cooney, Curtis, T. S., Jr.; Hancock, Haskell, Hobbins, Huber, Jackson, Kelley, McKernan, Mulkern, Murray, Najarian, Norris, Perkins, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproul, Susi, Tanguay, Wheeler, White

NAY — Albert, Ault, Berry, P. P.; Berube, Boudreau, Brawn, Bunker, Bustin, Cameron, Carey, Chick, Chonko, Churchill, Clark, Conley, Cote, Cottrell, Cressey, Crommett, Curran, Dam, Donaghy, Dow, Drigotas, Dyar, Emery, D.

F.; Evans, Farnham, Farrington, Finemore, Fraser, Garsoe, Good, Goodwn, K.; Greenlaw, Hamblen, Henley, Herrick, Hoffses, Hunter, Immonen, Jalbert, Kelleher, Keyte, Knight, Lawry, Lewis, E.; Lewis, J.; MacLeod, Maddox, Mahany, Martin, McCormick, McHenry, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Murchison, Palmer, Parks, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Strout, Talbot, Theriault, Trask, Walker, Webber, Willard

ABSENT — Berry, G. W.; Binnette, Briggs, Carrier, Carter, Davis, Deshaies, Dudley, Dunleavy, Dunn, Farley, Fecteau, Ferris, Flynn, Gahagan, Gauthier, Goodwin, H.; Jacques, Kauffman, Kelley, R. P.; Kilroy, LaCharite, LaPointe, LeBlanc, Littlefield, McMahon, McNally, O'Brien, Santoro, Sheltra, Soulas, Stillings, Tierney, Trumbull, Tyndale, Whitzell, Wood, M. E.

Yes, 30; No, 81; Absent, 39.

The SPEAKER: Thirty having voted in the affirmative and eighty-one in the negative, with thirty-nine being absent, the motion does not prevail.

Thereupon the Minority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Natural Resources on Bill "An Act Establishing the Floodplain Management Act of Maine" (H. P. 785) (L. D. 1059) reporting "Ought not to pass"

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Messrs. MARCOTTE of York
SCHULTEN of Sagadahoc
— of the Senate.
Messrs. MacLEOD of Bar Harbor
CURRAN of Bangor
PETERSON of Windham
BRIGGS of Caribou
ROLDE of York
PALMER of Nobleboro
HUBER of Falmouth
HERRICK of Harmony
Mrs. BERUBE of Lewiston
— of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass" in New Draft (H. P. 1539) (L. D. 1969) under same title.

Report was signed by the following member:

Mr. SMITH of Exeter
— of the House.

Reports were read.

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

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

Thereupon, on motion of Mr. Simpson of Standish, tabled pending the motion of Mr. MacLeod of Bar Harbor to accept the Majority Report and specially assigned for Tuesday, May 29.

Consent Calendar

First Day

(H. P. 275) (L. D. 381) Bill "An Act Revising the Pauper Laws"—Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (H-449)

(H. P. 329) (L. D. 447) Bill "An Act to Correct Certain Inconsistencies in the Motor Vehicle Laws"—Committee on Transportation reporting "Ought to pass" as Amended by Committee Amendment "A" (H-451)

(H. P. 1404) (L. D. 1845) Bill "An Act Relating to Jurisdiction of Certain Land at Bangor International Airport"—Committee on Legal Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (H-448)

(H. P. 1530) (L. D. 1961) Bill "An Act Authorizing Sale of the Seal Cove Water District"—Committee on Public Utilities reporting "Ought to pass"

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

Consent Calendar

Second Day

(S. P. 395) (L. D. 1175) Bill "An Act to Allow the Brunswick Sewer District to Treat Sewerage from Topsham Sewer District and Septic Tanks" (S. P. 395) (L. D. 1175) (C. "A" S-149)

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

(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)

On the request of Mr. Peterson of Windham, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Resolve read once and assigned for second reading the next legislative day.

Second Reader

Tabled and Assigned

Bill "An Act Creating the Uniform Alcoholism and Intoxication Treatment Act" (S. P. 13) (L. D. 76) (C. "A" S-150).

