

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, June 5, 1973

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

Prayer by the Rev. Mr. Richard Cleaves of Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 652)

ORDERED, the House concurring, that Bill "An Act Creating a Drug Control Corps Within the State Police" Senate Paper 264, Legislative Document 761, be recalled from the legislative files to the Senate.

Came from the Senate read and passed.

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

**Reports of Committees
Ought Not to Pass**

Committee on Taxation on Bill "An Act to Provide a Homestead Tax Credit for Elderly Persons" (S. P. 527) (L. D. 1657) reporting "Ought not to pass."

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

**Ought to Pass with
Committee Amendment**

Committee on Public Lands on Bill "An Act to Authorize Bond Issue in the Amount of \$3,000,000 for Acquisition of Real Property for State Parks" (S. P. 476) (L. D. 1537) reporting "Ought to pass" as amended by Committee Amendment "A" (S-193).

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

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-193) 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 State Government on Bill "An Act to Create a Department of Marine Resources" (S. P. 525) (L. D. 1675) reporting "Ought to pass" in New Draft (S. P. 637) (L. D. 1972) under same title.

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

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

Committee on Fisheries and Wildlife on Bill "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws" (S. P. 368) (L. D. 1094) reporting "Ought to pass" in New Draft (S. P. 645) (L. D. 1980) under same title.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-204).

In the House, the Report was read and accepted in concurrence and the New Draft read once. Senate Amendment "A" (S-204) was read by the Clerk and adopted in concurrence and the New Draft assigned for second reading tomorrow.

Divided Report

Report A of the Committee on Natural Resources on Bill "An Act Providing a Moratorium on Oil and Heavy Industry Development Along the Maine Coast" (S. P. 442) (L. D. 1427) reporting "Ought to pass" in New Draft (S. P. 588) (L. D. 1806) under same title.

Report was signed by the following members:

Messrs. **ROLDE** of York
MacLEOD of Bar Harbor
HUBER of Falmouth
BRIGGS of Caribou
PETERSON of Windham

— of the House.

Report B of the same Committee on same Bill reporting "Ought to pass" in New Draft (S. P. 589) (L. D. 1807) under same title.

Report was signed by the following members:

Mrs. **CUMMINGS** of Penobscot
Mr. **SCHULTEN** of Sagadahoc

— of the Senate.

Mrs. **BERUBE** of Lewiston
Mr. **SMITH** of Exeter

— of the House.

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

Report was signed by the following members:

Mr. **MARCOTTE** of York
— of the Senate.
Messrs. **PALMER** of Nobleboro
HERRICK of Harmony
CURRAN of Bangor

— of the House.
Came from the Senate with the Bill and all accompanying papers indefinitely postponed.

In the House: Reports were read.

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

Mr. **MacLEOD**: Mr. Speaker, and members of the House: In light of recent findings by the Maine Supreme Court that has just come out for publication this morning, I move that this bill and all accompanying papers be indefinitely postponed.

Thereupon, the Bill and all accompanying papers were indefinitely postponed in concurrence.

Divided Report Tabled and Assigned

Report A of the Committee on State Government on Bill "An Act to Provide Elected District Attorneys" (S. P. 474) (L. D. 1569) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. **WYMAN** of Washington
SPEERS of Kennebec
— of the Senate.

Messrs. **CURTIS** of Orono
FARNHAM of Hampden
STILLINGS of Berwick
SILVERMAN of Calais
— of the House.

Report B of the same Committee on same bill reporting "Ought to pass" as amended by Committee Amendment "A" (S-183).

Report was signed by the following members:

Mr. **CLIFFORD**
of Androscoggin
— of the Senate.

Mrs. **GOODWIN** of Bath
NAJARIAN of Portland

Messrs. **CROMMETT**
of Millinocket
COONEY of Sabattus
BUSTIN of Augusta
— of the House.

Came from the Senate with Report B accepted and the Bill passed to be engrossed as amended.

In the House: Reports were read.

On motion of Mr. Simpson of Standish, tabled pending acceptance of either Report and special-ly assigned for Thursday, June 7.

Non-Concurrent Matter Later Today Assigned

Bill "An Act Relating to Probation and Expungement of Records for First-time Possession of Marijuana Offenders" (H. P. 470) (L. D. 618) which the House passed to be engrossed as amended by Committee Amendment "A" (H-475) on June 1.

Came from the Senate with the Minority "Ought not to pass" Report accepted in non-concurrence.

In the House:

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

Mrs. **BAKER**: Mr. Speaker, I move we recede and concur.

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

Mr. **McKERNAN**: Mr. Speaker and Members of the House: Could I have this tabled until later in today's session. The sponsor of the bill is out in the hall and I know he wants to say something on this.

Thereupon, on motion of Mr. Connolly of Portland, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Make Murder Punishable by Death" (H. P. 979) (L. D. 1293) which the House passed to be engrossed as amended by Committee Amendment "A" (H-472) on June 1.

Came from the Senate with the Majority "Ought not to pass" report accepted in non-concurrence.

In the House:

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

Mrs. **BAKER**: Mr. Speaker, I move that we recede and concur.

The **SPEAKER**: The gentlewoman from Orrington, Mrs. Baker, moves the House recede and concur.

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

Mr. **GAUTHIER**: Mr. Speaker and Members of the House: This

bill was well debated last Thursday. It had a good vote, 94 to 41. The House was very much in favor, as I have just mentioned. The House had voted to accept the minority report as amended.

I hereby move that we insist to our former action.

The SPEAKER: The Chair would inform the gentleman the pending question that takes priority is the motion of the gentlewoman from Orrington, Mrs. Baker, that the House recede and concur with the Senate.

