

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, May 31, 1973

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

Prayer by the Rev. Mr. Ernest F. Croy of North Yarmouth.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Ought Not to Pass**

Committee on Veterans and Retirement on Bill "An Act Relating to Service Retirement for Officers and Employees of the Men's Correctional Center" (S. P. 181) (L. D. 489) reporting "Ought not to pass."

Same Committee reporting same on Bill "An Act Relating to Lowering of the Years of Service to Obtain a Vested Right in State Retirement System for Employees of Participating Local Districts" (S. P. 248) (L. D. 699)

Same Committee reporting same on Bill "An Act Relating to Retirement of Attorney General, Deputy Attorneys General and Assistant Attorneys General" (S. P. 543) (L. D. 1695)

Committee on Labor reporting same on Bill "An Act Requiring Employers to Coordinate with Other Parties Providing Vocational Rehabilitation Services to Injured Employees" (S. P. 347) (L. D. 1046)

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

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Witness Immunity in Civil Cases Commenced by the State" (S. P. 386) (L. D. 1132) reporting "Ought to pass" in New Draft (S. P. 639) (L. D. 1974) under new title, "An Act Relating to Witness Immunity in Civil Cases."

Report was signed by the following members:

Messrs. TANOUS of Penobscot
SPEERS of Kennebec
— of the Senate
Mrs. BAKER of Orrington
WHITE of Guilford
KILROY of Portland

Messrs. DUNLEAVY

of Presque Isle

PERKINS

of South Portland

— 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. BRENNAN

of Cumberland

— of the Senate.

Messrs. CARRIER of Westbrook

McKERNAN of Bangor

HENLEY of Norway

GAUTHIER of Sanford

Mrs. WHEELER of Portland

— of the House.

Came from the Senate indefinitely postponed.

In the House: Reports were read. On motion of Mrs. Baker of Orrington, the Majority "Ought to pass" Report was accepted in non-concurrence.

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

Non-concurrent Matter

Bill "An Act Relating to Minimum Wages for Students Employed at Summer Camps" (H. P. 1313) (L. D. 1723) (C. "A" H-437) which the House passed to be engrossed on May 25.

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

In the House:

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

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

The SPEAKER: The gentleman from Augusta, Mr. Brown, moves that the House recede and concur.

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

Mr. HOBBS: Mr. Speaker and Members of the House: I will not belabor the point because I feel the matter has been thoroughly debated two days ago. I hope this House would not recede and concur and I hope that we can insist and ask for a Committee of Conference.

I would like a division on the motion, please.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I also am opposed to the motion to recede and concur. This student amendment has been in there for many many years. It has worked well and I think it should stay there. I also hope that we do not recede and concur so the motion to insist can be made.

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

A vote of the House was taken.

36 having voted in the affirmative and 47 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Hobbins of Saco, the House voted to insist and ask for a Committee of Conference.

Non-concurrent Matter

Bill "An Act to Improve the Efficiency and Fairness of the Local Welfare System" (H. P. 469) (L. D. 617) (C. "A" H-416) which the House passed to be engrossed on May 22.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (H-416) as amended by Senate Amendment "A" (S-180) thereto in non-concurrence.

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

Non-concurrent Matter

Bill "An Act Authorizing Use of Maine Turnpike by Legislators" (H. P. 1281) (L. D. 1668) (C. "A" H-431) which the House passed to be engrossed on May 24.

Came from the Senate with the bill passed to be engrossed as Amended by Committee Amendment "A" (H-431) and Senate Amendment "A" (S-178) in non-concurrence.

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

Non-concurrent Matter

Bill "An Act Prohibiting the Acceptance of Money for Enrollment of Voters" (H. P. 1270) (L. D. 1645) (C. "A" H-345) which the House enacted on May 17.

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

In the House:

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

Mr. ROLDE: Mr. Speaker, I move we insist and I would speak to my motion.

The SPEAKER: The gentleman from York, Mr. Rolde, moves that the House insist.

The gentleman may proceed.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This bill, which is my bill, has been returned to us from the other body after we enacted it here. I would like to give you a brief legislative history of this piece of legislation.

First, let me emphasize that the bill came from the Committee on Election Laws with a unanimous "Ought to pass" report. When I first considered a bill of this sort, I was disturbed by reports I had heard of a great deal of money being spent on paying people to register and enroll voters. My first impulse was to put in a bill to prevent the paying of people to go out and register and enroll voters and even to solicit absentee ballots. But it was pointed out to me, and I had to agree with the logic, that registering voters and providing absentee ballots is a service to our citizenry and does help perform an important civic function; namely, encouraging our citizens to vote which, heaven knows, is a difficult enough task.

I dropped this first idea and concentrated on the idea of party enrollments. Paying people to sign up other people in a political party did not strike me as a public service and it was to prevent abuses such as the paying of bonuses for party enrollments or switching party allegiances that I introduced this measure.

I well remember when I first discussed this bill with the leader

of my own party in the other body. His first words to me were, "Well, what have you got against Bob Monks?" Before I could answer, a gentleman from this body, a leader in the majority party, who happened to be in the office and who had overheard us said, "Well, everybody does this sort of thing in both parties." I believe he was correct and the committee believed he was correct, for the same point that everybody indulged or could indulge in this sort of practice was made by committee members.

It was true that the principal testimony at the hearing was given by a young man who was a paid worker for Robert Monks, who was paid a salary of \$80 a week, plus expenses, and in addition received 25 cents for every registration, 50 cents for every Republican enrollment and \$1 for every Democrat switched to a Republican. The fact is that his testimony could be repeated, no matter for whom he worked nor to which party he belonged.

Let me quote a few passages from his testimony. He says, "Overall, I think we did a lot of good by registering people to vote. Many people find it difficult to visit municipal offices during the day or just never take the time. But I found that by offering us an incentive to enroll people or to change their enrollment, many people did what we asked only to help us earn money and not because they really wanted to enroll as Republicans. In fact, I know of many people, particularly young people, who changed or nullified their enrollments after allowing their friends to make some money by enrolling them.

"I don't know a great deal about how election records are kept, but this must have greatly increased the paper work of election officials." And I would add here as an aside that the Maine Municipal Association appeared at the hearing as a proponent of this bill.

Then the young man went on to say, "Finally, the thing which disturbed me the most was the effect money can have on politics. The cost of this project was at least \$2,000 a week and perhaps more."

The young man concluded by saying, "In my mind, the most important thing this bill can achieve is to take the temptation to distort and deceive out of the enrollment process. If enrollment is done by volunteers, perhaps organized by paid staff people, I think the enrollment of voters proceed honestly and properly and according to the real desires of the voter."

The Election Laws Committee showed great interest in this concept and asked me to see if I could have the bill redrafted to cover several objections, particularly those voiced by Mr. Bonney and Mr. Ray, the executive directors of the Democratic and Republican State Committees, who wanted to be able to conduct enrollment drives.

I went to George West, the Deputy Attorney General and together we worked out a redraft of the bill. It is very short and I will read it to you.

"Money for enrollment. A person, firm or organization, who offers, solicits or accepts money or anything of value in return for enrollment of voters." That is prohibited. "This subsection shall not apply to paid executive employees of state committees who may organize enrollment programs for their respective parties."

This redraft was accepted by the committee and reported out, as I said, unanimously. It was accepted by this body and by the other body until — and I am still not quite sure what has happened to change things, except that I know Mr. Ray, the executive director of the Republican State Committee has voiced his displeasure.

A ruling has come from the Attorney General's office, a n opinion, stating that the bill is "constitutionally suspect" — whatever that means. When I put the question to the Attorney General and to his assistants who wrote this opinion, they said they really didn't know whether the bill was constitutional or not. The opinion was given on the basis that exempting only paid executive employees of state committees might be too narrow. When I asked if this exemption could be broadened and doing this could

overcome the objection, they still really weren't sure.

The point is, the bill as it stands is very apt to be constitutional and I would certainly like to see this question tested, for it seems inconceivable to me that the State of Maine cannot take action against an electoral abuse such as buying party allegiance. I don't believe this kind of activity is helpful to any party. It certainly is not conducive to the long-run health and vitality of our democracy. It breeds cynicism in our young and it undermines the fabric of our system, whose greatest strength lies in the voluntary allegiance of our people to the ideals in which they believe.

The path of politics is, by necessity, already far too papered over with money, in my opinion. Here is a chance to effect a real bipartisan reform. I hope that you will seize the chance and vote today to insist on our previous action.

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

Mr. ROSS: Mr. Speaker and Members of the House: As chairman of the Election Laws Committee, we did vote this out unanimous "ought to pass" because we thought that it also would make for cleaner political campaigns. After we voted it out, when it came to the floor of the House, the opposition came from the executive secretary of a political party. He said that he wanted an amendment to allow his paid staff to solicit registrations and enrollment, and that made sense. So I thought that there was going to be an amendment, but rather than do that, he decided he wanted the whole bill killed, so it was killed in the Senate.

I still think that there is some merit in this. I think it would be worked out, and my motion would be to insist and ask for a Committee of Conference.

Thereupon, Mr. Rolde of York withdrew his motion to insist.

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

Mr. ROSS: Mr. Speaker, I move we insist and request a Committee of Conference.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House insist and ask for a Committee of Conference.

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

Mrs. BOUDREAU: Mr. Speaker and Members of the House: As a member of the Election Laws Committee, I hope you will go along with Mr. Ross's motion. I think this is a very unethical practice that should be stopped and I think we both benefit from having active workers who would do this voluntarily.

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

The Senate of Maine
Augusta

May 30, 1973

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

The President appointed the following conferees to the Committee of Conference on Bill, "AN ACT Authorizing the Commissioner of Agriculture to Investigate Certain Farming Practices" (H. P. 1497) (L. D. 1924):

HICHENS of York
ANDERSON of Hancock
CYR of Aroostook

Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
State of Maine

One Hundred and Sixth Legislature
Committee on Public Utilities

May 29, 1973

Honorable Richard D. Hewes
Speaker of the House
State House
Dear Speaker Hewes:

The Committee on Public Utilities is pleased to report the completion of that business of the 106th Legislature that was placed before this committee

Total number of bills received	45
Ought to pass	12
Ought Not to Pass	7

Ought to Pass as Amended 8
 Ought to Pass in New Draft 4
 Divided Reports 8
 Leave to Withdraw 5
 Referred to Another Committee 1

Sincerely,

(Signed)

ROBERT N. SOULAS
 House Chairman

The Communication was read and ordered placed on file.

Orders

Mr. Birt of East Millinocket presented the following order and moved its passage:

ORDERED, that the Clerk of the House, after adjournment, be directed to prepare an index of the House roll calls of the regular session of the 106th Legislature, both by number and by title, and be it further

ORDERED, that a copy of such index be mailed to each Member of the House.

The Order was read.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the intent of the gentleman from East Millinocket, Mr. Birt. The Democratic Party has been doing it for its members for a number of years and at no cost to the legislature or to the State of Maine. I am wondering why this has not been done by the Republican Party officers for example, and secondly, what the cost is in doing this. If we can do it, certainly he can. I have no qualms. I think it is a tremendous idea. It lets people know what is going on and they have an opportunity to find out how other people voted. But I certainly do not believe in using state funds if we can get the job done otherwise.

I was wondering if the gentleman has found out how much this is going to cost.

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 Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think probably if the truth of the matter were known, it is being done on state money right now by some staff people over there if you would care — if the Democratic Party would just as soon maybe keep these for us and send them over to us, we would certainly accept them and we would withdraw the order.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I don't think that is a bad suggestion at all. I move the indefinite postponement of this order.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the indefinite postponement of this order. The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Jalbert of Lewiston 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 Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I have a great deal of respect for the gentleman from East Millinocket, Mr. Birt, and he knows it. I think around campaign times he still lugs around a note that I sent him, and he has been known to use it during the campaigns in East Millinocket, and I have been told so by his opponent. I am truly seriously amazed at this thing here. I am sure that we poor Democrats can get up our own list, as the gentleman from Eagle Lake our leader, has suggested. And I am positive, I am positive that some-

where along the line that you can always pick up a cousin of the Republican Party to do that chore. I don't think this is good for us to do and I am really serious about it. I like the levity about it, but seriously, I don't know whether or not the people would quite appreciate the fact that we have asked that roll call lists be published. I mean, we have all got them, let us keep them. If we don't want to keep them, let each party have them made up and distribute them at their own cost.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I am going to ask the question again. How much is this going to cost?

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 East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker and Members of the House: I don't know if any evaluation cost has been done on this. I think there is probably about a half a day's work for one clerk to do this, plus the cost of mailing. As far as that goes, it could be mailed out at the end of the session.

Frankly, we have got 300 roll calls. I see nothing wrong with having a simple index of the roll calls and their relationship. I think it makes good sense. With all the money that is being spent on other things, the money that has been spent on useless roll calls, the cost of this is very minimum.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Another thought occurs to me, and it is strictly on a partisan basis. There is not a great deal of difference between a roll call and petitions. We haven't done too well on petitions, and I mean, I would just as soon we take a shot on getting up our own roll calls. You get up your own; you can whack at yours the way you want to, and we will

whack up ours the way we want to and we will all be happy. Let's kill this thing; this is ridiculous.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Again I concur with the gentleman from Lewiston, Mr. Jalbert. I think we should kill this order. I believe we as Republicans have to put our shoulders to the wheel even without the assistance of the front office, which is readily available to our friends on the other part of the aisle, I believe we can come up with something that we can live with and I think they had a good idea. They used it very effectively against me in the last election, they didn't quite make it, but they came darn close to it.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this Order be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, P. P.; Berube, Bither, Boudreau, Bragdon, Bustin, Carrier, Chonko, Clark, Conley, Cooney, Cottrell, Crommett, Curran, Deshaies, Dow, Drigotas, Dunleavy, Evans, Fecteau, Fraser, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Herrick, Hobbins, Jalbert, Kelleher, Keyte, Kilroy, LeBlanc, Lynch, Maddox, Mahany, Martin, Maxwell, McHenry, Merrill, Murray, Peterson, Ricker, Rolde, Sheltra, Smith, D. M.; Smith, S.; Soulas, Tanguay, Theriault, Tierney, Walker, Webber, Wheeler, Whitzell.

NAY — Ault, Baker, Berry, G. W.; Binnette, Birt, Brawn, Briggs, Cameron, Carter, Chick, Churchill, Cote, Curtis, T. S., Jr.; Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Finemore, Garsoe, Good, Hamblen, Haskell, Henley, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, McCormick, McKernan, McMahon, McNally, Morin, L.; Morton, Murchison, Najarian, Norris, Palmer, Parks, Pratt, Rollins, Ross, Shaw, Shute, Silverman,

Simpson, L. E.; Snowe, Stillings, Strout, Susi, Trask, Trumbull, Tyndale, White, Willard, Wood, M., The Speaker.

ABSENT — Brown, Bunker, Carey, Connolly, Cressey, Dam, Dudley, Farley, Faucher, Ferris, Flynn, Gahagan, Hancock, Jacques, Kauffman, LaCharite, LaPointe, Lawry, McTeague, Mills, Morin, V.; Mulkern, O'Brien, Perkins, Pontbriand, Santoro, Sproul, Talbot.

Yes, 56; No, 67; Absent, 28.

The SPEAKER: Fifty-six having voted in the affirmative and sixty-seven in the negative, with twenty-eight being absent, the motion to indefinitely postpone does not prevail.

Thereupon, the Order received passage.

House Reports of Committees Ought Not to Pass

Committee on Taxation on Bill "An Act to Extend Sales Tax Exemption to New Machinery" (H. P. 637) (L. D. 850) reporting "Ought not to pass."

Committee on Taxation reporting same on Bill "An Act Relating to the Income Tax on Corporations and Revising the Rates" (H. P. 836) (L. D. 1106)

Committee on Veterans and Retirement reporting same on Bill "An Act Relating to Social Security and Veterans' Benefits in Making Budget for Recipients of Public Assistance" (H. P. 302) (L. D. 404)

Committee on Appropriations and Financial Affairs reporting same on Bill "An Act Providing Funds to Expand Homemaker Services in the Department of Health and Welfare" (H. P. 922) (L. D. 1220)

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

Leave to Withdraw

Mrs. Wheeler from Committee on Judiciary on Bill "An Act Relating to Adoption of Foster Children by their Foster Parents" (H. P. 1392) (L. D. 1801) reporting Leave to Withdraw.

Mr. Bragdon from Committee on Appropriations and Financial Affairs reporting same on Bill "An Act Making Additional Appropria-

tions for the Department of Health and Welfare for the Next Biennium" (H. P. 422) (L. D. 571)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Tyndale from the Committee on Education on Bill "An Act Providing for Financial Operating Costs of Public Schools" (H. P. 279) (L. D. 357) reporting Leave to Withdraw as covered by other legislation.

Same gentleman from same Committee reporting same on Bill "An Act to Fund the Costs of Public School Education from State Sources" (H. P. 1306) (L. D. 1699)

Same gentleman from same Committee reporting same on Bill "An Act Providing Full Funding of Public Schools from State Sources" (H. P. 1381) (L. D. 1700)

Mr. Dyar from the Committee on County Government reporting same on Bill "An Act Increasing Salaries of County Officers of York County" (H. P. 1092) (L. D. 1429)

Mr. Farrington from same Committee reporting same on Bill "An Act Increasing Salaries of Jury Commissioners and County Officers of Lincoln County" (H. P. 1236) (L. D. 1607)

Same gentleman from same Committee reporting same on Bill "An Act Increasing Salaries of County Officers of Somerset County" (H. P. 64) (L. D. 78)

Mr. Tanguay from same Committee reporting same on Bill "An Act Relating to Salaries of Certain County Officials of Oxford County" (H. P. 756) (L. D. 974)

Same gentleman from same Committee reporting same on Bill "An Act Increasing Salaries of County Officials of Androscoggin County" (H. P. 713) (L. D. 919)

Same gentleman from same Committee reporting same on Bill "An Act Increasing Salaries of Certain Sagadahoc County Officers" (H. P. 458) (L. D. 607)

Same gentleman from same Committee reporting same on Bill "An Act Increasing Salaries of County Officials of Piscataquis County" (H. P. 435) (L. D. 584)

Mr. Whitzell from same Committee reporting same on Bill "An Act Increasing Salaries of County Offi-

cers of Kennebec County” (H. P. 971) (L. D. 1278)

Same gentleman from same Committee reporting same on Bill “An Act Increasing Salaries of County Officials of Hancock County” (H. P. 289) (L. D. 363)

Same gentleman from same Committee reporting same on Bill “An Act Increasing Salaries of County Officials of Knox County” (H. P. 926) (L. D. 1224)

Same gentleman from same Committee reporting same on Bill “An Act to Increase Salaries of County Officers of Washington County” (H. P. 303) (L. D. 405)

Reports were read and accepted and sent up for concurrence.

Referred to 107th Legislature

Mr. MacLeod from the Committee on Natural Resources on Bill “An Act to Amend the Site Location Development Act” (H. P. 1375) (L. D. 1831) reporting to be referred to the 107th Legislature.

Report was read and accepted, the Bill referred to the 107th Legislature and sent up for concurrence.

Ought to Pass Printed Bill

Mr. Norris from the Committee on Appropriations and Financial Affairs on Resolve Providing Funds for Purchase of Water Rights and Dam on Big Ferguson Stream, Somerset County” (H. P. 1395) (L. D. 1838) reporting “Ought to pass.”

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

Order Out of Order

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

ORDERED, that Beverly Brewer, Peggy Davis, Ollie Dyer and Candy Moon of Freeport be appointed Honorary Pages for today.