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

(On motion of Mr. Henley of Norway, tabled pending passage to be engrossed and specially assigned for Wednesday, May 30.)

Passed to Be Engrossed

Bill "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" (H. P. 1532) (L. D. 1962)

Bill "An Act Relating to Minimum Wages for Students Employed at Summer Camps" (H. P. 1313) (L. D. 1723) (C. "A" H-437)

Bill "An Act to Establish Privileged Communication for School Counselors" (H. P. 533) (L. D. 715) (C. "A" H-455).

Bill "An Act Relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 19) (L. D. 19)

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

Second Reader

Tabled and Assigned

Bill "An Act to Establish a Uniform Program for Educational

Leave for State Employees" (H. P. 507) (L. D. 672) (C. "A" H-436)

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

(On motion of Mr. Smith of Dover-Foxcroft, tabled pending passage to be engrossed and specially assigned for Monday, May 29).

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

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

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

Passed to Be Enacted

An Act Relating to Release of Patients at Pineland Hospital and Training Center (S. P. 2) (L. D. 29)

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentleman of the House: I would like to pose a question to either the chairman or a member of the Health and Institutional Services Committee in reference to this L. D. The original L. D., as proposed, in effect sort of gave the parents or guardians the right of veto over the possibility of a person being transferred from Pineland to some other institution. I am wondering, am I right in assuming that the amendment that was added says that the department and Pineland shall consult and shall make their views known to the institution, and the institution, once they have evaluated that, can still proceed on that basis, or are the parents given an automatic veto?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair

to anyone who may answer if they choose.

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

Mr. DYAR: Mr. Speaker and Members of the House: It is my understanding that the interpretation that the gentleman from Eagle Lake, Mr. Martin, has just given is correct. This bill was brought about when children were being discharged or transferred from Pineland to nursing homes, boarding homes and foster homes throughout the state. I use the term children referring to mentally retarded people, and they may range in age from 6 to their 70's or 80's.

We introduced this piece of legislation based on the fact that we felt that when a person was transferred from this institution, at least a parent or guardian should know that their relative or child was being transferred so they would have a chance, if possible, to check out the nursing home or boarding home where this person was going and be able to voice an objection to a home that they did not care for. In many cases these transfers were made to areas far away from home, which prohibited the parents or relatives the privilege to visit their children. There were some compromises made where they did switch them back so they would be closer to home.

We felt that the parents should have a right to be notified and have the opportunity to sit down with the administration of Pineland and discuss the discharge or transfer of their child or their ward.

We did receive a letter, I believe, saying that this was unconstitutional and then we got a letter back rescinding this view. So in my mind, I think the bill as it is written now, with the amendments, is a feasible bill. I certainly hope you will go along with this amendment.

Thereupon, on motion of Mr. Martin of Eagle Lake, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Providing for State Supervision of the Construction and

Safety of Dams and Reservoirs (H. P. 205) (L. D. 550)

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

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

Mr. HUBER: Mr. Speaker, Ladies and Gentleman of the House: First, I would like to say that I agree entirely with the intent of L. D. 550 and certainly admire the sponsor of this bill who has worked hard to cure the problems in this bill.

We do have problems in this state with dams and reservoirs and safety of these. I am sure the gentleman from Eastport, Mr. Mills, will mention the problems of the Town of Danforth. The gentleman from Strong, Mr. Dyar, has also mentioned some problems in his district.

I feel that in certain cases I believe the owner should be required to maintain dams where, for example, he has profited from the construction of the dam and perhaps subsequent lot sales are caused by the presence of a body of water here.

In other cases, ownership is almost incidental. People have inherited dams which no longer serve a useful purpose.

Finally, we have a third category where the ownership of dams is vague or entirely unknown. In all cases I would like to say that I do believe the intent of providing for safety of dams is important in this legislation. However, the legislation provides a one-way solution to a two-way problem.

