

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

**April 23, 1973 to June 5, 1973**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Tuesday, May 29, 1973

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

Prayer by the Rev. Mr. Lewis H. Cutler of Freeport.

The members stood at attention during the playing of the National Anthem by the Telstar Regional High School Band of Bethel.

The journal of the previous session was read and approved.

**Order Out of Order**

Mrs. Clark of Freeport presented the following Order and moved its passage:

ORDERED, that Susan Hadlock, Kathleen Logan, Robin Sue Schneider, Jeremy Pettit, Ronald Rines and Michael Thomas of South Freeport be appointed Honorary Pages for today.

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

**Papers from the Senate  
Reports of Committees  
Leave to Withdraw  
Tabled and Assigned**

Committee on Judiciary on Bill "An Act Regulating the Interception of Wire and Oral Communications" (S. P. 377) (L. D. 1108) reporting Leave to Withdraw.

Came from the Senate with the Bill substituted for the Report and the Bill passed to be engrossed as amended by Senate Amendment "B" (S-171).

In the House, the Report was read.

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

**Covered by Other Legislation**

Committee on State Government on Bill "An Act Relating to Regional Planning" (S. P. 291) (L. D. 838) reporting Leave to Withdraw as covered by other legislation.

Came from the Senate with the Report read and accepted.

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

**Ought to Pass in New Draft**

Committee on Legal Affairs on Bill "An Act to Revise the Laws Relating to the Practice of Optometry" (S. P. 361) (L. D. 1107) reporting "Ought to pass" in New Draft (S. P. 632) (L. D. 1964) under same title.

Committee on Judiciary on Bill "An Act Relating to Liability for Physical Harm to Users, Consumers or Bystanders from Defective Consumer Goods" (S. P. 312) (L. D. 978) reporting "Ought to pass" in New Draft (S. P. 631) (L. D. 1963) under new title "An Act Relating to Liability for Physical Harm to Users, Consumers or Bystanders from Defective Goods or Products."

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

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

**Ought to Pass**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Medical Care Development, Incorporated" (S. P. 468) (L. D. 1496) reporting "Ought to pass."

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

In the House, the Report was read and accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

**Non-Concurrent Matter**

Bill "An Act Relating to Qualifications for Jury Service of 18-year-old Voters" (S. P. 496) (L. D. 1583) which the House accepted the Majority "Ought not to pass" Report on May 23.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-104) in non-concurrence.

In the House:

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

Mrs. WHEELER: Mr. Speaker, I move we recede and concur and I would like to speak to my motion.

The SPEAKER: The gentlewoman from Portland, Mrs. Wheeler, moves that the House recede and concur.

The gentlewoman may proceed. Mrs. WHEELER: Mr. Speaker, Ladies and Gentlemen of the House: The 105th Legislature enacted legislation providing for full adult rights to 18-year-olds. One of these rights was the fundamental right to vote. As a consequence, each person of 18 years of age was eligible to be placed in a pool and called upon for jury duty. Maine law today prohibits any persons under the age of 20 the right to serve on a jury. Obviously, this law is in direct conflict with the legislative intent of the 105th Legislature to grant full adult rights to 18-year-olds and has created problems under the jury system.

Some 18-year-olds have been selected from the jury pool, and if they were allowed to serve would have created a serious problem as to the legality of a verdict. Accordingly, in order to clarify and correct these obvious inconsistent laws, I urge you to recede and concur with the Senate.

Thereupon, the House voted to recede and concur.

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act Providing that Public Utility Construction Contracts be Awarded by Competitive Bidding" (H. P. 1525) (L. D. 1955) which the House passed to be engrossed on May 23.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-172) in non-concurrence.

In the House: On motion of Mr. Hancock of Casco, tabled pending further consideration and specially assigned for Thursday, May 31.

#### Messages and Documents

The following Communication:  
State of Maine

One Hundred and Sixth Legislature  
Committee on Health &  
Institutional Services  
May 24, 1973

Honorable Richard D. Hewes  
Speaker of the House  
State House

Dear Speaker Hewes:

The Committee on Health & Institutional Services is pleased to report the completion of that business of the 106th Legislature that was placed before this Committee.

Total number of bills received	61
Ought to Pass	16
Ought Not to Pass	5
Ought to Pass as Amended	16
Ought to Pass New Draft	4
Divided Reports	11
Leave to Withdraw	8
Referred to Another Committee	1

Sincerely,

Signed:

ROSWELL E. DYAR  
House Chairman

The Communication was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

May 25, 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 to Repeal the Seasonality Provisions of the Employment Security Law" (H. P. 519) (L. D. 684).

The President appointed the following conferees to the Committee of Conference on Bill, "An Act Relating to Membership on the State Board of Barbers" (H. P. 844) (L. D. 1118):

Senators:

GREELEY of Waldo  
HICHENS of York  
MINKOWSKY

of Androscoggin  
Respectfully,

Signed:

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

#### Orders

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

Mr. O'BRIEN: Mr. Speaker, I would ask if the House is in possession of L. D. 1639.

The SPEAKER: The Chair would answer in the affirmative. The House is in possession of Bill "An Act Establishing an Office of Early Childhood Development in Maine," Senate Paper 515, L. D. 1639, on which the House voted to adhere on Friday.

Mr. OBRIEN: Mr. Speaker, I would ask this House to reconsider its action whereby it voted to adhere.

The SPEAKER: The gentleman from Portland, Mr. O'Brien, moves that the House reconsider its action whereby it voted to adhere.

The gentleman may proceed.

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that its only reason for going down to defeat is the fact that there seems to be a large appropriation on this one. I can't for any good reason, see this House killing worthwhile legislation on the fact that there may or may not be an appropriation. Should the appropriation stay on this bill, I think this House should let the Appropriations Committee do their job.

The bill has a great deal of merit. It has been supported by all the child care units throughout the state, and here again we are dealing with another emotional issue. There is a great deal of internal confusion on this bill and no one really has addressed themselves to the merits of the bill. I really can't believe we should kill it on the way to the Appropriations Table just for that reason.

There are 125,000 children under six years old in the state — 125,000 children without anybody to speak for them. I grant you, the majority of these children come from well cared for homes and the children are not being abused in any way. But a great many of these children need day care help and many of them need the help for abuse.

We have an office and a commission for the aged and we have health and welfare for the poor, we just don't seem to have any spokesman, any place in the state for the children. So I would ask you to reconsider whereby we

adhered so I can make the motion that we recede and concur. I just don't believe this bill should die here.

The SPEAKER: The Chair will order a vote. All in favor of reconsidering our action of last Friday whereby we voted to adhere to our indefinite postponement motion will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 50 having voted in the negative, the motion to reconsider did prevail.

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 Chair would state that the records indicate that on Friday we defeated the motion to recede and concur.

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

Mr. MARTIN: Mr. Speaker, I move we insist and ask for a Committee of Conference.

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

Mr. O'BRIEN: Mr. Speaker, can I ask the House to reconsider its action whereby they adhered so I can work this bill back to the position of receding and concurring?

The SPEAKER: The Speaker, at some point that motion would be in order.

Mr. O'BRIEN: Mr. Speaker, I think it is in order now.

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

Mr. JALBERT: Mr. Speaker, I think possibly in order now would be a motion to reconsider whereby we did not recede and concur and then if that passes, he could make the motion that we do recede and concur.

The SPEAKER: The gentleman from Portland, Mr. O'Brien, moves the House reconsider its action whereby it failed to recede and concur with the Senate. The Chair will order a vote. All in favor of reconsidering will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. O'Brien of Portland requested a roll call vote.

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

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

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

Mr. O'BRIEN: Mr. Speaker, a parliamentary inquiry. I am still under the belief that the motion now should be to recede and concur.

The SPEAKER: The Chair would inform the gentleman that the House defeated the motion to recede and concur on Friday. The pending motion is to reconsider our action whereby we failed to recede and concur. The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, just a point of order. We just had a tie vote. That fails anyway, so there is no need to shift the vote.

The SPEAKER: The Chair would inform the gentleman that before the vote was announced, the gentleman from Portland, Mr. O'Brien, requested a roll call.