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

Mr. Gahagan from the Committee on State Government on Bill “An Act to Permit Public Em-

ployees to Enter into a Deferred Compensation Plan and Authorize the Purchase of Insurance and Annuity Contracts” (H. P. 1296) (L. D. 1682) reporting “Ought to pass” in New Draft (H. P. 1552) (L. D. 1984) and new title “An Act to Permit Public Employees to Enter into a Deferred Compensation Plan and Authorize the Purchase of Annuity Contracts and Investment Company Shares.”

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

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentleman from Dover-Foxcroft, Mr. Smith, to the rostrum.

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

Divided Report

Majority Report of the Committee on Judiciary on Bill “An Act to Make Murder Punishable by Death” (H. P. 979) (L. D. 1293) reporting “Ought not to pass.”

Report was signed by the following members:

Messrs. TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN of Cumberland
— of the Senate.
Mrs. BAKER of Orrington
WHITE of Guilford
KILROY of Portland
WHEELER of Portland
Messrs. PERKINS
— of South Portland
McKERNAN of Bangor
DUNLEAVY

— of Presque Isle
— of the House.

Minority Report of the same Committee on same Bill reporting “Ought to pass” as amended by Committee Amendment “A” (H-472)

Report was signed by the following members:

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

Reports were read.

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

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

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

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give my reason why I voted for the amendment that was put on the bill.

We have had in Sanford a couple of people, especially one of the people that I am thinking of at the present time, a person who was murdered not too long ago. It seems to me that what is happening here, we give these people like this chap here that killed this person in Sanford, he stabbed him about 25 or 30 times, and they gave him life. And the first thing that I read in the papers, 11 years from now he has got a right to get out on a pardon. I feel, and the reason why we had the amendment drawn, anyone who goes out and kills anyone like this and stabs a person 25 or 30 times or kills anyone else, I don't think they should be out within 10 or 11 years and go out and have the chance to do it to somebody else. So I think it is about time something is done in this direction here. In fact, we had a bill in here not too long ago.

We had another boy in Sanford who was killed, who was a ticket taker there on the super highway. This fellow killed him when he got out of there to give him his ticket, was speeding from the New Hampshire line, was drunk, and was hitting about 60 miles an hour, and he killed this boy here who was helping his family to help a brother and a sister and himself to go through college.

The first thing they do, they go into court, it goes to Superior Court, it was in the Portland papers, and apparently the judge gave him — he was supposed to have eight or ten years in prison — and the first thing we knew at the end of three years — he

was out of jail in a couple of years.

I don't think these people who are going out killing people like this who are really responsible, stabbing people, killing them with their car with their speeding, evading the officers from another state, should be let out so easily.

In fact, I have got the Associated Press report here in the Portland paper of May 23, 1973. I am not in favor of putting the death penalty, and this is the reason why I was in favor of the amendment and voted for the amendment. In fact, I have, with the two other members of the committee, a lawyer, grant the amendment. And the Associated Press here states as of May 23, 1973, 13 states have enacted laws to bring back the death penalty and measures reinstating capital punishment are awaiting gubernatorial action in two other states. An Associated Press survey of the 50 states shows that the issue was pending in 16 states. The states that have passed bills restoring the death penalty are Arkansas, Colorado, Connecticut, Florida, Georgia, Indiana, Montana, Nebraska, Nevada, New Mexico, Ohio, Utah and Wyoming.

And like I told you in my previous statement, I am not in favor of death penalty. But I am not in favor, after they have killed or stabbed someone or killed someone, the way they are doing it and be out in two or three years. I think it is about time, if we are going to protect the people of this state and the country, we have got to do something in that direction. And I don't think by letting them out after what they have done deliberately in these instances that they should be out in two or three years.

I hope you vote against the "ought to pass" report and accept the minority report.

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

Mr. FECTEAU: Mr. Speaker and Members of the House: Let me give you a brief summary of what has happened since I put in this bill. I was asked — the bill was put in by request as you all know. I have received more mail that

favors the death penalty, not only from the people from the State of Maine but from all around the country.

In other words, I have mailed five or six copies of the bill to different states. In fact, I still have a letter in my pocket here from a law student at Stanford University. He wants a copy and he wants the debate, and summary of the bill. I received, a couple of days ago, this magazine from the State Government, and there is an article on Page 76. Let me read the paragraph that I would like to read to you where a young family was murdered in a robbery of a small grocery store. The robber killed the whole family to make sure that there would be no witnesses. After all, the killer had nothing to lose in taking the lives of his victims. His act of murder carried no greater punishment than his robbery of the victims by means of a firearm.

There is another article in New York where this bank robber had eight hostages, and he told them, "Don't you dare move." He said, "I am liable to kill all of you." So one of the hostages asked him if he would have the gumption to massacre the whole eight of them. He said, "The Supreme Court will let me get away with this, there is no death penalty, it is ridiculous. I can shoot everyone here, then throw my gun down and walk out and they can't put me in the electric chair."

You have to have a death penalty. Well, you know, I was really against the death penalty, but after all the mail I have received, I wonder if it would be a good idea if the people of the State of Maine would have a right to vote and find out if they would rather have the death penalty or just the life imprisonment.

This morning I was talking with one of the members of the Executive Council, and I was asking him, I said, "If we really pass this bill with the life imprisonment with no parole, will this stand?" He said, "I doubt it, because there is always some way they can come to us and we have full rights to give them a pardon."

So in that case, I would like the people to be able to vote on this item then. If there is no way that we can pass the bill for the life imprisonment to stick after a man has come out like these two examples and sees that really they are laughing at us, I think it is really too bad. Really, I insist that we accept the minority report at least.

Mr. McHenry of Madawaska requested a roll call.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker and Members of the House: If I am in order, I would move for the indefinite postponement of this bill at this time. I am deathly against the death penalty, especially here in the State of Maine or any place.

I am not quite so sure that I believe the gentleman when he says that this bill was put in by request, because I understand that this bill was put just a couple of weeks after the President of the United States asked for the death penalty in high aggravated plane hijackings and whatnot.

About 13 states now have brought back the death penalty. I don't think the death penalty is a deterrent, I don't think it is a punishment. I think it is the complete end. I don't believe in it, I won't vote for it, and I ask you to vote for the indefinite postponement of it.

The one thing that disturbs me since the bill has gone to committee and come out a divided report, I think this bill is almost as ridiculous as the bill that was put in by somebody for a handgun.

We don't need this bill, it shouldn't be here. I don't know what we are doing with it. It is a ridiculous bill.

Personally, I have been waiting for this bill to come down the pike. I lost my thought, I had something else to say against the bill. I am trying to think of that.

I guess one of the things that has disturbed me — maybe I am out of order here, but one of the things that has disturbed me about the bill or about the supporters, I haven't received any mail whatsoever on this bill, on this piece

of legislation. I have received mail from the people who belong to the Rights of Life, and I can't see why they are supporting the right to life on one end of the spectrum and not the other. I think we are dealing here with living human beings, and I don't think we are in any kind of position to make a judgment where we can take the right of life away from any human being for whatever crime. Therefore, I would sincerely hope that you support the motion to indefinitely postpone this bill.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to give you a little more explanation. Apparently, I probably didn't make myself clear when I first spoke on the bill from the remarks that I just heard from Mr. Talbot. There is no bill here that calls for life and death penalty. The amendment on this bill is that they give a life sentence, not a death penalty, because I am against — personally against killing anyone. But I don't believe that if someone deliberately kills another that he should go to jail or the state prison and come out within a couple of years like I mentioned before.

I would like to repeat again for Mr. Talbot and the rest of this House that there is no death penalty in the bill at the present time. The amendment that we have got on there is that they get life sentence when they deliberately kill someone else.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: Briefly on this bill, after hearing as those in the committee will testify, we did have a hearing on the death penalty. We did have proponents and opponents. I, for one, did not receive any mail either way on it.

I did go along with the rewrite of the bill, merely a matter of parole. I went along with that because in spite of the objections to that type of punishment, perhaps which my good friend, Mr. Talbot,

objects to, is one thing that I mentioned in committee hearing and I will state so now. We can have all kinds of compassion for a criminal. We can say that even though it might be premeditated murder, that the murderer is salvagable, that we must give him another chance. What I said in committee, and I will say now is that he did not give those people that he murdered another chance.

I would like to read a short paragraph here which perhaps some of you have read on the Corona case in California. "Thirty-eight year old California farm labor contractor who was recently convicted in the nation's most notorious mass murder, had been sentenced to 25 consecutive life terms in prison for each of the 25 killings." Now, here is the punch of this whole paragraph. "But a spokesman for the California Audit Authority, Mr. Haldeman, now explains that the murderer will come up for parole in a mere seven years."

Seven years, ladies and gentlemen, for 25 murders. You can't bring back any of those people who were murdered maliciously, 25 of them. I don't believe that anybody that commits this type of crime on society has the right to ever come back in that society.

They say murders are committed on impulse. We are talking about convicted premeditated murder. Now this bill changes it. I am quite sure that the State of Maine is not interested in capital punishment to the extent of taking life. There has been very little of it done in Maine's history, and there hasn't been any for a good many years, some of you probably know how many. Yet, the state would not buy death penalty, but they might go along, and a lot of the people, with a life sentence with no parole. There might be a way, of course, the governor always can pardon. That has nothing to do with parole. But at least we would have this assurance that we can have a murder or a multiple murderer and have him available for parole in a matter of a mere seven to ten years.

So I hope you will reject the indefinite postponement and vote

for this minority report which merely states that there will be no parole.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker, Members of the House: I would be remiss in my duties if I did not apologize to the members of the House. I was late getting here and the first — when I first came into the House, I asked what was up next and they said this bill here that we are talking about, and I didn't have a chance to see the amendment. So, for that, I apologize to the House.

I still leave my motion on the floor, because I don't believe — I also don't believe in the amendment, so that I would amend my motion, if I am in order, so that this bill and all accompanying papers be indefinitely postponed.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the indefinite postponement motion, because I think the three gentlemen on the Judiciary Committee that signed out the minority report with the amendment probably is just the answer, just the ticket the people in this state — and I know I am one of them — are looking for.

If I have read the amendment correctly and listened to the remarks made by the gentleman from Norway, he simply stated that saying that on a premeditated murder, that these individuals would be not allowed for parole at any time. Now, that doesn't seem very unreasonable to me, because if an individual takes the time to plan and eventually murder some individual, why should the State of Maine give this man the privilege to be walking amongst you and I, our friends and relatives and the people that we represent.

I think the very people in this state would support the majority of the little people, like myself, and all of you people here would support these three gentlemen, and I ask the House not to vote to indefinitely postpone and then eventually

accept the minority report as amended.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Ladies and Gentlemen of the House: I rise to agree with Mr. Kelleher and to oppose indefinite postponement and to agree with the minority report.

You will recall earlier in the session I submitted bills that would increase the penalties for the crimes of wreckless homicide, death caused by violation of the law by motor vehicle operator and wreckless driving. These bills eventually were passed in a compromised form that was acceptable to all. The penalties were increased and the mandatory provisions were eliminated.

Now, I support the minority report here for the reasons that Mr. Kelleher stated very eloquently, and I would like to recount to you a related case, not for premeditated but for wreckless homicide, which caused me to get interested in this subject. You will recall a sheet that I passed around at the time my bills were going through. One of the cases happened in York County. It involved a defendant who pleaded guilty to wreckless homicide. This individual was driving north onto the Maine turnpike after having run the toll at the ten cent bridge. He was driving without headlights and in an inebriated condition, this by his own admission. He did not stop at the tollhouse on the Maine turnpike and ran over and killed a turnpike employee, college student who was working there for the summer; and that wasn't sufficient, he kept going.

Now, the police cruiser was there, the York police cruiser, and he did apprehend the individual shortly thereafter. When that case went to the Kittery District Court, all the charges were dropped in favor of the more serious one, the charge of wreckless homicide. When the individual went to court, he pleaded guilty, admitted the charges for which he received three years sentence, suspended, all but 60 days. That he had

already spent in the county jail, so he was released. My dear people, I would like to tell you that the people of York County were outraged, and the family, the mother of the person who was killed, asked a question, I am sure, of herself, what kind of justice is this?

Now, this bill does not pertain to wreckless homicide, agreed. It pertains to a more serious charge, premeditated murder. I would hope that you would defeat the motion to indefinitely postpone and accept the minority "ought to pass" as amended.

I am sure, as Mr. Kelleher said, that the average working person and the average so-called little person -- and I consider myself one -- in this state would favor this bill as amended.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: Listening to the debate on this, I feel that this is a grand opportunity for the members of the House to express their feelings with regard to this liberal feeling that has been spreading around with regard to paroling criminals. I wouldn't have believed when I read the report of the committee that I would vote for the minority report, but I am going to just for this very reason.

I am opposed to paroling many criminals with as little excuse as we have for doing it, and if we could listen to some of the people in the Department of Mental Health and Corrections, we would get the impression that they feel that no person should ever be punished for any crime no matter how heinous it is, and I certainly do not agree with this, and I think this is one grand opportunity to express my feeling by my vote at this time.

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

Mrs. WHEELER: Mr. Speaker and Members of the House: I agree with the previous speakers that murder is a horrendous crime. I do oppose the death sentence, and I also oppose mandatory sentencing.

I oppose mandatory sentencing in any case, because the mandatory sentence ignores the different circumstances in particular cases. People are different, one from the other, and the circumstances surrounding the commission of various crimes of the same kind are never the same.

Unless we are willing to have judgments made by a computer, some human being has to distinguish between a crime committed under one set of circumstances and the same crime committed under another. Judges have been charged with that responsibility since the beginning of organized society. I feel strongly they should continue to be charged with this responsibility.

If this bill is passed making sentences mandatory, I predict: One, there will be no more guilty pleas. After all, what does a person have to lose going to trial if the sentence is mandatory. Something like 70 percent of all criminal charges result in a guilty plea. If every case has to be tried, the next session of the legislature will not be faced with the request for one extra judge and an extra courtroom as we are now but for 15 extra judges.

Two, the cost of our jurors will more than double. We are already spending more than one half million dollars the biennium for jurors. I predict that if a mandatory sentence passes, the first case arising under the bill and a good many thereafter will result in people going to jail whom all reasonable people would agree ought not be in jail, and the scene of judgment making will move from the courtroom to the governor and council who are ill-prepared because of the lack of facilities to make the required judgment.

I personally know that many judges, perhaps all judges, will be delighted to see a mandatory sentence, although they know it is bad. I say this because they will no longer have to spend sleepless nights tossing and turning because of the awesome responsibility which is theirs to pass judgment which all men and women who know the fact will say is justice. Instead, this responsibility will pass to the governor and council,

and I hope that you will vote for the motion for indefinite postponement.

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

Mr. JALBERT: Mr. Speaker, Members of the House: One comment that the lovely lady from Portland made, Mrs. Wheeler, was that if this bill passes, from now on there will be no more guilty pleas. Could I ask any lawyer, is it my understanding that you cannot plead guilty to a first degree murder charge anyway in this state or any other state?

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to anyone who may care to answer if he or she wishes.

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

Mr. PERKINS: Mr. Speaker, Members of the House: In answer to the question, no, you cannot plead guilty to first degree murder.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Jalbert must have been reading my mind as far as the comments from the gentle lady from Portland, Mrs. Wheeler. I listened very carefully to her comments. I think they were addressed toward the subjects of other bills, including several which I had; namely, mandatory sentences. I don't feel that anybody would plead guilty to premeditated murder, and that is what we are talking about.

To repeat myself, I would hope that you would support the minority report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Mulhern.

Mr. MULKERN: Mr. Speaker, Members of the House: I am going to also speak in favor of the minority "ought to pass" report. I think for once that this state and this country should go on record as being opposed to this recent trend throughout the nation of more or less permissiveness toward the criminal. I agree that there are extenuating circumstances in many

cases that—but I feel that in the case of first degree murder where the—as it says in the bill, either expressed or implied and malice aforethought, that this type of crime should be subject to no parole.

As to the remarks by Mr. Talbot of Portland, I very rarely disagree with him, I have gone along with him on many things, but I disagree with him this time. I am very much abhorred — opposed to the Supreme Court's decision on abortion. I think life today is cheap. I think this sort of trend is very damaging to society, and I think for once that the State of Maine should go on record as being for once in favor of life; and you would do so by passing this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: After hearing the remarks of the gentleman from Perham, Mr. Bragdon, I think it is a good time now for us to pause and reflect. The way the trend is, we are catering too much to these people who have committed violent crimes.

In this bill here, we are not trying to make it unreasonable. We are only making it possible through this amendment to see that they do not get parole after they once get in prison for a heinous crime, which I think is too prevalent at the present time today. We can't seem to get through any gun laws that will be practical. Therefore, we have too many people on the spur of the moment who think nothing of disposing of another man's life.

So, I am very very much opposed to indefinite postponement of this bill.

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

Mr. CARRIER: Mr. Speaker, Members of the House: I didn't expect this report to create such a mental exercise this morning, but I did expect the people to spend a little time to probably digest some of the reasons why some of us signed against this report.

In the first place, let's make it clear that we signed against the bill because apparently three of us at least did not believe in the death penalty, but we do believe and we do recognize that something has to be done somewhere. The people of this state, your constituents and mine, are asking, they are begging, they are hollering for something to be done in the law and order field. Now, whether this is the best solution, I don't know, but I happen to believe in it.

I happen to believe that if people on murder — and we don't have to go to premeditated murder or anything else. If you know the definition — and I believe that most of you do — between murder and manslaughter — and the degrees of murder doesn't matter too much because whether you murder one way or the other, it is still murder — that actually this is what we are concerned about today; and I can only say to you — and knowing most of you but not knowing your personal positions but I do happen to know the position of Representative McMahon on this as to the effects of this bill, because I am also very close to the people who got hurt in the situation which he mentioned here so clearly and ably today.

However, I do believe that — I do believe, in opposition to others that have said here — I do believe that mandatory sentencing is good in certain circumstances. I have opposed mandatory sentences in cases on first offense, but I do agree that sometimes mandatory sentences is the best thing that you can have on second offenses.

Now, the reason why the judges oppose this mandatory sentencing is because they want to have the whole say about this. Well, I say to you that some of them should not have the whole say about it. Many people in this state are not satisfied with the judicial system in this state, and it is not the courthouse that does it, it is not the money that does it, it is the people that are put in there to do the job, and they are not doing it. Some of them are not doing it, some of them are doing great jobs. So let's separate the real ones from

the other ones and let's face the facts.

Actually, it was also said that the governor and the council are not prepared by lack of facilities to make a decision. Well, I don't know what kind of facilities we are talking about, but you can draw your own conclusions. I think that they are mentally very able to do these decisions, probably much more able than some of the judicial system.

Now, I submit to you that this bill here — and I support it very strongly — that mandatory sentencing with no parole, I think this is the solution to some of these crimes. Now, whether people will agree — modern penologists will not agree that this is a deterrent. I do not agree with modern penologists, the ones that I know, because if they were ever affected — and I am telling you almost that if they were ever affected or very close to their families, that they would change their position over night on some of these decisions and these beliefs that they have.

So, I hope that you in good judgment and after you have thought it over and whatever you decide on, that you, if you share our conviction that mandatory life sentence is the solution, great, vote against indefinite postponement. If you don't, well, that is your privilege, and I hope that you come up with a better solution than we did.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to quote one paragraph from the minority report of the Health and Institutional Services, a statement made by an eminent licensed M.D. and psychiatrist here in the State of Maine which I think is germane to the question this morning, and he states, "This concept challenges the basic philosophy of punishment for a felony or crime committed and replaces it by one of illness which must be dealt with with rehabilitative criteria by a person who is neither qualified nor

licensed to diagnose. In practice, this would include the following: A person with a considerable criminal record served time at Thomaston State Prison for attempted rape. After qualifying for parole, he goes out. In June of 1972, he is accused of aggravated assault. His probation officer claims that the parolee is fully rehabilitated. In September the fully rehabilitated parolee is caught at a police roadblock within less than an hour after allegedly killing one man, critically wounding another man and kidnapping a woman. What are the qualifications of those who appoint themselves to judge as to who is rehabilitated?"