As originally written, I feel this legislation unduly penalized the dam owner, in that the state could repair a dam, charge the cost to the owner and therefore keep the dam maintained. The original bill also provided that the state may accept such dams after repair, and I feel there was no reason for the state to incur this cost. The state, in the original bill, could impose a liability, even though, for example, the dam owner wanted to let the water down, hide the dam and really abandon the dam.

As amended, this bill now allows the abandonment by the owner and I feel it is very much in favor of the dam owner and too much so. A developer, for example, could build a dam, sell lots around the lake created, and then under the provisions of this amendment could abandon the dam, leaving the cost to the state or to any municipality or private party who wanted to pick up this cost and the intended liability.

We have an example in the Town of Falmouth of a dam on the Presumpscot River owned by S. D. Warren Company, which, again, no longer serves a useful purpose. Under the provisions of this bill, S. D. Warren could breach that dam, let the water down behind it, then expose considerable flats in the Presumpscot River, I feel to the detriment of the owners.

An additional provision in this bill that bothers me somewhat is in Section 255, paragraph 2, under rules and regulations, which states, "the agencies shall adopt and revise from time to time such rules and regulations and issue such general orders as may be necessary for carrying out, if not being consistent with, this chapter."

It is very easy to give an agency power to promulgate rules and regulations without really knowing what these rules and regulations may mean. I have just almost automatically gotten a little bit leery of this power unless it has some limits to it. Finally, the appropriation on this bill is \$155,000 or almost \$156,000 per biennium. It provides for 4 people on a continuing basis in the Department of Soil and Water Conservation Commission and I feel that this is empire building in this department.

In this session, we have already passed legislation allowing the inspection of dams under a program headed by the Corps of Engineers and by delegation by the Governor, this study has been delegated to the Soil and Water Conservation Commission. I would much prefer that the Soil and Water Conservation Commission study our specific dam problems under the legislation we have already passed and come back with

specific legislation to cure specific problems.

Mr. Speaker, I would like to move indefinite postponement of L.D. 558 and all accompanying papers and request a division.

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

Mr. BRAUN: Mr Speaker and Ladies and Gentlemen of the House: We are in the middle of this, the Belgrade Lakes Region where I live. The Central Maine Power Company had dams upon these waters. The first dam is at the foot of Messalonskee Lake, which is in the town that I live. This controls the water in Messalonskee Lake, Belgrade Stream, Long Pond, Salmon Lake, McGraw Pond, East Pond and another stream, Meadow Stream. They would like to get out from under this responsibility. We have had meetings and meetings to take over these dams. They have reaped the profit by creating power. They no longer need it because in the north, like Wyman Dam, Indian Pond and all these others, they can bring their power in much cheaper than they can create it there. So they want the little fellow to take over this dam now and pay for these dams.

Gentlemen, I hope you will go along with indefinite postponement, because if they are allowed to let these dams go out, our fishing, the cottage owners will be hurt. The water will go out so far away that on many of these lakes, the wharves will be high and dry and the boats can't even go into the water. And some of these will be almost a stream. So I hope you will go along with indefinite postponement.

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

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

Thereupon, Mr. Simpson of Standish requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Eastport, Mr. Mills, that this matter lie on the table two legislative days. All in

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

A vote of the House was taken.

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

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

Mr. MacLEOD: Mr. Speaker and Ladies and Gentlemen of the House: At this time I would like to concur with the gentleman from Falmouth, Representative Huber, in his remarks. I think he has covered them real well on this bill. We have moved earlier in the day here, a majority report on a flood plan management bill, which we feel incorporated in these two bills is an opportunity to try to beef up the Soil and Water Conservation Commission. I do not want to throw too much confusion here at this time, but the other bill calls for six employees and practically the same amount of money as this one. And we just feel we have a real good Soil and Water Commission. We just don't feel that they should get into this area at this time, realizing that we do have problems throughout the state with the dams.

We were told in committee and given a chart showing the amount of dams that there are. There are over a thousand in the state. Some of them have been inspected. We feel this commission can go out and make an inspection of these dams. But we just feel at this time that we don't want this commission built up with this amount of funds and getting into this area until we have had a little more study.