Mr. GAUTHIER: Mr. Speaker and Members of the House: I hope that this House will fail to defeat the motion and that we insist on our former action.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 52 having voted in the affirmative and 44 having voted in the negative, the motion did prevail.

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act Relating to Grounds for Judicial Separation" (H. P. 1224) (L. D. 1594) which the House passed to be engrossed on June 1.

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

In the House:

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

Mrs. BAKER: Mr. Speaker, I move that the House recede and concur.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending further consideration.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mrs. Baker of Orrington to recede and concur and later today assigned.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Relating to County Estimates" (H. P. 1330) (L. D.

1764) which the House passed to be engrossed in New Draft (H. P. 1549) (L. D. 1983) on June 1.

Came from the Senate with the Minority "Ought not to pass" Report accepted in non-concurrence.

In the House: On motion of Mr. Simpson of Standish, tabled pending further consideration and specially assigned for Thursday, June 7.

**Non-Concurrent Matter
Tabled and Assigned**

Resolution, Proposing an Amendment to the Constitution to Provide for Indian Representatives to the Legislature. (H. P. 214) (L. D. 287) which the House indefinitely postponed on May 29.

Came from the Senate with the Resolution passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Birt of East Millinocket, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Relating to Self-insurance under Workmen's Compensation Law and to Create a Fund for Payment of Adjudicated Industrial Accident Claims Involving State Employees and to Establish a Safety Program" (H. P. 1528) (L. D. 1958) which the House passed to be engrossed on May 24.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-205) in non-concurrence.

In the House: On motion of Mr. Martin of Eagle Lake, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to School Buses" (S. P. 622) (L. D. 1936) which the House enacted as amended by House Amendment "A" (H-429) on May 31.

Came from the Senate with the bill passed to be engrossed as amended by House Amendment "A" (H-429) and Senate Amendment "A" (S-203) thereto in non-concurrence.

In the House:

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

Mr. MARTIN: Mr. Speaker, I move the House recede and concur.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that the House recede and concur.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would like to pose a question through the Chair.

I haven't had an opportunity to read this amendment. I wonder if Mr. Martin the gentleman from Eagle Lake would explain that amendment to me.

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

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

Mr. MARTIN: Mr. Speaker and Members of the House: I want to thank the gentleman from Portland, Mr. Connolly, for posing the question.

I have been told, I have not read the amendment, that basically this resolves part of the problems that the bill had involving the City of Portland. And I was led to believe that this would not duplicate the problem which we now face, and I assume that is what it does.

Thereupon, the House voted to recede and concur.

Messages and Documents

The Senate of Maine

Augusta

June 4, 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 Majority Ought Not to Pass report on Bill, "AN ACT Relating to Forcible Entry and Detainer Procedure" (H. P. 846) (L. D. 1120).

The Senate also voted to Adhere to its action whereby it Indefinitely Postponed, Bill, "AN ACT Relating to Witness Immunity in Civil Cases" (S. P. 639) (L. D. 1974).

Respectfully,

(Signed)

HARRY N. STARBRANCH

Secretary of the Senate
The Communication was read and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta

June 4, 1973

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

The Senate voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "AN ACT Clarifying Certain Municipal Laws" (H. P. 1118) (L. D. 1454).

The President appointed the following conferees to the Committee of Conference:

Senators:

JOLY of Kennebec
ROBERTS of York
ALDRICH of Oxford
Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

Later Today Assigned

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

WHEREAS, legislation has been introduced at the 105th and 106th sessions of the Maine Legislature to clarify the scope of collective bargaining involving public employers and public employees; and WHEREAS, legislative guidance is needed in differentiating between the statutory duties of public employers with respect to public policy and the working conditions of public employees; and

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

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

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

ORDERED, that said committee is directed to undertake a comprehensive study of the Municipal Public Employees Labor Relations Law, to determine the desirability of amending said Municipal Public Employees Labor Relations Law in light of experience under this law and the recent decision of the Supreme Judicial Court, **City of Biddeford By Its Board of Education v. Biddeford Teachers Association** with specific attention to be given to the scope of negotiations between teachers and public employers of teachers, and to the effect of binding and compulsory arbitration on the public interest, except that such committee shall not conduct any investigation into areas which are the specific subjects of any study which may be conducted by or under contract with the United States Department of Labor or any subagency thereof; and be it further

ORDERED, that within the area of its study, the committee shall report its findings and its recommendations to the next special or regular session as to how the best interests of the State would be served; and be it further

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

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

ORDERED, that there is appropriated to the committee from the Legislative Account the sum

of \$5,000 to carry out the purposes of this Order. (H. P. 1574)

The Order was read.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: This order directs the legislature to appoint a select committee to undertake a comprehensive study of the municipal public employees labor relations law to determine the desirability of amending said law in light of experience under the law and the recent decision of the Supreme Judicial Court, City of Biddeford versus Biddeford Teachers Association, with specific attention to be given to scope of negotiations between teachers and public employers of teachers, and to the effect of binding and compulsory arbitration of public interest.

There has been some confusion about various studies to be undertaken in this field. There is going to be a grant from the Department of Labor to undertake a study of collective bargaining in the state sector and also at the university level. But the language in this bill specifically states that there shall not be any overlap in the study efforts of the legislative committee and of the study committee that is going to make a study in the field of collective bargaining for the state.

This problem in the municipal sector has been with us since the law was written in the 104th. There was a nonlegislative study committee appointed, which was to report back to this legislature. Their study efforts mostly resulted in the summary of the arguments on both sides of the case with no specific recommendation.

I think the time has come when a legislative group must make an indepth study of this and report back to the legislature either in the special or the next regular session with specific recommendations. And that is the reason for the study. I do want to make it very plain that there is no conflict between this study and the one that is proposed by the funds from the Department of Labor.

