

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

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

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Friday, June 1, 1973

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

Prayer by Representative Richard Carey of Waterville.

The journal of yesterday was read and approved.

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

Committee on Public Lands on Bill "An Act to Authorize Bond Issue in the Amount of \$1,500,000 for a State Park in the Bigelow Mountain Area" (S. P. 266) (L. D. 763) reporting "Ought not to pass."

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

**Leave to Withdraw**

**Covered by Other Legislation**

Committee on County Government on Bill "An Act Increasing Salaries of Officials of Waldo County" (S. P. 176) (L. D. 484) reporting Leave to Withdraw as covered by other legislation.

Same Committee reporting same on Bill "An Act Increasing Salaries of County Officials of Aroostook County" (S. P. 359) (L. D. 1064)

Same Committee reporting same on Bill "An Act to Increase Salaries of County Officers for the County of Penobscot" (S. P. 399) (L. D. 1204)

Committee on State Government reporting same on Bill "An Act Establishing Drug Abuse Treatment Facilities" (S. P. 562) (L. D. 1743)

Came from the Senate with the Reports read and accepted.

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

**Ought to Pass with  
Committee Amendment**

Committee on Transportation on Bill "An Act Providing Funds for Continued Operation of Regular Ferry Service between Rockland and Matinicus Island" (S. P. 391) (L. D. 1137) reporting "Ought to pass" as amended by Committee Amendment "A" (S-176)

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

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

Committee Amendment "A" (S-176) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

**Ought to Pass in New Draft**

Committee on Transportation on Bill "An Act Relating to Maintenance and Repair of the Seawall and Walk in the Town of York" (S. P. 517) (L. D. 1648) reporting "Ought to pass" in New Draft (S. P. 643) (L. D. 1978) under new title "An Act Relating to Repair of the Seawall in the Town of York"

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-188)

In the House, the Report was read and accepted in concurrence and the New Draft read once. Senate Amendment "A" (S-188) was read by the Clerk and adopted in concurrence and the New Draft assigned for second reading the next legislative day.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Marine Resources on Bill "An Act to Improve the Lobster Fisheries." (S. P. 452) (L. D. 1506) reporting "Ought to pass" in New Draft (S. P. 638) (L. D. 1973).

Report was signed by the following members:

Messrs. DANTON of York  
RICHARDSON

of Cumberland  
HUBER of Knox

— of the Senate.

Messrs. WEBBER of Belfast  
GREENLAW of Stonington  
LaCHARITE of Brunswick

Mrs. KNIGHT of Scarborough  
— 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. LEWIS of Bristol  
BUNKER of Gouldsboro  
SHUTE  
of Stockton Springs  
BROWN of Augusta  
DAVIS of Addison  
MULKERN of Portland

— of the House.

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

In the House: Reports were read.  
(On motion of Mr. Bunker of Gouldsboro, tabled pending acceptance of either Report and specially assigned for Tuesday, June 5.)

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Public Utilities on Bill "An Act Creating the Power Authority of Maine" (S. P. 550) (L. D. 1760) reporting "Ought to pass" as amended by Committee Amendment "A" (S-168)

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot  
CYR of Aroostook  
— of the Senate.  
Messrs. LITTLEFIELD of Hermon  
CONLEY

of South Portland  
GENEST of Waterville  
KELLEHER of Bangor  
MURRAY of Bangor  
MULKERN of Portland  
CHICK of Sanford

— of the House.

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

Report was signed by the following members:

Mr. ANDERSON of Hancock  
— of the Senate.  
Messrs. TRASK of Milo  
MADDOX of Vinalhaven  
— of the House.

Came from the Senate with the Majority Report read and accepted. Committee Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-184)

In the House: Reports were read.

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

Mr. KELLEHER: Mr. Speaker, I move that the House accept the Majority Report as amended by Committee Amendment "A".

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

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

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

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

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 Bangor, Mr. Kelleher, that this matter be tabled pending his motion to accept the Majority Report and specially assigned for Tuesday, June 5. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 36 having voted in the negative, the motion did prevail.

#### Divided Report

Majority Report of the Committee on Taxation on Resolution, proposing an Amendment to the Constitution Broadening the Limitation of Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used by Such Vehicles" (S. P. 544) (L. D. 1716) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. FORTIER of Oxford  
COX of Penobscot  
WYMAN of Washington  
— of the Senate.  
Messrs. MORTON of Farmington  
COTTRELL of Portland  
MERRILL

of Bowdoinham  
SUSI of Pittsfield  
FINEMORE

of Bridgewater  
IMMONEN of West Paris  
DOW of West Gardiner

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 follow-  
ing member:

Mr. DRIGOTAS of Auburn  
— of the House.

Came from the Senate with the  
Majority Report accepted.

In the House: Reports were read.

On motion of Mr. Susi of Pitts-  
field, the Majority "Ought not to  
pass" report was accepted in con-  
currence.

#### **Non-Concurrent Matter**

Resolve Providing a Deceased  
Member of the Maine State Retirement  
System with a Minimum of  
10 Years Creditable Service (S. P.  
503) (L. D. 1587) which the House  
recalled from the Legislative files  
on May 25 pursuant to Joint Order  
(S. P. 633)

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

In the House: On motion of Mr.  
Henley of Norway, the House voted  
to recede and concur.

#### **Non-Concurrent Matter**

Bill "An Act Relating to Forcible  
Entry and Detainer Procedure"  
(H. P. 846) (L. D. 1120) which the  
House passed to be engrossed on  
May 3.

Comes from the Senate with the  
Majority "Ought not to pass"  
Report accepted in non-con-  
currence.

In the House: On motion of Mr.  
Carrier of Westbrook, the House  
voted to insist and ask for a Com-  
mittee of Conference.

#### **Non-Concurrent Matter Later Today Assigned**

Bill "An Act Relating to Penalties  
for Assaulting or Killing an  
Officer of the Law" (H. P. 1029)  
(L. D. 1351) which the House  
passed to be engrossed as amended  
by House Amendment "A" (H-465)  
on May 30.

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

In the House:

The SPEAKER: The Chair  
recognizes the gentleman from  
Rumford, Mr. Theriault.

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

The SPEAKER: The gentleman  
from Rumford, Mr. Theriault,  
moves the House recede and con-  
cur.

The Chair recognizes the gentle-  
man from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and  
Members of the House: I am a  
little confused at the motion here  
and I just wonder if this is exactly  
what we want. Having spent some  
time on this bill trying to get it  
in the position we want to, I just  
wonder if the sponsor of the bill  
actually wants the motion that he  
has just made.

On motion of Mr. Carrier of  
Westbrook, tabled pending the mo-  
tion of Mr. Theriault of Rumford  
to recede and concur and later to-  
day assigned.

#### **Non-Concurrent Matter**

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

Came from the Senate with that  
body insisting on its former action  
whereby the Bill was passed to  
be engrossed as amended by Sen-  
ate Amendment "A" (S-156) and  
requesting a Committee of Con-  
ference.

In the House:

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

Mr. PERKINS: Mr. Speaker, I  
move we adhere.

Thereupon, on motion of Mr.  
Norris of Brewer, the House voted  
to insist and join in the Committee  
of Conference.

#### **Non-Concurrent Matter Tabled and Assigned**

Bill "An Act Relating to Location  
of the Women's Correctional Cen-  
ter and Operation of the Halfway  
House Program" (H. P. 1201) (L.  
D. 1541) which the House passed  
to be enacted as amended by Com-  
mittee Amendment "A" (H-367) on  
May 23.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (H-367) and Senate Amendment "A" (S-186) in non-concurrence.

In the House:

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

Mr. DAM: Mr. Speaker, I would request that this lie on the table one legislative day.

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

The SPEAKER: The pending question is on the motion of the gentleman from Skowhegan, Mr. Dam, that this matter lie on the table one legislative day pending further consideration. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Simpson of Standish 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 Skowhegan, Mr. Dam, that this matter be tabled pending further consideration and specially assigned for Monday, June 4. All in favor of that motion will vote yes; those opposed will vote no.

### ROLL CALL

YEA: Albert, Berry, P.P.; Bérubé, Boudreau, Brown, Bustin, Carrier, Chonko, Clark, Conley Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Dam, Dow, Driogtas, Dyar, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jacques, Jalbert, Keyte, Kilroy, LaPointe, LeBlanc, Lynch, Mahany, Martin, Maxwell, McCormick, McHenry, Mills, Morin, L.; Morin, V.; Mulkern, Mur-

ray, Najarian, Peterson, Ricker, Rolde, Ross, Shaw, Smith, D. M.; Sproul, Talbot, Tanguay, Theriault, Webber, Wheeler.

NAYS: Ault, Baker, Berry, G.W.; Bither, Bragdon, Brawn, Briggs, Bunker, Cameron, Chick, Churchill, Curtis, T.S., Jr.; Davis, Donaghy, Dunleavy, Emery, D.F.; Farnham, Farrington, Finemore, Garsoe, Good, Hamblen, Haskell, Henley, Hoffses, Hunter, Immonen, Jackson, Kelley, Kelley, R.P.; Lewis, E.; Maddox, McKernan, Merrill, Morton, Murchison, Norris, Parks, Perkins, Pratt, Rollins, Shute, Silverman, Simpson, L.E.; Snowe, Soulas, Strout, Trask, Walker, White, Willard, Wood, M.E.; The Speaker.

ABSENT: Binnette, Birt, Carey, Carter, Cressey, Deshaies, Dudley, Dunn, Evans, Farley, Faucher, Fecteau, Ferris, Flynn, Gahagan, Gauthier, Genest, Hancock, Herrick, Huber, Kauffman, Kelleher, Knight, LaCharite, Lawry, Lewis, J.; Littlefield, MacLeod, McMahon, McNally, McTeague, O'Brien, Palmer, Pontbriand, Santoro, Sheltra, Smith, S.; Stillings, Susi, Tierney, Trumbull, Tyndale, Whitzell.

Yes, 55; No, 53; Absent, 43.

The SPEAKER: Fifty-five having voted in the affirmative and fifty-three in the negative, with forty-three being absent, the motion does not prevail.

### Non-Concurrent Matter

Bill "An Act Relating to Venue of Personal and Transitory Actions Involving the Residents of Brunswick and Harpswell" (H. P. 1169) (L. D. 1508) which the House enacted on May 15.