Mr. FINEMORE: That isn't what I mean. I mean on the other vote if it hadn't been requested, the tie vote, the motion fails.

The SPEAKER: If that had been a final vote, that motion would have failed. However, before it was announced, the gentleman from Portland, Mr. O'Brien, requested a roll call.

The pending question is on the motion of the gentleman from Portland, Mr. O'Brien, that the House reconsider its action whereby it failed to recede and concur Friday. All in favor of that motion will vote yes; those opposed will vote no.

## ROLL CALL

YEA — Albert, Ault, Birt, Bither, Boudreau, Brown, Bunker, Bustin, Carey, Carrier, Chonko, Clark, Conley, Cooney, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Deshaies, Dow, Dunleavy, Farley, Farrington, Faucher, Fecteau, Fraser, Genest, Good, Goodwin, H.; Goodwin, K.; Hancock, Haskell, Hobbins, Huber, Jalbert, Kelleher, Keyte, Kilroy, LaPointe, Lawry, Lynch, Mahany, Maxwell, McTeague, Mulken, Murray, Najarian, O'Brien, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Ross, Simpson, L. E.; Smith, D. M.; Talbot, Tanguay, Theriault, Tierney, Trask, Webber, Wheeler.

NAY — Berry, P. P.; Berube, Binnette, Bragdon, Brown, Cameron, Carter, Chick, Churchill, Cote, Cressey, Davis, Donaghy, Drigotas, Dunn, Dyar, Emery, D. F.; Farnham, Ferris, Finemore, Gauthier, Hamblen, Henley, Herrick, Hoffses, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Knight, LaCharite, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Martin, McCormick, McHenry, McMahan, McNally, Merrill, Mills, Morin, L.; Morin, V.; Murchison, Palmer, Parks, Pratt, Shaw, Shute, Silverman, Smith, S.; Snowe, Stillings, Strout, Susi, Trumbull, Walker, Willard, Wood, M. E.; The Speaker.

ABSENT — Baker, Berry, G. W.; Briggs, Connolly, Dam, Dudley, Evans, Flynn, Gahagan, Garsoe, Greenlaw, Jacques, Kauffman, Morton, Norris, Santoro, Sheltra, Soulas, Sproul, Tyndale, White, Whitzell.

Yes, 65; No, 64; Absent, 22.

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

The pending question before the House is to recede and concur. The Chair will order a vote. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. O'Brien 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 on L. D. 1639. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Binnette, Birt, Bither, Boudreau, Brown, Bunker, Bustin, Carey, Carrier, Carter, Chonko, Clark, Conley, Cooney, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Deshaies, Dow, Drigotas, Dunleavy, Farley, Faucher, Fecteau, Fraser, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Hobbins, Huber, Jalbert, Kelleher, Kelley, Keyte, Kilroy, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McKernan, McTeague, Mills, Mulkern, Murray, Najarian, O'Brien, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Simpson, L. E.; Smith, D. M.; Talbot, Tanguay, Theriault, Tierney, Trask, Webber, Wheeler.

NAY — Ault, Berry, P. P.; Berube, Bragdon, Brown, Briggs, Cameron, Chick, Churchill, Cote, Cressey, Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Ferris, Finemore, Gauthier, Hamblen, Henley, Herrick, Hoffses, Hunter, Immonen, Jackson, Kelley, R. P.; Knight, LaCharite, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McHenry, McMahon, McNally, Merrill, Morin, L.; Morin, V.; Murchison, Palmer, Parks, Pratt, Ross, Shaw, Shute, Silverman, Smith, S.; Snowe, Stillings, Strout, Susi, Trumbull, Walker, Willard, Wood, M. E.; The Speaker.

ABSENT — Baker, Berry, G. W.; Connolly, Dam, Dudley, Evans,

Flynn, Gahagan, Garsoe, Jacques, Kauffman, Morton, Norris, Santoro, Sheltra, Soulas, Sproul, Tyndale, White, Whitzell.

Yes, 70; No, 61; Absent, 20.

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

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

Mr. Farnham from the Committee on State Government on Bill "An Act to Establish a State Hospital Training and Development Center Advisory Board" (H. P. 1003) (L. D. 1320) reporting "Ought not to pass."

Mrs. Chonko from the Committee on Labor reporting same on Bill "An Act Granting State Employees and Employers the Right to Collective Bargaining" (H. P. 1331) (L. D. 1809)

Reports were read and accepted and sent up for concurrence.

#### Leave to Withdraw

Mr. Haskell from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to the Several Counties for Social Service Programs" (H. P. 1366) (L. D. 1822) reporting Leave to Withdraw.

Mr. Garsoe from the Committee on Labor reporting same on Bill "An Act Relating to Procedure with Respect to Claims Against Third Persons under Workmen's Compensation Act" (H. P. 1359) (L. D. 1815)

Mrs. Chonko from same Committee reporting same on Bill "An Act Relating to Bargaining by Public Employers and Employees under Municipal Public Employees Labor Relations Law" (H. P. 869) (L. D. 1157)

Same gentlewoman from same Committee reporting same on Bill "An Act Providing Collective Bargaining Rights for Employees of the State and the University of Maine" (H. P. 1390) (L. D. 1773)

Reports were read and accepted and sent up for concurrence.

**Covered by Other Legislation**

Mr. Silverman from the Committee on State Government on Bill "An Act Creating the Maine Health Maintenance Organization" (H. P. 786) (L. D. 1230) reporting Leave to Withdraw as covered by other legislation.

Report was read and accepted and sent up for concurrence.

**Referred to Another Session**

Mr. Rolde from the Committee on Natural Resources on Bill "An Act Creating the Maine Forest Practices Act" (H. P. 1301) (L. D. 1757) reporting refer to a Special Session of the 106th Legislature or the 107th Legislature.

Mr. Rollins from the Committee on Labor reporting same on Bill "An Act Providing for A Workmen's Compensation Insurance Fund" (H. P. 1397) (L. D. 1808)

Reports were read and accepted, the Bills referred to another session of the Legislature and sent up for concurrence.

**Ought to Pass  
Printed Bills**

Mr. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issues in the Amount of \$25,000,000 to Provide Funds for School Building Construction" (H. P. 1391) (L. D. 1800) reporting "Ought to pass."

Same gentleman from same Committee reporting same on Resolve Providing for Purchase of Copies of History of Monson (H. P. 1414) (L. D. 1854)

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

**Ought to Pass with  
Committee Amendment**

Mrs. McCormick from the Committee on Transportation on Bill "An Act Relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities" (H. P. 549) (L. D. 730) reporting "Ought to pass" as amended by Committee Amendment "A" (H-456)

Mr. McMahon from the Committee on County Government on Bill

"An Act to Authorize Oxford County to Raise Money for the Development of an Airport in the Rumford-Mexico Area" (H. P. 464) (L. D. 612) reporting "Ought to pass" as amended by Committee Amendment "A" (H-460)

Reports were read and accepted and the Bills read once. Committee Amendment "A" to each was read by the Clerk and adopted and the Bills assigned for second reading tomorrow.

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

Mr. O'Brien from the Committee on Business Legislation on Bill "An Act Providing for Interest on Late Payment of Insurance Claims" (H. P. 1407) (L. D. 1847) reporting "Ought to pass" in New Draft (H. P. 1544) (L. D. 1975) under same title.

Mr. LaPointe from the Committee on Health and Institutional Services on Bill "An Act Authorizing Department of Health and Welfare to Pay Medical Expenses for Needy Persons" (H. P. 516) (L. D. 679) reporting "Ought to pass" in New Draft (H. P. 1543) (L. D. 1971) under new title "An Act Authorizing the Department of Health and Welfare to Pay Medical Expenses when these Expenses Constitute a Financial Catastrophe."

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

**Divided Report**

Majority Report of the Committee on Public Utilities on Bill "An Act to Provide Additional Requirements for Investigation of Railroad Company Accidents by the Public Utilities Commission" (H. P. 1411) (L. D. 1851) reporting "Ought to pass" in new draft (H. P. 1540) (L. D. 1970) under same title.

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot  
Messrs. CYR of Aroostook  
ANDERSON of Hancock  
— of the Senate.