On motion of Mr. Martin, tabled pending passage and later today assigned.

On motion of Mrs. McCormick of Union, it was

ORDERED, that Raymond Curran of Bangor be excused for the duration of his illness.

House Reports of Committees Leave to Withdraw

Covered by Other Legislation

Mr. Stillings from the Committee on Liquor Control on Bill "An Act Permitting Liquor Licensed Clubs to Sell Tickets to its Members and Guests for Prizes to Raise Funds for Club Purposes" (H. P. 1248) (L. D. 1625) reporting Leave to Withdraw as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Curtis from the Committee on State Government on Bill "An Act Relating to Regional Planning" (H. P. 1084) (L. D. 1407) reporting "Ought to pass" in New Draft (H. P. 1573) (L. D. 2003) under same title.

Mr. Cooney from the Committee on State Government on Bill "An Act to Correct Errors and Inconsistencies in the Maine Housing Authorities Act" (H. P. 1352) (L. D. 1784) reporting "Ought to pass" in New Draft (H. P. 1571) (L. D. 2001)

Mr. Silverman from the Committee on State Government on Bill "An Act Relating to the Certification and Regulation of Geologists" (H. P. 608) (L. D. 805) reporting "Ought to pass" in New Draft (H. P. 1570) (L. D. 2000) under new title "An Act Relating to the Certification and Regulation of Geologists and Soil Scientists."

Mr. Simpson from the Committee on Public Lands on Bill "An Act Repealing the Mountain Resorts Airport Authority Act" (H. P. 273) (L. D. 395) reporting "Ought to pass" in New Draft (H. P. 1572) (L. D. 2002) under new title "An Act Amending the Mountain Resorts Airport Authority Act."

Reports were read and accepted, the New Drafts read once and

assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Labor on Bill "An Act Relating to Employment of Women" (H. P. 525) (L. D. 707) reporting "Ought not to pass."

The report was signed by the following members:

Messrs. TANOUS of Penobscot
KELLEY of Aroostook
HUBER of Knox

— of the Senate.

Messrs. FARLEY of Biddeford
ROLLINS of Dixfield
McHENRY of Madawaska
BROWN of Augusta
HOBBINS of Saco
GARSOE of Cumberland
McNALLY of Ellsworth
BINNETTE of Old Town

— of the House.

Minority Report of the same Committee on same bill reporting "Ought to pass" as amended by Committee Amendment "A" (H-497).

Report was signed by the following member:

Mrs. CHONKO of Topsham

— of the House.

Reports were read.

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

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

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

The Chair recognizes the gentleman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Members of the House: I have no illusions this morning about overturning this majority report. I did consider a leave to withdraw last week, but I decided against it because I felt that somehow my action might give validity to the argument that Maine's protective labor laws for women are valid and enforceable. Because regardless of what we do here today, Maine's protective labor laws cannot and will not be enforced. Keeping them on the books will only mean that paternalism still lives in the Maine Legislature and that

we are unwilling to recognize that times have changed.

While protective labor laws were originally enacted to prevent the exploitation of women, they have become restrictive rather than protective and it has kept women from better paying jobs and from advancement. The Federal Equal Employment Opportunity Commission has found that such laws do not take into account the capacities, preferences and facilities of individual females and tends to discriminate rather than protect.

Maine's protective labor laws are no longer being enforced because they violate Title 7 of the Civil Rights Act, and the United States Justice Department has informed the Bureau of Labor and Industry that they are in conflict with federal law. Attorney General James Erwin concurred with the Justice Department findings.

In addition, under Title 29 of the Code of Federal Regulations, the E.E.O.C. has concluded that such laws and regulations conflict with Title 7 of the Civil Rights Act of 1964 and will not be considered a defense to an otherwise established unlawful employment practice.

I have a letter dated May 31, 1973, from Leon Walker, Assistant Attorney General. "It appears likely that a person acting in conformity with the above provisions of Title 26, M.R.S.A., who in an action of proceedings brought under Title 7, is charged with an unlawful employment practice would now, because of the above ruling of the commission, be unable to use as a defense that he was acting in accordance with state law. It would seem incongruous in such case to continue to enforce the state law pertaining to the employment of women."

In states where protective labor laws have been tested in the courts, the court has allowed the extension of beneficial sections to men. Committee Amendment "A" requires a rest period of 30 minutes after 6½ hours of work and the provision of stools for everyone rather than outright repeal. There seems, however, to be no fair or easy way to extend the overtime

restrictions to men; therefore, the courts have held them invalid.

If you vote for the majority report today, as I suppose you will, you will be voting for laws which cannot be enforced which are in violation of federal law and totally outdated and unnecessary.

Mr. Talbot of Portland requested a vote.

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

A vote of the House was taken.

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

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

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

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

Mr. MARTIN: Mr. Speaker and Members of the House: The last thing I want to do this morning is start a rhubarb over this, but I am wondering whether or not the members of the Labor Committee would respond to challenge or remarks made by the gentlewoman from Bath in terms of whether or not her thinking is accurate and why we shouldn't go along with her. I am not sure at this point in what direction I am going, but I do feel that we ought to completely air this problem and make sure we know where we are going to be going and in the future with this.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the minority leader in regard to that question

relative to why we accepted the "ought not to pass" report, I disagree with the gentlewoman from Bath, due to the fact that I do know that in many factories these women that are working, they have been allowed time off as a rest period. That is why I supported the "ought not to pass" report.

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

Mr. BROWN: Mr. Speaker and Members of the House: As one who supports the equal rights for women, I am not opposed to clarifying our laws on the statutes in connection with women employment. However, we found that we were opening up a bigger can of worms if we proceeded as we had without further work and further study. That is the reason I believe in the "ought not to pass" report. I think with a little more time, effort and a little more consideration, something can be straightened out and can be done, but it certainly wasn't done at this time.