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

Mr. GAUTHIER: Mr. Speaker, Members of the House: My dear friend, Mrs. Wheeler, mentioned in her presentation a few minutes ago that if you accept this amendment, that you will be under computer. But I would like to mention to you ladies and gentlemen of this House that I would rather be under a computer than after a man has committed premeditated murder and is let out within a couple of years and amongst the people, amongst you, and the people of the state, to start over again, that I would rather be under a computer.

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

Mr. MORTON: Mr. Speaker, Members of the House: I had no intentions of speaking on this bill, and that is the truth, but I do feel strongly that from some of my experience, I am compelled to advise you folks how I feel.

I think perhaps more than many members of this body, I, having served on the council and on pardon hearings, have a feeling for the problem involved here that some of you may not have experienced. We, on the council, of course, do act on pardons, and during my two years six years ago, I recall at least three murder cases that were before us.

There is a great deal of different circumstances surrounding every case. No two are alike, and I want you to know that it is an awful responsibility to sit and decide what you are going to do with a portion of a person's life. I might even be more in favor of capital punishment in some cases than I would be in this bill as amended. I feel strongly that a no parole situation is too severe. It is inhuman.

I am not opposed to many mandatory sentences, particularly those of a finite nature where you tie something specific, a specific penalty, to a specific crime. I think it is the state's responsibility to evaluate what they feel are proper punishments; and, of course, this morning it is everyone's right to make this decision on this bill.

I am strongly for more severe sentencing. I believe that the evidence is clear that our courts are extremely lenient, and I am opposed to this and I would do anything I could to improve the situation, but I do not feel going to a life sentence that is irrevocable is the right way to go.

Now, if mandatory minimums were part of this, I could consider it. But to lock a person up and throw the key away goes too far. Although I would like to go in this direction, I regretfully tell you folks this morning that in good conscience and with the background and experience I have had, that I have to support the indefinite postponement motion.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: Before we vote this morning, I hope you will think, death and confinement is good for the other fellow, but I hope it never happens to me. In fact, I would rather be killed than be confined for a long period of time.

The SPEAKER pro tem: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: My friend Mr. Morton mentioned the fact of locking someone

up and throwing the key away. Motions for mistrials stated that these people could go before the Governor and Council to be pardoned. I think it is time that this House reevaluated the situation. When we consider the people of the state and the protection of the people of the state, we have those who are so malicious that they kill others. We as responsible legislators, acting in the best interest of all the people, should take a firm stand here and try indeed to change the trend.

I also am mindful of the fact that possibly this sort of legislation will be hard to get through the other branch. But I do think this morning that we ought to take a firm stand and vote for the minority report. I had similar legislation in — mandatory sentences for breaking and entering. At this time, this is an extremely bad situation. People are crying to have something done. Someone steals from others, it is taking money out of everyone's pocket. If we are to have the free society and to abide by the first two sections of our State Constitution, we need to take action to preserve law and order.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to speak to you about the fear of retribution. Many of you and most of you have raised families and you know that a youngster, you can very quickly teach them to mind with just one good swat where it will do them the most good. If you talk to them and try to be able to reason, it isn't always too effective. But a combination of fear of retribution and common sense works very well.

The fear of retribution also works against law and order. All you have to do is read the papers and travel around and watch what goes on. People do not dare stand up in court and testify against people they have seen commit crimes because they are afraid for the safety of their families and their own safety.

Mandatory life sentence in certain cases, I believe, is very necessary and I hope you vote against the motion on the floor for the acceptance of the minority report.

Mr. Gauthier of Sanford requested a roll call vote.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the motion for indefinite postponement. I would hope that we would pass this bill as amended today. In my town, there are two people in Thomaston now for the crime of murder. And as I stated previously on one of the other bills, last Christmastime one of these murderers was out on this so-call going home furlough business, walking the streets of Skowhegan. I can truthfully say that a large number of people contacted me and asked, what is the legislature going to do to stop this?

I personally feel that if we were to pass this bill today as amended, that the vast majority of the people in the State of Maine would really be very happy to see that we have taken a definite step in this area. This boy who was home on furlough, he is a man now, went across his driveway and killed a young woman. He served 15 years, but now he is out every weekend, when he wants to come out, and he comes back to Skowhegan and walks the street. The people are not happy with this situation.

The other case that is in Thomaston now from my town, he will be eligible very shortly to come home on furlough or leave or vacation or whatever you want to call it. He killed a young boy and he was young at the time himself and he admitted to the court that the only reason that he killed the boy was that he wanted to see how it was to shoot a person and see him die. When people do these things, I think they deserve life imprisonment. I would not go along with the death penalty. But life imprisonment without parole, yes, because I think then some of these people might think twice before they kill.

Mr. Morton from Farmington said that this was too severe. Well I think it is quite severe on a person murdered, being murdered. And he can't come home on leave, he can't go out on furlough, he can't have visits down to where he is confined because he is confined under the ground. I don't think this is a bad bill at all. I hope today that we pass the bill as amended.

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

Mr. JACKSON: Mr. Speaker and Ladies and Gentlemen of the House: I would pose a question to the House. I am a little confused here. We talk about mandatory sentence. As I understand it, the judge and the jury have the choice of the pleading here. It can be first, it can be second, it can be manslaughter and so on. If they do go for first and punishable by life imprisonment, this would remove the chance for parole. I don't see where we get into mandatory sentencing here, because if the sentence is life imprisonment, this would merely remove the chance for parole and I would pose the question to someone, is this really mandatory sentencing?

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: It is my understanding that any write-up of the law which does not mention anything about parole is not a mandatory sentence. In order to make — and I stand to be corrected — a sentence mandatory, you do have to use such language as we have in here, without parole.

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

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: I rise to support the motion of the gentleman from Portland that we indefinitely postpone this measure. I agree with many of you that there are murders that are vicious and premeditated and I would not want to see parole. But there are other murders, other

murders of passion on the spur of the moment, through rage or jealousy, and these people often are not what we call criminal people. But under this amendment, and we are no longer dealing with the death sentence, that has been struck out, but under this amendment, regardless of whether the murder was premeditated or just one of those spur of the moment activities, it is imprisonment for life without parole.

On the vicious, organized, premeditated murder, I agree 100 percent. But let's leave something to the judgment of the Governor and Council or whoever is going to be passing on parole and pardons.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: Briefly, to answer to my good friend from Hampden. There is always gubernatorial pardons in cases that are outstanding. This has nothing to do with gubernatorial pardon. On routine parole, I am told that in Maine it is normally 13 years before they are available. This is in the case of a murderer who is convicted and sentenced and we say premeditated, well in order to come under the statute it must be premeditated or to the extent that it is considered that type of murder, not manslaughter but murder. And as I say, if the gentleman from Hampden feels sorry about some of these people, we can feel even sorer about the persons they murdered. They have no possibility of a second chance. If the person is young when this murder is committed, at some later time there might be availability for a gubernatorial pardon.

It seems to me that is the only leeway that we should allow. We must do something so that the murderer cannot feel, when he is sent to the penitentiary, that inside of 13 years, if he keeps his nose clean in prison, he can come back out. We don't want to keep our people back home in fear because of some of these people who threaten the jurists. They threaten

the people who convict them, they threaten the witnesses. They say, "Wait until I get out, I'll get you."

As Mr. Carrier and Mr. Gauthier and some of the others have stated, I think that we owe it to the people of the State of Maine and also I think we owe it to the deterrent part of this type of crime. Sure, it is going to be tough on that person who murders. That is what we want to make it, tough, so that they will think twice before they will premeditatedly commit another murder or any murder. I hope that you will vote no on the indefinite postponement and then accept the minority report.

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

Mr. HOFFSES, Mr. Speaker and Ladies and Gentlemen of the House: I feel compelled to speak on this particular legislative document, having represented that area of the State of Maine where the prison is located, where all of the hardened criminals, murderers and all of those others who have committed major crimes against society are housed. I will grant you that we have bent over backwards to do everything possible for the protection of the accused and for those minority. I think that the time has come when it is time for us to consider the majority. All too often we turn the radio on or we are downstreet and the first person who comes along says to us, have you heard that so and so has escaped from the State Prison? No, I hadn't. Well, he escaped at such a time and they are warning us that he is dangerous. Now, this means that the people down in our area, and it is not confined to one county but three or four counties in the vicinity of the State Prison, have to double their precautions to protect themselves and their property against these hardened criminals who have escaped or who have been let out for the purpose of having weight-lifting contests in the neighboring town or things of that nature or have been let out for weekend furloughs. These are men who are hardened criminals.

I have been in that institution on several occasions and I know

what they look like, I know what they act like and I know what they are. And I accept them for what they are. If we are going to continue to condone this type of business of letting these people out and letting a lifer out to again mingle with society, there is something vastly wrong. I think it is high time that you and I, as members of this legislature and representatives of the people of the State of Maine, should give them some consideration. And I mean by "them," the ordinary, law abiding, working, taxpaying, citizens of the State of Maine, who is in fear of his life and of the lives of his family when we let up on all of the controls which we have of these criminals and let them free in society.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I am on my feet mostly because of the fact that the mandatory jail sentence being batted about, and I might as well get a few more words in as to how I feel about that on the record. If you would go down to the Attorney General's office and you would see the attorney, Richard Cohen, the head of our Criminal Division, he will very quickly tell you that we do not anywhere near have the hard drug problem in Maine today that we used to have. We might have it in one or two areas, but believe me, it is fast disappearing.

I am talking now about hard drugs. I know why, because I was told why by the people who sold the hard drugs, New Years Eve, after one of my very infrequent soirees after dark. I ran into a few of these jokers, talked to them, they admitted that they were in the business, I knew anyway, of drug peddling. They also told me that they had been chased into New Hampshire and Vermont.

When I put in this bill, I knew just exactly what I would run into. I knew exactly what I would run into on the other side of the alley. And I would like for you just to look at the report. Just cast your eyes on that report, and just figure

out the occupations of people. I am not against that at all, but just look at the report.

I put in a bill here for mandatory jail sentences for arson. It is strange that this should come up because I was discussing this with a few good friends in the legislature last night. It will take time. We will have a bill for mandatory jail sentences for arson, which is a horrendous crime and almost impossible to prove. But once it is on the books, they will be chased out. The siding and roofing boys were chased out by Representative Cote's bill. They have gone to Manchester, New Hampshire and Vermont, they admit it.

As far as this particular bill is concerned here, it will take time, probably, but it will come. And I can't help but recall an incident that happened many many years ago going down into — we went down to Thomaston to play ball. I got on first base and the second ball thrown was a little wide, so I took off for second. When I stole second, I just happened to chat with the second baseman on the team at Thomaston and I said, "What are you doing here?" He said, "I am here for burglary, and you had better stay here because the guy on third slit his wife's throat." Believe me, I almost went back to first base.

But seriously, and this is serious and this is fact. Many years ago a very dear friend of mine was in a restaurant talking to the counter-man. Two servicemen were in the restaurant. Tom thought he was going to Maine. One of the men sat in the front seat and I can bring you the article in the newspaper. The other one sat in the back. The testimony was this by the one sitting in the front seat, that the man in the back had just put a gun right to the back of a fellow's head and bang! He had three kids. The fellow got out and he is now in Dannamora serving another sentence for murder.

I have talked, whispered briefly to the gentleman from Farmington, Mr. Morton, who served very honorably, representing our district at home, on the Governor's Council. The Governor is in command of the pardons, all of them. The Coun-

cil can initiate it. They can vote seven to nothing on any and all pardons, and if the Governor says no, that is the end. He will be the first one to tell you that. There is nothing at all that they can do about it. Appointments might be a little bit different.

In any event, this measure here is a worthy measure. It will take time but it will come. The time for us to assert ourselves is now by not killing this measure.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to make a few comments in relation to this bill before us. I thought the bill had a lot of merit, and as it is watered down with the amendment, I still think this is a step in the right direction.

I think this prison of ours has got to be better than some hotels and I would like to enlighten you on a little case that I was involved in. I was in Rockland staying at one of the better hotels and I had my wife with me, and after dark I was looking for a chance to go downtown and I couldn't think of any other way, so I told her I was going over to visit the prison. I went over there to supper.

The hotel where I was staying, a roast beef supper was about \$8.50 and the service wasn't anything extra, but I went over there and had supper and I had roast beef and apple sauce cake and I had as many helpings as I wanted and so did the prisoners. So I considered that better food than I could have gotten at what I considered a very good hotel in the City of Rockland. They also let me have a little liberty that the others didn't have, but I did.

What I have drawn from this conclusion is that this particular prison wouldn't be a bad place to spend your life. They had lots to eat. They had a pretty good place to have their church services, and another thing I might point out to you, walking across the courtyard I viewed the chapel, a very nice chapel for the Catholic people and the Protestant people, and walking

across the courtyard I said to Mr. Robbins, "Gee, I was impressed by the chapel. It is such a nice one, but where do the Jewish people have their services?" He stopped short and said, Mr. Dudley, I have been here quite a while and we don't have a Jewish boy in here." So I thought that was worthy of mention.

Let me say that I also took the time while I was in Europe to see what their system was. Let me tell you, over there the food they seemed to be getting was bread and wine and plenty of it, but they didn't have any beefsteak and they didn't have any chicken and stuff like they feed them in our prison. So I view this prison of ours as not too bad a place at all. It wouldn't be a bad place to spend your life. But I think the time is coming when we have got to get more serious than just giving them life because life isn't deterrent enough.

Some of the southern states that do have it, the proof is in the pudding. You see how many bank robberies they have had in the last 50 years in Georgia, and I think you will find that there isn't any, unless it has happened very recently, but people from Georgia have gone to New York and New Jersey and Connecticut and rob banks. The proof to me is, why should they drive clear to New York or New Jersey to rob a bank when they live in Georgia? It seems to me that it is because Georgia strings a rope around their necks and drops the scalpel and this is a deterrent. They don't have to hang many people, as I understand it, but it does seem to be a deterrent. The time is coming when you need a deterrent of some sort because this is gaining each year.

I hope you people will be using your best judgment this morning when you accept the minority report and don't vote to indefinitely postpone this bill.

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

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take exception to the remarks made by the

gentleman from Enfield, Mr. Dudley, and his implications that our hotel rooms are expensive, our food is expensive and our service is very poor. I would like to call the gentleman's attention that that is not actually the case.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to apologize to the gentlemen from down there. I hope I didn't say it that mean. I thought I said it was better than a hotel, better at the prison than it was at the hotel. I didn't say the hotel was that bad; at least I didn't mean to. I meant to say that I thought the service there and the food was better.

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Portland, Mr. Talbot, that this bill "An Act to Make Murder Punishable by Death," House Paper 979, L.D. 1293 and all accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bustin, Chonko, Clark, Connolly, Cooney, Cottrell, Curran, Dow, Dunleavy, Farley, Farnham, Goodwin, H.; Goodwin, K.; Haskell, Hobbins, Huber, Jackson, LaPointe, LeBlanc, Lewis, J.; Mahany, Martin, McKeenan, McNally, McTeague, Mills, Morin, V.; Najarian, Norris, Perkins, Peterson, Pontbriand, Santoro, Smith, S.; Susi, Talbot, Tierney, Wheeler, Whitzell.

NAY — Albert, Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Boudreau, Bragdon, Brown, Bunker, Cameron, Carey,

Carrier, Carter, Chick, Conley, Cote, Cressey, Crommett, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunn, Dyar, Emery, D. F.; Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Garsoe, Gauthier, Genest, Good, Greenlaw, Hamblen, Henley, Hoffses, Hunter, Immonen, Jacques, J albert, Kelleher, Kelley, D. B.; Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, Littlefield, Lynch, MacLeod, Maddox, Maxwell, McCormick, McHenry, McMahon, Merrill, Morin, L.; Mulkern, Murchison, Murray, O'Brien, Palmer, Parks, Pratt, Ricker, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Snowe, Stillings, Strout, Tanguay, Theriault, Trask, Trumbull, Tyndale, Walker, Webster, White, Willard, Wood, M. E.

ABSENT — Briggs, Churchill, Ferris, Flynn, Gahagan, Hancock, Herrick, Kauffman, LaCharite, Lewis, E.; Rolde, Smith, D. M.; Soulas, Sproul.

Yes, 42; No, 94; Absent, 14.

The SPEAKER pro tem: Forty-two having voted in the affirmative and ninety-four in the negative, with fourteen being absent, the motion does not prevail.

On motion of Mr Gauthier of Sanford, the Minority "Ought to pass" Report was accepted.

The Bill was read once. Committee Amendment "A" (H-472) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Discovery Procedures in Workmen's Compensation Hearings" (H. P. 1157) (L. D. 1490) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN of Cumberland
— of the Senate.
Mrs. BAKER of Orrington
WHITE of Guilford
KILROY of Portland
WHEELER of Portland

Messrs. PERKINS

of South Portland
CARRIER of Westbrook
McKERNAN of Bangor
HENLEY of Norway
GAUTHIER of Sanford
— of the House.

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

Report was signed by the following member:

Mr. DUNLEAVY
of Presque Isle
— of the House.

Reports were read.

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

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Grounds for Judicial Separation" (H. P. 1224) (L. D. 1594) reporting "Ought not to pass."

Report was signed by the following members:

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

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

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

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

Report was signed by the following members:

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

Reports were read.

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

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

The SPEAKER pro tem: The gentlewoman from Orrington, Mrs.

Baker, moves the acceptance of the Majority "Ought not to pass" Report.

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: I recognize that the majority report is a heavy majority. I will only take a moment or two of your time.

The purpose of this bill is to make judicial separation, which is a court ordered separation after hearing available hopefully, and at least in some cases as an alternative to divorces. As it stands now, there are six or seven grounds for divorce in the State of Maine, everything from adultery to cruel and abusive treatment. Cruel and abusive treatment is the general grounds and probably used in 90 percent or so of the cases. You also have desertion, nonsupport, addiction to alcoholic drugs and a few other grounds.

There is only one grounds for judicial separation. And judicial separation is a court ordered separation where parties may live apart, yet the marriage continues to exist. And that grounds is that you have already lived apart without court order for one year.

The reason I introduced the bill is because it came to my attention during the course of my practice in Brunswick that there are people, particularly middle-aged people and occasionally people who have religious scruples against divorce, which is final termination of a marriage, who have an intolerable situation where they should live apart. It is sometimes necessary for the physical safety or health of one of the parties to live apart and where it is necessary to settle the legal questions concerning the marriage but where there are these scruples against divorce.

As it stands now, about the only thing you can tell them if they don't want a divorce is, we will wait a year and then come back, but things can get to be even more of a mess in many ways in a year. So the reason that the bill was introduced was to provide an alternative to divorce for people

who have religious and moral scruples against it.

I recognize the report is heavy. I recognize what the vote of the House is likely to be, but I thought that some of you who were concerned about the high rate of divorce in our state might be interested in the fact that our law almost forces some people, under certain circumstances, to get a divorce when they might be better off with a judicial separation.

I would ask for a division.

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

A vote of the House was taken.

Thereupon, Mr. McTeague of Brunswick requested a roll call vote.

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

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Birt, Bither, Boudreau, Bragdon, Brawn, Cameron, Carey, Chick, Cote, Cressey, Dam, Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Finemore, Garsoe, Gauthier, Hamblen, Haskell, Henley, Hoffses, Hunter, Immonen, Jackson, Jacques, Jalbert, Kelleher, Kelley, Kilroy, Knight, Lawry, Littlefield, MacLeod, Maddox, Mahany, McCormick, McNally, Morton, Murchison, Parks, Perkins, Pratt, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Stillings, Theriault,

Trumbull, Tyndale, Walker, White, Willard.