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

In the House: On motion of Mr. Martin of Eagle Lake, the House voted to insist. (Later reconsidered)

### Non-Concurrent Matter Later Today Assigned

Bill "An Act Clarifying Certain Municipal Laws" (H. P. 1118) (L. D. 1454) which the House passed to be engrossed as amended by Committee Amendment "A" (H-

329); and House Amendment "C" (H-458) on May 29.

Came from the Senate with the Bill passed to be engrossed as Amended by (C. "A" H-329) (H. "A" H-349) (S. "A" S-121) (S. "B" S-189) in non-concurrence.

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

The Senate of Maine

Augusta

May 31, 1973

Hon. E. Louise Lincoln

Clerk of the House

106th Legislature

Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it accepted the Minority Ought Not to Pass report on Bill, "An Act Relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 19) (L. D. 19).

Respectfully,

(Signed)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

The Senate of Maine

Augusta

May 31, 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 Repealing the Bank Stock Tax. (HP 1491) (LD 1919):

WYMAN of Washington

COX of Penobscot

FORTIER of Oxford

Respectfully,

(Signed)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

State of Maine

One Hundred and

Sixth Legislature

Committee on Veterans & Retirement

May 31, 1973

Honorable Richard D. Hewes.

Speaker of the House

State House

Dear Speaker Hewes:

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

Total Number of	
Bills Received	61
Ought to Pass	13
Ought Not to Pass	33
Ought to Pass as	
Amended	4
Ought to Pass in	
New Draft	1
Divided Report	2
Leave to Withdraw	6
Referred to	
Another Committee	2

Sincerely,

(Signed) LOWELL D. HENLEY

House Chairman

The Communication was read and ordered placed on file.

State of Maine  
Executive Department  
Augusta

May 30, 1973

The Honorable Richard D. Hewes  
Speaker of the House  
Maine State House of  
Representatives  
Augusta, Maine  
Dear Dick:

As you know, the all conquering Curtis All-Star Softball Team is preparing to go forth and demolish every team in its path during the upcoming season.

We are, however, still involved in our pre-season program of rounding into superb physical shape through a series of exercises comparable to those used by Russia's national hockey team. We do take time out from these spartan preparations by including practice games in our repertoire of activities.

Acknowledging your interest and limited ability in sports and because rumor has it that you are manager pro tem of the Legislature, I offer you the challenge of assembling a team (I use the term kindly), comprised of your colleagues to meet my stalwarts in a softball game on June 14.

I promise to keep my players under merciful wraps, instructing that they dispense heroic mercy and charity during this encounter.

I hope to hear from you concerning this matter at your earliest possible convenience.

Regards,  
(Signed) KENNETH M. CURTIS  
Governor

The Communication was read and ordered placed on file.

### Orders

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

Mr. NORRIS: Mr. Speaker, I would ask if the House is in possession of L. D. 1782, H. P. 1349 which was reported out of Liquor Control "An Act to Permit Sunday Sale of Beer in Restaurants and Taverns" and we accepted the Majority "Ought not to pass" Report?

The SPEAKER: The Chair would answer in the affirmative.

Mr. NORRIS: Mr. Speaker I would move that we reconsider our action whereby we accepted the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Brewer, Mr. Norris moves that the House reconsider our action whereby the House accepted the Majority "Ought not to pass" Report on "An Act to Permit Sunday Sale of Beer in Restaurants and Taverns" L. D. 1782.

The gentleman may proceed.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen. Very briefly. I listened to the debate on this yesterday and I am really concerned. I know that there is one liquor monopoly now in the state which is controlled by the State, and as far as Sunday drinking goes, there is a monopoly by the Class A restaurants.

I am concerned about this, again, as was brought out yesterday, for the workingman. I mean the Elks lodges, they are all not workingmen certainly, but the Elks lodges have had their licenses revoked by the Liquor law — I am not complaining about that but the fellows that can go there and have the fellowship and imbibe in a reasonable manner no longer can do that on this day at the Elks lodges, so it means that if a fellow wants to have a short libation on Sunday, he has got to be dressed up and

go to a Class A restaurant or a hotel or a motel.

So I would hope we would reconsider and certainly give the workingman a chance here this morning.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: This bill died a very easy death yesterday, and I think we are just wasting our time reconsidering it, and I would ask for a division.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that the House reconsider its action of yesterday whereby it accepted the Majority "Ought not to pass" Report on L. D. 1782. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 50 having voted in the negative, the motion did prevail.

The SPEAKER: The pending question is acceptance of the Majority "Ought not to pass" Report.

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

Mr. NORRIS: Mr. Speaker, I would now hope that we would vote in the negative so that we might in turn accept the Minority "Ought to pass" Report.

Thereupon, Mr. Cote 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 Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: In order for me to live a good life and enjoy my stay at this particular House, I have to



be very honest with you today. Many years ago I operated such a small establishment and I can honestly say that the Class A restaurants aren't everything that the gentleman from Brewer, Mr. Norris says they are, but I have to agree with him that there is a place for the smaller places, and the smaller places should be given the opportunity to serve the average working individual.

As you all know, I am associated rather directly with a very large Class A restaurant, so I really feel that we should try to support the smaller places because there is such a place for them.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House. In all previous sessions I have voted on this measure favorably. Today I will vote in opposition of this Majority Report for the simple reason that the students in the high school of my town have asked me to take that stand.

The SPEAKER: The pending question is acceptance of the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

### ROLL CALL

YEAS: Albert, Ault, Baker, Berry, G.W.; Bither, Bragdon, Brawn, Briggs, Bunker, Bustin, Cameron, Carrier, Chick, Churchill, Clark, Cooney, Crommett, Curran, Dam, Davis, Donaghy, Dow, Emery, D.F.; Farnham, Farrington, Finemore, Fraser, Good, Hamblen, Haskell, Henley, Herrick, Hoffses, Hunter, Immonen, Jackson, Kelley, Keyte, Knight, Lewis, E.; Lynch, MacLeod, Maddox, Mahany, McCormick, McTeague, Merrill, Mills, Morton, Murchison, Parks, Pratt, Rollins, Shaw, Shute, Silverman, Simpson, L.E.; Smith, D.M.; Snowe, Sproul, Stillings, Strout, Walker, Webber, White, Willard, Wood, M.E.; The Speaker.

NAYS: Berry, P.P.; Berube, Boudreau, Brown, Carey, Carter, Conley, Connolly, Cote, Cottrell, Curtis, T. S., Jr.; Drigotas, Dunleavy, Dyar, Garsoe, Goodwin, H.;

Goodwin, K.; Greenlaw, Hobbins, Huber, Jacques, Jalbert, Kelleher, Kilroy, LaCharite, LaPointe, LeBlanc, Martin, Maxwell, McHenry, McKernan, Morin, V.; Mulkern, Murray, Najarian, Norris, Perkins, Peterson, Pontbriand, Ricker, Rolde, Ross, Smith, S.; Soulas, Theriault, Trask, Wheeler.

ABSENT: Binnette, Birt, Chonko, Cressey, Deshaies, Dudley, Dunn, Evans, Farley, Faucher, Fecteau, Ferris, Flynn, Gahagan, Gauthier, Genest, Hancock, Kauffman, Kelley, R.T.; Lawry, Lewis, J.; Littlefield, McMahon, McNally, Morin, L.; O'Brien, Palmer, Santoro, Sheltra, Susi, Tierney, Trumbull, Tyndale, Whitzell.

Yes, 68; No, 49; Absent, 34.

The SPEAKER: Sixty-eight having voted in the affirmative and forty-nine in the negative, with thirty-four being absent, the motion does prevail.

Sent up for concurrence.

On motion of Mr. Martin of Eagle Lake, the House voted to reconsider its action of earlier in the day whereby it voted to insist on Bill "An Act Relating to Venue of Personal and Transitory Actions Involving the Residents of Brunswick and Harpswell" (H. P. 1169) (L. D. 1508).

On further motion of the same gentleman, the House voted to recede and concur.

### House Reports of Committees

#### Ought Not to Pass

Mr. Perkins from the Committee on Judiciary on Bill "An Act to Specify Grounds for Filing Forcible Entry and Detainer" (H. P. 675) (L. D. 882) reporting "Ought not to pass."

Mr. Henley from same Committee reporting same on Bill "An Act Relating to Civil and Human Rights of Prisoners" (H. P. 1312) (L. D. 1730)

Mr. Carrier from same Committee reporting same on Bill "An Act Relating to Nullification of Criminal Records" (H. P. 1327) (L. D. 1749)

Mr. Gauthier from same Committee reporting same on Bill "An Act to Amend the Human Rights Act to Prohibit Invidious

Discrimination against Ex-offenders" (H. P. 1328) (L. D. 1752)

Mr. McKernan from same Committee reporting same on Bill "An Act Restricting Use of Certain Campsites" (H. P. 1340) (L. D. 1776)

Mr. Simpson from Committee on Public Lands reporting same on Bill "An Act Relating to Sale of Timber Stumpage on the Public Reserved Lands" (H. P. 73) (L. D. 86)

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

#### **Leave to Withdraw**

Mr. Henley from the Committee on Veterans and Retirement on Bill "An Act Relating to Service Retirement under State Retirement Law" (H. P. 1412) (L. D. 1852) reporting Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

#### **Covered by Other Legislation**

Mr. McNally from the Committee on Transportation on Bill "An Act to Authorize the Construction of a Bypass of the Built-up Area of Wiscasset" (H. P. 169) (L. D. 211) reporting Leave to Withdraw as covered by other legislation.

Mr. Dunn from same Committee reporting same on Bill "An Act to Authorize the Construction of a Bridge Across the Kennebec River Between the Municipalities of Gardiner and Randolph." (H. P. 485) (L. D. 639)

Mr. Fraser from same Committee reporting same on Bill "An Act to Authorize the Construction of a Bridge Across the Kennebec River Between the Municipalities of Waterville and Winslow" (H. P. 1167) (L. D. 1502)

Reports were read and accepted and sent up for concurrence.

#### **Ought to Pass Printed Bill**

Mr. Simpson from the Committee on Public Lands on Bill "An Act to Organize the Unorganized and Deorganized Territories of the State and to Provide for Management of the Public Reserved

Lands" (H. P. 1382) (L. D. 1812) reporting "Ought to pass."