I would hope you would support the motion.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I have been very interested in finding out what is happening to the 1100 dams in the State of Maine. We have all kinds of companies and everything else. I have written letters to companies and gotten no reply. To indefinitely postpone this bill today is to give

carte blanche to the paper companies and anybody else in the power game that owns dams to do as they please.

The laws in the statute books of Maine only tell how they shall meet - these companies are regulated on statute law - and how they shall meet, who shall be on their boards and so on and so forth. Outside of that, I can't find and nobody else has been able to find any statute law that controls these dams. I hope you vote against the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, would the Clerk please read the committee report?

Thereupon, the Report was read by the Clerk.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: I think that possibly some of us may have short memories. Maybe some can remember back to what has happened in West Virginia, Pennsylvania, New York, North Dakota in the past few years, where these company - owned dams have been placed in rivers, 80 to 100 years ago, have served their purpose in holding water back for hydro electric development, in this state holding water back for log drives and so forth. And at this time, they have no use whatsoever to the corporate entity that obstructed the river with a dam in the first place. And consequently, these dams have gone into a state of disrepair. They are creating a potential hazard and nobody wants to get involved.

I wonder what would happen if the Gulf Island Dam on the Androscoggin burst, or the Power Company dam here in Augusta burst, others on the Penobscot and Kennebec and rivers and streams throughout the state? Who would take the responsibility? I think some department in this state has got to have the guts, the forward look, to get out in the field to check these dams, classify these dams as to their potential danger, their physical strength and force owners

of dams that create a danger to bring these dams into repair.

In my own legislative district through the Corps of Engineers - I can't tell you how far it has gone now. There is a little corporate play called the Carrabassett Water Shed Development, how it is going to dam the Carrabassett River in the Sugarloaf area and flood back to the foot of Bigelow Hill. This would create a fine recreational lake for potential development. I believe it would cost the State of Maine some \$7 million to reroute Route 27, around this man-made lake. Now this potential dam, which still may be funded by the Federal Government, became a reality. The developer went in and lost his shirt on the development and backed out and this dam stays on the Carrabassett River, which is a fast running, pressing type river, and a few years from now, through disrespect for the rights of others living down the river, this dam, if it does go out, I would hate to face my constituents at that time.

I would hate to be a member of this House representing any part of this state and see people in my district lose their lives, their homes and their jobs through the greed of some corporation who won't spend a few bucks to either remove, replace or repair a dam.

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

Mr. ROLDE: Mr. Speaker and Ladies and Gentlemen of the House: I think a key to this bill is found in the first sentence of the bill, where it says, "It is the intent of the legislation to provide for the regulation and supervision of all dams and reservoirs exclusively by the State of Maine to the extent required for the protection of public safety." It is true, as the gentleman from Falmouth, Mr. Huber, has said, that we have passed a law that will allow the commission to investigate dams, but it gives them no power to take any action. And this is the situation we find ourselves in now. The state has no power to take any action in terms of dams that might be dangerous to the public's safety.

The reason that I voted for this bill in committee was that I had the Buffalo Creek disaster in West Virginia in mind. More than 100 people were killed there. And there may be problems, technical problems with this bill. But I could not take the responsibility of continuing a situation where the state has no charge to do anything about dam safety.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker and Ladies and Gentlemen of the House: I would briefly express the reason why I signed the majority "ought to pass" report. We had a group of concerned citizens from the Town of Danforth that drove many hours to get to the committee hearing who were very concerned about a situation in their community. Their drinking water is held by a dam up there that is owned by some kind of paper company which is owned by out-of-staters. They have used the dam for many years and now the dam is no longer necessary. The company does not want to keep the dam up. The dam is losing water, and these people are afraid, if this bill is not passed, that they are going to lose their water supply.

I was moved by the fact that they traveled that many miles, that they have written to the company, they have tried to get assistance. But now that the company has made its money off the use of this dam, it is not willing to make the repairs. And I think that this proposal would remedy that situation or at least help it.