NAY — Albert, Berry, P. P.; Berube, Briggs, Brown, Bustin, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Deshaies, Drigotas, Dudley, Dunleavy, Farley, Faucher, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Huber, Kelley, R. P.; Keyte, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Mul-kern, Murray, Norris, O'Brien, Palmer, Peterson, Pontbriand, Ricker, Ross, Santoro, Smith, S.; Snowe, Susi, Talbot, Tanguay, Tierney, Webber, Whitzell, Wood, M. E.

ABSENT — Binnette, Bunker, Carrier, Churchill, Dow, Evans, Fecteau, Ferris, Flynn, Fraser, Gahagan, Good, Hancock, Herrick, Kauffman, LaCharite, Merrill, Najarian, Rolde, Sheltra, Smith, D. M.; Soulas, Sproul, Strout, Trask, Wheeler.

Yes, 61; No, 63; Absent, 26.

The **SPEAKER** pro tem: Sixty-one having voted in the affirmative and sixty-three in the negative, with twenty-six 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.

Divided Report

Majority Report of the Committee on County Government on Bill "An Act Relating to County Estimates" (H. P. 1330) (L. D. 1764) reporting "Ought to pass" in New Draft (H. P. 1549) (L. D. 1983) same title.

Report was signed by the following members:

Messrs. **ROBERTS** of York
PEABODY of Aroostook
 — of the Senate.
 Messrs. **McMAHON** of Kennebunk
SHELTRA of Biddeford
FARRINGTON
 — of South China
DYAR of Strong
PONTBRIAND of Auburn
DAM of Skowhegan
CHURCHILL of Orland
 — 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. **CLIFFORD**
 — of Androscoggin
 — of the Senate.
 Messrs. **TANGUAY** of Lewiston
WHITZELL of Gardiner
 — of the House.

Reports were read.

The **SPEAKER** pro tem: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. **FARRINGTON**: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the Majority "Ought to pass" Report.

The **SPEAKER** pro tem: The gentleman from China, Mr. Farrington, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. **WHITZELL**: Mr. Speaker, Members of the House: I would ask for a division, and I would ask that someone who is the sponsor of this bill explain what the new bill does.

The **SPEAKER** pro tem: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. **FARRINGTON**: Mr. Speaker, Ladies and Gentlemen of the House: In order that we might save time, I would ask the House to go along with this report because we are going to be discussing another home rule bill that is now tabled, and if that one doesn't pass, it will give us an opportunity to discuss this one. So, in view of the time, I hope the House will go along with this "Ought to pass" report until we get the other one out of the way and then we can discuss it.

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

Mr. **HENLEY**: Mr. Speaker, Members of the House: I would like to second my friend, Mr. Farrington's motion. I believe inasmuch as we now have another, my very important, counter bill, it is only right that this be accepted and be considered until you have got time to look it over. I think there are errors in it as some of you think

there are errors in mine.

Naturally, there is no way that both of them can pass, but they are complicated bills, and they are a very drastic move, both of them. So, I would feel in spite of the very good intentions of the minority report, that this bill should be admitted as an "ought to pass" for the time being and give you time to study it over, and I hope you will accept the "ought to pass" motion.

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

Mr. WHITZELL: Mr. Speaker, Members of the House: I would make that a request for a roll call, and I cannot see anybody voting in favor of the majority report on this bill based on the fact that nobody here at this point is aware of it. Putting it into second reading isn't going to make it a better bill.

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

Mr. DYAR: Mr. Speaker, Members of the House: In answer to Mr. Whitzell from Gardiner, I think he is quite familiar with the contents of this bill. He is a member of the County Government Committee.

This is a redraft of a bill I sponsored. The redraft sets up two new provisions, a County Finance Committee and a section that allows municipalities to petition the legislature on a county budget.

The County Finance Committee is made up of seven members, five members elected by the municipal officers within the county; two members elected by the legislative delegation at caucus within the county wherein they will elect one member from both parties to serve on this committee. There is a provision where only the resident senator within the county votes. This committee reviews the county budget with the commissioners. They can suggest changes and hopefully come to a conclusion on the county budget agreeable to municipalities and the county commissioners.

The petition section allows three-fifths of the municipalities within the county, if they object to a coun-

ty budget, to petition the legislature to review it. The legislature will review that budget and have it back to the county within 30 days.

These are the only two changes or major changes within this bill. Otherwise, it is identical to the bill that I sponsored earlier in the session. These two amendments were suggested to give municipal input into county government. I think municipal input will strengthen county government, and I hope briefly I have explained the changes in the redraft as compared to the original bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I rise in support of this bill as a member of the County Government Committee. It is a product of many people's thinking. It does feature a county finance review board which will give the municipal officials some input which many of us feel is important.

I signed the "ought to pass" recommendation, majority on this one, minority on the other bill on both bills mostly because I had hoped the bills would both come before this House, and if the members of the House could study them thoroughly, and then we would have debate on them together. They both have some very good things in them, and I would hope that you go along with the recommendation of the majority of the committee.

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

Mr. WHITZELL: Mr. Speaker, Members of the House: Very briefly, I will state my objections to the bill, and I think I have made them known in committee and we are asked to work some things out here.

First of all, the seven member advisory board that will look over the — that will review the budget — my particular objection to that board is the fact that they will be elected — five of those members will be elected by the municipalities within the county. Now, that means that if Penobscot County,

Bangor would have one vote which would be probably equal I guess to — is it Corinth that is in Penobscot County? And some of these other smaller towns — all towns would be treated equally; yet, Bangor, for instance, as one large city pays the major part of the Penobscot County budget. If you looked at Kennebec County, Waterville would have one vote, Augusta would have one vote, Gardiner would have one vote, South China would have one vote, many of the small communities like Readfield, Mt. Vernon would each have one vote in electing this review board.

Now, I propose that in a community where there are 30,000 or 40,000 people, then you deserve a lot more representation or weighted vote in the election of these people who review the county budgets. That was my basic objection. I see no reason why the large cities that are paying, for example, for the sheriffs' departments and the county jails who have the least use of these facilities and that facility makes up a large part of the county budget, why they should be allowed only one vote and say how much money is spent in that area. Clearly, the people who will have the dominating influence on these review boards will be the small communities that directly receive the benefits of that department.

It is not only in that area, it is other areas also. All communities are not the same size and therefore, they should not receive the same amount of a vote in that committee and that is why I object to it.

The SPEAKER pro tem: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: Although I live in the Village of South China, the name of the town is China.

In regards to Mr. Whitzell's statement, we had asked Mr. Whitzell if he would present us with a plan of districts where these people serving on the finance board come from. I suspect if he wishes to offer an amendment to

this effect that is feasible, it would be acceptable.

I reiterate my stand, I think we are wasting time here this morning that could be well used in other areas where we have a bill that we are going to discuss on home rule. I would just like to keep this alive, and the only way to keep it alive for further discussion and comparison with the other bill is to accept the "ought to pass" report, and I hope the House will go along with that.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, Members of the House: The gentleman from Gardiner, Mr. Whitzell, was kind enough to mention in his remarks Kennebec County, and he was even kinder by mentioning the City of Waterville and that we would have one vote where we are a larger community, China would have one vote and China would have one vote, and I would say that I would go along with that simply because that is one vote more than we have right now.

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

Mrs. BAKER: Mr. Speaker and Members of the House: I would like to pose a question through the Chair or perhaps more than one question. It seems to me unclear as to how this county finance committee would be elected and the municipal membership, it doesn't seem to spell that out, and it goes on to say that the senators residing within the county shall be recognized as members representing said county at the caucus. Does that make them a member of the Finance Committee? If so, are they one of the seven? There seems to me there is a lot about this bill that is unclear to me. Maybe it is because we haven't had an opportunity to look at it very long. I would like to hear some comments on that.

The SPEAKER pro tem: The gentlewoman from Orrington, Mrs. Baker, poses a question through the Chair to anyone who may care to answer.

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

Mr. DYAR: Mr. Speaker and Members of the House: These amendments were basically drawn up with the assistance of the Maine Municipal Association. The reason we put in the section as to the senators being involved, it says the senator or senators residing in the county shall be recognized as the member or members representing certain counties at the caucus.

The problem in Somerset County, for example, Somerset County has one resident senator. They also have a senator residing in Kennebec County and also have a senator residing in Franklin County. It was the feeling of the committee members that the Franklin County senator and the Kennebec County senator possibly should not decide what the Somerset County legislative delegation did.

I think in review of the county budgets, some counties, when they had three senators, where one was a resident senator and they had two nonresident senators, they compromised and gave each Senator one third of a vote.

This could be considered political. I think in one or two counties the nonresident senators could upset the political standing. The county might be Democratic without the nonresident senators and they might be Republican without the nonresident senators. This places basically the voting members of this caucus in a position where they are all residents of the county. Some people will say that possibly three or four towns who might be represented by a senator from Kennebec would not be represented at the legislative caucus. But there again I think possibly they would be represented by their representatives from this body.

I can see really no problem. If you will read page 5, the three lines explain the sections as to the senators.

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

Mr. TANGUAY: Mr. Speaker, Ladies and Gentlemen of the House: I want to reiterate what the gentleman from Gardiner has

just tried to get across to you, and I don't think he got it across to most of you.

In Androscoggin County, for instance, we have approximately 15 to 16 municipalities. These 15 or 16 municipalities would all have one vote. Most of them who pay 48 to 49 percent of the tax structure in the county would probably end up with no vote because they have one vote to name the finance committee.

We are outnumbered, so is Auburn outnumbered by the small municipalities. We all have one vote, so they can easily elect, under the present structure, five men from the outlying municipalities. Therefore, Lewiston and Auburn would have no say except to petition. Petitioning involves a lot of time and I don't think we want to get into that.

Also, I would like to mention that today, if this were the existing law, with Lewiston and Auburn not having any vote whatsoever, the representation also, if the county delegation votes a man from the outlying areas to serve on this finance committee, Lewiston would end up with just a plain senator representing both Lewiston and Auburn. I don't think this is the legislation that we want to put on our books today.

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

Mr. HENLEY: Mr. Speaker and Members of the House: With a little levity, I would like to see this bill be accepted for the time being for this reason. We all realize that county government should be strengthened, that it should be changed, that it should be brought up to date or we should take it out, one or the other, to make it a true district of faith.

It is quite possible that several of you favor this type of continuing remodeling of the present structure. My bill does exactly the opposite. It completely changes it. I feel that both bills should be before you.

This problem of a finance committee, a board in the county, can be easily amended and changed, just as my bill is going to be amended and changed by a huge

amendment being written up which is going to change the whole districting structure within the whole state. It is not quite ready, but it will make a big change in my bill.

In all fairness, I think you should have both bills and have plenty of time to study them without picking them apart here today.

On the levity part of it, a few years ago I ran a small hardware store, right after World War II when a lot of things were hard to procure. I used to sell oil burners for ranges and there was a very low price range burner that I could sell for \$19.95. I had it up on display right up where the show window was. The manager would come in week after week and say, "That is that same burner. Why haven't you sold it?" I said, "I don't want to sell it because I have got some ABCs over here for \$39.95 and I would rather sell those. If I sell this one I won't have any contrast." So I think possibly the committee might think that their bill is the best and they would want to contrast it with mine. Well, I happen to think that mine is the best, so I would like to keep the other one alive for contrast. That is all I wanted to say. I hope you accept the bill.

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from China, Mr. Farrington, that the House accept the Majority "Ought to pass" Report on Bill "An Act Relating to County Estimates," House Paper 1459, L. D. 1983. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau,

Bragdon, Brawn, Briggs, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Cooney, Cote, Cottrell, Cressey, Curran, Curtis, T. S. Jr.; Davis, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Emery, D. F.; Farley, Farrington, Faucher, Fecteau, Finemore, Garsoe, Genest, Goodwin, K.; Greenlaw, Haskell, Henley, Herrick, Hobbins, Huber, Hunter, Jackson, Jacques, Jalbert, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaPointe, Lawry, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McMahan, McNally, Mills, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Pontbriand, Pratt, Rolde, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Soulas, Stillings, Strout, Susi, Talbot, Theriault, Tierney Trask, Tyndale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.

NAY—Baker, Connolly, Goodwin, H.; Immonen, Lewis, J.; McKernan, Tanguay, Whitzell.

ABSENT — Brown, Crommett, Dam, Donaghy, Evans, Farnham, Ferris, Flynn, Fraser, Gahagan, Gauthier, Good, Hancock, Hoffses, Kauffman, LaCharite, McTeague, Merrill, Morin, V.; Peterson, Ricker, Sheltra, Smith, D. M.; Smith, S.; Sproul, Trumbull.

Yes, 116; No, 8; Absent, 26.

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

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

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax" (H. P. 379) (L. D. 508) reporting "Ought to pass."

Report was signed by the following members:
Messrs. WYMAN of Washington

COX of Penobscot
— of the Senate.

Messrs. MORTON of Farmington
DRIGOTAS of Auburn
DOW of West Gardiner
MERRILL of Bowdoinham
MAXWELL of Jay
IMMONEN of West Paris

— of the House.
Minority Report of the same
Committee on same Bill reporting
“Ought not to pass.”

Report was signed by the follow-
ing members:

Mr. FORTIER of Oxford
— of the Senate.

Messrs. SUSI of Pittsfield
COTTRELL of Portland
DAM of Skowhegan
FINEMORE

of Bridgewater
— of the House.

Reports were read.

On motion of Mr. Maxwell of
Jay, the Majority “Ought to pass”
Report was accepted.

The Bill was read once and as-
signed for second reading tomor-
row.

Divided Report

Majority Report of the Commit-
tee on Taxation on Bill “An Act
Relating to Sales Tax on Farm
Machinery and Equipment” (H. P.
1130) (L. D. 1465) reporting “Ought
to pass.”

Report was signed by the
following members:

Mr. WYMAN of Washington
— of the Senate.

Messrs. MORTON of Farmington
COTTRELL of Portland
SUSI of Pittsfield
FINEMORE

of Bridgewater
IMMONEN of West Paris

DOW of West Gardiner
MERRILL of Bowdoinham
MAXWELL of Jay
DAM of Skowhegan

— of the House.
Minority Report of the same
Committee on same Bill reporting
“Ought not to pass.”

Report was signed by the
following members:

Messrs. COX of Penobscot
FORTIER of Oxford

— of the Senate.
Mr. DRIGOTAS of Auburn

— of the House.

Reports were read.

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

Mr. SUSI: Mr. Speaker, I move
the acceptance of the Majority
“Ought to pass” Report.

The SPEAKER pro tem: The
Chair recognizes the gentleman
from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker
and Members of the House: I
wasn’t sweet-talked or my arms
weren’t twisted and I don’t know
how I came about signing the
“ought not to pass” report, but
I want to make it a matter of
record that I am going along with
the majority “ought to pass”
report.

Thereupon, on motion of Mr. Susi
of Pittsfield, the Majority “Ought
to pass” Report was accepted.

The Bill was read once and
assigned for second reading tomor-
row.

Divided Report

Majority Report of Committee
on Liquor Control on Bill “An Act
to Permit Sunday Sale of Beer in
Restaurants and Taverns” (H. P.
1349) (L. D. 1782) reporting “Ought
not to pass”

Report was signed by the follow-
ing members:

Messrs. OLFENE of Androscoggin
SCHULTEN of Woolwich
FORTIER of Oxford

— of the Senate.
Messrs. CHICK of Sanford

CRESSEY

of North Berwick
STILLINGS of Berwick

FAUCHER of Solon
FARNHAM of Hampden

IMMONEN of West Paris
GENEST of Waterville

— of the House.

Minority Report of the same
Committee on same Bill reporting
“Ought to pass” as Amended by
Committee Amendment “A” (H-
473).

Report was signed by the follow-
ing members:

Messrs. TANGUAY of Lewiston
RICKER of Lewiston

KELLEHER of Bangor
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Berwick, Mr. Stillings.

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

The SPEAKER pro tem: The gentleman from Berwick, Mr. Stillings, moves the House accept the Majority "Ought not to pass" Report.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to briefly explain what this bill is all about. It is my bill.

Right now, the way the law reads, people cannot buy beer or alcoholic beverages on Sunday in a bar, unless that happens to be part of a Class A restaurant. This bill would allow all bars, taverns and restaurants that are other than Class A the right to sell malt liquor on Sundays after one o'clock, subject to the same rules and regulations that Class A restaurants are now subjected to.

The reason I introduced this bill is primarily because most of the people that I associate with, most of the people who are my friends and most of the people I drink with are people who don't have a great deal of money. They are not the kinds of people who would go to a restaurant that is located in a hotel such as the Holiday Inn in Portland or a restaurant like the Sportsmen's Grill in Portland, not being able to afford the prices or be willing to pay the money that is charged for those drinks on Sunday. They would like to have the opportunity to go to a bar on Sunday and drink and pay a quarter or a half a dollar for a draft beer. They would like to be able to have the same rights, the same opportunity to drink on Sunday that is afforded to other people who, perhaps because of circumstances or environment, have more money or are able to afford going to a place where drinks cost more money or where beer costs more money.

When this bill was presented before committee, I anticipated that there would be two groups of people that might object. The first would be those people who would

consider it perhaps immoral to drink on Sunday, and in fact, those people were represented there in the person of Reverend Bubar and another minister. My only counter to that objection is that it seems to me to be the policy of the state and of the legislature to allow questions concerning liquor to be put out to referendum to allow the people to decide. And in those municipalities where people decide it is okay to drink on Sunday, then they can, and it will be passed. And those communities where people feel strongly they shouldn't be allowed to drink on Sunday, then the referendum issue will be defeated.

The other objection that I anticipated and it didn't come was from large restaurant owners. I anticipated that they felt this might infringe upon their business. In case some of you might be thinking that that may be a legitimate objection to this bill, I would just like to point out that the kinds of people that are concerned about, the kinds of people that would be afforded an opportunity if this bill were to be passed, are not the kind of people who would now drink at an establishment where higher prices were charged.

I just want to say in conclusion that were this bill to pass and if it does pass in referendum, it would not require any bar to stay open on Sunday, it would just give them that opportunity.

I would like to extend my thanks to those members of the committee who signed this bill "ought to pass" and who did prepare an amendment to this bill which just clarifies the language so that it can go to referendum in a proper way.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: My good friend Representative Connolly from Portland has just said that the people he drinks with don't have much money. If they don't have much money, I think six days is all they can afford to drink and I don't think they should be drinking seven. I will go along with "ought not to pass."

Mr. Connolly of Portland requested a roll call vote.

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Berwick, Mr. Stillings, that the House accept the Majority "Ought not to pass" Report. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Binnette, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Bus-tin, Cameron, Carrier, Chick, Churchill, Clark, Cressey, Curran, Davis, Dow, Drigotas, Dudley, Dunn, Emery, D. F.; Farnham, Faucher, Finemore, Fraser, Genest, Goodwin, K.; Hamblen, Haskell, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, R. P.; Keyte, Lawry, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Maxwell, McCormick, McMahan, McNally, McTeague, Merrill, Mills, Morton, Murchison, Najarian, Norris, Palmer, Peterson, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Stillings, Trout, Susi, Theriault, Tierney, Trask, Tyndale, Walker, Webber, White Willard, Wood, M. E.

NAY — Albert, Berry, P. P.; Berube, Boudreau, Briggs, Carey, Carter, Chonko, Conley, Connolly, Cote, Cottrell, Curtis, T. S., Jr.; Dam, Dunleavy, Dyar, Farley, Fecteau, Goodwin, H.; Greenlaw, Hobbins, Jacques, Jalbert, Kelleher, Kilroy, LaPointe, LeBlanc, Lewis, J.; McHenry, McKernan, Morin, L.; Mulkern, Murray, Pontbriand, Ricker, Santoro, Smith, S.; Soulas, Talbot, Tanguay, Wheeler, Whitzell.