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

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

Mrs. Wheeler from the Committee on Judiciary on Bill "An Act Relating to Possession of Marijuana, Peyote or Mescaline" (H. P. 594) (L. D. 785) reporting "Ought to pass" in New Draft (H. P. 1553) (L. D. 1986) under same title.

Mr. McKernan from same Committee on Bill "An Act to Provide Penalties for Sale of Counterfeit Substances which are not Drugs" (H. P. 682) (L. D. 889) reporting "Ought to pass" in New Draft (H. P. 1556) (L. D. 1989) under same title.

Mr. Gauthier from same Committee on Bill "An Act Relating to Criminal Trespass in Buildings" (H. P. 962) (L. D. 1273) reporting "Ought to pass" in New Draft (H. P. 1558) (L. D. 1991) under same title.

Mr. Perkins from same Committee on Bill "An Act Relating to the Practice of Nursing" (H. P. 1033) (L. D. 1360) reporting "Ought to pass" in New Draft (H. P. 1555) (L. D. 1988) under same title.

Mr. Henley from the Committee on Veterans and Retirement on Bill "An Act Relating to Veterans Preference in State Employment" (H. P. 581) (L. D. 772) reporting "Ought to pass" in New Draft (H. P. 1560) (L. D. 1993) under same title.

Mr. Carrier from the Committee on Judiciary on Bill "An Act Relating to Immunity of Persons or Hospitals Refusing to Perform or Assist in Abortions" (H. P. 740) (L. D. 953) reporting "Ought to pass" in New Draft (H. P. 1559) (L. D. 1992) and under new title "An Act to Provide Protection of Fetal Life and the Rights of Physicians, Nurses, Hospitals and Others Relating to Abortions."

Mrs. Wheeler from the Committee on Judiciary on Bill "An Act Relating to Criminal Penalties for Possession of and Knowingly

Being in the Presence of Cannabis" (H. P. 1341) (T. D. 1761) reporting "Ought to Pass" in New Draft (H. P. 1554) (L. D. 1987) and under new title "An Act Relating to Criminal Penalties for Knowingly Being in the Presence of Cannabis."

Mr. LeBlanc from the Committee on Education on Bill "An Act to Create Local State Funding of Public Schools" (H. P. 1239) (L. D. 1617) reporting "Ought to pass" in New Draft (H. P. 1561) (L. D. 1994) under new title "An Act Equalizing the Financial Support of School Units."

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

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentleman from China, Mr. Farrington, to the rostrum?

Thereupon, Mr. Farrington of China assumed the Chair as Speaker pro tem and Speaker Hewes retired from the hall.

#### Divided Report Tabled and Assigned

Report A of the Committee on State Government on Bill "An Act Providing Full-time Prosecuting Attorneys and Public Defenders" (H. P. 1380) (L. D. 1861) reporting "Ought to pass" as amended by Committee Amendment "A" (H-484)

Report was signed by the following members:

Messrs. WYMAN of Washington  
SPEERS of Kennebec  
— of the Senate.  
Messrs. FARNHAM of Hampden  
STILLINGS of Berwick  
CURTIS of Orono  
SILVERMAN of Calais  
— of the House.

Report B 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.  
Mrs. NAJARIAN of Portland  
GOODWIN of Bath

Messrs. CROMMETT

— of Millinocket  
COONEY of Sabattus  
BUSTIN of Augusta  
— of the House.

Reports were read.

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

Mr. FARNHAM: Mr. Speaker, I move the acceptance of Report A.

On motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Farnham of Hampden to accept Report A and specially assigned for Tuesday, June 5.

#### Divided Report

Majority Report of the Committee on County Government on Bill "An Act Creating Androscoggin County Commissioner Districts" (H. P. 271) (L. D. 378) reporting "Ought to pass" as amended by Committee Amendment "A" (H-485).

Report was signed by the following members:

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

— of the House.

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

Report was signed by the following member:

Mr. DAM of Skowhegan  
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, I move acceptance of the Majority Report.

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

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

Mr. JACQUES: I wish that somebody would explain this bill to me. It happens to be my county and I was surprised to see that on the journal this morning, especially seeing some of my own members signing for it. So I wish somebody would explain it to me.

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Jacques, poses a question through the Chair to anyone who may care to answer.

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

Mr. COONEY: Mr. Speaker and Members of the House: The amendment to the bill under filing number H-485 explains the districts in detail. It has been taken up in Androscoggin County caucuses at length and has received the overwhelming majority support of the delegation, including both Republicans and Democrats.

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

Mr. JACQUES: Mr. Speaker and Members of the House: That still doesn't explain the bill to me.

I know that you are the House chairman of the County Government Committee, so I know that you are not going to explain this bill, but I wish that some of the members from the committee would explain it for me. It certainly does involve my county and I would like to know a little more about it.

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

Mr. TANGUAY: Mr. Speaker, Ladies and Gentlemen of the House: I have common knowledge of our activities in the delegation caucuses and I am well aware that Mr. Jacques very well understands what the districting of Androscoggin County is and what this bill is going to do. I am fully aware that he understands this bill better than anyone who has served on County Government.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: We had one meeting on this particular bill, and I don't remember anything being mentioned except that we were going to district the county commissioner district and that was all that was said. I still don't know what it is going to do. A lot of these members here would like to know what it is going to do also. I am not the only one. Nobody seems to be able to tell us. Are they keeping it a secret?

Mr. Speaker, I would move that we indefinitely postpone this bill and all accompanying papers.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Lewiston, Mr. Jacques, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Jacques of Lewiston 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 Chair recognizes the gentleman from Lewiston, Mr. Jalburt.

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to make any motions; I am not going to debate the item very long. I swore two years ago that I wouldn't get myself involved in this type of legislation in the county budget, and I haven't, but I want you to know one thing. This is without a doubt the worst bill that I have ever seen hit this floor in 30 years that I have served here.

The SPEAKER pro tem: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Members of the House: In regard, maybe I am out of order, but in regard to Mr. Jacques, I have looked up the amendment and I think he must be able to find it. It is under filing number H-485. I can read it, but it is the Androscoggin County Commissioners district to be divided into three districts. Commissioner district number 1 consisting of the municipalities of Durham, Greene, Leeds, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner and Wales. Commissioner District number 2 consists of the municipalities of Auburn, and Ward 1 of the municipality of Lewiston. Commissioner District number 3 consists of Wards 2, 3, 4, 5, 6, and 7 of Lewiston. Members of the Board of Commissioners shall be residents of the commissioner district which they represent and shall be elected by the voters of the county. So this is to be voted on at large from what I gather. And there is a little more detail, but that is the districts. I will loan it to Representative Jacques if he wishes to look it over.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I have a question I would like to ask the gentleman from Lewiston, Mr. Jalbert. Sagadahoc County always had all their county commissioners come from Bath. Many of us did not think this was fair. Consequently, this year we allowed our county to be redistricted. We don't, of course, know what will happen if Brunswick should join the county, but does he think that his bill is more unfair than the one that we let go for Sagadahoc County?

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: The only answer that I can give the gentle-

man from Bath, Mr. Ross, is that we have been friends for many moons, if he wants to start a rhubarb, let him say again that this is my bill.

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

Mr. Jacques of Lewiston was granted permission to speak a third time.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: The way that I can read this particular bill, this amendment, that county commissioners will be elected from the district, and Ward 1 of the City of Lewiston will be voting on a county commissioner coming out of Auburn, but he will not be able to elect a member from that particular ward. Now I can't understand how that can be constitutional when this particular ward will be voting on this commissioner and not being able to run a commissioner from that particular ward.

I think there would be a constitutional conflict there in this particular election. And I wish somebody would explain that to me also.

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

Mr. TANGUAY: Mr. Speaker, Ladies and Gentlemen of the House: In order to clarify this, the amendment says he must be elected from district 2. I think that he is referring to district 2 which would be Auburn and Ward 1. Nothing in this bill will prohibit a man from Ward 1 in Lewiston to run for the seat in district 2. So actually Lewiston can still end up with at least two commissioners in the county.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I know how this bill came about. I think its fragmentation began with county government. I don't think Androscoggin County is ready for this. I think it should be studied more thoroughly. As far as the delegation is concerned, it may be that a majority of the delegation voted for it. But I would say that it was a bare majority. I never

was called at a meeting where I was told that specifically this bill would be discussed. I know there were several meetings about the county budget, some I attended and some I didn't. But this was never taken up by the entire delegation.

Now, what chance has a man from Lewiston in Ward 1 have running against the City of Auburn to be elected for county commissioner, and he may be one of the best candidates ever to appear on the surface to run for that office.

I don't think this bill will do any good for Androscoggin County and I hope that everybody supports me this morning on the pending motion to indefinitely postpone this bill.

Mr. Tanguay of Lewiston was granted permission to speak a third time.

Mr. TANGUAY: Mr. Speaker, Ladies and Gentlemen of the House: This is merely to answer Mr. Cote's question of what chance has a man from Ward 1. The commissioners will be elected at large. So actually if we could piece Auburn of half of Ward 1, actually give me one street in Ward 1 along with Auburn to be elected at large, the whole City of Lewiston that will elect a commissioner. So actually Lewiston still stands to pick up two commissioners.

I think that we have gone along with this districting and it's a coming thing. I think this is the time to district Androscoggin County if we are ever going to have districting. The towns have to be represented, the City of Auburn has to be represented, and I am sure Lewiston will be represented because we will have at least one commissioner.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Lewiston, Mr. Jacques, 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

YEA — Brawn, Bunker, Bustin, Carey, Carrier, Carter, Chick, Clark, Conley, Connolly, Cote, Cottrell, Curran, Dam, Davis, Dow,

Dunleavy, Dyar, Finemore, Fraser, Hamblen, Henley, Hoffess, Huber, Jacques, Jalbert, Kelleher, Kelley, Keyte, Kilroy, LaPointe, Lawry, McCormick, McTeague, Merrill, Mills, Morton, Mulkern, Norris, O'Brien, Parks, Rollins, Shaw, Silverman, Sproul, Strout, Theriault, Walker, Webster, Wheeler, Willard, Wood, M. E.