Messrs. CONLEY  
of South Portland  
MADDOX of Vinalhaven  
CHICK of Sanford



MURRAY of Bangor  
MULKERN of Portland  
KELLEHER of Bangor  
GENEST of Waterville  
— of the House.

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

Report was signed by the following member:

Mr. TRASK of Milo  
— of the House.

Reports were read.

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

#### Divided Report

Majority Report of the Committee on Business Legislation on Bill "An Act Relating to Powers and Interest Charges of Industrial Banks and Loan Companies" (H. P. 797) (L. D. 1050) reporting "Ought to pass" as amended by Committee Amendment "A" (H-452)

Report was signed by the following members:

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

Mrs. BOUDREAU of Portland  
Messrs. TRASK of Milo  
MADDOX of Vinalhaven  
DONAGHY of Lubec  
HAMBLEN of Gorham  
JACKSON of Yarmouth  
O'BRIEN of Portland  
DESHAIES of Westbrook  
— of the House.

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

Report was signed by the following members:

Mrs. CLARK of Freeport  
Mr. TIERNEY of Durham  
— of the House.

Reports were read.

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

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

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

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This bill here, as I understand it, deals with the same problems that our small loan bill that we worked on the other day here dealt with.

I have an analysis of this bill, that has been prepared by people who are knowledgeable and well motivated and experienced in this field who believe that this legislation we are working on right here now removes the 36-month restriction that we were concerned about in our debate on the other bill.

If we were to enact this bill then it is my understanding that flipping or rolling of accounts becomes a part of the scene here in Maine again.

Now, to renew your knowledge in this, you remember that we put in this 36-month thing back around three terms ago, and that in the meantime, small loan companies have been reduced from 100 plus to down around 15 or 20 present small loan offices; that after 36 months, the interest rate on a loan drops back to 8 percent, flipping isn't allowed.

Under this bill, it would be just a matter of a small loan company changing its name to an industrial bank or industrial loan company to get in under this, and they would be right back in business again, full blast.

Now, if there are any discrepancies in what I have told you, I want to hear the proponents of this bill explain it to me. I am sure that they have lots of information. But I believe this is so, I believe that the people who have prepared this analysis are correct, that they understand what they are doing.

I hope that you will vote against the ought to pass motion.

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

Mr. O'BRIEN: Mr. Speaker, Members of the House: I had hoped that I wouldn't have to get to my feet on this bill.

This bill had a very very extensive hearing before the Business Legislation Committee. It had even a greater hearing in Executive Ses-

sion where we invited the bank commissioner to come in and sit at our session.

Now, in discussing this with the bank commissioner, he is agreeable that this bill would have been a department bill except that the industrial banks wanted to be responsible for cleaning their own house.

It has my name on the bill, that is why I rise on my feet first. Mr. Susi is not quite correct, because the industrial banks at this present time do not come under the 36-month so-called rule that the small loan companies have come under.

I don't try to disillusion myself for a moment. There will be an attempt made to bring those banks under the same 36-month restriction that put the small loan companies out of business. And he knows that not in the farthest dream of his imagination will the small loan companies come back to the State of Maine as industrial banks, because they just don't meet the same requirements, the requirements for industrial banks that must come out of the banking commission just as any commercial bank in the state has. They have depositors like the present banks that they do business with has depositors.

So, therefore, in the hearing, the commissioner felt that this piece of legislation did little more than clean up or at least straighten out some of the inequities or some of the confusion in the present law.

So I urge you to accept the majority report which was 11 to 2. Believe me, 11 people heard this bill for quite a length of time and talked and discussed it with the commissioner.

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

Mr. SUSI: Mr. Speaker and Members of the House: We have now heard from the sponsor of this bill who certainly should be acquainted with it. There has been no denial whatsoever but what we are right back in the business of flipping and rolling accounts here in Maine. It is all the evidence that I need to know that what we have going on here now is not an

end run but coming back through the backdoor on the same issue.

I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves the indefinite postponement of this report and bill.

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: I would like to ask the gentleman from Pittsfield if he would kindly get to his feet and describe or explain what the term "flipping" means.

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

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I think at this point is ridiculous here to stand up and tell the industrial banks they can't do what the first national banks and the trust companies and the others can do in the State of Maine. They are big banks, a lot of them today under the FDIC, have insurance the same as the other banks. They really pay a little more interest, because they are a little more speculative. They speculate on different things. I think it is too bad to stand up here and work against this.

Flipping means that they are renewing notes after 36 months and putting it back on a base interest. I believe that is the explanation of it. I think it is the proper thing to do. I think if someone goes 36 months, they should pay the same rate of interest. I don't know why they should drop back.

I hope this morning you go along with the committee report, "ought to pass." It is an 11 to 2 report.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I didn't hear anyone answer Representative O'Brien's question. I was outside, but if I understand the question, Mr. O'Brien, isn't

that just rewriting the account, issuing new paper?

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: The essence of flipping is that at the end of the 36-month period, at least under the small loan act, if the flipping of the 36-month rule were repealed, the high interest rates could continue indefinitely. That is apparently what small loan companies — industrial banks are doing now.

I would like a more explicit answer to Mr. Susi's question from the gentleman from Portland, Mr. O'Brien. Will it be possible for small loan companies simply to change their name under the provision of this bill and become industrial banks and, there by, circumvent the 36-month rule?

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

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: I assume he already knows the answer. The answer is an emphatic no.

Thereupon Mr. Tyndale of Kennebunkport requested a roll call vote.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: As one of the two signers of the minority "ought not to pass" report, I feel that it is my responsibility to lend to you some of the rationale to the signing of the minority report.

It is my feeling that lenders found guilty of usury are not entitled to special legislative relief authorizing high rates of interest. Industrial banks have been found guilty by a federal bankruptcy court of charging interest as high as 36 percent annually, a rate more than double the authorized maximum. The Maine Bank Department concluded last January that the court's decision was correct. Such violations have persisted since

1967. As a result, around 10,000 Maine families have been overcharged by about \$5 million.

Industrial banks should not be rewarded by special legislation, such as L. D. 1050 that we have before us today, for two principal reasons. One, as a matter of fairness, industrial banks should not be authorized to charge high rates of interest before the \$5 million in overcharges have been repaid or otherwise properly adjusted. Simply stated, lenders with unclean hands are not entitled to equitable relief.

Two, special legislation is entirely unnecessary. If the industrial banks wish to operate in the same fashion as small loan companies, they should be required to apply for a license and operate directly under our existing Maine small loan laws. I support the motion of indefinite postponement.

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

Mr. TRASK: Mr. Speaker and Members of the House: We did have a good hearing on this, both at the public hearing, and then we had good discussion at our executive meeting.

I would like to point out first that these industrial banks are regulated by our banking department. They are not renegades as the other speakers would have you believe. They do charge 24 percent per year on that part of the unpaid balance of the principal, which is \$300 or less. Now, that is the most they can charge. Then on any amount more than \$1,000, the rate is 18 percent.

Now, I feel that these industrial banks do serve a good purpose here in the state, and I would like to have you reject the motion to indefinitely postpone so that we can accept the committee report.

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

Mr. ROLDE: Mr. Speaker and Ladies and Gentlemen of the House: I have a question I would like to pose through the Chair to anyone who might answer. This bill refers to industrial loan companies

and industrial banks. I wonder if someone could explain what the difference is?

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 Pittsfield, Mr. Susi, to indefinitely postpone both Reports and Bill "An Act Relating to Powers and Interest Charges of Industrial Banks and Loan Companies," House Paper 797, L. D. 1050. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Berry, P. P.; Berube, Birt, Brawn, Briggs, Bustin, Carter, Chonko, Churchill, Clark, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Faucher, Fecteau, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Haskell, Herrick, Hobbins, Huber, Immonen, Kelleher, Kilroy, LaPointe, LeBlanc, Littlefield, Martin, McCormick, McHenry, McKernan, McMahon, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Parks, Peterson, Pontbriand, Ricker, Rolde, Rollins, Shute, Silverman, Smith, D. M.; Smith, S.; Snowe, Susi, Talbot, Theriault, Tierney, Tyndale, Walker, Wheeler, Whitzell, Wood, M. E.