ABSENT — Cooney, Crommett, Deshaies, Donaghy, Evans, Far-

rington, Ferris, Flynn, Gahagan, Garsoe, Gauthier, Good, Hancock, Henley, Kauffman, Kelley, Knight, LaCharite, Morin, V.; Parks, Perkins, Rolde, Sheltra, Smith, D. M.; Sproul, Trumbull.

Yes, 80; No, 44; Absent, 26.

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

Sent up for concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on Natural Resources on Bill "An Act to Create the Maine Coastal Development Corporation as a Body Corporate and Politic" (H. P. 1267) (L. D. 1759) reporting "Ought not to pass."

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Mr. SCHULTEN of Sagadahoc

—of the Senate.

Messrs. CURRAN of Bangor
HERRICK of Harmony
PETERSON of Windham
MacLEOD of Bar Harbor
HUBER of Falmouth
PALMER of Nobleboro
BRIGGS of Caribou

Mrs. BERUBE of Lewiston

—of the House.

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

Report was signed by the following members:

Mr. MARCOTTE of York

—of the Senate.

Messrs. ROLDE of York
SMITH of Exeter

—of the House.

Reports were read.

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

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

The SPEAKER pro tem: The gentleman from Windham, Mr. Peterson, moves the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Exeter, Mr. Smith.

Mr. SMITH: Mr. Speaker, I don't see the sponsor in his chair. I wonder if this could be tabled for one day?

Thereupon, on motion of Mr. Martin, tabled pending the motion of Mr. Peterson of Windham to accept the Majority "Ought not to pass" Report and later today assigned.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Probation and Expungement of Records for First-time Possession of Marijuana Offenders" (H. P. 470) (L. D. 618) reporting "Ought to pass" as amended by Committee Amendment "A" (H-475).

Report was signed by the following members:

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

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

Report was signed by the following members:

Messrs. TANOUS of Penobscot
SPEERS of Kennebec
—of the Senate.
Mrs. BAKER of Orrington
Messrs. CARRIER of Westbrook
GAUTHIER of Sanford
PERKINS
of South Portland

Reports were read.

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

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

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

The Chair recognizes the gentleman from Presque Isle, Mr. Dunleavy.

Mr. DUNLEAVY: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, it is a conservative answer to what has been a tragic cause of unhappiness to many families. I could go on for a very long time discussing the merits of this bill, but I will take no more than another four or five minutes. Then I will sit down, I will listen to whatever objections I hear to the bill, and hopefully I will get up and answer these objections satisfactorily.

I will draw your attention to the fact that this is a majority "ought to pass" report. If you will look at the names of the people who signed "ought to pass" on item 9, on page 8 of today's calendar, it should become abundantly clear that this is certainly not a radical liberalization of our marijuana law.

This bill seeks to give most youngsters in first offender possession or presence—not sale cases—the opportunity for probation. And if the probation is satisfactorily completed, the records are expunged. Only one bite at the apple is allowed, and for the great majority of the youngsters this bill seeks to help, that one chance will be enough and will make these youngsters eternally grateful to you for permitting them to have this chance through passage of this bill.

I am sure all of you know families, decent families with decent youngsters who have experienced the tragedy of the arrest of the youngster for possession of or for being present where marijuana is kept. The Maine Commission on Drug Abuse estimates that as much as 85 percent of our school age youngsters may be guilty at one time or another of being in the presence of marijuana. These are the youngsters who in every other way have been law abiding and polite, studious and hard working, who perhaps on a dare, perhaps on a lark, maybe out of curiosity or to prove something to others or to themselves make this foolish mistake. They are sorry for it, they are punished for it through arrest, embarrassment, perhaps a night in jail, social ostracism, court conviction and

seeing their grieving parents and enduring sleepless nights because of it, costing themselves or their unhappy parents attorney's fees and other punishment.

This bill would leave all these punishments on the books, even for youngsters who are given the chance at a decent future, which this bill sets up. The overwhelming majority of these youngsters make this mistake once. They are sorry for it and they are willing to make amends with their families, with their schools and with their conscience. But it is too late. The conviction has a strangle hold on their future.

This strangle hold is the punishment, the only punishment, which in some cases will be spared otherwise worthy youngsters by this bill. If this bill passes, some of these kids will be spared the tragedy of being denied an opportunity for a higher education for a profession, they will be spared the economic misery of being denied a civil service job and spared several other inequities, spared, for example, the emptiness of being denied an opportunity to serve their country in the military service, all for this one mistake.

The United States Department of Justice is for this bill, as you can see from the letter by its deputy chief counsel which I had sent to all of your desks. The Maine Bar Association is for it. Our federal law provides for this very thing on the federal level and President Nixon signed this into law in 1970. Let's now add this compassionate element to Maine law. Most of our states already have this provision in their law—let's join them.

Let's accept the majority report and vote no on the pending motion and in doing so we will earn the eternal gratitude of youngsters who may be caught up in the unhappiness which this bill seeks to correct.

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

Mr. LEWIS: Mr. Speaker and Members of the House: Ordinarily I would be opposed to such legislation as this, but the other afternoon, sitting here in the quietude

of the House and talking with the able gentleman who supports this bill, Representative Dunleavy, we talked at great length in regard to the bill, and at first I felt very sure that I would not be convinced, but after listening to Mr. Dunleavy and his persuasive arguments, I told him that I felt that I could support the bill and I would like to go on record this morning as supporting this legislation.

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

A vote of the House was taken. 20 having voted in the affirmative and 67 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-475) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

At this point, Speaker Hewes returned to the rostrum.

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

Thereupon, Mr. Smith of Dover-Foxcroft returned to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

Consent Calendar

First Day

(S. P. 403) (L. D. 1231) Bill "An Act to Correct Errors and Inconsistencies in the Maine Business Corporation Act"—Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (S-174)

(H. P. 399) (L. D. 528) Bill "An Act to Regulate Insurance Premium Finance Companies"—Committee on Business Legislation reporting "Ought to pass."

(H. P. 627) (L. D. 851) Bill "An Act to Amend the Land Use Regulation Commission Law"—Committee on Natural Resources re-

porting "Ought to pass" as amended by Committee Amendment "A" (H-471)

(H. P. 1295) (L. D. 1707) Bill "An Act to Repeal the Minimum Age for Hospitalization of Mentally Ill Persons"—Committee on Appropriations and Financial Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (H-476)

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

Consent Calendar Second Day

(H. P. 49) (L. D. 56) Bill "An Act Relating to Legislative Service Under Retirement System"

(H. P. 952) (L. D. 1249) Bill "An Act Relating to Contributions by Participating Local Districts under Retirement Law for Former Employees"

(H. P. 983) (L. D. 1303) Bill "An Act to Provide a Minimum Fine for Obstructing Justice" (C. "A" H-462)

(H. P. 744) (L. D. 957) Bill "An Act Relating to Definition of Hotel under Labor Laws"

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

Tabled and Assigned

(H. P. 618) (L. D. 816) Bill "An Act to Increase Benefits and Reduce Waiting Period Under Workmen's Compensation" (C. "A" H-463)

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

On further motion by the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Monday, June 4.

(H. P. 423) (L. D. 572) Bill "An Act to Permit Associations for the Promotion of the Pulpwood Industry"

(S. P. 592) (L. D. 1869) Bill "An Act to Institute a Priority Program Budget System" (C. "A" S-167)

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

Passed to Be Engrossed

Bill "An Act Relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities" (S. P. 119) (L. D. 264) (C. "A" S-165)

Bill "An Act Relating to Snow Removal on State Highways in Built-Up Sections of Certain Municipalities" (S. P. 295) (L. D. 842) (C. "A" S-164)

Bill "An Act Relating to Public Utilities Commission Rate Regulation for Carriers of Freight" (S. P. 634) (L. D. 1965)

Bill "An Act Relating to Group Life Insurance for Judges and Justices of the Courts" (H. P. 371) (L. D. 500)

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

Second Reader

Tabled and Assigned

Bill "An Act Relating to Educational Assistance for Widows, Wives and Children of Veterans and Wives and Children of Prisoners of War" (H. P. 404) (L. D. 533)

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 Monday, June 4.)

Second Reader

Tabled and Assigned

Bill "An Act Relating to Educational Benefits for Dependents of Veterans and Prisoners of War and Missing in Action" (H. P. 522) (L. D. 704)

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 tomorrow assigned.)

Bill "An Act Creating York County Commissioner Districts" (H. P. 1545) (L. D. 1976)

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

**Second Reader
Tabled and Assigned**

Bill "An Act Increasing Tax on Liquor, Wine and Beer" (H. P. 1246) (L. D. 1623)

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

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: When this bill to increase the taxes on liquor, wine and beer was heard before our committee, it was heard as a companion bill to L. D. 76, which creates the uniform alcoholism and intoxication treatment act and there was something like a \$700,000 appropriation on L. D. 76 to establish the treatment centers. Since that time, L. D. 76 has been reported out and it is somewhere now in the legislative machinery with no appropriation. It is my understanding that the appropriation will be in the Part II Budget. I am not sure if that is correct, but I understand that that is true.

There are many members of the Liquor Control Committee, and the report was 9 to 4 "ought not to pass," who feel that if the appropriation is going to be in the Part II Budget, then this is the wrong approach. The Taxation Committee or the Appropriations Committee should look at all of our revenue sources, not just the liquor tax alone, and determine how this money can be raised. Maine already has one of the highest liquor taxes in the country. It has been the subject of a war between the west, New Hampshire.

I feel that we need to take an overall look at all our revenue sources, not just liquor. I don't believe the Liquor Control Committee should be the one to do it, it should be the Taxation Committee. Therefore, I move that this bill and all its accompanying papers be indefinitely postponed.

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

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: This is my bill. It was put in, as the Representative from

Berwick has said, to fund L. D. 76. It is my understanding that there is no certainty about the inclusion in the Part II Budget of the funding for L. D. 76 and since that L. D. seems to be well on its way toward passage, I would think that there should be some means of holding this bill as a possible means for funding. I think it could be disposed of in the end if it is not necessary, but for the present time, I am not convinced but what we need this.

If you will look at the bill — L. D. 1623 — you will see that it is a very small addition to the tax that we already have. In most instances, it is one cent on a gallon. It was felt by the Legislative Research Committee that this was an appropriate way to pay for rehabilitation. Therefore, this bill was put in for funding of L. D. 76. I really feel that we should not turn this down at this time.

On motion of Mr. Farnham of Hampden, tabled pending the motion of Mr. Stillings of Berwick to indefinitely postpone and specially assigned for Monday, June 4.

**Second Reader
Tabled and Assigned**

Bill "An Act to Regulate Revolving Credit Accounts" (H. P. 45) (L. D. 52) (C. "A" H-453)

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

Mr. Trask of Milo offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-481) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I wonder if the gentleman could explain what the amendment does?

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 Milo, Mr. Trask.

Mr. TRASK: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the gentleman's question, this really just clarifies the law and leaves the regulation of revolving credit accounts in that one section of the law, rather than possibly referring back to another section, namely, Section 229, which deals with loans over \$2000. So actually, it puts the revolving credit account all in one place.

On motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Trask of Milo to adopt House Amendment "A" and tomorrow assigned.

Bill "An Act Establishing the Maine State Student Incentive Grants Program" (S. P. 539) (L. D. 1758) (C. "A" S-153)

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

Second Reader Tabled and Assigned

Bill "An Act Regulating the Interception of Wire and Oral Communications" (S. P. 377) (L. D. 1108) (S. "B" S-171)

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

(On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Monday, June 4.)

Bill "An Act Relating to Books for Recording in Office of Register of Deeds" (S. P. 63) (L. D. 166) (C. "A" S-158) (H. "A" H-469 to C. "A" S-158 thereto.)

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

Passed to Be Enacted Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and

strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

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

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

An Act Relating to Mirrors on Certain Vehicles (H. P. 1071) (L. D. 1396)

An Act Adopting Emission Regulations of the Department of Environmental Protection (H. P. 1146) (L. D. 1595)

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

An Act Creating the Stationary Steam Engineers' and Boiler Operators' Licensing Law (H. P. 1502) (L. D. 1939)

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

An Act to Amend Maine Water Pollution Control Laws to Conform with Requirements of Federal Water Pollution Control Act Amendments of 1972 (S. P. 624) (L. D. 1945)

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

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

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

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

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

Tabled — May 29, by Mr. Hancock of Casco.

Pending — Further consideration.

On motion of Mr. Kelleher of Bangor, the House voted to recede and concur.

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

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

Tabled — May 29, by Mr. Carrier of Westbrook.

Pending — Passage to be engrossed.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I was not here last Friday when this bill came out of committee with a nine to three "ought not to pass" report. Whether I was here or not probably would not have made much difference. But today I want to state to you, having signed the majority "ought not to pass" report, I will now move for the indefinite postponement of this bill and all its papers. I would like to give you a few reasons why.

At the hearing on this bill we heard both the opponents and the proponents. And I would say this to you, that some of the opponents of the bill actually were people with big families.

The title of this bill, 1289, is very deceiving. It is one that will touch your emotions, in the fact that any bill — many of the bills that we have had in this House this year have the word "discrimination." I can say, if you want to touch on somebody's emotion, whichever way they are bent on, actually this is one bill that touches on mine — and not on the right side either.

The fact is, ladies and gentlemen, that we are about, as usual,

to invade the property rights of any individual, of any owner of property in this state. They are the ones who are subject to pay the taxes, utilities and everything else. On the other hand, I consider the point of being a landlord. A point, which in my opinion, is an investment, an investment that must return a profit, an investment that must give me total control of my property. An investment that at all times must give me a chance to at least choose who I want to be in my rents, an investment that at all times I will choose who will be in my rents.

The fact remains, ladies and gentlemen, that for the last 3, 4, 5, or 6 years in this House, there has been the cry for new housing. We have had a bigger cry this time for new housing. It all boils down to the fact that a few years back others and myself have said that with all these foolish laws that have been passed or have been tried to be passed harassing the landowners and the property owners, that actually this would lead to just the situation that you have today — lack of rents.

I can say that if such ridiculous legislation as this particular bill if it passes today, you will have more lack of rents. So therefore, the "ought not to pass" report, 9 to 3, is significant in the sense that after the hearing both the proponents and the opponents on the committee were somewhat agreed with the decision.

By now most of you know that property rights are probably sacred to me, but they should also be sacred to you, not as a landlord, even if you own your own house. Because right here in this legislature and other legislatures we have had bills presented that if somebody hadn't picked up the real legal points in it, they could have set up a tent on your front lawn. Well, whether they set up a tent or not, it is just the idea. I think that as an individual everybody should have the right, and I think he has the right, to choose who he wants to be friends with, who he wants to do business with and who he wants to have as a tenant.

I can never visualize and I could never accept why some people have the audacity and the gall to try to give my property away after I have worked so hard for it. The right to own property is guaranteed by the Constitution, and I think that this we should protect — the owners of property.

We have had many bills, we have laws that protect other people, we have laws that even protect the undesirables. However, we have also, as it was referred to here in the proof of last Friday, a Human Rights Commission which you are led to believe is the great salvation of many people. Well, I can say to you that it is not. All you have to do is look at their record, see who runs this, see what good that they have done and see what the cost is. See what the cost is from what you have allowed them in the last legislature and compare to the cost of what it actually is in their proposed budget for the next time.

I believe that this Human Rights Commission is in the wrong place. I think there is two alternatives, although we cannot do it in this session. It is either to get rid of it or else put it under the Attorney General's office, where it belongs. We also have this famous Housing Authority.

The Housing Authority, which is supposed to provide rents for these people and which they have under many circumstances, and there have been situations exposed and I can expose to you here, those of you who are fortunate enough to have read the Portland Evening Express of last night, there is a picture here and this picture, ladies and gentlemen — I know it isn't very visible — here is an apartment house that was built under federal money and here it is today, six months later, full of crap and everything else and the story is right in the paper. This is done by the tenants. This is not done by the landlord because the landlord in this case, ladies and gentlemen, is the one who gets your money, the federal government.

I submit to you, for those of you who didn't notice, a week or two ago, these famous commissions that we have and the Housing Authority joined hands together, not to work for your benefit but to work against the people of the State of Maine. I will show you this — here is an ad that was in the paper, most all of you have seen it because it was in different papers. What I want to know, it says here the Governor's committee on rent is substandard and if you have any complaints send them to such an outfit. What I want to know is, who paid for this ad? I don't want to know because I know, but you people should find out who paid for this ad. This ad here in one paper cost \$800.

Last year on this Housing Authority, I think, is very germane to this bill, because we are talking about housing for these people here. These same people, I think we gave them another \$60 million. If this is what they want to do, to run ads, to harass the people, to harass the landowners, to harass the tenants, to harass everybody else, I think we were on the wrong track there and I still think we are. I do not think that they are doing their job and I think if the job is not done, it is either the fault of the commission, the rules or the members themselves.

So ladies and gentlemen, I am interested, as many people from my section will tell you, many people with families from my section will tell you that I am extremely interested in finding housing for them. I work along with the overseer of the poor in Westbrook all the time. They call me to see about rents and I help them if I can. But I can tell you this, if you want to do justice to the people and the persons with families, and I have a family and I know how it is, if you want to do justice to them today, you had better not pass such a ridiculous and actually inconsiderate bill as is presented here. So, therefore, for your consideration, I move the indefinite postponement of this bill and all its papers and I ask for a roll call.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves the indefinite postponement of L. D. 1289 and all accompanying papers.

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

Mr. MURRAY: Mr. Speaker and men and women of the House: We debated this bill Friday and I don't want to take too much of your time, but I would like to reiterate a few points. As I stated Friday, I think that we all recognize that one of the basic needs of life is a place to live. Along with food and clothing it ranks right up there in one of the top three spots.

I said that I don't think it is fair to arbitrarily exclude people with children from rents. I haven't checked today's daily newspapers of the state, but I am sure if you went through them, you would find that at least half of the ads say, no children, or they say, adults only. I think that this is very wrong.

Mr. Carrier distributed on our desks this morning a memo relative to how this is going to affect the elderly. I am certainly not against the elderly and I think my voting record would show that, but what I am talking about today and what this bill would require is that all people are treated equally, whether they are elderly or whether they are unmarried or whether they are married without children.

You do not see want ads saying, no elderly, or you don't see want ads saying, no couples without children. The only want ads that have stipulations are the ones that say, no children or adults only. I think that we should consider that when a family is blessed with children that we shouldn't allow landlords or anyone who is renting or advertising to arbitrarily say, "They cannot rent my apartment."

I hope that the House today will stand by its action of last Friday and pass this bill. This bill has been on the books in the State of Massachusetts and I don't think that any great tragedies have happened because of it.

We are not asking any landlord to give away his property or anything of this nature. We are just asking that they do not arbitrarily say no children in their apartments. I hope that we will defeat the pending motion.

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 Westbrook, Mr. Carrier, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Bunker, Carrier, Chick, Conley, Connolly, Cote, Davis, Deshaies, Drigotas, Dudley, Dunn, Emery, D. F.; Farnham, Farrington, Faucher, Fecteau, Finemore, Fraser, Garsoe, Gauthier, Good, Hamblen, Haskell, Henley, Hoffses, Hunter, Immonen, Jackson, Jacques, Kelley, D. B.; Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, Lewis, E.; Lewis, J.; MacLeod, Maddox, McCormick, McHenry, McNally, Merrill, Morin, L.; Morton, Murchison, Najarian, Norris, Palmer, Perkins, Pratt, Ricker, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Strout, Susi, Theriault, Trask, Walker, Webber, Willard, Wood, M. E.