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

ROLL CALL

YEA—Albert, Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Carey, Carter, Chonko, Churchill, Cottrell, Cressey, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Hamblen, Haskell, Hoffses, Hunter, Immonen, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LeBlanc, Lewis, E.; Littlefield, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McNally, Merrill, Morin, L.; Morin, V.; Murchison, Palmer, Parks, Perkins, Pratt, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Snowe, Sproul,

Stillings, Strout, Susi, Trask, Trumbull, Walker, White, Willard.

NAY—Berry, P. P.; Boudreau, Briggs, Bustin, Carrier, Chick, Clark, Connolly, Cooney, Cote, Crommett, Dunleavy, Goodwin, H.; Goodwin, K.; Huber, Jackson, Kelleher, LaPointe, Lewis, J.; Lynch, McKernan, McMahon, Mills, Mulkern, Murray, Najarian, Norris, Ricker, Rollins, Ross, Smith, D. M.; Smith, S.; Soulas, Talbot, Tanguay, Theriault, Tierney, Tyndale, Wheeler, Whitzell, Wood, M. E.

ABSENT—Conley, Curran, Curtis, T. S. Jr.; Dam, Dow, Farley, Faucher, Greenlaw, Henley, Herrick, Hobbins, Jacques, LaCharite, Lawry, McTeague, Morton, O'Brien, Peterson, Pontbriand, Rolde, Santoro, Webber.

Yes, 86; No, 41; Absent, 23.

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

Sent up for concurrence.

Consent Calendar First Day

(S. P. 193) (L. D. 538) Resolve to Locate the Public Lot in Township 2, Range 6 W. B. K. P., Franklin County — Committee on Public Lands reporting "Ought to pass."

(S. P. 317) (L. D. 983) Bill "An Act to Clarify Title to Roads and Ways" — Committee on Judiciary reporting "Ought to pass"

(S. P. 457) (L. D. 1473) Bill "An Act to Create a Commission to Prepare Legislation Revising the Trial Court System" — Committee on Judiciary reporting "Ought to pass" as Amended by Committee Amendment "A" (S-191)

(S. P. 500) (L. D. 1608) Bill "An Act to Establish Title to Islands in Maine's Coastal Waters and to Create the Maine Coastal Island Registry" — Committee on Public Lands reporting "Ought to pass" as Amended by Committee Amendment "A" (S-195)

(H. P. 939) (L. D. 1236) Bill "An Act Relating to Seasonal Employment under the Employment Security Law" — Committee on Labor reporting "Ought to pass" as amended by Committee Amendment "A" (H-498)

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

**Consent Calendar
Second Day**

(S. P. 526) (L. D. 1656) Bill "An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities."

(H. P. 1376) (L. D. 1832) Bill "An Act Extending Regulation of Fishing Methods and Quantity and Types of Gear Used." (C. "A" H-490)

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

**Second Reader
Tabled and Assigned**

Bill "An Act Relating to Service Retirement Benefits Under State Retirement System: (S. P. 184) (L. D. 492)

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

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

Passed to Be Engrossed

Bill "An Act Relating to State Employee's Grievance Procedure" (S. P. 644) (L. D. 1979).

Bill "An Act Expanding and Clarifying the Functions and Purposes of the Panel of Mediators" (H. P. 1562) (L. D. 1996).

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

**Second Reader
Tabled and Assigned**

Bill "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County and Payments to the County Law Libraries" (H. P. 1565) (L. D. 1999).

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

Mr. Dyar of Strong offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-502) was read by the Clerk.

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

Mr. WHITZELL: Mr. Speaker, I would ask anybody in the House to explain the purpose of this House amendment that is being offered and why it is being added on this bill.

The SPEAKER: The gentleman from Gardiner, Mr. Whitzell, poses a question through the Chair to anyone who may answer if they wish.

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

Mr. DYAR: Mr. Speaker and Members of the House: In answer to Mr. Whitzell's question, under the county salary bill at the present time, we have increased salaries of statutory and constitutional officers by 5½ percent increase. This was brought about by a ruling the Internal Revenue sent us under Phase III, that no person could receive over a 5½ percent increase.

This salary increase covers the salaries of constitutional and statutory officers for the period of 1973-1974. This 5½ percent covers two years, or actually 2¾ percent increase each year. At the present rate of inflation, based on the first four-month estimate of this year, we are facing an 11 percent increase in cost of living.

Under Phase III, a person who has added work responsibility, added job load, or who works in a hazardous occupation can apply, under normal conditions, for a salary increase above and beyond the 5½ percent. Where the county salaries have to be acted on by this legislature, we tie these people into a 5½ percent increase, without allowing them any day in court to argue their case, this amendment states that in case Phase II and III are withdrawn or any federal regulations regulating pay increases are rescinded or repealed, then the county commissioners may increase the salaries of the statutory and constitutional officers to the amount approved by the com-

missioners and approved by the majority of the legislative delegation as submitted by budget to the 106th Legislature, 1973.

I think all of you are familiar with the salaries that were in the county budgets for your county officers, and think that with the exception of one case there were increases for all county officers. I think one county did reduce their county commissioners. This amendment would allow the county commissioners to increase these salaries. We are going to be faced with the same thing we have been faced with in the past. In the calendar years 1974 and 1975, we are going to have deputy officers and people working in our county court houses who are working under elected county officials, who will be making more money than the person who was elected and has the authority.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: This particular amendment did not get the blessing of the County Government Committee. We are having a meeting this afternoon, and I would hope somebody might table this for one legislative day.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

Bill "An Act to Provide for Reduction of Sentence for Inmates of State Correctional Facilities who Donate Blood" (H. P. 1343) (L. D. 1777).