NAY — Albert, Bither, Boudreau, Bra g d o n, Brown, Bunker, Cameron, Carey, Carrier, Chick, Conley, Cote, Cressey, Curran, Davis, Deshaies, Donaghy, Farley, Farrington, Ferris, F i n e m o r e, Fraser, Hamblen, Hancock, Henley, Hoffses, Hunter, Jackson, Jacques, Jalbert, Kelley, Kelley, R. P.; Keyte, Knight, Lewis, E.; Lewis, J.; MacLeod, M a d d o x,

Mahany, Maxwell, McNally, Mills, Najarian, Norris, O'Brien, Palmer, Pratt, Ross, Shaw, Simpson, L. E.; Soulas, Stillings, Strout, Tanguay, Trask, Trumbull, Webber, White, Willard.

ABSENT — Baker, Berry, G. W.; Binnette, Connolly, Dam, Dudley, Flynn, Gahagan, Garsoe, Genest, Good, Kauffman, L a c h a r i t e, Lawry, Lynch, Perkins, Santoro, Sheltra, Sproul.

Yes, 72; No, 59; Absent, 19.

The S P E A K E R: Seventy-two having voted in the affirmative and fifty-nine in the negative, with nineteen being absent, the motion to indefinitely postpone does prevail.

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

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

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House reconsider its action whereby it indefinitely postponed this matter.

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

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. O'Brien, that this matter be tabled for one legislative day, pending the motion of Mr. Susi of Pittsfield, to reconsider whereby the Bill was indefinitely postponed. All in favor of tabling one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

27 having voted in the affirmative and 92 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House reconsider its action whereby it indefinitely postponed this matter.

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

Mr. O'BRIEN: Mr. Speaker and Ladies and Gentlemen of the House: I would ask for a division. Is that motion debatable?

The SPEAKER: It is debatable.

Mr. O'BRIEN: May I speak to the bill, Sir?

The SPEAKER: The gentleman may proceed on the merits.

Mr. O'BRIEN: Obviously what you see here is an attempt again dealing with the emotions of the money lender. Let me call your attention to a couple of facts, not emotions. This is a bill that the bank commissioner came before our committee and said he needed and wanted. Also bear in mind that the State of Maine, the depositors, people, you and I, have three and a half to five million dollars invested in industrial banks. If we don't clean up this legislation, if we don't accept this legislation and put it on the books, that four and a half to five million dollars is going right down the drain. You can be really emotional about the fact that anybody who wants to charge interest, it has now reached the point in this House where the word "profit" has become a dirty word.

I am now caught in a very funny position where I do want to reconsider. Reconsider, yes, so we can table it and let the emotions die out for a moment. The way it is going right now, we would destroy the small loan companies. I am not up tight about that, they are gone, forget it. Now let's destroy the industrial banks. We don't need them either. And next week we can start on the national banks. And the week after, we can go to the savings banks.

The State of Maine and the whole country depends on credit and the faster you restrict the purchasing power of the people you represent, the faster they go out of business. It is expressed in this bill, 18 percent. That sounds fantastic. You know that 18 percent is about \$8.70 on a hundred; 18 percent is the true interest. I have no hopes of trying to explain the ways of computing interest on the floor of this House. It is written in a book about an inch and a half thick in very very small print.

There are a thousand ways to compute interest, and the opponents of this bill certainly know most of them. You don't mind going into your department store and putting on your charge card 30 or 60 or 90 days, or your BankAmericard or whatever card you might use. That is 18 percent. You don't find that an outrageous rate of interest for short term.

I ask you to vote yes to reconsider.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I rise, too, to ask you to reconsider. I can't understand what has happened here this year. It does seem as though we are acting as if you are against motherhood or something and you thought that something should be done to help out the financial situation in the State of Maine.

This bill is asked for by our bank commissioner. This is nothing that industry is trying to put over. They are trying to clean up some problems that have resulted in a court case down in the southern end of the state. One thing that we are trying to get in here is, how do you figure interest? Do you figure it on an actual basis or use simple interest? What do you do? As Mr. O'Brien has said, there are different ways of figuring interest. And the banking commissioner wants to know what is best for the consumers here in the State of Maine. He wants to be able to handle this properly. I just don't understand what this is.

Here you have a report "ought to pass" by far the majority of the Business Legislation Committee that has spent a great deal of time on this. I won't speak for myself, I hope you will recognize me for what I am. But for the rest of the committee, they are all able, honest business people for the most part. We are not trying to put something over on the consumer. We are not trying to put something over on the people here in the House or in the other body.

It does seem unreasonable to follow the Pied Piper of doom and

gloom everywhere we go this session. Let's just try to take some steps in advance and one would be passing this legislation.

The SPEAKER: The Chair recognizes the gentlelady from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: I do not appeal to your emotion; I appeal, rather, to your reason. L. D. 1050 does have a majority of the Business Legislation signing as "ought to pass." There are, however, members of our committee who have had second thoughts about signing "ought to pass," and I am sure, if given an opportunity, would remove their signatures and place it on the minority report.

This is not the last we will hear of bills which cover and regulate industrial banks. For in the other body there is a bill, 1128, which is a reasonable and equitable bill for the regulation of industrial banks in the State of Maine and has received the Seal of Approval, if you will, of the commissioner of banking.

I urge you to vote no to the pending motion for reconsideration.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: The impression being given here is that through killing this legislation we are imposing an undue restriction on the financial institutions in Maine. The fact is that since some six years ago, when we put this 36-month rule in, there has been around a 50 percent expansion in these time payment loans here in the State of Maine, all met by our banks and our credit unions, all of whom have been no problem to anyone. They have been very responsible members of the business community. And right during this same period, we have had the expansion of the industrial banks, too.

I can't, to save me, see how our financial institutions are suffering that badly under it. However, before the 36 months thing, and if we should go back under this legislation to it again, we can expect about a 50 percent increase in bankruptcies around the state

with businessmen suffering because they are getting these slips from the bankruptcy courts all the time. The people who have tangled with these high interest rate loaning outfits have just got into a situation where they can't keep afloat any more. I hope that you will persist in your position and vote against reconsideration.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I happen to be in favor of this bill. I have borrowed money from a great many different banks, but I have never dealt with an industrial bank. Will somebody tell me, please, how many industrial banks there are in the state?

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

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

Mr. O'BRIEN: Mr. Speaker and Ladies and Gentlemen of the House: It is my understanding, if this bill passes, there will be nine. If the proponents have their way, there will be none.

Thereupon, Mr. Kelleher of Bangor requested a roll call vote on reconsideration.

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 Pittsfield, Mr. Susi, that the House reconsider its action whereby it indefinitely postponed both Reports and Bill. All in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bither, Boudreau, Bragdon, Brown, Bunker, Cameron,

Carey, Carrier, Chick, Conley, Cote, Cottrell, Curran, Deshaies, Donaghy, Dudley, Dunn, Farley, Farrington, Fecteau, Ferris, Finemore, Hamblen, Hancock, Henley, Hoffses, Hunter, Jackson, Jacques, Jalbert, Kelleher, Kelley, Kelley, R. P.; Keyte, Knight, Lawry, Lewis, E.; Lewis, J.; MacLeod, Maddox, Mills, Najarian, O'Brien, Pratt, Ross, Shaw, Simpson, L. E.; Soulas, Stillings, Theriault, Trask, Trumbull, White, Willard.

NAY — Ault, Berry, P. P.; Berube, Binnette, Brawn, Briggs, Bustin, Carter, Chonko, Churchill, Clark, Cooney, Cressey, Curtis, T. S., Jr.; Davis, Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Evans, Farnham, Faucher, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Haskell, Herrick, Hobbins, Huber, Immonen, Kilroy, LaCharite, LaPointe, LeBlanc, Littlefield, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahan, McNally, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Norris, Parks, Peterson, Pontbriand, Ricker, Rolde, Rollins, Shute, Silverman, Smith, D. M.; Snowe, Sproul, Strout, Susi, Talbot, Tanguay, Tierney, Tyndale, Walker, Wheeler, Whitzell, Wood, M. E.