NAY — Albert, Berry, P. P.; Brown, Bustin, Carey, Carter, Chonko, Churchill, Clark, Cooney, Cottrell, Curran, Curtis, T. S., Jr.; Dam, Dow, Dunleavy, Farley, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Huber, Jalbert, Kelleher, LaCharite, LaPointe, LeBlanc, Lynch, Mahany, Martin, Maxwell, McKernan, McMahan, McTeague, Mills, Morin, V.; Mulkern, Murray, O'Brien, Parks,

Peterson, Pontbriand, Rolde, Ross, Santoro, Smith, D. M.; Smith, S.; Soulas, Stillings, Talbot, Tanguay, Tierney, White, Whitzell.

ABSENT — Boudreau, Cameron, Cressey, Crommett, Donaghy, Dyar, Evans, Ferris, Flynn, Gahagan, Hancock, Herrick, Kauffman, Littlefield, Sheltra, Trumbull, Tyndale, Wheeler.

Yes, 77; No, 55; Absent 18.

The **SPEAKER**: Seventy-seven having voted in the affirmative and fifty-five in the negative, with eighteen being absent, the motion to indefinitely postpone does prevail.

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

Mr. **BRAWN**: Mr. Speaker, I move for reconsideration and I hope you vote against me.

The **SPEAKER**: The gentleman from Oakland, Mr. Brawn, moves the House reconsider its action whereby this bill was indefinitely postponed.

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

Mr. **CONNOLLY**: Mr. Speaker, could this be tabled for one day, please?

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. Connolly, that this matter be tabled for one legislative day pending reconsideration. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. LaPointe 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 pending question is on the motion of the gentleman from Portland, Mr. Connolly, that this matter be

tabled for one legislative day pending the motion to reconsider. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bustin, Carter, Chonko, Clark, Connolly, Cooney, Cottrell, Curran, Dam, Dow Drigotas, Dunleavy, Farley, Faucher, Fecteau, Genest, Goodwin, H.; Goodwin K.; Greenlaw, Hobbins, Jacques, Jalbert, Kelleher, Kilroy, LaCharite, LaPointe, LeBlanc, Martin, McKernan, McMahon, McTeague, Mills, Morin, V.; Mulkern, Murray, Najarian, O'Brien, Peterson, Pontbriand, Rolde, Ross, Santoro, Smith, D. M.; Smith, S.; Soulas, Talbot, Tanguay, Tierney, Webber, Whitzell.

NAY — Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Carrier, Chick, Churchill, Conley, Cote, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Finemore, Fraser, Garsoe, Gauthier, Good, Hamblen, Haskell, Henley, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Keyte, Knight, Lawry, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Maxwell, McCormick, McHenry, McNally, Merrill, Morin, L.; Morton, Murchison, Norris, Palmer, Parks, Perkins, Pratt, Ricker, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Susi, Theriault, Trask, Walker, White, Willard, Wood, M. E.

ABSENT — Boudreau, Carey, Cressey, Crommett, Evans, Ferris, Flynn, Gahagan, Hancock, Herrick, Kauffman, Littlefield, Sheltra, Trumbull, Tyndale, Wheeler
Yes, 51; No, 83; Absent, 16.

The **SPEAKER**: Fifty-one having voted in the affirmative and eighty-three in the negative, with sixteen being absent, the motion does not prevail.

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

Mr. **CONNOLLY**: Mr. Speaker and Ladies and Gentlemen of the House: I guess the time has come to take on the landlords in defense, particularly, of low income people in the state. I think you have to

understand the law, as it reads now and how it affects tenants, what it does. Right now, a landlord can evict a tenant in this state merely by giving him a notice of eviction for no reason whatsoever. He can make up a reason. What happens if a tenant wants to challenge that? He can take it to court and the judge will invariably find against the tenant. The only thing that might happen would be that the judge would give the tenant an extra 30 days before he would have to vacate the premises. This happens almost always and almost only with low income people, particularly people who are welfare recipients.

What this bill would do, if it were passed, would be to say that there are two reasons that a landlord cannot evict a tenant. One would be if the landlord said you have to be evicted from this apartment because you have children. If this law passed, it would say that is not a valid reason for eviction, provided that the apartment is large enough to hold the number of children that belong to that family.

And then the bill would go a step further and say that people could not be refused to live in an apartment because they are recipients of state aid. And believe me, there are a large number of cases, and I can only speak about Portland, but there are a large number of cases where landlords will either refuse to rent to a tenant because he or she is the recipient of state aid, or once that tenant has moved in and then the landlord finds out that tenant is a recipient of state aid, will evict that tenant solely because they receive state aid.

Mr. Carrier, the gentleman from Westbrook, would have us believe that property rights are sacred. I say that is a bunch of baloney. I agree with him, that property rights are rights that are guaranteed in the Constitution. I don't disagree with that at all. But I think that human rights and the right to live in standard, decent housing, at a rent fee that people can afford, is more important, a great deal more important than the property rights of a landlord.

Landlords in a business because they want to make a buck and that is the only reason that they are in business. They are not in business to do good for a lot of people. They want to make a buck and they feel that if they have low income people in their house, that isn't going to enable them to make a buck. Mr. Carrier doesn't go on to explain that if a tenant wrecks a piece of property, if he destroys an apartment, then he can have that tenant evicted. Nobody is going to object to that and this law doesn't deal with that question at all.

It says that a landlord can evict a tenant if property is destroyed. This bill just says that a landlord would not be able to evict a tenant if the tenant had children or if that tenant were a recipient of state aid. It seems to me that there is a case of discrimination and that is primarily against the low income people in this state. I would hope that all of you who voted for this bill the first two times that we voted for it and it received our approval, will vote for it this time.

Mr. Speaker, I would like to request a roll call on the reconsideration. I hope you will vote for that motion.

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

Mr. MULKERN: Mr. Speaker and Ladies and Gentlemen of the House: In yesterday morning's paper in the Portland Press Herald, there was a story about a major low income housing project in Portland, called the Riverton Project. I think what has happened at Riverton, if you people are acquainted with this, the property being destroyed, children running in gangs, wild, around the project and people in fear of their lives is an excellent illustration of what happens when you take over 700 kids and you try to put them together in one great big housing complex with nothing to do. I feel as though this project is an example of an attempt to sweep these people aside, forget that they exist. It hasn't worked, it is a dismal failure. The federal government poured all kinds of money into this

project and nothing was done about it.

I think that this particular situation really illustrates the need for L. D. 1289 in Maine. We have to have some kind of alternative. The kids have to have somewhere to live and it certainly isn't in one of these projects like Riverton. You pick up the paper every day—I have seen this, I have been looking for a rent myself, and in place after place, the same thing—no children allowed. I really cannot see this. I think the solution to the problem of housing the low income people is to spread these people around the city, not to put them all in one big project to create another slum. I can't see this at all. I think L. D. 1289 would be a small step in the right direction. And I wish you would change your mind on this bill.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: I think you probably know that I love children as much as any living person in this House; I have nothing against them. But I wonder why that these people think that there are ads in the paper — no children allowed. Maybe they have had the same experience that some of us have had that do own property. It is easy if you haven't owned property to stand up and tell the other fellow — they say, "Oh! If they break up your property, you can have them evicted." Did you ever try it? You go out here and try to evict somebody, the woman, the first thing she will tell you is, "I'm pregnant." You can't put her out. She will say, "I hurt my leg; one of the kids got a bellyache." You can't get them out.

Ladies and gentlemen, I had this trouble, so what did I do? I got a warrant for forcible entry and on this warrant of forcible entry, it worked, but let me tell you what happened. They bought a bag of cement, they went to the flush toilet, they put a handful down and a little water down and let it keep hardening. They plugged the whole sewer system. It cost me hundreds of dollars. Gen-

tlemen, do you realize why I would put a sign in that no children are allowed? I have been through it, it cost me hundreds of dollars. You people who don't own, do not know what you are talking about. If you had been through this the same as I and some other people, you would feel the same as I do.

I have had children in my home in Auburn that I let for 14 years. That home was just as good when they left, under the ordinary wear and tear, as it was when they went in. But a lot of people are not like this. Some people are worse than cattle, and that is just the way they treat your property. Now when the time comes that I buy property — the federal government never gave me a copper, the state never gave me a copper, other than what I am earning here now and that isn't too much. My property, I have worked hard to earn, and when the time comes that you are going to pass a law and tell me that I am not going to have the say as to who goes into that property, then I shall shut the doors to everybody. No one will use that property because I don't have to let it.

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: I don't know, I haven't seen Mr. Brawn's apartment and I don't know about the incident that he talked about. But I have my doubts whether the children are the ones that went out and bought the bag of cement and dumped the cement down his toilet. I think that probably someone that would think of that would probably be an adult. And if he would investigate, he would probably would find out that it was an adult, I don't know. He might further explain a little later on. I don't think the fact of discriminating against children would have cured that problem, and I don't think that we ought to throw up these red herrings to try and kill a bill like that.

I think that we ought to reconsider what we have done and maybe go back to what we did on Friday. I am not standing here debating the fact that children

never damage property because that is foolish. What I am saying is that I think that the right to have a family and the right to have children is a sacred right, just like the right to own property is a sacred right. I think sometimes rights have to be weighed off, one against the other. We can't have ultimate rights in every category. Sometimes we have to stop and think where one right stops and another begins, and I think this is the case we are talking about today. I think that most of us will probably agree that having a family and children is probably the most ultimate and sacred right of any right that we can talk of here on the floor.

So I really urge you to stand by our decision of last Friday and pass this bill.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman kind of denies what I have told him. I would like to have him come up to my house and I will show him the door next to me where the children have pulled out all the rails and broke them down. I can also show him a nice fence between the two properties that they have thrown all over the place. I will also show you the carpets or linoleums that they have torn up and thrown all over the lawn, and then I will see if the gentleman will tell me that he thinks I am telling a falsehood.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I feel that some more members of the committee that voted "ought not to pass" on this bill should speak on it, back up my friend Mr. Carrier from Westbrook.

We have heard charges on both sides of the issue, and of course as Mr. Carrier first stated, that emotionalism appealed to motherhood, et cetera.

We in the committee who are neither landlords nor perhaps tenants had to make a decision on

this bill. I decided the same as I have in three previous sessions here on bills that, in my opinion, no matter what the situation might be, they are definitely treading upon rights of ownership. I feel that if we, as I stated before, the closer we go to taking the rights of ownership away from people and treading on them, just that much farther toward complete socialism and communism do we go. That is one of our sacred rights. If we own property we can do as we more or less see fit with it, as long as it doesn't interfere with our neighbors on either side of us.

Now let's take, for instance, this same bill on page 2, and the part that is injected into the present law, "family size or composition." That is the crux of the whole bill. But supposing a couple is presently living in an apartment and everything is fine. They are living in an apartment where possibly there has been a general rule where they want quietness. Where there are no children, and then there are children with this couple, because nature takes its course and usually at some time or other during married life there are children. According to this law, if it has been a policy in this whole area, that there have been mostly elderly people, possibly people that work at night, professionals and tradesmen that want quiet in the day time to sleep, and they are there particularly because there are no children, all of a sudden there are children, because there is someone born.

If this bill is passed, they will have no reason whatsoever for even in a nice way trying to evict them. They can stay there until they have 15 children if they so desire. I feel that is wrong, ladies and gentlemen. I feel there should be areas where people can rent apartments, where they can feel a reasonable assurance that there are not going to be children.

Now, I don't know a lot of you really feel that you are never going to reach that stage where you love children, fine, if you don't have them underfoot all the time, I have reached that stage. I have two great - grandchildren and I

have several grandchildren, fine, but I wouldn't want them around all the time, I would go nuts. And that is the same with a lot of elderly people. Now, if I was renting, I most certainly would want to rent where I could be reasonably assured there were not going to be a lot of children tearing around. I see them tearing around and I admire their ambition, their energy, I wonder if at some time or another a good many years ago I had it. I suppose I did, it is wonderful. They are wonderful people, youngsters. But we still must allow for a few such areas. And if you pass this bill there will be no legal way to reserve any section for anybody under these circumstances.

Your committee made the decision in executive session. Several people in the committee made it; they thought fairly, the same, as myself. We were neither landlords or tenants; we were neither lawyers or real estate people. We made it because we thought it was the best for everybody concerned. So I hope you will stand by the majority, the strong majority of your committee on this particular bill and vote against reconsideration.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I get up a little apologetically this morning; I am a landlord. I would like to state at the offset that I have nothing against the Housing Authority, the same as my good friend Mr. Carrier does. I voted at all times for the Human Rights Commission in the previous sessions of the legislature, and I am not basically against low income people. But my quandary is this, as a landlord that has some places that are not low income places, and possibly some of them being old and having been painted with lead-base paint, I am sure at some time when houses are 185 odd years old, what am I going to do? I certainly don't want to put children in this apartment building. I am serious, there are small apartments in it,

but what am I going to do if this law is passed?

This is my major objection, and I didn't intend to speak on this, but I stand to try and clarify why I am voting the way that I am. I certainly think that there are circumstances where a landlord certainly would for a valid reason try to prohibit children, and as I say, I think this is one of the major reasons. I feel that this bill is all encompassing, it covers a variety of things, and this is my main reason for voting against it and voting against reconsideration.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I too was one of the majority that voted for this. While I certainly am sympathetic with large families, I have a large family of my own, I have five children and I had to rent while going to school and I had two or three children come along while I was in the process. But I feel there is a real serious, practical problem involved with this particular bill and I relate it to my own experience.

Right now there is a project in the Portland area know as Sewall Circle, in which all of the tenants are being evicted. There are many, many children living there. I lived there. At the time I lived there, there was a rule that only a couple with two children could live in those apartments. The reason for it was not because of the size of the apartments, it was because of a possible water problem or sewage problem. As it happened, when I had my third child come along, I abided by the rule and I had to move out. I was not sure whether the rule as it was imposed or the reasons for it were adequate. However, I was told that this was the reason, and I abided by it and I moved.

I have seen what has happened in the ten years since. Right now those apartments are loaded with kids. Right now the tenants are screaming because the sewage is on the floor. Right now the ten-

ants are screaming because there isn't sufficient water for them. And right now the tenants are screaming because they are being evicted. And I don't see how we can pass legislation to permit apartment units, where there may be plenty of room, but very serious problems of this nature, that would develop and put the landlord in the position of having to keep his tenants in there and in a unconscionable position. And for that reason, I voted against this bill.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to the problem that was posed by the gentleman from Brewer, Mr. Norris, he spoke about his concern for children, and I don't doubt that at all. He talked about the problem of lead poisoning. And again, we had a bill before us earlier this year that would have said that a landlord could not rent an apartment that had above a certain amount of lead. That bill was opposed again by landlords and was eventually amended to say that if an apartment had a certain amount of lead that the landlord would then be required to post that apartment and say that it does have so much lead. I am sure that Mr. Norris, if he were concerned about children, would take that into consideration, would follow the law and would post his apartment.

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

Mr. CARRIER: Mr. Speaker, Members of the House: I will not attempt to deny or to open up on some of these things that have been said over here. But I will only say to you, and I will say to Representative Mulkern, if he can't find a rent, and I say this as a matter of friendship or compassion or whatever you want to call it, that if he wants to find a rent, all he has to do is let me know and qualify for the minimum qualifications of a tenant, and I am sure I have no rent myself to rent, but I am sure that I can

find him a rent, a decent rent, a decent place, as long as he behaves decently.

This ladies and gentlemen, this bill here, I am not opposing this bill because of children, I have children of my own, and I have had them for 22 years. I only oppose this bill on the premise I did before, on the premise of property rights.

Now I have noticed, and I probably would be the only one to notice, that the proponents of this bill are the ones to get up here and propose such legislation. Where are they? Why don't they buy some property if they are so concerned about the people of this state and about certain groups, why don't they join together like they do on coops and everything else? There is plenty of property around for sale with no down payment. All you need is good hard work and be able to put in long hours. But apparently that is enough to deter a lot of people from doing so.

I suggest to you that in Westbrook we take care of our poor people. I feel as if we do. To my knowledge there is — I fought for them many a time, and we do better than that. We get the poor people and low income people from Portland and vicinity to come and live in our new apartment houses down there.

Now if any of you can tell me that we don't do our share of it, we do. But in Westbrook I think that the people are hard-working people and they do the best they can and they live under the conditions that they can and they hope that the next day, like all of us, brings better things around.

So I just hope that you vote against reconsideration.

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

Mr. TALBOT: Mr. Speaker and Members of the House: I didn't want to speak on the bill, first of all because I didn't want to do any harm to the bill because I guess I am under the influence that whenever I mention discrimination or racial background or ethnic background, I guess some people

get upset. I don't mean it to be that way. I don't mean for these people to get upset. I only want to relate to my personal experience.

I feel sorry for the gentleman from Oakland, Mr. Brawn, and his bathrooms. I really relate to my own experience in the case that I am black and I have four children. Now, if you think you have trouble finding a place for children, being of a minority background, I spent two years, two full years looking for a rent in the City of Portland and Westbrook and South Portland. My wife and I still carry the scars, mainly because of my ethnic background and mainly because I had four children.

Now I don't know how many of us in this room, in this body, have been out looking for rents. But it took me two years to find a place to live that I wouldn't put a rat in. I lived in a dump for another two years before I was forced, and I forced myself into borrowing, into begging into stealing money so that I could buy a place of my own. And I will have that place until next month, until I can find a payment for it.

But believe me, this bill is of a necessity. We are arguing this morning on one of the basic necessities of life, and that is shelter. We are talking about shelter. And when a family, I don't care whether it is low income, whether it is poor or middle class, if they need shelter, I think we should provide them somehow with that.

When this bill came up last week, I took a peek at the Portland Press Herald, the rent column, and over 75 percent of those rents that were advertised, over 75 percent were against children. They only wanted adults. Where are these kids going to go? Where do they go? What do we do with them? I have been long trying to fight against property rights versus human rights. I think human rights come first. I think we need it to come first. I think it must come first. The property owner still has his rights. He has his rights. I grant you there are some inconsistencies there some-

where, but the property owner still has his rights, and on good grounds, he can refuse a tenant, even because of race or because of children. But to put a blanket shield over this, I think that is absolutely wrong.

I have been here in this body for the past four or five months listening to different bills coming up on the floor, some stating that we had to pass this because of our low income, because of poor people, and in some cases I think we have, but I think this is the biggest problem of them all, and that is in the field of housing. This is the biggest problem of them all. If you want to do anything, anything at all for people who desperately need a place to live and shelter over their heads who have children, I think we all ought to agree that we should reconsider on this motion.

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

Mr. MULKERN: Mr. Speaker and Ladies and Gentlemen of the House: In response to the remarks by Mr. Carrier of Westbrook, I would like to thank the gentleman very much for his concern in helping me to find an apartment. However, with a great deal of difficulty, I finally did find an apartment. That is no problem with me. But I still say, in going through the ads in the paper, that many of these places will not rent to children and I would ask Mr. Carrier if in the case of the Riverton Project that he would be willing maybe to assist some of these people, who are in fear of their lives down in the Riverton Project, to find some decent housing.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Judiciary Committee, I would like to state my reasons for signing the report "ought not to pass." I was in the same boat at one time with my partner on the committee, Mr. Perkins from South Portland. I evicted myself. I had children of my own at the inn when I first

started. I evicted myself and I will give you the reasons why.