Bill "An Act Relating to Property Tax Administration" (H. P. 1563) (L. D. 1997).

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

Resolve Authorizing the Forest Commissioner to Convey by Sale the Interest of the State in Certain Land in Piscataquis County" (H. P. 33) (L. D. 40).

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

Mr. Simpson of Standish offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-494) was read by the Clerk and adopted.

The Resolve was passed to be engrossed as amended and sent to the Senate.

Bill "An Act to Provide for Municipal Rent Control" (H. P. 1378) (L. D. 1834)

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

Passed to Be Enacted Emergency Measure

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

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

Emergency Measure

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

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. 111 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

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. 111 voted in favor of same and one against,

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

Emergency Measure

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

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. 112 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Appropriating Additional Funds to the Department of Health and Welfare for Medical Care Payments for the Fiscal Year Ending June 30, 1973 (S. P. 648) (L. D. 1985)

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. 113 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Creating the Uniform Alcoholism and Intoxication Treatment Act (S. P. 13) (L. D. 76)

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

An Act Revising the Pauper Laws (H. P. 275) (L. D. 381)

An Act to Correct Certain Inconsistencies in the Motor Vehicle Laws (H. P. 329) (L. D. 447)

An Act to Improve the Efficiency and Fairness of the Local Welfare System (H. P. 469) (L. D. 617)

An Act Relating to Snow Removal on State Highways in Built-up Sections of Certain Municipalities (S. P. 295) (L. D. 842)

An Act Increasing State Aid for the Construction of Highways (H. P. 888) (L. D. 1173)

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.

An Act Authorizing Use of Maine Turnpike by Legislators (H. P. 1281) (L. D. 1668)

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

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

Mrs. McCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I want to thank this legislature for giving us the aids to help in research this session, because without them I probably wouldn't have the facts I have today.

This little bill, as you all know, was an attempt to get the legislature to pay tolls for riding on the turnpike. Well, I asked one of our legislative aides if he could take the members of this body and the unmentionable body that live south of Augusta, figure approximately which exit they would be taking and the price per day. And somebody said this little bill wouldn't amount to anything. It wouldn't cost us very much.

Well, according to the figures I have here, you are certainly going to have to put a little more into the coffer of the legislative finance office if you are going to pay tolls on the turnpike. Because just as a rough estimate, this came out to be \$174.10 a day if every member south of Augusta rode it every day. We have been in session 87 days, if each person rode this every day back and forth rather than staying up here, as of today this would cost us \$15,146.70. If this bill goes through to read that you only get paid once a week on a roundtrip, the same as everybody else does, for 23 weeks as of this week, it would cost us \$4,004.30.

Now, do you really want to pass this type of a bill? I would at this time move indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentlewoman from Union, Mrs. McCormick moves the indefinite postponement

of L. D. 1668 and all accompanying papers.

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

Mr. FARLEY: Mr. Speaker and Members of the House: I would like to inform the lady from Union that many of us form a car pool, three of us in a car. That would cut that by one third. Also, many of us stay up here all week. And all you people north of Augusta don't pay; we have to pay. And we don't have the beautiful road to travel that you do.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: Mr. Garside in the Legislative Finance Office told me that the cost of this would be negligible compared to the ordinary expense account. And also, the time we are taking to debate this is costing the state more than it would be to pass the bill and put it into operation. Many people south of Augusta use alternate routes anyway.

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

Mr. BRAWN: Mr. Speaker Ladies and Gentlemen of the House: I would like to ask a question. It seems that the gentleman has just testified that they have a car pool. I would like to ask, is just one man charging his mileage or are they all charging?

The SPEAKER: The Chair would indicate that they could not claim the mileage unless they were actually using it themselves.

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

Mr. FARLEY: Mr. Speaker and Members of the House: As I understand the bill, just the driver of the car would be paid on this. Am I not correct?

The SPEAKER: As the Chair understood the question, the gentleman was referring to presently. Do any riders in a car pool, such as Mr. Farley, claim travel on their expense account? As I understand the rules, a person is not entitled to claim travel unless they actually drive and expend money for travel.

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

Mr. GOODWIN: Mr. Speaker and members of the House: I would like to just remind everybody that the emergency preamble has been taken off this bill, and it wouldn't go into effect until the next session of the legislature.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Union, Mrs. McCormick, 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 — Ault, Baker, Berry, G. W.; Birt, Brawn, Brown, Carrier, Dam, Donaghy, Dyar, Emery, D. F.; Flynn, Garsoe, Hoffses, Hunter, Immonen, Kelley, Lawry, Littlefield, MacLeod, Maxwell, McCormick, McNally, Murchison, Peterson, Pratt, Shaw, Shute, Simpson, L. E.; Sproul, Trumbull, Tyndale, White, The Speaker.

NAY — Berry, P. P.; Berube, Binnette, Bither, Boudreau, Briggs, Bunker, Bustin, Carey, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Davis, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Dunn, Farley, Farnham, Farrington, Fecteau, Ferris, Finemore, Fraser, Gahagan, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Hamblen, Haskell, Hobbins, Huber, Jackson, Jalbert, Kauffman, Kelleher, Kelley, R. P.; Keyte, Kilroy, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Maddox, Mahany, Martin, McHenry, McKernan, McMahon, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, Nor-

ris, O'Brien, Palmer, Parks, Perkins, Ricker, Rolde, Ross, Sheltra, Silverman, Smith, D. M.; Smith, S.; Snowe, Soulas, Strout, Talbot, Tanguay, Theriault, Tierney, Walker, Webber, Wheeler, Whitzell, Willard, Wood, M. E.