NAY — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Bither, Boudreau, Briggs, Cameron, Chonko, Churchill, Cooney, Crommett, Curtis, T. S., Jr.; Donaghy, Drigotas, Emery, D. F.; Evans, Farnham, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Haskell, Herrick, Hobbins, Hunter, Immonen, Jackson, Kelley, R. P.; Knight, LeBlanc, Lewis, E.; Lynch, MacLeod, Maddox, Martin, Maxwell, McHenry, McKernan, Morin, L.; Morin, V.; Murchison, Murray, Najarian, Palmer, Perkins, Peterson, Pontbriand, Pratt, Rolde, Ross, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Susi, Talbot, Tanguay, Tierney, Trask, White.

ABSENT — Binnette, Birt, Bragdon, Brown, Cressey, Deshaies, Dudley, Dunn, Farley, Farrington, Faucher, Fecteau, Ferris, Flynn, Gahagan, Gauthier, Good, Hancock, Kauffman, LaCharite, Lewis, J.; Littlefield, Mahany, McMahon, McNally, Ricker, Santoro, Sheltra, Trumbull, Tyndale, Whitzell.

Yes, 52; No, 67; Absent, 31.

The SPEAKER pro tem: Fifty-two having voted in the affirmative and 67 having voted in the negative, with thirty-one being absent, the motion to indefinitely postpone does not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-485) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

#### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Election of Jury Trials in Misdemeanor Proceedings" (H. P. 161) (L. D. 203) reporting "Ought to pass".

Report was signed by the following members:

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

Mrs. WHITE of Guilford  
KILROY of Portland  
WHEELER of Portland

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

Minority Report of same Committee on same Bill reporting "Ought to pass" as Amended by Committee Amendment "A" (H-486).

Report was signed by the following members:

Mrs. BAKER of Orrington

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

Reports were read.

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

Mrs. BAKER: Mr. Speaker, I move acceptance of the Minority "Ought to pass" Report as amended.

Thereupon, Mr. Dunleavy of Presque Isle requested a vote on the motion.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: May I inquire of the Chair whether Committee Amendment "A" has been added to this bill? It reads, "in any prosecution before the district court under Title 29, Section 1312," in which the judge of the district court transfers the case to the Superior Court for arraignment or disposition, the defendant's operators license or permit and privilege to operate a motor vehicle in this state shall be suspended. Here we are taking the privilege away from somebody before a conviction. I would like to know if that is on this bill.

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

Mr. PERKINS: Mr. Speaker and Ladies and Gentlemen of the House: In respect to the minority report and the Committee Amendment "A" which was just referred to, I would like to explain this a little bit. Presently, under the district court rules for driving under the influence, a charge is made, brought into district court and there is a finding of guilty or not guilty and the individual may appeal to the Superior Court where he can have a new trial. During this transition period, his right to operate is suspended under the present law.

The bill that is before us is to do away with the duplication of a district court hearing and a Superior Court hearing. It gives to the individual an opportunity to be heard in the district court finally on a first trip and that's it. Or he may waive that right and have the case immediately transferred to the Superior Court. So there is no finding in the district court level. What the amendment would do — approximately you would have that delayed period which you presently have; however, there would be no finding of guilt.

What the amendment would do would be change the provision that if the case is transferred to the Superior Court at the request of the defendant, his right to operate would be suspended during that transitional period as it presently exists under the law. If we don't retain that provision, we are going to find that we are going to load the Superior Court with all of these cases where there is a charge of driving under the influence.

Most individuals who are charged with that offense, they want to retain their license, so naturally they are going to ask that the case be transferred to the Superior Court. They are not going to do what the bill intends to do, and that is, to have it heard in the district court level. Consequently, the minority report does nothing more than accept the proposed bill, but provide that if he elects to go to the Superior Court for a trial, his license will be suspended during that transi-

tional period. It could be several months.

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

Mr. DUNLEAVY: Mr. Speaker and Ladies and Gentlemen of the House: As the gentleman from South Portland says, the amendment would deprive an individual of his operator's license before his day in court. So it seems that we have a choice between the majority report, which would entitle people to an opportunity to be heard and to a day in court before they were punished and the minority report, which will see to it that they are punished before the judge or anybody else hears whether or not they are guilty.

The present law is not quite as the gentleman from South Portland says, because a judge in his discretion in a district court can allow a defendant to retain an operator's license pending an appeal to Superior Court. As a matter of fact, most of them do it. So the minority report is simply taking away the discretion of the district court judges in these situations and making it mandatory that a person lose his license before he has his day in court.

This is the reason I am voting against the motion, so that I can vote for the majority report.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I thought possibly after the two attorneys had spoken on the opposite poles, it might be well for a non-attorney to speak and to call your attention to the last line of the amendment, which states, "Unless the judge of the district court shall rule otherwise." We are not taking away that discretion of the judge to rule otherwise. We are merely establishing this situation, this transitory period when normally, unless the judge prescribes otherwise, this license will be suspended. I urge you to support the minority report.

The SPEAKER pro tem: The pending question is on the motion of the gentlewoman from Orring-

ton, Mrs. Baker, that the House accept the Minority "Ought to pass" Report as amended. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 33 having voted in the negative, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-486) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

At this point, Speaker Hewes returned to the rostrum.

The SPEAKER: The Chair thanks the gentleman and commends him for a fine job.

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

### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Physician Assistants" (H. P. 829) (L. D. 1088) reporting "Ought to pass" in New Draft (H. P. 1557) (L. D. 1990) under same title.

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

Reports were read.

On motion of Mrs. Baker of Orrington, the Majority "Ought to pass" Report was accepted.



The New Draft was read once and assigned for second reading the next legislative day.

### Consent Calendar

#### First Day

(S. P. 618) (L. D. 1934) Bill "An Act Relating to Applicability of Workmen's Compensation Law to Employers"—Committee on Labor reporting "Ought to pass."

(H. P. 298) (L. D. 400) Bill "An Act Relating to Insurance for Motor Vehicle Dealers Under Financial Responsibility Law"—Committee on Transportation reporting "Ought to pass" as amended by Committee Amendment "A" (H-487).

(H. P. 1075) (L. D. 1455) Bill "An Act Creating the Maine Motor Vehicle Certificate of Title and Anti-theft Act"—Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (H-488).

(H. P. 454) (L. D. 603) Bill "An Act Relating to Veterans Preference and Military Service for Employees of State Agencies"—Committee on Veterans and Retirement reporting "Ought to pass" as amended by Committee Amendment "A" (H-489).

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

### Consent Calendar

#### Second Day

(S. P. 403) (L. D. 1231) Bill "An Act to Correct Errors and Inconsistencies in the Maine Business Corporation Act" (C. "A" S-174).

(H. P. 399) (L. D. 528) Bill "An Act to Regulate Insurance Premium Finance Companies."

(H. P. 627) (L. D. 851) Bill "An Act to Amend the Land Use Regulation Commission Law" (C. "A" H-471).

(H. P. 1295) (L. D. 1707) Bill "An Act to Repeal the Minimum Age for Hospitalization of Mentally Ill Persons" (C. "A" H-476).

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

### Passed to Be Engrossed

Bill "An Act Relating to Witness Immunity in Civil Cases" (S. P. 639) (L. D. 1974)

Resolve Providing Funds for Purchase of Water Rights and Dam on Big Ferguson Stream, Somerset County (H. P. 1395) (L. D. 1838)

Bill "An Act to Permit Public Employees to Enter into a Deferred Compensation Plan and Authorize the Purchase of Annuity Contracts and Investment Company Shares" (H. P. 1552) (L. D. 1984)

Bill "An Act to Make Murder Punishable by Death" (H. P. 979) (L. D. 1293) (C. "A" H-472)

Bill "An Act Relating to Grounds for Judicial Separation" (H. P. 1224) (L. D. 1594)

Bill "An Act Relating to County Estimates" (H. P. 1549) (L. D. 1983)

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 Exempting Gas for Cooking and Heating in Homes from Sales Tax" (H. P. 379) (L. D. 508)

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

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

Bill "An Act Relating to Sales Tax on Farm Machinery and Equipment" (H. P. 1130) (L. D. 1465)

Bill "An Act Relating to Probation and Expungement of Records for First-time Possession of Marijuana Offenders" (H. P. 470) (L. D. 618) (C. "A" H-475)

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

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

### Passed to Be Enacted Emergency Measure

An Act Making Current Service Appropriations from the General

Fund for the Fiscal Year Ending June 30, 1974 (S. P. 627) (L. D. 1949)

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

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

Mr. SPROUL: Mr. Speaker and Members of the House: I wish to have the record show that I am very dissatisfied with this Part I budget which has been offered for your consideration and enactment today. Now I share my frustrations with you more for your understanding rather than an attempt to influence your vote. And I would like to get some of this into the record.

Were you confused two weeks ago when our chairman announced that this Part I budget had been reduced by \$17.7 million for the year 1973-74 while the AP released a story saying it had been reduced \$1.7 million? Well, the news people were because they called me Sunday afternoon wondering if someone had misplaced a decimal point. I did not try to explain it, but the truth of the matter is that L. D. 1949 actually proposes an increase in total spending over the Governor's recommendations by some \$200,000. The other figures, such as a \$17.7 million reduction, comes from playing bookkeeping games like plugging in \$25.6 million from Federal General Revenue Sharing Funds rather than appropriating from the General Fund. The total changes besides the bookkeeping came down to a reduction of \$1.8 million after allowing for an unexpected \$2 million federal takeover after January 1 of expenses for the elderly, blind and disabled.

We did apply a 3 percent arbitrary cut to the all other and capital accounts in most departments and eliminated 36 previously authorized employees. There could be a little hooray for that. When one of our members asked why it was 3 percent rather than 4 percent or 5 percent, the chairman said because he had told the assistants to figure it at 3 percent, so there ended that discussion.

One of the departments which was not cut at all was Mental Health and Corrections. I argued to no avail that if their number of inmates and patients has been cut by nearly 50 percent since the last budget, they should be cut the 3 percent at least like the others. Then Health and Welfare was increased \$2 million, being a half million dollars for ADC payments and \$1½ million for medical care.

I have some good news and some bad news concerning my friend Commissioner Williams in Finance and Administration. The good news being that Commissioner Williams has turned in his state car so we were able to get \$815 out of that budget for car expenses. Also, I actually prevailed in getting 3 percent taken from two categories in his budget for a whopping \$390. Now, I call this \$1,200 saving a moral victory, even if I can't do anything about that \$1.6 million for the Central Computer Services account.