I was living on the second story and the other folks who owned the property were living downstairs. Once in a while, my children would have their friends come over and when their friends did come over, the landlady used to sit on the piazza and she would say, go home to the children. They couldn't come over. I understood that. These elderly people were 65 or 70 years old and they had scraped all these years, they had saved and worked hard, both of them, in order to buy the property. It was theirs; nobody else's. They didn't go on relief, they didn't ask anyone else for help. They went out and worked and earned it. And I felt that it was my duty, when my children were coming to the point where they were interfering with the rent and the ownership of these people, to find myself another place. And that is the reason why I signed it. I felt that they owned the place, I didn't.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to take up your time. I am only going to ask you this because I don't believe in violence, I am very compassionate and I think what we should do, we should vote no so that we can get through with this bill immediately.

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: I heard one of the speakers say about lead poisoning and we should have it get out. You know the truth of it is, if many of them would get the lead out, they would own their own property.

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. Connolly.

Mr. CONNOLLY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question of parliamentary inquiry.

The SPEAKER: The gentleman may pose his question.

Mr. CONNOLLY: Reading rule number 4 under the Joint Rules of the House where it talks about — it says, "no member shall be permitted to vote on any question in either branch of the legislature or in committee whose private rights distinct from the public interest is immediately involved." The question is, Mr. Chairman, would it be in order for landlords to vote on this bill?

The SPEAKER: The Chair would answer in the affirmative. That landlords may vote on this bill, just as tenants may vote on this bill. It is the Speaker's understanding of the conflicts of interest rule that there has to be a personal matter involved, distinct from general landlords entirely. If there were a bill that was to apply, say, to a one acre lot on Cape Elizabeth in which I had an interest in as a landlord, then I would be prohibited, I feel. But I think that a generalized law such as this that applies to all landlords, all property owners throughout the state, does not create a conflict of interest on the part of any of the members of the legislature who happen to own tenements.

Mr. CONNOLLY: Would not, Mr. Speaker, the passage or failure of this bill, in effecting the financial interests of landlords be a conflict of interests?

The SPEAKER: The Chair would rule that it is not a conflict of interest.

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

Mr. GAUTHIER: Mr. Speaker, I would like to set the record straight. I own no rental property.

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

Mr. TALBOT: Mr. Speaker, I rise too because I am rather new

in rank, but I would like to ask a parliamentary inquiry.

The SPEAKER: The gentleman may pose his question.

Mr. TALBOT: Mr. Speaker, I think it was a week or maybe two weeks ago that the Chair allowed the gentleman from Calais, Mr. Silverman from voting. Would you explain the difference, please, from that rule and this rule here.

The SPEAKER: The Chair felt that the gentleman from Calais, Mr. Silverman, was personally involved in the order on which we were voting at that time. The Chair feels now that any person may be a landlord. You may own some property in due course and be a landlord eventually. Any of us here may. Some of us own property now. Some of us are tenants now. I don't think tenants are barred or landlords are barred. If the gentleman wishes for me to ask the House if they will uphold my ruling, I will be glad to pose the question.

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

Mr. BRAUN: Mr. Speaker, I understood that Mr. Silverman was not barred. He asked on his own to be excused.

The SPEAKER: The pending question is on the motion of the gentleman from Oakland, Mr. Brawn, that the House reconsider our action whereby we indefinitely postponed L. D. 1289. All in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bustin, Carter, Chonko, Clark, Connolly, Cooney, Cottrell, Curran, Dam, Dow, Dunleavy, Fecteau, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jacques, Jalbert, Kelleher, LaCharite, LaPointe, LeBlanc, Mahany, Martin, McKernan, MacMahon, McPeague, Mulkern, Murray, O'Brien, Peterson, Rolde, Ross, Santoro, Smith, D. M.; Smith, S.; Soulas, Talbot, Tanguay, Tierney, Wheeler, Whitzell

NAY — Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Conley, Cote, Cressey, Curtis, T. S., Jr.; Davis, Deshaies,

Donaghy, Dudley, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Faucher, Finemore, Fraser, Garsoe, Gauthier, Hamblen, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Kelley, Kelley, R. P.; Keyte, Knight, Lawry, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Maxwell, McCormick, McHenry, McNally, Merrill, Mills, Morin, L.; Morin, V.; Morton, Murchison, Najarian, Norris, Palmer, Parks, Perkins, Pratt, Ricker, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Stillings, Strout, Theriault, Trask, Tyndale, Walker, White, Willard, Wood, M. E.

ABSENT — Albert, Boudreau, Crommett, Drigotas, Evans, Farley, Ferris, Flynn, Gahagan, Good, Hancock, Kauffman, Kilroy, Pontbriand, Sheltra, Sproul, Susi, Trumbull, Webber

Yes, 43; No, 88; Absent, 19.

The SPEAKER: Forty-three having voted in the affirmative and eighty-eight in the negative, with nineteen being absent, the motion does not prevail.

Sent up for concurrence.

The Chair laid before the House the third 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 29, by Mr. Birt of East Millinocket.

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 fourth 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 29, 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 Monday, June 4.

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

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

Tabled — May 29, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

On motion of Mr. Henley of Norway, tabled pending passage to be engrossed and specially assigned for Monday, June 4.

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 29, by Mr. Shaw of Chelsea.

Pending — Passage to be engrossed.

Mr. Shaw of Chelsea offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-477) was read by the Clerk.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: The purpose of this amendment is to make it absolutely clear that industrial plumbing by industrial employees may be done without obtaining a permit or acquiring the services of a licensed plumber. This amendment further provides that a person can do his own plumbing in his home, cottage and any appurtenant buildings. There is an error in the final part of the amendment, which will be removed by another amendment.

As you know, L. D. 1953 received a unanimous Committee report from the Legal Affairs Committee. I believe that it is important to remember why the State of Maine adopted a plumbing code many years ago. First, a plumbing code outlines the modern, safe methods and materials for all

plumbing installations. By establishing a code, the state says that plumbing in any private or public building is a part of the state's water and sewage disposal systems; that such installations should not be left to the discretion of any irresponsible individual; that the protection of public health and safety must be guaranteed by setting up minimum standards.

Secondly, licensing assures competence in the installer. However perfect technically, a plumbing code is meaningless if its provisions are not carried out in actual practice. Through licensing, we are saying that plumbing work must be done by competent installers; that such installers must qualify by submitting to an examination of their technical knowledge, both theoretical and practical, as well as of their familiarity with code provisions.

Thirdly, permits and inspections insure that code and licensing controls are effective. Through these regulations, the state polices the activities of both consumers and installers. Permits for new plumbing and alterations insure that planned improvements are consonant with code provisions and enable inspectors to schedule their future work. Inspections insure that the installation as completed by the installer conforms to code provisions.

The purpose of the bill is to clarify the laws relating to plumbers and plumbing inspectors and to improve the regulation and enforcement of the plumbing code statewide. This bill also allows each municipality to adopt its own rules and regulations with respect to plumbing. It clarifies, expands, and strengthens the municipality's jurisdiction over the regulation and inspection of plumbing.

It is important to note, however, that this bill does not enlarge the authority of the state, but it does place the primary responsibility for the enforcement of the plumbing code with the municipalities where it should be.

This bill also permits a person or corporation to do routine maintenance, such as repairing leaks and replacing fixtures, without obtaining a permit.

In conclusion, we must remember that the purpose of this bill is to protect the health and safety of Maine citizens. It is our only protection against the plumbing hazards which produce water-borne disease outbreaks against accidents and hazards which create conditions of filth that breed other disease.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: This bill right here will hurt every other town in my district, 17 towns. It will hurt every single one of them. Therefore, I move the indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The Chair would inform the gentleman that until the amendment is acted upon, we cannot act on the entire bill.

Thereupon, House Amendment "E" was adopted.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I am sorry, I know better than that, but this time, I will move for indefinite postponement of this bill and all its accompanying papers. I state as my reasons, practically every little town in my 17-town district would be hurt by this bill and I mean they would be hurt. Most of those little towns haven't even got plumbing inspectors. What would we do? We would be tied up. I hope you will go along with me on indefinite postponement.

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

Mr. MORTON: Mr. Speaker, would the Clerk advise us what amendments are on the bill now?

The SPEAKER: The papers indicate that the only amendment on the bill is House Amendment "E" which was just adopted a few moments ago.

Thereupon, Mr. Rolde of York requested a vote.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: Apparently there is an amendment that is supposed to be offered to this bill that I do not see. It is an amendment that would permit some of the smaller municipalities to escape some of the more stringent provisions of this bill. I would appreciate it if someone would table this for one day while I look into the matter and see where this amendment is supposed to be.

On motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Finemore of Bridgewater to indefinitely postpone and tomorrow assigned.

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

Bill "An Act to Authorize Issuance of Warrants for Administrative Searches" (S. P. 344) (L. D. 1043)

Tabled—May 30, by Mr. Simpson of Sandish.

Pending—Motion by Mrs. Baker of Orrington to accept the Minority "Ought to pass" Report.

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

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

Bill "An Act Relating to Mobile Home Parks" (S. P. 630) (L. D. 1956)

Tabled—May 30, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

Mr. Martin of Eagle Lake offered House Amendment "A" and moved its adoption.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Basically, the amendment would do two things. You will note that the gentleman from Waterville has an amendment which will amend the second portion of this which he will offer and I will support.

First of all, the amendment provides that when a person has a mobile home, that the owner of the park simply cannot choose to tell him, if he decides to sell it, that it must be sold by him and that the result is going to be such that it is going to mean a net loss to the individual who owns the trailer.

Secondly, the second provision says that where fuel oil and bottled gas is supplied, there has to be no restrictions as to where it comes from.

Basically, what has happened in certain instances is that in order for you to put your trailer in a certain park, the owner of the park requires that you take gas from him or from a certain distributor. The owner of the park then gets a kickback from that provision.

The amendment that the gentleman from Waterville would add would also provide that if the gas is being supplied centrally, then this would be a different story. Obviously, you could end up with the same situation in certain parks, I suppose. But at least it is going to apply to about 90 percent of them.

I do want to point out to you that this amendment is a result of the work that was done and the hearings that were done by the Attorney General's office and the amendment was prepared by them in trying to resolve some of the problems. It is part of the bill which the Committee on Legal Affairs had and reported out with a relatively 10 to 3 report, I believe, "ought to pass." I would hope that this amendment, along with the other that will be introduced by the gentleman from Waterville, will become part of the bill.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: I was a member of this Committee on Legal Affairs and we studied this bill very highly. This amendment has one bad aspect that the gentleman from Eagle Lake, Mr. Martin, isn't offering.

In these trailer parks, they sometimes number many trailers and the people that run these trailer parks found it advantageous to have one or two oil dealers come there because children have been run over in quite a few cases by an oil truck in this small area, every hour or ever half hour delivering to one or two trailers. So they found that it was one way they could probably save some of these children's lives because most people who live in these trailers have more than one child and the only place they have to play is amongst the trailers in the trailer park itself.

If you have a big oil truck going in there every half hour delivering to one trailer, this didn't work out. So he said, to save lives, little small children's lives, he would confine in most cases to one company making the delivery. In some cases, two companies could make deliveries, but in no case, ten or twelve could be in there making deliveries at all hours of the day and night. I thought it was reasonable. I thought it might save some child's life, which is more important to me than a penny on oil.

The objection seems to be that some of these oil companies, which if I was an oil company I would do the same thing, you see there is a lot of maintenance on a trailer. It has to be kept level.

So these people who own the trailers are constantly calling the oil man — well, my oil burner doesn't work right or this doesn't work right. It generally means just leveling the trailer. So in the case of the oil distributor, he says to the man running the park, "If you will help me keep these trailers lined up in order so that I won't have to be called out all hours of the night, I will give you a penny in the gallon if you will help me do the maintenance, if you will help these trailers be kept lined up.

If I were in the oil business, I would be willing to give one or more cents to have these trailers kept in order or lined up so the burner would burn. So it is not a money-making scheme by no means. It is a question of saving

lives and a convenience to whoever is delivering the oil. I think this is the bad part of that amendment.

If a man has a trailer park with a hundred trailers in it, there shouldn't be fifty oil companies in there delivering oil all hours of the day and night and I think he owns the park and he is only trying to protect life when he makes this restriction. And the same applies to the gas. I don't think there is any exorbitant amount of money made.

And do bear in mind that these trailer parks, the ones that I know of, are not plowed or maintained by the city or the county or the state. They are plowed and maintained by the man owning the trailer park. And he certainly should have some jurisdiction over this privacy of his property.

So I hope this amendment in whole isn't accepted. The first part of this amendment that Mr. Martin offered is not bad, in my opinion. It is the part where it says about the oil.

While I am on my feet, I was a little disgusted with the man that came from the Attorney General's Department, which is supposed to be so busy and spent an entire afternoon before our committee and everything that he said to me wasn't good sense or in good taste or good judgment and I was very disappointed that we would have a man of this caliber or supposedly of this caliber that could afford, first of all, to spend that much time before the Committee on Legal Affairs and second of all, make such unreasonable statements that he has made, in my opinion, to the committee. I thought we had more important things in the Attorney General's Department to do than to be there talking about an issue, in my opinion, that he shouldn't have even been talking about.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: When this particular legislative document, L. D. 1554 was originally presented to the Legal Affairs Committee, there were two

particular sections that we had a great deal of concern with. One of them was the original Section 4064, restrictions on disposal of mobile homes and the other was the original Section, 4066, the restrictions on purchase of fuel oil or natural gas. We felt that the proposed section 4064 was not written properly and it had some problems in it. The amendment that has been offered today, at least in my opinion, solves at least my objection to that section.

Relative to the section to which Mr. Dudley just addressed himself, we were very concerned about this particular point. Many many oil trucks going into one particular trailer park was presenting a hazard to little children. However, I would also draw your attention to House Amendment H-483 that is about to be presented by the gentleman from Waterville, Mr. Carey.

His amendment amends the second part of Mr. Martin's amendment to make it acceptable in this content. The amendment will read, "This section shall not apply to a mobile home park which operates a centralized distribution system for oil or gas or both."

I would merely say in summary that with Mr. Carey's amendment, I think for my own purposes, Mr. Martin's amendment is perfectly satisfactory and strengthens the bill. I hope that you will support Mr. Carey's amendment when it is offered and support Mr. Martin's amendment.

Mr. Carey of Waterville offered House Amendment "A" to House Amendment "A" and moved its adoption.

House Amendment "A" to House Amendment "A" (H-483) was read by the Clerk.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: Even if this amendment doesn't clean up all of the problems. It may be that there should be still a further amendment which would say words to the effect that a person operating a centralized distribution system could not charge more than what the truck

rate is. So that he, in fact, doesn't put himself in the position, by working on this exemption, being able to charge five or six cents a gallon more.

So somebody may want to table this when I get done here. But there are more and more people who are designing their trailer parks with centralized systems to keep these trucks out. I think it is a good thing. And the committee took that into account and this is why my particular amendment to Mr. Martin's amendment is being offered. But even then sitting here, I did think that maybe it could be stiffened up even more because the guy getting it delivered in bulk rate is getting it for less than you would get it if you were a mobile home owner and getting 50 or 75 gallons delivered at a time.

That savings that he gets, even if he charges you what the truck would charge you by delivering a smaller quantity, that will pay for his system. So there is a markup just by having him charge what the truck rate would be. Somebody may want to, as I say, table this and hopefully somebody will get another amendment on this that that particular rate would not be more than what the truck rate would be.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: I have no objection to Mr. Carey's amendment. It doesn't do the job; it partly does the job. Where I come from, we don't have a central tank for all these trailers and I think it is a long way off in the smaller trailer parks out in the country. They still have many trucks delivering oil. I think we are talking about an unreasonable thing.

The SPEAKER: Would the gentleman confine his remarks to the amendment, which is under discussion.

Mr. DUDLEY: I am trying to say that the amendment should go further. I am trying to explain why the amendment should go further. It doesn't cover what should be covered. I hope someone will table it and try to properly

amend the bill because it involves the price of oil and that is what they are going to try to pass this bill for and it is not right. If I live in a trailer park and I don't pay any more than the fellow who doesn't live in the trailer park — say 21.9, I think is the price for oil, that is number 2, and if it is the same price in the trailer park, regardless if the man running the trailer park makes 10 cents, I don't think that should be considered. What we should consider is that the man who lives in the trailer doesn't pay any more for oil than the man who lives across the street who has an individual residence. This is what I think we should be considering.

We shouldn't be concerned that the man running the trailer park is making a penny or two because he needs to make a penny or two. He needs to make money to maintain the trailer park, to keep it plowed, all the services, garbage and so forth, that he does. I think the House and myself should be concerned that the man living in the trailer doesn't pay any more for oil than the man living in the house across the street. That I am concerned about. But I am also concerned with the little children and the many trucks driving in these streets. And neither one of these amendments, in my opinion, covers it.

On motion of Mr. Martin of Eagle Lake, tabled pending the adoption of House Amendment "A" to House Amendment "A" and tomorrow assigned.

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

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

Tabled — May 30, by Mr. Tynedale of Kennebunkport.

Pending — Passage to be enacted.

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

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

Bill "An Act to Revise the Laws Relating to the Practice of Optometry" (S. P. 632) (L. D. 1964) (H. "A" H-467)

Tabled — May 30, by Mr. Rolde of York.

Pending — Motion by Mr. Emery of Rockland to reconsider adoption of House Amendment "A" (H-467)

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: First of all, I would like to apologize to the gentleman from York, Mr. Rolde, for initiating my action yesterday when he was out of his seat. I neglected to look and notice that he was and it was no way intended on my part as a clever maneuver. I hope he will accept my apologies for doing so.

As I explained yesterday, I was busy doing some paper work and I did not notice when he offered his amendment and I would hope to have an opportunity to reconsider the adoption of House Amendment "A" to L. D. 1964 that he presented. That is under filing number 467.

There are several reasons why I would like to reconsider adoption of this amendment. First of all, this amendment will permit individuals, partnerships and corporations to engage in price advertising of eyeglasses. The section which he is attempting to amend was enacted in the 104th Legislature in 1969 in order to insure proper eye care for Maine citizens. To repeal it today might result in a disservice to Maine citizens who desire quality eye care.

This issue was presented to the Legal Affairs Committee at a public hearing on L. D. 1107, which was the original bill. The committee rejected the suggestions that price advertising be permitted in this profession for several reasons. Since advertising by its nature emphasizes price, the accuracy of the prescription and the quality of the materials and service are not emphasized. The prescribing and fitting of eye-glasses require sophisticated training and experience. Consumers should not be baited by attractive advertising

techniques. Physicians, dentists, chiropractors, and other medical practitioners are not permitted to advertise because of the uniqueness of the professional service that they offer.

L. D. 1964, as it is presently written, does not prevent opticians from advertising their availability and that they fill prescriptions made by ophthalmologist and optometrist. Another factor which I think we ought to consider is that this amendment is being supported by an organization known as the National Association of Optometrists and Opticians, and it was brought out in testimony before the Legal Affairs Committee that only one individual in the State of Maine was presently a member of that organization. Now this is a corporate, commercial organization controlled and created by the Pearl Optical Company, and Pearl Optical Company deals in cut-rate prescriptions or I should say cut-rate materials. They do not deal in necessarily the same line as most practicing opticians and optometrists. They offer a more expensive cheaper line that probably does not have the same quality that we are used to from our optometrists, opticians and ophthalmologists.

We feel that by allowing price advertising, such firms would be permitted to introduce on the market, by using attractive price advertising techniques, merchandise which is not of the same high quality that Maine citizens have been used to in the past. We feel that any advertising at all that is done in eye care should clearly state the differences in quality between the various types of eye wear available. Now these differences are the following: The strength and the gauge of the metal and the wire that is used in frames; the type of plastic, will it break, will it erode due to hot weather and hot water and cold weather and so forth; is the glass unbreakable; does it come in certified unbreakable glass?