ABSENT — Albert, Cameron, Crommett, Curran, Curtis, T. S., Jr.; Evans, Faucher, Greenlaw, Hancock, Henley, Herrick, Jacques, Knight, L a C h a r i t e, LaPointe, McTeague, M o r t o n, Pontbriand, Santoro, Stillings, Susi, Trask.

Yes, 34; No, 94; Absent, 23.

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

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

An Act Establishing the Maine State Student Incentive Grants Program (S. P. 539) (L. D. 1758)

An Act Relating to Jurisdiction of Certain Land at Bangor International Airport. (H. P. 1404) (L. D. 1845)

An Act to Institute a Priority Program Budget System (S. P. 592) (L. D. 1869)

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

An Act to Revise the Laws Relating to the Practice of Optometry (S. P. 632) (L. D. 1964)

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

Orders of the Day

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

Bill "An Act to Improve the Lobster Fisheries" (S. P. 452) (L. D. 1506)

Tabled — June 1, by Mr. Bunker of Gouldsboro.

Pending — Acceptance of either Report.

On motion of Mr. Bunker of Gouldsboro, retabled pending acceptance of either Report and

specially assigned for Thursday, June 7.

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

Bill "An Act Creating the Power Authority of Maine" (S. P. 550) (L. D. 1760).

Tabled — June 1, by Mr. Kelleher of Bangor.

Pending — His bill to accept the Majority Report "Ought to pass" as amended by Committee Amendment "A".

Thereupon, the Report was accepted in concurrence, and the Bill read once. Committee Amendment "A" (S-168) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, I move the indefinite postponement of Committee Amendment "A" in concurrence.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the indefinite postponement of Committee Amendment "A".

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion made by the gentleman from Eagle Lake.

This bill that was presented to us before the Public Utilities Committee is a very controversial item. It is a backup bill or a companion bill to the petitions that were presented by a very able Senator in the other body. We had this bill in our committee for many, many weeks. There was serious consideration about how the bill was going to be passed out.

I, at that time, being a member of that committee, had all the intentions of voting against the public power bill. But due to the shortcomings of — I don't know whether it is some people in the legislature — but due to the shortcomings of what has happened to the public power petitions, I decided that I was sick and tired of listening to the bedtime stories by the would-be people in the hall

over there concerning the public power bill and the petitions.

I can't speak for you people or the rest of the people of this state, but I am fed up to here with what has been happening to the petitions and the remarks made concerning them and the public power bill.

I even had a good friend in this House here the other day say to me that some people were concerned with my intentions on this public power bill. They said that because I come from Bangor and that I knew Robert Haskell very well, that I was perhaps being a tool for the Bangor Hydro people concerning this bill. Well, let me tell you, for two sessions now I have opposed the public power bill. But my name is not on the report "ought not to pass", it is on the report "ought to pass" as amended by a committee amendment which we had in our committee for over five weeks. Then lo and behold, we pass it out, and different individuals came running to me and they said, "Representative Kelleher, did you read the amendment that you signed out on the public power bill?" I said, "I certainly did." Well, they were shocked at the wording of the amendment that came out that is here before you this morning for consideration. There is nothing alarming about the amendment. It pertains to the question, and it simply says, "Shall the people of Maine enter the business of generating and selling electricity by creating the Power Authority of Maine?" What is wrong with that question? It is a very simple question. There were nine of us on the Public Power Committee that signed it out. These gentlemen didn't sign the bill out, I am sure, by not reading the amendment. I can't believe that any member of the committee that signed it could honestly stand up here and say that they would sign out a bill as amended by not reading the amendment.

The sponsor of the bill was concerned about the amendment that we have for consideration here today, and he talked to me about it out in the rotunda, that he hadn't seen the amendment. Good heavens—hadn't seen the amendment.

We had it for over five weeks and he hadn't seen the amendment. I am somewhat surprised at the real proponents of public power here. You know, do they want their cake and frosting and want to eat it all or do they want to share it? Here I am willing and I was willing, and I am still willing to support the public power bill to let the people decide on it. But now they are getting nit picky; they are not satisfied with the way the amendment was written. The committee was satisfied, there were nine individuals who sent it out for consideration of this body. Even our Senate chairman sent it out, and lo and behold, she had offered another amendment that may be coming up for consideration this morning.

I think, ladies and gentlemen, that we have been fooling around long enough with this public power bill. I am very much disturbed at the Judiciary Committee of the State Legislature, the joint standing committee, in my opinion, of a do-nothing attitude on the power, petitions, and I mean do nothing. I feel they have stalled, bawled, barked, balked, and did everything, but they haven't acted upon the petitions. Why haven't they acted? They had them in February. Here now we are in June. In fact, I asked a committee member yesterday, where are the petitions now? What is the position they are in? He didn't know. Can you imagine, he didn't know, and he has been on the committee since January. Well, I know I am kind of a cantankerous sort of guy, but when I get my teeth into something I find out, I want to know what things are. And can you imagine that a member of the committee didn't know.

There is nothing wrong with the amendment that we have here today except there are some individuals who think it is misleading. There is nothing misleading with the amendment. It simply says, and I will read it again, "Shall the State of Maine enter the business of generating and selling electricity by creating the Power Authority of Maine?" What could be any plainer than that?

I suggest that if this amendment isn't adopted that the one that could be offered is misleading. I would think you would be doing the Public Power Authority, if we create it, if you are going to support it, a favor by adopting the amendment that the committee sent out. I very much oppose the motion that the gentleman from Eagle Lake made in moving indefinite postponement of it.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: As House Chairman of the Public Utilities Committee, I would like to explain at this time, and I only want to take a little bit of your time.