I would like you to have some of the reasons why I consider this purported computer purchase bad news. I am not suggesting we have any Watergate here, but I heard someone suggest we might have a Honeygate. I certainly hope it is a smaller-something a water-plug could take care of.

On March 1 in public hearing when our chairman and some other members were absent, Commissioner Williams acknowledged that he had purchased a computer for the state without going through the state purchasing agent, and appropriations were being asked for in the Part I budget under "all other" category. He had personally negotiated the contract and signed it on May 2, 1972. The purchasing agent said he had no copy of any bids or contracts and that he normally would have such documents. A sheet had been submitted to the Legislative Finance office on August 14, months after the purchase contract had been signed, showing a breakdown of over \$1 million dollars for rent and capital outlay less than \$21,000, even though the purchase is purported to be nearly \$4 million.

When I complained to the news media as to how this was handled, Commissioner Williams threw up a smoke screen that I didn't have any facts and didn't know what I was talking about.

I had a copy of the contract that day as well as some other documents. Oh yes, Commissioner Williams had also acknowledged that the seller could furnish used parts and used components in this new computer as expressly authorized in the contract.

I then tried working through my leadership to have the right to ask Commissioner Williams some additional questions to determine whether or not I had known what I was talking about on March 1. This only took a little over a month, so on April 3 we finally arrived in another public hearing and I had some written questions which I had previously shown our committee chairman and others. Most of you probably know that Commissioner Williams made a statement and refused to answer any more of my questions.

Jim Brunelle, in the Sunday paper and many others, raised the question as to how readily my committee chairman accepted his refusal to answer questions in public hearing. His smoke screen that day was that I was seeking publicity. I believe every member of this house should be concerned as to whether or not a state employee is going to be able to simply refuse to answer questions when they appear before any committee in public hearing.

It was announced April 3, which is over eight weeks ago, that a subcommittee would check into this matter.

Now you Republicans will remember that last week I reported that nothing had happened and that there was no one on the Appropriations Committee who could show you any place in the budget the appropriations to pay for this computer. I can tell you things really went into gear after that caucus and now we have at least an estimate showing appropriations of \$615,000 spread over six departments in their "all other" category, along with another million dollars that will come from

Special Revenue Accounts and Federal Funding.

Our subcommittee left what we were supposed to be doing and hustled over to Commissioner Williams office to talk with him. And the following evening after hearings we talked with David Smith, Director of the Bureau of Central Computer Services. He volunteered to us that he had become involved in the political hassle in Nebraska over computer transactions which have made the trade magazines and many phone calls have been made between Maine and Nebraska over this purchase contract. He has been working part-time as a consultant.

He also stated that each company budgets a half million dollars for its sales effort for a case like this. Three companies would make \$1½ million. Maybe this would explain why we have gone through three different manufacturers in four years.

Our subcommittee chairman made his report to the chairman of appropriations at that time, and I guess everyone is happy except me.

We had a written report from Jon Doyle, dated May 9, who had gone to the trouble of drafting two possible pieces of legislation, plus one order for an additional study and strong criticism of the Executive Council's action in setting up a new account for Computer Services with no work program. Our subcommittee has never considered this report. I really don't expect all the activity last week had anything to do with it, but I have been sick ever since that time. I don't know whether it was this activity or whether it was the flu.

I could go on all day on this subject, but I am afraid that turtle down in the right hand corner might have altitude problems. I guess that is the one that hangs on to the mike, not the one showing today. But I do want you to know that this computer contract has three ways it can be voided. One is by the lack of appropriations and another section says that the state's obligation is payable only and solely from funds appropriated for the purpose of

this agreement. Also, there is an executive order number 5FY70 dated December 29, 1969, saying a review committee will determine the need and approve or disapprove all contractual agreements. This order has been violated.

In an opinion from the Attorney General to Speaker Hewes dated May 9 he states, "Accordingly, if the legislature does not appropriate any funds for the purposes of this agreement, the state has no obligation to make any payments whatsoever."

I believe you should be aware that you are being asked to make that judgment in this bill, whether you wish to void or whether you wish to ratify and fund this contract.

The Attorney General states this contract was approved by his department May 10, 1972, eight days after its execution, and suggests they should be submitted prior to execution and not after the fact. Both the Attorney General and Jon Doyle feel that this would not violate the constitutional debt limit of \$2 million, since it is voidable.

David Smith stated title to the computer had passed to the state on March 2, the contract calls for installment payments to begin 90 days after title passes.

May I suggest that if this is all true that we would open up a whole new avenue for department heads to make sizable capital purchases and have the state take title with a good chance the legislature would never know about it under our current loose appropriation procedure.

If some of you people are interested, perhaps we could have a legislative committee study this further and consider the recommendations that were submitted by the legislative staff assistants to our subcommittee.

One last tidbit. This contract, negotiated and signed by Commissioner Williams, drafted by Honeywell attorneys, by-passing the state purchasing agent, violating an Executive order, submitted after execution to Attorney General for approval, provides in italicized print, I quote, "The state represents that he has read this agreement, understands it, and

agrees to be bound by its terms and conditions." I expect this makes Commissioner Williams the only self-appointed Mr. State of Maine in existence.

I would like to say that every one of the people on the Appropriations Committee, they work hard, they put in long hours, and I think they do a good job. I am not criticizing anyone individually. But as a group, we do not get the work done because the process just does not work.

Also in reference to leadership, and maybe some time delays here, I have no quarrels with the three leaders of this House. I have the fullest respect for them, and I know they are doing a very good job and they have tremendous duties and responsibilities posed upon them.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I think at this point you all recognize that we are dealing with two items. First of all, we are considering here the Part I budget, which I am sure you know was a unanimous report out of the committee, including the gentleman who has just spoken.

Mr. Sproul is dealing with a problem that has consumed a great deal of his time and attention; namely, the computer purchase. The committee gave Mr. Sproul every opportunity to support this by naming him one of a special committee. That committee has gone into all the aspects of the computer program, and the members of the Appropriation Committee are satisfied at this point that the net result of our investigation is that the changes that have been made in the computer program were justified, that they do in fact represent a savings to the State of Maine of something in the area of \$400,000 a year, and that the changes, therefore, were justified on the basis of figures and of facts.

Mr. Williams and Mr. Smith from the department, in meeting with the Appropriations Committee and with Mr. Sproul have in-

licated they were prepared to document all of their figures, and that if Mr. Sproul or anyone else wanted to sit down with them, they would be very happy to go over them item by item. The committee is satisfied that the moves were made in the interest of the State of Maine. And if Mr. Sproul has any lingering doubts about the accuracy of the figures, I would suggest again, as I have in the past to him, that he should prepare an order, a Legislative Order and introduce it here and see if he can secure passage of it.

The Part I budget, I think if you will notice, Mr. Sproul was not attacking the Part I budget. He is unhappy and dissatisfied about the computer. I imagine that the basis of his interest in this program originated initially with the fact that the terms of the new computer arrangement resulted in the City of Augusta not having the advantage of a tax payment, which they have enjoyed in the past on the computer. In his endeavors to determine the reason for this type of contract has been entered into and so forth, you have the results of his investigation in the remarks that were given to you.

But I want again to point out there is no relationship between his dissatisfaction with the change in the computer program and with the Part I budget. Naturally, the cost of the computers are in the Part I budget, they have to be. They are in the department budgets under the "all other" category because this is the normal budgeting procedure, they have to be there.

Again I repeat, the Part I budget is not the subject of his attack this morning, and the facts surrounding the change from one type of computer to another, and whether or not Mr. Williams exceeded his authority in making the transfer is the problem. The Appropriations Committee has examined this in substantial detail. We are satisfied that the change was a good change, that in fact it is resulting in savings to the state of approximately \$400,000 a year. So the operating results do indicate

that the judgment at the time change was made was, in our opinion, sound judgment.

I would urge you not to be diverted by this smoke screen that has been sent up, but to recognize that we are engaged now in passing the Part I budget, and that the comments of Representative Sproul were not directed at the Part I budget. In fact, he participated in the formation of it, he was a signer of the unanimous report out of the committee to pass it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As a long time member of the Appropriations Committee, I would like to give my views on this. I understand Representative Sproul of Augusta's position. I think that Representative Haskell, our House chairman has hit it squarely where he should hit it. I think that the procedure that Representative Sproul should use is to put in an order which would call for a statement concerning itself with the computer problem.

I might say, only in comment, that the one person two years ago when the Governmental Operations Commission asked them what personal use, what percentage of the automobile that you use is for business and what percentage is for personal use, and Maurice Williams just stood and said at least 90 percent of the usage of the automobile is for my personal use. He came right out with it, admitted it flatfootedly, and he turned the car back. I truly respected him for that.

In any event, right now I think we should concern ourselves with this budget here.

I think under the directorship of the chairman of the full committee, Senator Sewall, and the leadership of even a freshman member, who became House chairman of the Appropriations Committee, Representative Floyd Haskell, and all the members of the committee, I think they did a very fine job.

The original budget called for \$238.9 million. As it hits this desk

now for enactment, it is down to \$221,200,000. The cut of 3 percent, which involves travel, office supplies, printing, telephone, and in all other area was made and no department that has federal funds or has services, affects the programs like Mental Health and Corrections, the cut was not made. And it is a known fact that I don't exactly sleep with the heads of the Mental Health and Corrections.

The comment that the gentleman from Augusta, Mr. Sproul, made—why not 4 or 5 percent was actually my comment. But in any event, I like to play according to the rule. The committee in majority went along with that program of 3 percent, and that is it with me.

What we did is we took the \$10 million that was in the Governor's budget, which was going to be bonded, and put that into the Part I budget. And along with the \$4.4 million Teacher's retirement, which we are taking out of federal funds, that in itself alone will save an interest of \$2½ million.

Now, we cut out 36 bills in unfilled state jobs, out of Part I and that certainly should be pleasing to some ears. We took out the \$25.6 in school subsidy out of the program, and we are financing the school subsidies concerning itself with revenue sharing funds which, of course, includes the \$10 million of the bond. The committee had to put back a half million dollars for ADC, \$1½ million for medical care, and we had to increase because it was necessarily so, the figures up to date increase the bond issue interest and principal by \$700,000. If we had not had to do that, we really would have cut \$4.5 million out of the budget. Now I think when you take a program of this magnitude I think the results that the Appropriations Committee accomplished should be hailed with an affirmative vote.