Things like this are very important to people who purchase eye ware because glasses are expensive, and many people, especially our low income people, can-

not afford to buy eyeglasses that will not last for a long period of time. We feel that quality should be emphasized rather than price. And we are afraid that many companies that would deal in full-scale price advertising would be more interested in corporate profits than in quality eye care.

Mr. Speaker, ladies and gentlemen of the House, for these reasons I would ask you to reconsider adoption of House Amendment "A" under filing number H-467.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say first that in response to the gentleman from Rockland, he did apologize to me yesterday. I understand certainly that it was a genuine mistake that he made, and I was quick to accept his apology yesterday, and I am just as quick to accept it publicly here today.

I wish to emphasize that the merits of the debate on this amendment are all that interests me. Yesterday, in offering the amendment I read from an editorial in the Kennebec Journal, and I think that spelled out the issue and I would just add one more point. This House on two occasions this month voted for legislation to permit druggists to advertise drug prices in the hopes that the benefits of lower drug prices would be passed along to the consumer. Today, it seems to me, we are dealing with a similar attempt at consumer legislation that will allow opticians to advertise, and that would hopefully result in lower eyeglass prices for Maine consumers.

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

Mr. ROSS: Mr. Speaker and Members of the House: I seldom quote from letters, but I would like to quote just one paragraph from a very competent optometrist. He says, "The opponents of this bill are attempting to amend it to allow price advertising of glasses. Price advertising results in poorer quality eye care. The consumer has a difficult time eval-

uating what he is getting in the field of eye care. Since advertising by its nature emphasizes price, the accuracy of prescription and the quality of the materials and services are degraded. The consumer relies on the doctors advice and prescription for quality control. Opticians are not restricted from advertising their availability, and they fill prescriptions."

I am against the amendment.

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

Mr. GREENLAW: Mr. Speaker and Members of the House: The gentleman from Bath, Mr. Ross, is quite correct in that opticians are not prohibited from advertising their availability. But they are prohibited from advertising the fact that they can fill prescriptions for eyeglasses. And this is what I am most concerned about, that we give opticians this opportunity to do this.

I would submit to this body that the real issue here is not one of quality eye care, but it is one of economics. When a person goes to an optometrist to have an eye examination and the optometrist determines he needs a pair of glasses, he can do one of two things. He can write a prescription, which the individual can take to an optician or another optometrist to have filled or he can fill the prescription himself.

I would submit that on too many occasions optometrists do not make the fact known that the person has a right to a prescription.

I, myself, contacted four opticians in the state this morning that are fully aware of the amendment, and I believe that they — I don't believe, I know, they told me personally that they did support this amendment.

I think Mr. Emery raised the question about low income people cannot afford to have inferior glasses. I quite agree. I would also add that low income people cannot afford to pay high prices for glasses. And I will submit again that the issue here is not a question of quality eye care, but is a question of how much we pay for glasses, and the fact that if opticians cannot advertise the fact they

can fill prescriptions, the optometrist perhaps would have somewhat a monopoly on filling prescriptions.

I hope you do vote against the motion to reconsider adoption of House Amendment "A."

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

Mr. DUDLEY: Mr. Speaker, Members of the House: Being a member of this committee, I would like to only say this, that this was a unanimous report of the committee without the amendment, and we strongly considered this and we had more than one afternoon of discussion on the bill. I am sure that the committee made the right decision when this wasn't in the bill.

So, as a member of the committee, rather than reiterate the same thing that the gentleman from Rockland has said, I concur with every word that he said, and I will let it go at that. But I hope you will vote to reconsider this so we can do away with this amendment, because I think the best possible eye care for Maine people is what we are after. We are not trying to deceive them with something that isn't the best. And I think this is one area where we want Maine people to have the best, whether they are rich or poor.

I hope you vote to reconsider so we can do away with this amendment, and I think I speak for the rest of the committee, because it was a unanimous report without this amendment.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support the motion to reconsider.

I would like to make it clear what my views are on the matter. I don't think that the amendment would accomplish a single thing except to make available some very poor, sharp, corporate practices. I think there is no more justification for the type of advertising that the single applicant who seeks this amendment is making a drive for than there would be for the advertising of the

prices, for instance, of a tonsillectomy. Possibly there wouldn't even be as much justification for it.

So I think the only purpose to be served by this amendment would be to make it possible for an individual to initiate some very sharp and very dangerous and damaging corporate practices.

I hope that the motion to reconsider will prevail.

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

Mr. HENLEY: Mr. Speaker and Members of the House: Briefly, I would just like to note that I wear glasses, rather expensive. I find that now I would rather pay \$500 for a pair of glasses than have happen what happened to me about 20 years ago when I took advantage of a bargain on glasses. It created a situation where I was having headaches, and it developed that I had gotten inferior quality in my glasses. So believe me, I do not want any opportunity for the public to get inferior quality. We who wear glasses and depend upon them, and pay anywhere from \$50 to \$100 for glasses, along with our tests, want to make sure that we get top quality and we want to know exactly who is behind the whole thing.

So I urge you to reconsider so that this bill can go along without this amendment.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Legal Affairs Committee I urge you to vote for reconsideration of this amendment.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I would be remiss in my duties as a representative if I didn't speak on this amendment today.

During the 104th Legislature, a bill was presented to the Health and Institutional Committee allowing opticians to advertise. It came out of our committee at that time unanimously "ought not

to pass". But this didn't satisfy those who were involved and it was debated heavily in both Houses and still was defeated unanimously.

This amendment is a recall of that same bill, and I would just like to relate the incident that happened during the hearing. During the hearing we were told that the prices of eyeglasses were going to be offered to the general public a little cheaper than you could get them through the regular optometrist. So we in the committee decided to go down to this establishment, and we photographed the outside of the store. One of the signs on the store said "eyes examined." However, in very, very fine print, it stated periodically would eliminate eye soreness et cetera.

You can imagine yourself needing glasses and you don't see too good, this is why you are looking around for a place to buy glasses, and you see this big sign that says "eyes examined." But it doesn't give you the little fine print because you can't read it, this is the reason that it is there. So we photographed the sign and we brought it back to the hearing. We also had one of our people go in there to buy a pair of one of these very inexpensive eyeglasses, and believe me, they didn't have that particular eyeglass. Consequently, by the time you got through you, were paying just as much as you did for any other eyeglasses.

I hope you will vote for reconsideration.

The SPEAKER: The Chair recognizes the gentleman from Exeter, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I have been perplexed on this situation. I have finally come across a very good study published in the Journal of Law and Economics from the University of Chicago. It is an excellent study on the effect of advertising on the price of eyeglasses and it shows that in states where the advertising of eyeglasses is allowed, the prices are reduced 25 percent or greater.

I think this amendment is a good consumer measure and I would hope that we would stand by it.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't planning to get up, but I am very amused at the fact of how closely this parallels the debate we have had before on the advertising of drug prices and this house did pass on that. I feel this is almost parallel where you have the druggists which were involved in a product, same as the optometrists and the physicians were are involved in a service same as the optometrists. The thing that I don't understand is that I know the gentleman from Rockland, Mr. Emery, who is opposed to this voted with the advertisement of drug prices, and I see this as basically the same thing, and it basically just allows a person a choice.

No matter who is going to fill out the prescription for these eyeglasses they have to follow the prescriptions, the same as a druggist follows a prescription from a doctor. So I don't see where the quality is going to be hurt at all.

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

Mr. EMERY: Mr. Speaker and Members of the House: The gentleman from South Berwick is correct, I did vote the other way on the matter of pricing drugs. But there is significant differences here. First of all, most drugs, even though they are the same drug, are approximately the same, regardless of which company produces them. For example, aspirin is aspirin is aspirin, with very few differences between the different companies that produce them. Whether you go to the Rexall Store or whether you go to the First National or wherever you go to buy aspirin, it is pretty much the same thing.

But when you get into glasses, you are talking about something that is a little different. You can talk about completely different elements, completely different qual-

ity, compound, makeup, strength, things of this nature. So this is where advertising comes into play. Obviously, any company that advertises is going to claim its product is better. But is it? The question in glasses, this isn't so. It may not be better, in fact it may even be dangerous for your sight. So therefore, advertising will open the door to convincing the consumers in Maine that they ought to buy a product which is inferior. Now this I can't go for. I think this is a very dangerous practice. I would certainly hope the members of the House would see the difference and would vote to reconsider.

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Emery, that the House reconsider its action whereby House Amendment "A" was adopted. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

96 having voted in the affirmative and 22 having voted in the negative, the motion to reconsider did prevail.

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

Mr. EMERY: Mr. Speaker, I move that House Amendment "A" be indefinitely postponed.

Thereupon, Mr. LaPointe 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 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 Rockland, Mr. Emery, that House Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA—Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube,

Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Carrier, Carter, Chick, Churchill, Clark, Conley, Cooney, Cote, Cottrell, Crommett, Curran, Dam, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Fecteau, Finemore, Fraser, Garsoe, Goodwn, K.; Hamblen, Haskell, Henley, Hobbins, Hoffses, Hunter, Immonen, Jackson, Jacques, Jalbert, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McNally, McTeague, Merrill, Mills, Morin, V.; Morton, Murchison, Murray, Norris, Parks, Perkins, Pontbriand, Pratt, Ricker, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Stillings, Strout, Tanguay, Theriault, Trask, Tyndale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.

NAY—Boudreau, Bustin, Chonko, Connolly, Curtis, T. S. Jr.; Dow, Faucher, Genest, Goodwin, H.; Greenlaw, Huber, Kelleher, Knight, LaPointe, McKernan, McMahon, Morin, L.; Mulkern, O'Brien, Peterson, Rolde, Smith, S.; Talbot, Tierney.

ABSENT — Carey, Cressey, Evans, Farley, Flynn, Gahagan, Gauthier, Good, Hancock, Herrick, Kauffman, Najarian, Palmer, Santoro, Sheltra, Sproul, Susi, Trumbull, Whitzell.

Yes, 106; No, 24; Absent, 20.

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

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

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

Joint Order Relative to Bargaining by Public Employees and Employers. (H. P. 1546)

Tabled — May 30 by Mr. Norris of Brewer.

Pending — Motion by Mr. Martin of Eagle Lake to indefinitely postpone.

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

Mr. HASKELL: Mr. Speaker and Members of the House: I support Mr. Martin's motion to indefinitely postpone, because tomorrow I will offer a redrafted order that will take the place of this one.

Thereupon, the Order was indefinitely postponed.

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

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

Tabled — May 30 by Mr. Martin of Eagle Lake.

Pending — Motion by Mr. Kelley of Southport that House Amendment "A" (H-468) be adopted.

Mr. Kelley of Southport withdrew House Amendment "A".

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

House Amendment "B" (H-478) was read by the Clerk and adopted.

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

The Chair laid before the House the thirteenth 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 30 by Mr. Simpson of Standish.

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

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

Mr. BUSTIN: Mr. Speaker and Ladies and Gentlemen of the House: This particular measure has been bouncing around here on the table for two days, one day, for about two weeks now. If you remember the issue here, it is a report that came out of the State Government Committee that said, "Yes, we do want Maine citizen's preference for our state employee jobs." The bill came out with around a \$99,000 price tag. That is

subsequently not an issue anymore. It is off the bill.

I presented House Amendment "D", which in essence removes the restriction, removes the requirement that there be some kind of — let me back up again. The bill calls for the removal of the requirements for educational qualifications. House Amendment "B" indefinitely postpones that. So if you want to keep educational qualifications for state jobs, you vote for my amendment and against the motion of Mr. Dam.

Also on your desk somewhere is a very long House Amendment "A", put in by the bill's sponsor, which I feel does very little to help clarify the situation; in fact, it makes it worse. So I hope that we would kill this motion and pass House Amendment "B" and send the bill on its way, saying in a very loud and clear voice to the people of Maine that the legislature does want to have preference shown for Maine citizens to have Maine jobs and we instruct the Personnel Department to do just that.

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

Mrs. BERRY: Mr. Speaker and Ladies and Gentlemen of the House: I think if you will look at the long amendment, page 7 and 8, we are not doing away entirely with the educational qualifications. It is the intent to urge appointing authorities to select Maine residents by giving appointing authorities the opportunity to consider a Maine resident who lacks educational qualifications but may have equal or greater experience that may be substituted for educational qualifications. I don't think that that this is particularly doing away with it all.

I think that we have heard this debated that perhaps this could be an opportunity for Maine people in this leniency in the educational qualification. We also heard Mr. Bither speak in regard to hiring teachers. I think he will see that we have had a clause in here which speaks of those in education, such as doctors, and this would be out of this. I think a

teacher could be a "such as" in this clause. I am sure this would be considered.

I would urge that you would indefinitely postpone Mr. Bustin's amendment. I have not, as you know, presented my amendment yet. So I would like to have a chance to do that.

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

A vote of the House was taken. 63 having voted in the affirmative and 37 having voted in the negative, the motion did prevail.

Mrs. Berry of Madison offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-418) was read by the Clerk and adopted.

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

Mr. BUSTIN: Mr. Speaker and Ladies and Gentlemen of the House: I have a feeling that the way the lights came on in this very heavy issue before the Maine Legislature, that not too many people really know what is going on here. I don't suspect probably more than three of us have read the amendment which was just adopted. I think probably the best thing to do at this time, since we already know that the Personnel Department is supposed to give preference to Maine citizens for state jobs, is to indefinitely postpone this bill and all accompanying papers and I so move, and I ask for the yeas and nays.

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

Mrs. BERRY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to perhaps explain this long amendment, and I said before it is long, because we have touched upon given parts of the original bill and we were advised that it would be best to repeal all of it and present this. So the amendment isn't as long, the new part of it, as some people would have you think it is. We have had to insert the vet-

eran's preference in it because we are repealing it and many of the other things.

The Personnel Board met last week and about the only thing that they could really come up with was whether the original residency clause was constitutional or not and this was sent to the Attorney General's office. Yesterday I went down and Mr., I believe his name is Larouche, was the one who was looking this up and he told me, as far as he was concerned this was constitutional. He was going to send a letter today, if possible, to me and I haven't had it yet, but he saw no trouble with it. This was the only thing that the Personnel Board could find with it.

I would go over this just a minute to tell you some of the changes we have made, in fact, all of the changes. We have given Maine residents a five point preference on the bill for civil service examinations. Many people who are concerned with the veteran's preference, this does nothing to the veteran's preference. They still have their five points, plus five points for being a Maine citizen. So they have ten points to begin with, where the regular Maine citizen has only five.

The one year residence, which some people question, as regard to native born people, if they are here in Maine for one year, no matter when, they are residents of Maine. So this does not have anything to do — this clarifies what some people were questioning.

A retention clause which we have in there which states in the present bill that when a job opening is closed, a Maine resident would be retained if his status was good in the department. However, there has been an amendment offered in this legislature to that. I understand this would be taken care of if this bill passes, in the errors and inconsistencies.

As you know, as I have just talked about the educational end of it, I believe that this is a good piece of legislation. So I would urge that you would not postpone

this bill and all its accompanying papers.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the motion of the gentleman from Augusta, Mr. Bustin for the indefinite postponement. I think I understand him to say that since the Personnel Department now knows what the intent of the legislature is, there is no need for this bill. I don't say that I can assure the gentleman from Augusta that the Personnel Department does not know what the intent of the legislature is. Or I will put it this way. They did not know what the intent of the legislature was as of last Friday.

There are two instances where I know, one instance being a person who has worked for the Personnel Department before, that worked for one of the state agencies before and he has very good reports from the agency he worked for, but now, because he happens to be a Maine boy and there are out of state people that would like to have the job, he is getting the runaround.

Another instance that came to my attention last week, and I do not have the letter with me today, but I will later on, tomorrow, regardless, if this bill does not pass, I will read it into the record anyway where they are using the same tactics now that they used in the past. And in this instance, this is a young person who has graduated from the University of Maine. She has letters from the professors. She has her ranks. They were all in the "A" category. But because she has not had any practical experience, this is the excuse that they are using. Yet they are willing to bring in out of state people and take the jobs away from the Maine people.

I want to commend the good lady from Madison, Mrs. Berry, for the amount of work that she put in on this bill. And she should be commended by every member of this House because she has brought this into the open of what has been going on. And I would hope that we would allow this bill to go on and if there are any other amend-

ments that are necessary, it could be done in the other body. But it is a good bill. It does not eliminate the educational qualifications because it stipulates right in the bill that they are still there and they are there.

I don't know what the gentleman from Augusta, Mr. Bustin's hangup with the bill is, but I can assure you that there is nothing wrong with this bill and it should go through. And I would hope you would oppose the motion for indefinite postponement.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: The hour is late, so I will just say I oppose the motion of indefinite postponement. When the vote is taken, I ask for the yeas and nays.

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

Mrs. BERRY: Mr. Speaker and Ladies and Gentlemen of the House: I should have said that the M.S.E.A. is very happy with this bill. The Personnel Board thinks that it is going to give them a job to go through their roster a little more than is necessary, but I think that probably this isn't going to be too bad on them.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I oppose the motion for indefinite postponement. I am in the same category as Representative Dam. I have two people in my territory. One is a graduate of the Maine Maritime Academy. Under the Personnel rules, this man holds a license as a chief engineer for seven seas. If you can qualify for one, you are doing pretty good. He wanted to work on shore and he took an examination to be a janitor under state employment. He was disqualified because he didn't have eight years of service. There is one other down there that went to Husson College and he graduated with honors and he couldn't pass because he didn't have six years of business administration. He was one of the

top honor students from Husson College in that line.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: They say one of the marks of an average politician, at least, is that he knows that he is beat. And when I see the gentleman from Skowhegan coming to the defense of the gentlewoman from Madison, Mrs. Berry, I am sure it warms the heart of Representative Ault, I realize that I am beat, I withdraw the motion. We will save the money on the roll call.

Thereupon, Mr. Bustin of Augusta withdrew his motion to indefinitely postpone.

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

The Chair laid before the House the fourteenth 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 30, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

Mr. Martin of Eagle Lake offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-479) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This bill is a result of a study that was done by the Legislative Research Committee and recommendation made to the State Government Committee as to the intent and purpose of what ought to be a program designed for educational leave in the State of Maine for state employees.

Basically, what the amendment does, is to allow present conditions to occur as to such time as the educational leave advisory board, which is created by this bill, would be in a position to recommend a system of operating and a system of making sure that we do the right

thing, prior to simply imposing a course of action which we may feel sorry for.

At the present time, certain departments have all kinds of money, as you know, to take care of the situation. And they simply let various people go to school for various amounts of time and other departments don't or can't because of lack of funding. The intent of this bill is to try to set a policy which would be the same for everyone concerned. The amendment is to try to leave the situation as it is until the board has an opportunity to meet, to review and to set guidelines.

I have discussed this with the State Employees Association, the chairman of the committee and they are in concurrence with my house amendment.

Mr. Speaker, I move its passage.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to pose a question to the gentleman from Eagle Lake, Mr. Martin.

My question is, under this piece of legislation here, would this curtail present actions here in the state where certain departments are sending people to Maine colleges to pick up their degree, paying the tuition for that person, and also giving them full pay while they are doing it?

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

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

Mr. MARTIN: Mr. Speaker and Members of the House: In response to the question, with the bill and the amendments, my House Amendment and the Committee Amendment, that would indeed could occur after the rules and regulations were structured by this committee that would be created. And I think we are a little

bit away from arriving at that point, but that is where we would get.

Thereupon, House Amendment "A" was adopted.

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

The Chair laid before the House the following matter:

Bill "An Act to Create the Maine Coastal Development Corporation as a Body Corporate and Politic" (H. P. 1267) (L. D. 1759) which

was tabled earlier in the day and later assigned.

Thereupon, on motion of Mr. Peterson of Windham, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until eight-thirty tomorrow morning.