ABSENT — Albert, Baker, Berry, G. W.; Birt, Connolly, Crommett, Dam, Flynn, Gahagan, Garsoe, Genest, Good, Kauffman, Lynch, Palmer, Perkins, Santoro, Sheltra, Smith, S.; Webber.

Yes, 54; No, 76; Absent, 20.

The SPEAKER: Fifty-four having voted in the affirmative and seventy-six in the negative, with twenty being absent, the motion to reconsider does not prevail.

Sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Human Resources on Resolution Proposing an Amendment to the Constitution to Provide for Indian Representatives to the Legislature. (H. P. 214) (L. D. 287) reporting "Ought to pass."

Report was signed by the following members:

Messrs. HICHENS of York  
 KELLEY of Aroostook  
 — of the Senate.

Messrs. ALBERT of Limestone  
 TALBOT of Portland  
 MILLS of Eastport  
 LaPOINTE of Portland

Mrs. MURCHISON  
 of Mattawamkeag  
 — of the House.

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

Report was signed by the following members:  
 Mr. GRAFFAM

of Cumberland  
 — of the Senate.

Messrs. AULT of Wayne  
 EMERY of Rockland  
 TRUMBULL of Fryeburg  
 — of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Wayne, Mr. Ault, moves the acceptance of the Minority "Ought not to pass" Report. The gentleman may proceed.

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: When you vote on this issue, there are two things I believe you should consider; firstly, whether it is necessary for the Indians to have representatives sitting on the floor of the House and I would tell you in a nonvoting capacity.

The proponents of this legislation felt that it would be to the Indians' advantage to have their representatives here on the floor of the House, and I would remind you that we do have a Bureau of Indian Affairs in the State of Maine with some 24 paid employees therein.

The Indians also have two representatives in here, Mr. Mills and Mrs. Murchison. An Indian can run for the legislature. It is my understanding that one did oppose Mrs. Murchison in the last election.

I would also point out that of the 14 Indian bills that appeared before our committee, only 4 have failed of passage. One was withdrawn because it was covered by other legislation and two we

reported out "ought not to pass" because the Indians did not want that legislation.

The other thing I believe you should consider is whether this should go to the people to decide and vote whether these Indians should be seated on the floor of the House. The Attorney General's Department has ruled that we, the House of Representatives, under House Rule 21, can decide who shall sit and speak in this body. So I do not believe the legislation is necessary, and I would urge acceptance of the "ought not to pass" report.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: This question that we have on this bill that has been here for 10 years to my knowledge has never been decided. Now, the Indians used to have representatives here in the House at one time, and through some quirk that developed, they were barred from further seating in the House.

Now, all this bill does here is give this referendum out to the people to decide themselves whether they want Indian representatives seated in the House or not. There is no question that the people of the State of Maine do much more in their thinking in favor of the Indians than what the House of Representatives does at times. There is only one question here and that is can the people have a chance to make the decision, and I would ask for a division.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: You have already been told that Mrs. Murchison and Mr. Mills represent Indians in the House, and I, too, represent many of them, probably nearly as many as they do. I have the Town of Milford. I cannot find any cry amongst the Indian people that I know — and I know many of them — that want such a thing as this to begin with. This is my chief reason, that if these people really

wanted it, I would support them because they are my constituents. I see no need for it.

I see no need for us to send more stuff out to the people. The people that I represent think we are not doing our job when we send out too many pieces of legislation to vote on. They think these minor things should be taken care of in this House, and I do, too, because we are sending so much stuff out to referendum in late years, that when they go in, it takes them a half an hour to vote because they have to read all these items and discuss it in their mind; and I think it is all right sending stuff out to referendum that involves money or involves something that the people should decide on, but something as minor as this shouldn't even be out to the people.

I support the motion that the gentleman has made, to support the minority report. I don't believe there is a need for this, and the Indian people that I represent are not crying for this; and besides, we had an Indian fellow run against Mrs. Murchison, and he is well known in the area, very well known.

Now, on this very island of Old Town where he was born and raised, 14 people didn't vote for neither him nor Mrs. Murchison. We had a recount, and I was down at the recount, and 14 people were not enough interested. They voted for the Governor and the other candidates on the major ticket of candidates, but they didn't vote for neither Mrs. Murchison or the other candidate that ran against her and which was very close. On the island, if these people had wanted representation, all they would have had to do was vote for this man. He is one of theirs, one with very high Indian blood, and he was a very good contender in the rest of the district, but in the district that you would have thought they would want a representative like from the island, he didn't do well at all. Mrs. Murchison did very well on the island, and 14 of them didn't even vote at all.



This impressed me quite to the extent that they are not interested, really, and I have talked to quite a few of them just recently in the Milford area and they have — they think that they are being well represented by Mrs. Murchison and they think that I have done a reasonably good job. They have no complaint, at least they haven't brought it to me. So I hope this motion does prevail.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I have opposed this bill for the past three terms, because I believe that these people are very well represented.

I dislike legislation that comes before this body that picks out certain ethnic groups to try to guarantee them more privileges than the people that I represent and you represent. I might say that the representatives from Washington County, Aroostook County and Penobscot County in this House represent the Indians — and they primarily live in these counties — very very well.

I move that both the bill and both reports be indefinitely postponed, and I ask for the yeas and nays.

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

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

Mr. BINNETTE: Mr. Speaker, Members of the House: I heartily agree with Representative Ault in regard to this bill. I don't think that there is any need of this. To begin with, when this was brought to my attention, as Representative Mills says, it has been here for 10 years or more. I contacted the Indians on that reservation just across the river, and they told me they were not interested in it whatsoever. They already have a representative which they elect who comes down here and presents her bills and her wishes — it so happens to be a woman this year, Representative Murchison, who is

doing an excellent job. They are very satisfied with what she is doing, and there is only about 400 of them on that reservation. In fact, there is less than that.

If we went to work and gave these people a representative over there, that would not be proper in accordance with the rest of us who have to support about 8,000 to 9,000 people — I think it is 6,800 people minimum that we have to represent — and therefore, if you are going to go to work and have one special ethnic group, that shouldn't be called for, because we will have to subdivide everything. Where they are represented now, they have a representative from the Passamaquoddy, I believe, that is Mr. Dana, and I think that he is very very much in action down here. I have seen him several times, and he is very interested in what goes on.

So, I don't see any need of that, and I heartily agree with Representative Ault that we should not have this bill.

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

Mr. LaPOINTE: Mr. Speaker, Members of the House: As a member of the Human Resources Committee who signed the majority "ought to pass" report, I thought I would share with you some of my feelings relative to my decision with you this morning. Number one, I would like to point out that the bill calls for reinstatement, in essence; reinstatement of a privilege of Indian representation that was allowed prior to 1941. It seems that when the State of Maine seceded from the State of Massachusetts or became a state in and of itself, the legislature had Indian representation.

I would also like to point out to you this morning that this calls for a seat in the House. It does not call for a voting privilege.

Thirdly, I would like to point out to you that it is a constitutional amendment, and we are allowing once and for all the people of the State of Maine to make the decision relative to this matter.

I would also like to point out to you that there was no opposition

to this bill, contrary to some of the remarks of the previous speakers that there is opposition in their districts. None of this opposition materialized at the committee hearing, and I hope that you will not indefinitely postpone this bill, and you will accept the majority "ought to pass" report.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that L. D. 287 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Berry, P. P.; Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Carey, Carter, Chick, Conley, Cote, Cottrell, Cressey, Crommett, Curran, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunn, Emery, D. F.; Evans, Farley, Farnham, Fecteau, Ferris, Finemore, Genest, Good, Greenlaw, Hamblen, Haskell, Henley, Huber, Hunter, Jackson, Jacques, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Mahany, Maxwell, McCormick, McHenry, McMahan, Merrill, Morin, L.; Morton, Murchison, Palmer, Parks, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Trumbull, Walker, Webber, Willard, Wood, M. E.