We actually, in serving as members of the committee, are your agents, we report it, and after great deliberations, if we have a problem, we call in the departmental heads in Executive Session. We do not necessarily agree with him, we just get his opinion,

and from there we make up our minds.

I think the committee has done a splendid job, the actual cuts are there. You are not seeing a program that is blown up out of proportion. You have seen a reduction which would have been a great reduction if we had not had to go along according to federal law, if we had not put back these moneys, and I speak of the half million for ADC, and the \$1½ million for medical care—I mean, we would have lost our federal grants, which we cannot do because we would be in a fine mess if we did.

I share the thinking of many, that I hope I live to see the day when the federal government will take over the welfare costs. They are running it by their rules and regulations, I wish they would take it over and pay for it themselves.

I can't go out and say that I praise the Appropriations Committee for their fine job. But let me say this, excluding myself from the committee, I have spent countless hours on this budget, but in any event excluding myself from it, I think the committee should be commended. We, of course, could have gone into the revenue sharing program, we could have gone into programs that we might want to cut out altogether. We are waiting for the Maine Management Cost Survey to come up. This is why the one year budgeting is in effect, for which I am very happy and proud. And then after that, we intend to meet when we do get this committee, and either cut out the programs or at least go along with the implementation of this Cost Survey program, which I understand we might have by the 15th of September so we would be ready to submit to you the second year of the biennium budget.

So Mr. Speaker, I might say that excluding myself as a member of the committee, I think the Appropriations Committee has done a fine job, far better on this measure than I have seen done since I have been a member, which is over 24 years.

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

Mr. CAREY: Mr. Speaker and Members of the House: I have gone over this budget and I have noticed that the employee count has been somewhat reduced and that obviously the figure, as the gentleman from Augusta, Mr. Sproul, has mentioned, has been cut drastically, although it is just a manipulating of funds, so to speak, to get the thing in balance.

But I did have several questions, and I would hope that somebody on the Appropriations Committee might take out a pad and pencil so that I don't jump up and ask individual questions as such, but would rather ask the questions on probably four items, and hopefully they can answer them all at once.

On page 5, in the Attorney General's code, the request was for 39 people and the Appropriations Committee has come out with 42 people at an increase of \$37,000 in the budget. I would like to know what those three positions are.

On page 7, the Central Maine Vocational Technical Institute, the budget had originally asked for 59 people and the Appropriations Committee cut it down to 56. On the surface this sounds beautiful, except that the costs, they went down three people, but the personal services went up \$19,000. I would like to know if there is any explanation for this that can be given on the floor for this change.

In the Department of Mental Health and Corrections, on page 14 there was an item for the Correctional Center, I believe, in Skowhegan, Bureau of Mental Health, whatever. There were 16 people asked for in the original document, there were 16 people given by the Appropriations Committee. Originally the request was \$253,000, now they have it down to \$230,000. So for the same number of people, they have cut some \$23,000 out of salaries there and I would like to know what happened there.

On page 16, under Sea and Shore Fisheries, there was a request in the original document for 56 people — this is on page 16 — and the Appropriations Committee went along and gave them the 56 people. However, originally they had

asked for \$561,000 and now they are giving them \$595,000; there is an increase of \$34,000. It seems as though there has either been some reclassification going along or I can't picture exactly what is going on. I would like to have somebody explain that.

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

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

Mr. HASKELL: Mr. Speaker and Members of the House: I am sure the gentleman from Waterville realizes it is extremely difficult to maintain department budgets off the top of your head. However, I will do the best I can.

On the Attorney General, I believe the answer there is there have been assistant attorneys general that have been located in other departments and the new Attorney General wished that these people be pulled back into his department and the funding be through his department rather than showing in the various departments that had the services from the assistant attorneys general.

On the Central Maine Vocational, the only explanation I can think of the reduction of three people and still showing an increase, the budget was made up on the assumption that we were going to have wage increases. I would assume that the increase, even though it shows three less personnel, would be explained by the built in anticipated wage increase. Now if that amount of money couldn't be explained on that basis I would have to refer back to the budget document, I don't have it.

The Correctional Center salaries on the same personnel, you indicated that there was an increase in total funding. Again I would assume that is on the basis of anticipated increase in payroll.

Sea and Shore Fisheries, I don't have that information on the top of my head. You indicated short of \$34,000 increase, and I can't explain it. You are relating this, I assume, to members of personnel. And I assume that here, as

in many departments, we are faced with the fact that some of the anticipated savings we talked about when we talked in terms of a reorganization, in fact we find that in many departments we start to get a layering of personnel at the top when you consolidate departments and you have people who have been in supervisory capacity, you put the departments together and you find oftentimes instead of having one head you have an additional layer. So I assume this is layering of supervisory personnel.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: We passed a bill here a year ago that a retired person in the state could not work but only 90 days; in my opinion, the law said in a fiscal year.

Now I think here is one way that we could really save money. We have many people that retired, they are hiring them back, they are creating jobs for them. They are getting their retirement, the full amount, they are also getting another job, they are getting double pay. In other words, we have one department — I am not picking out one department, but I have letters on it to prove it. I have a letter I have just received in my mail this morning in regards to it. We had one man who retired and they have made him a coyote study. Besides he is getting two pays. We have another one they took back as a carpenter and he is getting two pays. We have another one they took back as a pilot, he is receiving two pays. Now gentlemen, if these people are going to retire, and we are going to make these jobs for students coming out of school, this is what the idea was, I think that we had better go to work and say that they can only work 90 days in the year. I don't care what year it is, give them 90 days, then they are through with the state. Let's not let them go double and create jobs for these people who have already retired. I think here could be a saving.

I have got a letter right here this morning telling me that under the law we passed, they can hire them 90 days every year if they so desire, and this is just what these departments are doing. This was not my understanding when we passed the law. This was to let them work 90 days so they could find another job and stop. But it is not happening, and it is not happening in just one department here, which this letter refers to that I just got this morning, it is happening in a lot of departments.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: To further answer Mr. Carey, Central Maine Vocational Technical, they changed over from contract system on their food to self-operating and this explains some of it. Sea and Shore Fisheries in their budget preparation they failed to include their retirement pension costs and these had to be added into the budget on Sea and Shore Fisheries. This is on their initial budget preparation, the retirement costs were not included.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: I would direct a further question through the Chair if I may through the Chairman.

The SPEAKER: The gentleman may pose his question.

Mr. CAREY: The item that I am speaking about is personal services and I assumed that the department's costs for retirement pensions would have come under all other. Am I correct in that assumption?

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

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I was responding on the basis of a note that was sent down to me by Mr. Scribner and I can't tell you under which category the



first item was not included in the budget, but I am sure that it can be cleared up very quickly with a personal conference between Mr. Carey and myself.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: I would like to say that Representative Sproul's only interest in this computer business is because the City of Augusta is getting a few dollars in tax money is quite an over statement. I am not satisfied with the computer setup. There are a lot of people in this House who are not satisfied with this computer setup, and I think Representative Sproul has the same idea.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Appropriations Committee, I am chairman of the sub-committee that studied the computer, I believe that I am forced to say a few words this morning. Number one, toward the General Budget, with this cut across the board, of course you do have 20 percent increase. That is the 11 percent pay increase with the 9 percent retirement that was built in across the board. So even with these cuts, you are 20 percent on personal services higher than we were in the last budget.

I think this is a consideration that we have evoked certainly reasonable savings here when you start out with a 20 percent increase to begin with.

Pertaining to this computer purchase, we went into it in depth, Representative Sproul and Representative Carter and myself. I am afraid — and I hate to say this because Representative Sproul is a good friend of mine and I respect him, but I am afraid that in all good intentions we have gotten ourselves involved in personalities here. I submit that if Mr. Williams were not the Commissioner, there wouldn't be any problem, because as Mr. Sproul has indicated all along, he wanted to get Mr. Wil-

liams. Now I was perfectly willing to go along and see if there was something he could get him for, and I failed to find anything that was concrete to get Mr. Williams for.

I have to go along with the House Chairman of Appropriations. I think it is too bad that a person has to be in this House and wear two hats. I think as Mayor of Augusta and sitting on the Appropriations Committee that you do get into an area that you are trying to certainly represent the citizens of Augusta, but you are also here to represent the citizens of the State of Maine.

The computer purchase — we have several documents on it, but I will stick to the document that I tried to get them to give us and they did. They claim that they can document the outright purchase of the two machines. There was some question on the two computers as to buying one over the other and the committee recommended one and they bought the other. Mr. Smith stated unequivocally to me and to the members of the Appropriations Committee that were present that the reason that Mr. Williams wanted this other machine was from the documentation that I am going to give you now that Mr. Smith gave to Mr. Williams, and he indicates to us that this is true and can be documented.

The outright purchase of the IBM machine compared to the Honeywell machine, if you would like to write this down anyone, the IBM machine, if you bought it like you would go in to buy an automobile, as I understand it, the outright purchase price of the IBM is \$3,569,994. For the comparable machine in the Honeywell, it would be \$3,139,920. But if you bought the IBM machine, you would be required to buy software over the period of five years at \$244,000. Estimated support personnel costs over the five years would be \$1,300,000, which Honeywell furnishes with the machine — they go with the machine. And the training costs over five years would be \$75,000. So this gives us a total five-year cost of \$5,188,994 as opposed to \$3,139,920. Average yearly cost would be \$1,037,799 for IBM and \$627,984 for Honeywell, and the average

yearly savings would be \$409,815. Now this savings, and I hesitate to go into this because it can be attacked, there is no question, but the savings does not take into consideration any savings that will occur if the state upgrades its computer within this period of time.

Considerable additional savings would be incurred if this were done because on the IBM machine you would own it, it would be yours, it would be your responsibility to dispose of it and with the Honeywell machine, as we understand from the computer experts, their machine, you would get full cost allowance on your present machine to upgrade and my understanding is that Honeywell can be upgraded in the field. You would not have to send it back to the factory.