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

Mr. HUBER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to briefly answer some points brought up by the gentleman from Eastport, Mr. Mills and by Mr. Peterson. This bill, as amended by Senate Paper 147 would allow abandonment of dams such as the one in Danforth. This, essentially, would allow carte blanche to dam owners. If a dam had lost its utility or provision for

simply abandoning it, the state, if it had any interest in it, could accept the dam or if the state had no continuing interest in having the dam there, it could offer it to a municipality or to private parties. But it does allow abandonment of dams. And we have a considerable number of dams which have lost their original usefulness.

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

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: I think that there are some things in this bill that it would be to the advantage of the state to have, and I think that we should not indefinitely postpone it. I am not too concerned about the Gulf Island Dam, as Mr. Dyar has mentioned, because I doubt if that is going to be allowed to break away and allow the waters to go down the Androscoggin River. But I am concerned about the dam such as Mr. Brawn mentioned. In the late 1800's, there were hundreds of dams built in this state to provide energy for small mills. They are still on the streams and at the foot of the lakes throughout this state. They are abandoned now and they are reaching the point of deterioration where they are going to start giving away by themselves, and there has got to be something done about them. So I would urge you to vote against indefinite postponement and hopefully we can do something to save this bill.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I think the problem has been well defined and also the problems with the bill. The situation isn't going to go away, and I hope that after we dispose of this bill today, however we go on it, that we won't forget about this, that we study — I don't know what other word to use, and I don't like the word either. I think that we do have to study it. There is no one willing to take the responsibility for these dams that are scattered all over

our state that are becoming hazardous and in some instances are hazardous today.

I hope that we do follow this up and that we do study it and get the best resolution possible. It is a considerable problem. It is going to take a major effort, I think, in this state. It seems to be insoluble locally. We have three substantial dams in our community that we have been hassling with all my life, and there doesn't seem to be any local solution.

I think that we need statewide action on this problem, I hope we do something on it.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we pass this bill today. If there are any corrections to be made on this bill, we are coming back to a special session. I think it could be taken care of at that time even if there was going to be a study.

Somewhere along the line we have to start having the safety of these dams. We have to start a program of some type. I think this is the right approach to it, and a little later on if this bill needs an amendment, we can always amend it in the Special Session.

Mrs. Clark of Freeport requested a roll call.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: The present situation is this: We do not have anything on the statute books that will cover the situations that exist with our dams today. The passage of this bill here would be the first step towards eliminating the hazards of some of these worn out dams that can cause the floods that go down the river and wipe out other communities.

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

Mr. GOOD: Mr. Speaker, could I have this tabled for one legislative day?

Mr. Birt of East Millinocket requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Westfield, Mr. Good, that L. D. 550 lie on the table one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

44 having voted in the affirmative and 50 having voted in the negative, the motion did not prevail.

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

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am sorry to rise, Mr. Speaker, but I think before we go, I have got to say one thing. We have \$20 million worth of bills on the table on the other side, on the Appropriations Table.

Mr. Speaker, I am as concerned with the safety of the people as anybody else in this House. I know that everybody is concerned about it. I heeded the words of the gentleman from Pittsfield, Mr. Susi, when he talked about the word "study." A good study is a very very helpful thing, and this is what this needs. Six people with hardhats and a shovel are not going to solve this problem.

Now, you are now voting when you vote for this bill on a price tag that nobody can put on. This is a fantastic amount of money that we are launching on now. I am extremely sympathetic to those 100-year dams and problems, but I have got to be a little sympathetic with my own self in case that Androscoggin dam did break down. Of course, a fourth bridge might be the answer, but the name might wind up Viet Nam.

In any event, this bill has a price tag on it that nobody can count,

and I think you should bear that in mind before you push your key.

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

Mr. MILLS: Mr. Speaker, Members of the House: I cannot agree with my friend, Mr. Jalbert, for the very simple reason that he is asking us to weigh dollars against human lives, and that I don't buy.