NAY — Albert, Berube, Boudreau, Bustin, Carrier, Chonko, Clark, Cooney, Curtis, T. S., Jr.; Dow, Dunleavy, Dyar, Faucher, Fraser, Goodwin, H.; Goodwin, K.; Hancock, Hobbins, J. Albert, LaPointe, Lynch, Martin, McKernan, McTeague, Mills, Morin, V.;

Mulkern, Murray, Najarian, Norris, O'Brien, Peterson, Pontbriand, Ricker, Rolde, Smith, D. M.; Talbot, Tanguay, Theriault, Tierney, Tyndale, Wheeler, White, Whitzell.

ABSENT — Baker, Berry, G. W.; Churchill, Connolly, Dam, Farrington, Flynn, Gahagan, Garsoe, Gauthier, Herrick, Hoffses, Immonen, Kauffman, LaCharite, McNally, Perkins, Pratt, Rollins, Santoro, Sheltra, Smith, S.; Trask.

Yes, 83; No, 44; Absent, 23.

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

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

Mr. DUDLEY: Mr. Speaker, I now move we reconsider, and I hope for once you all vote against me.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, having voted on the prevailing side, moves that the House reconsider its action whereby it indefinitely postponed L. D. 287 and all accompanying papers. All in favor of that motion will say yes; those opposed will say no.

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

Sent up for concurrence.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Health and Institutional Services on Bill "An Act Relating to the Authorization of Nongeographic School Administrative Units at Correctional Institutions" (H. P. 248) (L. D. 463) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. HICHENS of York  
MINKOWSKY  
of Androscoggin  
GREELEY of Waldo  
— of the Senate.  
Mrs. MORIN of Old Orchard  
McCORMICK of Union  
BERRY of Madison  
Messrs. LEWIS of Bristol  
DYAR of Strong  
— of the House.

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

Report was signed by the following members:

Messrs. LaPOINTE of Portland  
WHITZELL OF Gardiner  
— of the House.

Reports were read.

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

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

On motion of Mr. Martin of Eagle Lake, tabled pending acceptance of the Majority Report and tomorrow assigned.

#### Divided Report

Majority Report of the Committee on Labor on Bill "An Act Repealing all Exemptions under Minimum Wage Law" (H. P. 1389) (L. D. 1799) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
HUBER of Knox  
KELLEY of Aroostook  
— of the Senate.  
Mrs. CHONKO of Topsham  
Messrs. BROWN of Augusta  
FLYNN

of South Portland  
McNALLY of Ellsworth  
FARLEY of Biddeford  
BINNETTE of Old Town  
GARSOE of Cumberland  
ROLLINS of Dixfield  
HOBBINS of Saco

— of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (H-461).

Report was signed by the following member:

Mr. McHENRY of Madawaska  
— of the House.

Reports were read.

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

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

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

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

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

Mr. Simpson of Standish requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that L. D. 1799 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.

49 having voted in the affirmative and 61 having voted in the negative, the motion did not prevail.

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

Mr. MARTIN: Mr. Speaker, I wonder if the chairman would explain the rationale for the basis of the report and also as to what the bill would do if it were to pass.

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

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

Mr. BROWN: Mr. Speaker, Members of the House: This bill does exactly what the title says as defined in all the small print in the statement of fact. It removes all the exemptions from the minimum wage law, and you will find that many of those exemptions had been put in there after considerable debate and considerable argument and practically earned their way in there the hard way. This would remove them all. There wouldn't be anything left as an exemption under the minimum wage law.

I think that some people felt that this was too hard, too arduous and too much of a burden and so wished to continue some of these exemptions.

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that is the purpose of the bill. However, with the amendment to the bill, Committee Amendment "A", the minority report would limit the restrictions solely to this area. Right now there is an exemption in the minimum wage law for so-called executives, or executive personnel, management.

The person is defined in management if he makes more than \$90 a week. The purpose of the amendment, Committee Amendment "A", is to change that management exemption to \$125 a week. The idea is, the man who only makes \$90 a week, which is about \$2.25 an hour, is hardly in the upper ranks of management, and it is my understanding, based on some conversations with representatives of small business interests in the state, that they could go along with Committee Amendment "A", which would raise the management definition up to \$125 a week or above.

So on that basis, I would hope that the House would accept the report, merely for the purpose of changing this management definition to \$125 a week, which would be the only effect, by the way, of the bill as amended by Committee Amendment "A". No exemptions now existing to the minimum wage law would be abolished or otherwise affected.

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

Mr. HOBBS: Mr. Speaker and Members of the House: As you can see by the report, I signed the majority "ought not to pass" report. I did so going by the merits of the original bill. But with Committee Amendment "A" to this bill, 1799, I would have no problem accepting this. I would vote it.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Brown, that the House accept the Majority "Ought not to pass" Report. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

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

Mr. DONAGHY: Mr. Speaker and Members of the House: Before voting, I would like to ask through the Chair of anyone whether or not the committee report was signed before or after the committee amendment was added?

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

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I believe the committee amendment came out after the signatures were placed on the jacket.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: The big problem in the committee was, I think, what this amendment did was make it a whole new bill. One gentleman was supposed to go out and find out if that was the way they wanted it. There was no action on his part, so the committee voted the way they did.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Augusta, Mr. Brown, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Repealing all Exemptions under Minimum Wage Law," House Paper 1389, L. D. 1799. All in favor of that motion will vote yes; those opposed will vote no.

**ROLL CALL**

**YEA** — Ault, Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Cameron, Chick, Clark, Conley, Cressey, Davis, Dudley, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Ferris, Finemore, Fraser, Hamblen, Haskell, Henley, Huber, Hunter, Immonen, Jackson, Kelley, Keyte, Knight, Lawry, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Maxwell, McCormick, McMahon, McNally, Merrill, Morin, V.; Morton, Murchison, Palmer, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Trask, Trumbull, Tyndale, Walker, White, Willard.

**NAY** — Albert, Berry, P. P.; Berube, Boudreau, Bunker, Bustin, Carey, Carter, Chanco, Cooney, Cote, Cottrell, Curran, Curtis, T. S., Jr.; Deshaies, Dow, Drigotas, Dunleavy, Farley, Fecteau, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Kelleher, Kilroy, LaPointe, LeBlanc, Lynch, Mahany, Martin, McHenry, McKernan, McTeague, Morin, L.; Mulhern, Murray, Najarian, Norris, Peterson, Pontbriand, Ricker, Rolde, Smith, D. M.; Talbot, Tanguay, Theriault, Tierney, Webber, Wheeler, Whitzell, Wood, M. E.

**ABSENT** — Baker, Berry, G. W.; Carrier, Churchill, Connolly, Crommett, Dam, Donaghy, Faucher, Flynn, Gahagan, Garsoe, Herrick, Hoffses, Kaufman, Kelley, R. P.; LaCharite, Mills, O'Brien, Parks, Perkins, Santoro, Sheltra, Silverman, Smith, S.

Yes, 67; No, 58; Absent, 25.

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

Sent up for concurrence.

**Order Out of Order  
Tabled and Assigned**

Mr. Haskell of Houlton presented the following Joint Order and moved its passage:

WHEREAS, legislation has been introduced at the 105th and 106th sessions of the Maine Legislature to clarify the scope of collective

bargaining involving public employers and public employees; and

WHEREAS, legislative guidance is needed in differentiating between the statutory duties of public employers with respect to public policy and the working conditions of public employees; and

WHEREAS, the Maine Supreme Judicial Court has recently handed down its decision in the case of the **City of Biddeford By Its Board of Education v. Biddeford Teachers Association**; and

WHEREAS, the impact of that decision and other pertinent issues need further study in considering proposed amendments to the Municipal Public Employees Labor Relations Law; now, therefore, be it

**ORDERED**, the Senate concurring, that the Speaker of the House of Representatives and the President of the Senate appoint a Joint Select Committee consisting of 5 members of the House, appointed by the Speaker of the House and 3 members of the Senate, appointed by the President of the Senate; and be it further