I hope that this clears up the computer purchase. The only reason that was given was that Mr. Smith who is the computer expert said that upon his recommendation — his recommendation — we keep hearing Mr. Williams — but upon his recommendation to Mr. Williams and the why was because it would save money, he recommended that they purchase the Honeywell Computer. It was Mr. Smith who recommended to Mr. Williams, who then carried through and saw that the state purchased this computer.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: I feel possibly the — in fact I'm sure the Committee on Appropriations should be congratulated on their actions and dedication to the financial problems of this state. But there are two points of concern to me. One is to sit here this morning and hear a member of the committee castigated because he was willing to bring facts to the attention of the people of this state, and to hear the person who probably intentionally bypassed existing procedures congratulated on using good judgment. The second point, in a letter I had access to this morning referring to an employee of the Department of Health and Corrections at Pineland, the

financial administrator, who may or may not have opposed the budget presented to the Appropriations Committee by the Department of Health and Corrections, this man has received new duties, a new title, and he is now working under two people who were previously under him.

I am very concerned with the budget concerning Mental Health and Corrections, as I have studied this field somewhat, and I am wondering what the effect will be of this budget on the patients and inmates in our state institutions. I wonder how much is hidden in this budget for capital construction in the Part I. I am concerned on how this budget will affect the Women's Correctional Center at Skowhegan and the Stevens Training Center in Hallowell.

Again, I am amazed that we will castigate a member of this body and honor a department head. I certainly hope this budget goes through this morning. I want to be on record that I am opposed to some sections in it and I hope in the future that through investigation by the Appropriations Committee that we will not have to face this in another session.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: The good gentleman from Strong, Mr. Dyar, knows full well my thinking concerning the Mental Health and Corrections. It was through my work that this committee got the funds to continue their work insofar as the looking into this department is concerned. As far as I am concerned, I should be very happy to give more funds for further study. I might say, however, that we now have all over the state — they are pretty near finished, and I say that — pretty near finished — because I am not in contact with the chairman, because in their work I don't want to influence him and he doesn't want to influence me, although we are very personal friends. I think that by September 15, a lot of questions, when the report is hit — we get the report thrown at us — I am sure that

we will have some changes.

As far as the personal attack is concerned, certainly it would not come from me. As a matter of fact, if the gentleman from Augusta, Mr. Sproul, wants to put in an order, as was suggested by the gentleman from Houlton, Mr. Haskell, I would be delighted to vote for it. But I don't think it necessarily belongs here. We spoke about the 59 positions raised in Central Maine Vocational schools — that was in error. They had put in their Part I budget 59 people; it should have been 56 people. They included in there 3 help that were temporary which should not have been in the budget. So we go back to 56 help.

I also can assure you that the 16 additional people at the Mental Health and Corrections is not a fact, and I can guarantee you that standing here, I am not voting for 16 additional people in the Mental Health and Corrections in a hurry. This was one person, including one person and that person was included in there because it was excluded out of the Part I budget.

This is your living budget for Current Services. Incidentally, while I am at it, as far as hidden money for capital, we have a separate bill concerning capital construction which will come before you, we hope, within the next two weeks, a separate bill altogether.

This budget here is merely a program that concerns itself with the current spending, what we are now spending. It involves no taxes. The taxes for it have already been passed. It involves no additional or new programs whatever. It involves just, what I always use in my expression when I make my projection, it is a merely "keep the store open" budget. As far as I am concerned, I am awaiting the report of this committee so we can get our teeth right into it. I am certainly delighted to see that we are going to have, I hope, zero budgeting, line budgeting, because then we will be able to further do our work. I also want to put my teeth into the special revenue account which amounts to half a billion dollars

and that is a great deal more money than was in it when I first got on the committee.

I think, for instance, the committee did this. We saved over \$86,000 by now deciding to charge service to the departments for using the post office. If they are going to use the post office, they should pay for it. I am sure that when you have the Part II budget, you will probably find, for instance, that in the dedicated revenue, if an employee from the General Fund, BPI, spends a whole day buying two or three trucks — the department is under dedicated revenue, that should be charged to the department of dedicated revenue.

We know what your thinking is, we know what you have in mind because we have the identical situation in mind. This is merely a "keep the store open" item. It is a program which I think has been dealt with very well. I enjoy very pleasant relations with the gentleman from Augusta, Mr. Sproul. As a matter of fact, he and I think a great deal alike and we are not necessarily the biggest spenders in this room. But I would suggest that — I think that possibly he might work out an order to straighten out the situation, but for heaven's sake, don't take it out on this item here.

We are talking about getting out, as the Speaker said, on the 23rd of June. This budget here was into law two months ago, two years ago. We are way late, and I think the committee finally has done its work for you, has done its work well, and I certainly hope, Mr. Speaker, that the item to enact has passage.

**THE SPEAKER:** The pending question is passage to be enacted. This being an emergency measure, a two-thirds affirmative vote of the entire elected membership of the House is necessary. All in favor of passage to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

116 having voted in the affirmative and 7 having voted in the negative, the Bill was passed to

be enacted, signed by the Speaker and sent to the Senate.

On motion of Mr. Birt of East Millinocket, by unanimous consent, was ordered sent forthwith to the Senate.

#### **Finally Passed Emergency Measure**

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

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

#### **Passed to Be Enacted**

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

An Act to Amend the Snowmobile Laws (H. P. 787) (L. D. 1039)

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

An Act to Clarify Procedures under the Municipal Public Employees Labor Relations Act. (H. P. 1100) (L. D. 1436)

An Act to Create a Department of Conservation (S. P. 465) (L. D. 1521)

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

An Act Relating to Qualifications for Jury Services of 18-year-old Voters (S. P. 496) (L. D. 1583)

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

#### **Enactor**

##### **Tabled and Assigned**

An Act Establishing an Office of Early Childhood Development in Maine (S. P. 515) (L. D. 1639)

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

(On motion of Mrs. Morin of Old Orchard Beach, tabled pending passage to be enacted and specially assigned for Monday, June 4.)

#### **Finally Passed**

An Act to Allow Coastal Wardens to Inspect Holders of Licenses or Permits (H. P. 1310) (L. D. 1740)

Resolve Authorizing the Commissioner of Mental Health and Corrections to Lease Land in Windham to the Maine State Society for the Protection of Animals (S. P. 617) (L. D. 1928)

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

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentleman from Standish, Mr. Simpson, to the rostrum?

Thereupon, Mr. Simpson of Standish assumed the Chair as Speaker pro tem and Speaker Hewes retired from the hall.

#### **Orders of the Day**

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

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

Tabled — May 31, by Mr. Martin of Eagle Lake.

Pending — Motion by Mr. Trask of Milo that the House Amendment "A" (H-481) be adopted.

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 second tabled and today assigned matter:

Bill "An Act Relating to Regulation and Inspection of Plumbing" (H. P. 1523) (L. D. 1953) (H. "E" H-477)

Tabled — May 31, by Mr. Simpson of Standish.

Pending — Motion by Mr. Finemore of Bridgewater to indefinitely postpone Bill and all accompanying papers.

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

House Amendment "A" to House Amendment "E" (H-482) was read by the Clerk and adopted.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: This document, L. D. 1953, is a redraft of L. D. 943 that was presented to the Committee on Legal Affairs. After some discussion, the bill was redrafted and is now in its present form.

I would opposed the motion to indefinitely postpone. And I would speak very briefly. I would draw your attention to page 4 of the bill, subsection 3 of Section 3221, plumbing defined. This paragraph exempts those major industries in the State of Maine that do their own plumbing; such as the paper companies, and large manufacturing concerns that have an entirely internal operation where the general public does not come in direct contact with the equipment that is in question.

On page 5 on the bill, Section 3223, subsection 1, permits required. I would draw your attention to the fourth line of the L. D. where it says, "except to repair leaks or to replace an existing fixture except a water heater." This refers to private homes, private individuals who may do their own plumbing. This legislation does not restrict the rights of an individual to do his own work on his property.

I would oppose the motion to indefinitely postpone. This bill has had a lot of research by the Committee on Legal Affairs and I believe that is a necessary piece of legislation for public safety and health and welfare.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: The gentleman from Rockland, Mr. Emery, makes it sound very, very, very good. And Mr. Speaker himself makes it sound good by trying to slide by me this morning.

I hope some of you since yesterday have called some of your towns. I will admit, my reply yesterday, some of my towns don't have inspectors is true because they aren't organized towns. I was disputed out in the hall yesterday by one of the plumbers up here. I was definitely called a liar, but I have been called it before, so it didn't hurt my feelings any.

Most of these towns have inspectors, practically all of our organized towns have inspectors. What do they do when they get ready to have plumbing inspectors? Now, I have had this practice myself. I know what is done. They just simply pick a name out of a town, maybe it is a woman, I understand one town up in our county has a lady who wouldn't know a faucet from hardly anything else. Anyway, they aren't plumbers. They can't come and tell you whether you have the necessary ground, the right ground or anything else to put a septic tank in.

Now this, ladies and gentlemen, who were here yesterday—I hope I am in order in mentioning this—they were up and down, and they were lobbying here which I am strictly against someone coming in and lobbying but they were lobbying here and they were real harsh. Some of the other members of the Third House will tell you they were real harsh, they had a lot to say. I asked them, "If this bill isn't any good, isn't going to hurt anyone, isn't going to benefit you, what do you want it for?" Well, they didn't know. It is a plumbers bill clear through and through.

Now you take in these towns who have people who aren't plumbers that is a plumbing inspector, what do they amount to? You call one of them and bring him in to inspect some place in your house, you are going to make a repair or you are going to put in a septic tank, what do they know about it? It is better to leave it under the methods.

In my 17 towns there aren't any plumbers, I don't think. My town has two, but they both stay in Limestone. They never do any work in Bridgewater, not one

single bit of work, 100 percent out of town. If we want plumbing done we call Mars Hill, which is eight miles away. We have him come down, we pay him for traveling, and lots of this could be done. I like the sound of what Mr. Emery says, that you can still do your own. Well, that is very untrue. He had made a statement that is very incorrect. I won't say untrue, but incorrect. You cannot do your own plumbing. You can't now without a permit and you have it checked out.

I hope you will go along with the indefinite postponement of this bill. It is going to be a burden upon the people and the homeowners.