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

Mr. JALBERT: Mr. Speaker, Members of the House: That remark really makes my blood boil. How can anybody get up and say that anybody would put a dollar bill ahead of a human life? I mean, if I said what I feel, I would be gaveled down so fast, It would make my head swim, so I am going to say it. I am going to sit down and keep my mouth shut.

The SPEAKER: The pending question is on the motion of the gentleman from Falmouth, Mr. Huber, that L. D. 550 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Baker, Berry, P.P.; Birt, Bragdon, Brawn, Brown, Bunker, Cameron, Carey, Churchill, Cottrell, Cressey, Curran, Dunn, Farnham, Ferris, Garsoe, Good, Hamblen, Hancock, Haskell, Herrick, Huber, Hunter, Jackson, Jacques, Jalbert, Keyte, Knight, Lawry, MacLeod, Mahany, Maxwell, McHenry, McKernan, Morton, Norris, Parks, Rollins, Ross, Shaw, Shute, Snowe, Sproul, Stillings, Trask, Walker, Wheeler, White, Willard.

NAYS: Albert, Ault, Berube, Bither, Boudreau, Bustin, Carter, Chick, Chonko, Clark, Connolly, Cote, Crommett, Curtis, T.S., Jr.; Dam, Dow, Drigotas, D y a r, Emery, D.F.; Farrington, Fine-more, Fraser, Goodwin, K.; Green-law, Henley, Hobbins, Hoffses, Immonen, Kelleher, Kelley, L a-Charite, LaPointe, Lewis, E.; Lewis, J.; Lynch, Martin, McCormick, McTeague, Merrill, Mills, Mulkern, Murchison, M u r r a y, Najarian, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Pratt, Rolde, Silverman, Simpson, L.E.;

Smith, D.M.; Smith, S.; Susi, Talbot, Theriault, Tierney, Webber, Whitzell.

ABSENT: Berry, G.W.; Binnette, Briggs, Carrier, Cooney, Davis, Deshaies, Donaghy, Dudley, Dunleavy, Evans, Farley, Faucher, Fecteau, Flynn, Gahagan, Gauthier, Genest, Goodwin, H.; Kauffman, Kelley, R.P.; Kilroy, LeBlanc, Littlefield, Maddox, McMahon, McNally, Morin, L.; Morin, V.; Ricker, Santoro, Sheltra, Soulas, Strout, Tanguay, Trumbull, Tyndale, Wood, M.E.

Yes, 51; No, 61; Absent, 38.

The SPEAKER: Fifty-one having voted in the affirmative and sixty-one having voted in the negative, with thirty-eight being absent, the motion does not prevail.

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

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, I would move that the House reconsider and that you would vote against me.

The SPEAKER: The gentleman from Windham, Mr. Peterson, moves that the House reconsider its action whereby it passed this matter to be enacted. All in favor of that motion will say yes; those opposed will say no.

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

An Act Relating to Improved Property Tax Administration (S. P. 221) (L. D. 637)

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

An Act to Amend the Laws Administered by the Department of Environmental Protection (H. P. 818) (L. D. 1140)

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

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

An Act Exempting from the Sales Tax Sales to Nonprofit Health Care

Corporations (H. P. 1512) (L. D. 1942)

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 Relating to Psychotherapist and Patient Privilege" (H. P. 1226) (L. D. 1601) (S. "A" S-156).

Tabled — May 24, by Mr. Simpson of Standish.

Pending — Further consideration.

On motion of Mr. Simpson of Standish, tabled pending further consideration and specially assigned for Wednesday May 30.

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

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

Tabled — May 24, by Mr. Simpson of Standish.

Pending — Passage to be enacted.

On motion of Mr. Simpson of Standish, tabled pending passage to be enacted and specially assigned for Wednesday, May 30.

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

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

Tabled — May 24, by Mr. Martin of Eagle Lake

Pending — Passage to be enacted.

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and specially assigned for Wednesday, May 30.

(Off Record Remarks)

On motion of Mr. Simpson of Standish,

Adjourned until Tuesday, May 29 at ten o'clock in the morning.