**ORDERED**, that said Committee is directed to undertake a comprehensive study of the subject matter of "An Act Relating to Bargaining by Public Employers and Employees under the Municipal Public Employees Labor Relations Law," House Paper 869, Legislative Document 1157, as introduced at the 106th Legislature and the Municipal Public Employees Labor Relations Law, to determine the desirability of amending the Municipal Public Employees Labor Relations law in light of experience under this law and the recent decision of the Supreme Judicial Court, **City of Biddeford By Its Board of Education v. Biddeford Teachers Association** with specific attention to be given to the scope of negotiations between teachers and public employers of teachers, and to the effect of binding and compulsory arbitration on the public interest; and be it further

**ORDERED**, that within the area of its study, the committee shall report its findings and its

recommendations to the next special or regular session as to how the best interests of the State would be served; and be it further

ORDERED, that the committee shall have the authority to seek input from qualified individuals who are knowledgeable and experienced in public sector collective bargaining and to employ clerical and competent professional assistance within the limits of funds provided; and be it further

ORDERED, that members of the committee shall be compensated for the time spent in the performance of its duties at the rate of \$20 per day plus all actual expenses incurred; and be it further

ORDERED, that there is appropriated to the committee from the Legislative Account the sum of \$5,000 to carry out the purposes of this Order. (H. P. 1546)

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

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: On your calendar earlier this morning, I believe most of you may have noticed that we had one collective bargaining bill that was reported out "ought not to pass." Two other collective bargaining bills were reported "leave to withdraw." The basic problem in all of these bills stems from a new situation that was created largely by the decision that the Supreme Court gave in the so-called Biddeford case. There were questions raised in the field of the effects on the public rights in the compulsory arbitration section, and in these bills it was impossible to accommodate the language to the effects of the decision. So that is the reason for the order that you have before you which calls for the creation of a study committee made up of five members from the House and three from the Senate to examine this area and report back to either the next special or next regular session.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled

pending passage and tomorrow assigned.

### Consent Calendar First Day

(S. P. 63) (L. D. 166) Bill "An Act Relating to Books for Recording in Office of Register of Deeds" — Committee on County Government reporting "Ought to pass" as amended by Committee Amendment "A" (S-158).

On the request of Mr. Carey of Waterville, was removed from the Consent Calendar.

(On motion of the same gentleman, tabled pending acceptance of the Committee Report and tomorrow assigned.)

(H. P. 45) (L. D. 52) Bill "An Act to Regulate Revolving Credit Accounts" — Committee on Business Legislation reporting "Ought to pass" as amended by Committee Amendment "A" (H-453).

(H. P. 381) (L. D. 1168) Bill "An Act Establishing Privilege to Refuse Disclosure in a Patient-Psychiatrist Relationship" — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (H-459).

(H. P. 1223) (L. D. 1593) Bill "An Act Relating to Commencement of Desertion and Nonsupport Actions" — Committee on Judiciary reporting "Ought to pass"

(H. P. 1126) (L. D. 1461) Bill "An Act Revising the Enforcement of Money Judgments Act" — Committee on Judiciary reporting "Ought to pass"

(H. P. 1227) (L. D. 1602) Bill "An Act Relating to Support, Judicial Separation And Annulment Actions by Military Nonresidents Stationed in Maine" — Committee on Judiciary reporting "Ought to pass"

(H. P. 1276) (L. D. 1748) Bill "An Act Establishing the Aroostook-Prestile Treatment District" — Committee on Public Utilities reporting "Ought to pass" as Amended by Committee Amendment "A" (H-454)

(H. P. 1460) (L. D. 1885) Bill "An Act Relating to Illuminated Advertisements on Motor Vehicles" — Committee on Transportation

reporting "Ought to pass" as amended by Committee Amendment "A" (H-457)

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

#### **Consent Calendar Second Day**

(H. P. 275) (L. D. 381) (C. "A" H-449) Bill "An Act Revising the Pauper Laws."

(H. P. 329) (L. D. 447) (C. "A" H-451) Bill "An Act to Correct Certain Inconsistencies in the Motor Vehicle Laws."

(H. P. 1404) (L. D. 1845) (C. "A" H-443) Bill "An Act Relating to Jurisdiction of Certain Land at Bangor International Airport."

(H. P. 1530) (L. D. 1961) Bill "An Act Authorizing Sale of the Seal Cove Water District."

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

#### **Passed to Be Engrossed**

Bill "An Act to Create a Department of Conservation" (S. P. 465) (L. D. 1521) (S. "A" S-163)

Resolve to Develop a Comprehensive Development Concept for Maine Mountain Areas and Provide Funds for a Preliminary Plan (S. P. 542) (L. D. 1694) (C. "A" S-151)

Bill "An Act Increasing State Aid for the Construction of Highways" (H. P. 888) (L. D. 1173) (C. "A" H-450)

Bill "An Act Relating to Nets to Catch Shrimp" (H. P. 1537) (L. D. 1967)

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 Extend the Deadline for Mandatory Shoreland Zoning" (H. P. 1538) (L. D. 1968)

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

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

#### **Second Reader Tabled and Assigned**

Bill "An Act to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing" (H. P. 975) (L. D. 1289)

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

(On motion of Mr. Carrier of Westbrook, tabled pending passage to be engrossed and specially assigned for Thursday, May 31.)

Mr. Fecteau of Biddeford was granted unanimous consent to address the House:

Mr. FECTEAU: Mr. Speaker, Ladies and Gentlemen of the House: It is with deep sorrow this morning that I have to announce the death of a great French civic leader from Biddeford. He was a member of the House in 1959 and 1963, I believe. He was president of quite a few French clubs in the City of Biddeford. He served us as a good police officer for many years. Mr. Alfred Lantagne died last Friday.

#### **Second Reader Tabled and Assigned**

Bill "An Act Relating to Penalties for Assaulting or Killing an Officer of the Law" (H. P. 1029) (L. D. 1351)

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

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

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) (S. P. 617) (L. D. 1928)

Was 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 Providing that Examination Reports of the Insurance

Commissioner be Public Records. (H. P. 672) (L. D. 877)

An Act Relating to Permit Fees for Automobile Graveyards or Junkyards. (H. P. 1438) (L. D. 1864)

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 Making Current Service Appropriations from the General Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975" (S. P. 627) (L. D. 1949).

Tabled — May 24, by Mr. Fine-more of Bridgewater

Pending — Passage to be engrossed.

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

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

Bill "An Act to Authorize the Commissioner of Sea and Shore Fisheries to Enter into an Agreement to Lease the Land, Buildings, and Facilities of the National Marine Fisheries Service Biological Laboratory at Boothbay Harbor" (H. P. 648) (L. D. 864).

Tabled — May 24, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

On motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and specially assigned for Thursday, May 31.

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

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

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

Pending — Passage to be engrossed.

On motion of Mr. Simpson of Standish, tabled pending passage

to be engrossed and specially assigned for Thursday, May 31.

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

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

Tabled — May 24, by Mr. Ross of Bath.

Pending — Passage to be engrossed.

On motion of Mr. Birt of East Millinocket tabled pending passage to be engrossed and specially assigned for Thursday, May 31.

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

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

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

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

On motion of Mr. Martin of Eagle Lake, tabled pending motion to indefinitely postpone House Amendment "B" and tomorrow assigned.

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

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

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

Pending — Passage to be engrossed.

On motion of Mr. Shaw of Chelsea, tabled pending passage to be engrossed and specially assigned for Thursday, May 31.

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

Bill "An Act Clarifying Certain Municipal Laws" (H. P. 1118) (L. D. 1454) (C. "A" H-329).

Tabled — May 24, by Mr. Fine-more of Bridgewater.

Pending — Passage to be engrossed.

Mr. Emery of Rockland offered House Amendment "C" and moved its adoption.



House Amendment "C" (H-458) was read by the Clerk.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: You will remember last week that the gentleman from Skowhegan, who is not here this morning, and myself spent a little bit of time on this bill. House Amendment "C" is an amendment which we came to a complete agreement on. The gentleman from Skowhegan, Mr. Dam, told me that he would not be here today, but he concurs fully with this amendment; therefore, I would move its passage.

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

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

Bill "An Act Relating to Mobile Home Parks" (S. P. 488) (L. D. 1554)

Tabled — May 25, by Mr. Martin of Eagle Lake.

Pending — Motion by Mr. Emery of Rockland to accept the Majority "Ought to pass" in new draft (S. P. 630) (L. D. 1956) report.