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

Mrs. McCORMICK: Mr. Speaker and Members of the House: I certainly will go along with the indefinite postponement of this bill, because if you look at what you have just done, you have accepted House Amendment "A" to House Amendment "E", and House Amendment "A" to House Amendment "E" states that the purpose of this amendment is to clarify the Statement of Fact. But what it is asking you to do is to strike out the last sentence of the Statement of Fact. And the Statement of Fact of House Amendment "E" states, "This amendment further provides that private owners of real estate can do plumbing on their own homes and cottages without obtaining a permit or hiring a licensed plumber," and you have just eliminated this. So what one is telling you can do, the other is telling you you can't. I certainly will go along with the indefinite postponement of this bill.

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

Mr. DAM: Mr. Speaker and Members of the House: What the amendment I offered just did was to, as it said clearly on the amendment, clarify the Statement of Fact. As the law now exists today, no one can install any plumbing, regardless of whether a licensed

plumber or in their own home without first obtaining a permit. And if this were to go through, there is no provision in the bill that allows this to be done without obtaining a permit. And all this amendment did was to take out that last sentence in House Amendment "E" so that if it went into a court, and they went to look at the legislative intent, this would make it very clear that there would still be permits in order to do plumbing.

Now very briefly, I think any of you people would realize what would happen in the State of Maine if everyone could do plumbing without first obtaining a permit. You can plumb in your own home without a license or on your own property today, if you own property, you can plumb your own houses without a license providing you obtain a permit. And this is all it does, is put it back exactly the way it is now.

I am not entirely happy with the bill. I am not happy on page 4 Section 3222 where the appointment section is. It says the appointments will be made by the municipal officers. There is only one problem here, just as much as there is a problem today with the Department of Health and Welfare, the Division of Sanitary Engineering, they have administered this thing for years. They have had their plumbing inspectors, they have been appointed by the health officers and confirmed by the Department of Health and Welfare Division of Sanitary Engineering. Yet there are 29 municipalities in this state where the plumbing inspector has never sent in an application or a permit. So I don't think they have done their job very well in the past.

Going back to your municipal part of the municipal officers appointing the inspectors, this is not going to happen. Most of the municipal officers in the small towns serve at very low pay, a real lot lower than what the legislators serve, if that is possible, and they are not too concerned with any regulations. And if they do not appoint according to the law, there is nothing anyone can do with the exception of going to court at their

expense and forcing the municipal officers to do their job.

Now we do have on the books today a law that says that every town of over 2,000 inhabitants, the municipality shall annually appoint an inspector of buildings and set his compensation, and this will be done in the month of April. And it further says that his duties shall be bla-bla-bla all the way down the line about 100 items of what he will do. But there are many, many, many communities in the State of Maine, including my town, that have never done this.

I think this whole bill is going to cause more confusion than it is going to alleviate any of the situations that exist today. I do realize that we have to have some changes in the plumbing laws and the sanitation laws of the state, but I don't think this bill is going to rectify the errors or the mishandling or mismanagement of our plumbing systems in the state today.

So, therefore, I am going to support Mr. Finemore.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I wish to rise in support of the motion for indefinite postponement of this item. We have had, according to testimony here this morning, several redrafts of the bill, and when you get down to Amendment "E", obviously there are a lot of problems with the bill, and I think, if there are problems in the state, this is not the answer to it.

Before I sit down, I would like to speak a word in favor of lady plumbers. There are a lot of practical lady plumbers, and if it wasn't for them, we would all be in trouble.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Legal Affairs Committee, originally I signed the bill "ought to pass" with a few reservations and the understanding that the amendment

would be offered that would take care of some of the objections I had to the bill. But the amendment that has been offered on the bill is not taking care of the objections that I had. And if you will read the third part of the amendment, under private owners, it says, "plumbing in a dwelling house or place, and its apparent structures by the owner who occupies same." So this would mean that anyone who had a cottage or two cottages or an apartment house could not do any plumbing on these buildings unless they occupy them.

So I would go along with the gentleman from Bridgewater, Mr. Finemore, and hope that you indefinitely postpone this bill.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: Briefly I also will go along with Mr. Finemore on the indefinite postponement. I wonder when we are going to cease being put on the defensive by trade unions. I resent having plumber's unions insisting we pass laws which are going to give them monopolies. To me, it doesn't look as though it is our position to do so. I feel that these things should be controlled by the area and not at the state level.

This bill, something like it has been on in the House before. We have always managed to either amend it or kill it before it did too much damage. The small town, the small communities are very definitely at a disadvantage with such a law passed. It may be fine for the urban areas and the thickly settled industrial areas but not too good for the small town such as Mr. Finemore has spoken about.

For that reason, I certainly will go along with the indefinite postponement.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: If you read a little further on page 6, number 3, under 3305, you will see this applies only to one building. If you have three

or four buildings upon the property where your house is, if you have a garage or something else, you can't do it, only in one building.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I am not a plumber and never have been but my best friend is. So I hear about these problems every single day of my life. Now, even the first amendment will not straighten them out, and the second amendment would be even worse. The bill does nothing to help the plumbing profession, and it certainly would not be of benefit to our residents of this state as a whole and I also support the indefinite postponement.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to thank Mr. Shute for pointing out the words in the amendment "who occupies the same." They did get by me and this is one definite reason why the bill should be indefinitely postponed, because if you did own a summer cottage and you didn't intend to occupy it or you hadn't occupied it for say a couple of summers, then maybe if you wanted to put it back into shape so you could rent it, then you would have to go out and hire a licensed plumber to do your work. This would really make a hardship on the individual home owner or the person who has maybe one house that he rents for apartments and this is one other definite reason why the bill should be postponed.

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

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I have heard a lot about this bill being drafted by the plumbing union. Well, the Maine Municipal Association, the Health and Welfare Department started originally to redraft the plumbing laws. This bill — 95 percent of it — is an existent law. And if you can't

comply with the bill, then obviously you are not complying with existing law and you are in violation. After the Maine Municipal and the Health and Welfare Department started working on it, they got the plumbers involved in it, and they got the heating and cooling people in it. And this is the result of these four groups of people.

I, at one time, was a health officer, and as health officer I had to nominate two plumbing inspectors. Plumbing inspectors were appointed by the Health and Welfare Department, and they were so far away from the town that they really didn't get too much done. Now, this amendment will put them right under the selectmen and it will leave it up to the selectmen to see that they do their job, and I think we need something like this.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I was a little surprised and confused by the remarks by the gentleman from Bridgewater, Mr. Finemore, when he first said that this bill would hurt his towns because they don't have plumbing inspectors. I was surprised at this because under the present law they are supposed to have plumbing inspectors. Now he says they do not appoint really qualified plumbing inspectors and even horror of horrors they appoint lady plumbing inspectors.

One of the purposes of this bill is to upgrade the inspector system and provide training and certification for plumbing inspectors. Our current plumbing code and its administration has created a great deal of problems and concern in the state, and I think the Legal Affairs Committee has done a great deal of work, working with all different bodies, to come up with a bill to help better the administration of our plumbing code. The bill won't satisfy everyone certainly, but it is going to do something about our plumbing code, which is really a statewide



disgrace right now.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that this Bill and all accompanying papers be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken. Thereupon, Mr. Rolde of York 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 Bridgewater, Mr. Finemore, that this Bill 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—Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Bither, Bragdon, Brawn, Cameron, Carey, Carrier, Carter, Chick, Churchill, Crommett, Dam, Davis, Donaghy, Dunn, Dyar, Evans, Farnham, Farrington, Finemore, Genest, Good, Hamblen, Haskell, Henley, Herrick, Hoffes, Immonen, Kelleher, Kelley, Kelley, R. P.; Knight, Lawry, Lewis, E.; MacLeod, Maddox, McCormick, McHenry, Merrill, Mills, Murchison, O'Brien, Parks, Pratt, Ross, Shute, Snowe, Soulas, Sproul, Strout, Trask, Webber, Willard, Wood, M. E.

NAY — Berube, Birt, Boudreau, Briggs, Bustin, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Emery, D. F.; Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Huber, Hunter, Jackson, Jalbert, Kilroy, LaCharite, LaPointe, LeBlanc, Lynch, Mahany, Martin, Maxwell, McKernan, McTeague, Morin, L.;

Morin, V.; Morton, Mulkern, Murray, Najarian, Palmer, Peterson, Pontbriand, Rolde, Rollins, Shaw, Stillings, Talbot, Theriault, Tierney, Walker, Wheeler.

ABSENT — Binnette, Brown, Bunker, Curran, Deshaies, Dudley, Farley, Faucher, Fecteau, Ferris, Flynn, Gahagan, Garsoe, Gauthier, Hancock, Jacques, Kauffman, Keyte, Lewis, J.; Littlefield, McMahon, McNally, Norris, Perkins, Ricker, Santoro, Sheltra, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Susi, Tanguay, Trumbull, Tyndale, White, Whitzell.

Yes, 58; No, 55; Absent, 37.

The SPEAKER pro tem: Fifty-eight having voted in the affirmative and fifty-five in the negative, with thirty-seven being absent, the motion does prevail.

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

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

Tabled — May 31, by Mr. Martin of Eagle Lake.

Pending — Motion by Mr. Carey of Waterville to Adopt House Amendment "A" (H-483) to House Amendment "A" (H-480)

On motion of Mr. Carey of Waterville, retabled pending his motion to adopt House Amendment "A" to House Amendment "A" and specially assigned from Monday, June 4.

The Chair laid before the House the following matter:

Bill "An Act Relating to Penalties for Assaulting or Killing an Officer of the Law" (H. P. 1029) (L. D. 1351) which was tabled earlier in the day and later today assigned.

The SPEAKER pro tem: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Ladies and Gentlemen of the House: With my motion to recede and concur, I tried to face the facts and realize that the bill had no chance to get any further. So I do not want the House to think that I don't appreciate their vote in passing this bill to be engrossed. I thank them for this.

Thereupon, the House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act Clarifying Certain Municipal Laws" (H. P. 1118) (L. D. 1454) which was tabled earlier in the day and later today assigned.

On motion of Mr. Emery of Rockland, the House voted to insist and ask for a Committee of Conference.

The Chair appointed the following conferees on the part of the House:

EMERY of Rockland

SHUTE

of Stockton Springs

DAM of Skowhegan

On motion of Mr. Birt of East Millinocket,

Adjourned until Monday, June 4, at ten o'clock in the morning.