The reason I will stand firm on Committee Amendment "A" is as follows: We tried several times in our Executive Session, as previously stated by the gentleman from Bangor, Mr. Kelleher, to get the bill out of committee. Each time we tried, the bill was either tabled or voted down by an 11 to 2 majority. At one time, other than myself, everyone was ready to vote the entire bill down. I stood alone as the only signer of the "ought to pass" report. The only way I was able to convince the other members to go along with me was with the Committee Amendment "A". We all agreed that this was the best avenue to take and wait for the results of the Attorney General's answer in regard to the petitions under investigation.

However, the very next day I had to leave for Boston for my medical checkup. When I returned, I learned the bill had been reported out without my signature. I investigated and found that because of the committee amendment, and for that reason only, the bill was reported out. I can't now understand the sudden changes with all the other amendments. I wish someone would explain this to me. I thought everyone agreed that we, the committee, were in favor of - and I want to emphasize this point very clearly. All we wanted to do in our committee was to allow this bill to go out to referendum. We were

not actually voting on the bill for public power, and this is the point I am trying to bring out. The only reason that this bill ever got out of committee was on that Committee Amendment "A".

I hope you will vote against the motion of the gentleman from Eagle Lake, Mr. Martin, and keep the bill intact as it is reported by this committee.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise to agree with my good friend, the Representative from Bangor, Mr. Kelleher.

This is the kind of wording I would personally like to see on every referendum going out to the people, something that the people actually understand and they can read and understand.

I think this is one of the most truthful wordings of a referendum going out to the people, because this is just what the State of Maine would be doing, is entering into the business.

Now, as far as the other side, the side that favors the Public Power Authority, I think if they believe as strongly in this as they claim they believe, then I should think they would want to put it out truthfully to the people and not put out something misleading, which they would like to put out.

I would hope today that we do not indefinitely postpone the committee amendment, but that we accept the committee amendment as presented to us and pass the bill out with the amendment.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I certainly want the people to vote on this question, but I want them to know exactly what they are voting upon. Aside from candidates, if there is one thing that upsets the electorate more than any other thing, it is the wording that we have on referendum and constitutional questions. More often than not they are too vague and

the people have no idea what they mean.

Let me cite you a few examples from the past. Shall an act to amend the bond issue acts as to limitations of interest be approved? Shall monies appropriated for night lighting systems of Uni-Com at Norridgewock be used for purposes designated by the Aeronautics Commission? Shall the Constitution be amended to make temporarily inoperative any measure adopted by the people which fails to provide adequate revenue for its purposes? Shall the Constitution be amended to clarify the provisions that relates to the state's borrowing power? Shall the Constitution be amended to pledge the credit of the State of Maine for housing for Indians? What type of housing, where and how much money? Such is the case today.

Now, Senate "A" is not at all specific. Shall An Act creating Maine Power Authority become law? Certainly all of us know exactly what the Maine Power Authority is, but what percentage of the voters statewide really know what this is all about? The committee amendment was self-explanatory. If you cannot accept it because it is too specific, then I will later offer a simple compromise which at least explains to the people exactly what they are voting upon.

You know, it almost looks as if the proponents don't want the voters to know what the Public Power Authority really is. If I had been the author, and if I wanted this bill to have the approval of the voters, I would have used the wording in the Statement of Fact—"Shall the Act creating the Power Authority of Maine, which will bring low cost power to Maine, improve our environment and provide better economic opportunities be accepted?" However, although this was a Statement of Fact, I guess that the reasons could not be proven, so they didn't dare to word the referendum question that way.

I also do not favor the indefinite postponement of Committee Amendment "A".

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to inform this house here, it was mentioned by my dear friend Mr. Kelleher a few minutes ago in his statement that some of the committee members didn't know what was going on. I would like to state that I believe that every member of the committee did know what was going on.

In fact, when we heard this bill on power, the lobbyist who spoke for the Central Maine Power came out and said that this bill be requested, that we send it out for the people in referendum, that the people should have the right to vote on it. Our committee took it up in Executive Session. At that time I think there was one member who said that the petitions should be looked over. We spent several evenings looking over the petitions, and I agree that everything wasn't perfect, but it was also brought out, and I wasn't a member of that committee two years ago, but when you had several referendums that were put out, signed by the people, such as the big box, and I can't remember, I think it was the income tax, that there were some people probably making big mistakes. We were told that in committee — in signing these petitions. But nothing was done against the law.

But we, and I think one of the members of the committee mentioned that in the future we should have that this bill should go out. This is the way it was voted when we took it up in committee, that it went out to the people. But I got home at night and the first thing I saw on TV was that there was going to be an investigation. And we were told that the other bills and referendums that came out, the petitions, weren't any worse than this one was. I was kind of surprised. In fact, I mentioned to the chairman of the committee that if he wanted cooperation of all the members of our committee, that he should do and that everyone should do what we had proposed and voted on in the first place.

This is why I would like to report to you what happened and I feel that I would have been remiss if I hadn't mentioned this to you.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: If any of you think I am going to get bloody over this, you have another thought coming.

I think that, as far as I am concerned, the bill is not needed. There is an initiated petition in front of this legislature that ought to be acted upon. The people of Maine have made their request known. I don't have any hangups about how it ought to be worded. I agree with the gentleman from Bath, Mr. Ross, that there has been some awful questions that have gone out to the people in the past and many times the people have no way of knowing what they are voting on, and that is our fault and we shouldn't blame anyone else. The gentleman from Bath has been a member of this legislature longer than I have, and I blame myself as much as anyone else for allowing some of those questions to go out to the people of this state. The questions have been deplorable, the questions have been incomprehensible, and name it, you have got it. And we are all part of the legislature, we all have to assume the blame.