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

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

Joint Order (H. P. 1542) Relative to Advisory Committees.

Tabled — May 25, by Mr. Ault of Wayne.

Pending — Passage.

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

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

Bill "An Act Relating to Forcible Entry and Detainer Procedure" (H. P. 846) (L. D. 1120).

Tabled — May 25, by Mr. Martin of Eagle Lake.

Pending — Motion by Mrs. Baker of Orrington to accept the Majority "Ought not to pass" report.

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

Mr. CARRIER: Mr. Speaker, Members of the House: This is a bill on forcible entry and detainer, and I think it is a good bill, that is why I voted for the "ought to pass" report.

Now, all this bill would do is to have the court mandate, and if somebody does not pay their rent or if somebody decides to move, that at all times whether they are moving on their own or by eviction notice, that they should keep their rents up to date, their due rents up to date. In such cases where they would not do this, then the court would be obliged to give a writ of forcible entry and detainer if they fail to remain current on their rental.

It is a simple bill only due to the fact basically that it does put justice where it should be.

I only want to cite to you what happens very often is the fact that if you do have some tenants and for some reason or other you give them a notice to evict the place, then as of that date, they usually don't pay. If they resist in moving out of the place, you end up having three or four months rent in arrears owed to you. At that time — this is extremely hard to collect — many people, as a matter of justice, whether you want to or not, we all have to pay our rents, we all have to pay our mortgages, we all have to meet our obligations, our financial obligations, and that is all this does. There is at present a very easy way for them to get out of it, and I think that with such legislation it would only help to actually collect the rent that is due to you if you happen to own a certain property that people either rent from you or lease from you.

So, I hope that today, as a matter of justice, you don't accept the "ought not to pass" report so we can accept the "ought to pass" report.

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

Mr. PERKINS: Mr. Speaker and Member of the House: I would just like to point out the majority view in this matter. The bill itself, as Representative Carrier has said, is relatively simple. However, its simplicity also is its downfall.

It speaks of the court giving direction and mandatory enforcement by the court insofar as failure to pay once, and a fee is taken on writ of entry.

I question how the court can enforce a payment. Presently the court can direct that the tenant make his payments. We don't need a statute for that purpose. If there is justifiable cause, the court will direct the individual to make his payment, and well he should. However, when we get to the point of stating by law that the court will enforce, mandatorily, the payment of rent, I am not sure how we would do that. Is he going to be able to order a sheriff to go collect the rent? I doubt this very much.

There are procedures that are employed for that purpose, naturally. A judgment may be obtained by the landlord. Whether or not it is enforceable depends upon whether or not you can collect under the law. This does not provide any means for collecting.

I would also note that it goes on to say, "a writ of possession should be immediately issued." But while we speak of mandatory enforcement and then "should be immediately issued" insofar as a writ of possession is concerned, they are in conflict, they don't make too much sense.

I hope you would accept the majority report.

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

Mr. CARRIER: Mr. Speaker and Members of the House: Just as a matter of fact here, we do have recourses, any of you have recourses if you have money owed to you by getting a judgment.

Let me say to you if I could collect some of the judgments that I have against people that owe money to me, I think that I wouldn't be here today. The fact

is, ladies and gentlemen, you can get a judgment. It is extremely easy to get a judgment. But the thing is, what good is the judgment? The reason why I believe — this is not my bill, but I think it is a good bill — the reason why this was put in was actually, if you want to say so, to have the judge do what he is supposed to, do his job.

As far as mandating people as to enforce the situation or if he will give a writ of possession, he should. If you go to court — as an example, if you go to court and you have to pay alimony and you don't, he can get you in there for contempt or any other kind of action, and he will get you and he will make you pay.

I think that is what we have judges for, I think they should do their job. I don't think if they do this already, they are not pushing it enough; and I think that a man is entitled to the money that he is owed, and he should be able to collect it without going through a judgment process and all the costs to it.

I sincerely hope you still defeat the motion "ought not to pass."

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: If one picks up a volume of Karl Marx, he will not find any consideration of the other man's point of view. And he might wish, as did Marx's wife when she found it hard to pay her bills, that he should have spent a little more time making capital instead of writing about it; which leads me to this L. D. which I have sponsored.

As presently written, the entry and detainer law in Section 6005 of Chapter 709 says, "When the defendant is defaulted or fails to show sufficient cause, judgment shall be rendered against him for possession of the premises, and a writ of possession be issued to remove him." Therefore, when a tenant is served with an eviction notice, the 30-day notice is from the next rent day on which it is

due. However, if the tenant appeals, and if his case cannot be put on the court calendar because of other cases preceding it, such as perhaps heavy dockets due to drug raid et cetera, this particular case can take several weeks before it is heard, and in the meantime, the property owner is deprived of the income although he must continue to furnish services. If the tenant would continue to pay his rent during this extra period, then, obviously, there would be no need to amend the present statute.

With reference to what I said earlier, in essence, many of us whose income is not derived from private business or industry are sometimes unaware of the problems which some of our legislation has caused the honest property owner. This is why I feel there sometimes is an injustice. This bill would merely close loopholes which have been used by unethical people by allowing the owner to collect the rental during the appeal period or allow the owner, therefore, to get an immediate occupancy of that apartment after the five-weeks eviction notice has elapsed.

There are responsibilities which come with the privilege of ownership, and that is why we need laws to guard against the so-called bad landlord who abuses these privileges. But by the same token, there are also responsibilities that accompany the rights of tenancy, and that is why there should be legislation that would also protect the rights of the owners who abide by the many laws which are leveled at them.

Mr. Speaker, I would like to request 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 gentle lady from Orrington, Mrs. Baker, that the House accept the Majority "Ought not to pass" Report on L. D. 1120. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bither, Bragdon, Cameron, Chick, Clark, Cressey, Davis, Farnham, Farrington, Ferris, Hoffses, Huber, Hunter, LaPointe, Maddox, Maxwell, McKernan, Merrill, Morin, V.; Mulkern, Murray, Perkins, Peterson, Sproul, Stillings, Susi, Trumbull, Walker, Wheeler, White.

NAY — Albert, Ault, Berry, P. P.; Berube, Binnette, Birt, Boudreau, Brawn, Briggs, Bustin, Carey, Carrier, Carter, Chonko, Churchill, Conley, Cooney, Cote, Cottrell, Curran, Curtis, T. S., Jr.; Deshaies, Dow, Drigotas, Dunleavy, Dunn, Dyar, Emery, D. F.; Evans, Faucher, Wheateau, Finemore, Fraser, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Henley, Hobbins, Immonen, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, LeBlanc, Lewis, J.; Littlefield, Lynch, MacLeod, Mahany, Martin, McCormick, McHenry, McMahon, McNally, McTeague, Mills, Morin, L.; Morton, Murchison, Najarian, O'Brien, Palmer, Parks, Pontbriand, Pratt, Ricker, Rolde, Rollins, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Talbot, Theriault, Tierney, Trask, Tyndale, Webber, Whitzell, Willard, Wood, M. E.

ABSENT — Baker, Berry, G. W.; Brown, Bunker, Connolly, Crommett, Dam, Donaghy, Dudley, Farley, Flynn, Gahagan, Garsoe, Herrick, Jackson, Jacques, Jalbert, Kauffman, LaCharite, Lewis, E.; Norris, Ross, Santoro, Sheltra, Silverman, Soulas, Strout, Tangay.

Yes, 30; No, 92; Absent, 28.

The SPEAKER: Thirty having voted in the affirmative and ninety-two having voted in the negative, with twenty-eight being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the

Bill read once and assigned for second reading tomorrow.

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

Bill "An Act Establishing the Floodplain Management Act of Maine" (H. P. 785) (L. D. 1059)

Tabled — May 25, by Mr. Simpson of Standish.

Pending — Motion by Mr. MacLeod of Bar Harbor to accept the Majority "Ought not to pass" Report.

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

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

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

Tabled — May 25, by Mr. Smith of Dover-Foxcroft.

Pending — Passage to be engrossed.

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

On motion of Mr. Birt of East Millinocket,

Adjourned until eight-thirty tomorrow morning.