If we take a look at some of those questions that have gone out, none of you will disagree with me. Basically, all I know is what I read in the paper and what I am told. I am not a member of the Public Utilities Committee nor am I a member of the Judiciary Committee. All I know is what I see as it came back from the other body with the committee amendment indefinitely postponed and Senate Amendment "A" adopted to the bill.

If we want to get ourselves in sending this back and forth between the bodies, that is fine with me. I have no qualms. I don't particularly care, because I have, in the final analysis, no intentions of voting on this bill for final passage. The people of Maine have made their request known in the petition;

that is the way it should be honored.

I suppose if I get caught where we have a roll call, I will do like the gentleman from Portland, Mr. Cottrell, and walk out before the roll call is ordered so I won't have to vote on it.

But I do want to make the point that as far as I am concerned, what this body does with this amendment is entirely up to you. What you do with the bill is entirely up to this body and entirely up to this legislature. I don't feel I have any part of it. I feel I don't want a part of it. Because as far as I am concerned, the people of Maine made known their wishes and their desires, and that is where I remain.

So please vote the way you want to on the motion that I have made. Please don't feel compelled to vote with me in whatever fashion, and vote whatever way your conscience tells you.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I rise briefly today to say a few words about reference to the Judiciary Committee by the Representative from Bangor as the do-nothing committee. I resent the inference, and — on that committee the inference that we haven't done anything, and this is exactly what was said.

I resent it due to the fact that many of us have diligently spent much time, many hours, many committee meetings, and probably the most hearings that any committee ever had. And if for some reason or other some people don't agree with our line of thinking, that is their privilege, but at least we have done our work.

I think that such accusations of the members on part of the committee is uncalled for. I think it is unjustified, I think it is crude, and I think it is extremely gross, and I think it is ill-mannered, and I think that before anybody make such reference to any members of any party or to members of any committee, that he should think about it for a while if he can.

I wish to assure you that as a member of the Judiciary Committee, I know what is going on and what has been going on in the Judiciary Committee involving this particular subject and also involving mostly all of the subjects of any bill that ever came up at our committee.

I am extremely satisfied with the members and the work of the committee that we have at present. I want to say that as a member of the minority party of the committee — I just wish to say that as a member of the Judiciary Committee, that although at times we have not disagreed as to the procedures to be taken on this particular issue, that we went along with it to the best of our ability. Maybe we don't accept the procedure, but we did the best we could to share some of the better ideas as to how this should be handled.

I don't think that there is any need at any time to—and I think it is extremely disgusting when somebody actually gets up and downs certain members — not certain members of the committee but all the committee, because I feel that regardless of even the committee that had the least bills this session probably worked extremely hard trying to come out with reasonable decisions. So I think again as I have said before that good manners must prevail, and if it is this type of procedure that we are going to use in the House, I am sure that I know a few tricks, too, and we can get back to these individuals.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House, particularly the members of the Judiciary Committee: I wasn't criticizing your committee as a working committee in this legislature, Mr. Carrier, and I certainly apologize to you and any member of it if you felt this is the way I said it.

I was very much concerned with the Judiciary Committee concerning the public power petitions, that is the only thing, not your committee. I know you have had a

couple hundred bills in there, but I am very much concerned with the attitude of what was taking place concerning the power petitions, not your committee as a whole or your committee concerning all the bills. It just seems to me that the committee has had this petition bill. I can't for the life of me understand why you people just haven't acted upon it, and maybe it is beyond some of your control in this House. I don't doubt that it probably is, but it seems to me that of all the time you have had concerning these public power petitions, this is what we should be discussing here today.

I apologize if you take it to the point that I was criticizing your committee as doing nothing. But on this particular bill, it seems to be a position that it is stalled, and it has been stalled for weeks and weeks, and this is what really bothers me.

I ask the House again not to support the motion to indefinitely postpone Committee Amendment "A."

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I am a little bit surprised at the gentleman from Eagle Lake if he didn't have a real interest in this bill as to why did he move the indefinite postponement of this committee amendment.

The initiated bill that came through from the people definitely has a statement in it as to how they might like to have the bill read when it goes to the people. But the Supreme Court of the State of Maine has ruled that only the Secretary of State can make the wording on what is sent to the people under an initiated referendum. And at the same time the Governor has the sole responsibility to set the date. This particular bill that is before us is an alternative should the initiated referendum be turned down or be ruled invalidated.

I have no doubts in my mind but when the Judiciary Committee finishes their work this week, that within one day they can take care of the entire initiated petition and

some of the objections that some of the people have to it. I think that most of us are well aware of where the interference came with the investigation; and therefore, the criticism should not be placed on the Judiciary Committee at this time.

I support the indefinite postponement of Committee Amendment "A," because I particularly just don't want to get back and forth into non-concurrences with the other body. I think we promised the people that we would do everything in our power to make sure that their petition drive was upheld, that at least they get the right to vote on this item. The president of the largest utility company in the state has also said that he would like to have the people have this go to referendum.

I am not that concerned about the wording of it, because I think that public power is something that everybody in this state has got on their mind one way or another. I in no way endorse public power, and when the time comes to the enactment stage, I will probably have a few things to say about that. Between now and the time the referendum comes, I will probably spend a good many hours and days, my own money, my own time out making sure that public power does not pass in this state.

Right now I would like to see Senate Amendment "A," which is under filing number 184, which should be the next item on the agenda, placed on this particular bill, and let's get this bill into the position where we can then hold it so that when the referendum from the petition drive is finally determined, we know what we can do with this bill.

I encourage you to support the indefinite postponement of the committee amendment.

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

Mr. MULKERN: Mr. Speaker and Members of the House: As a member of the Public Utilities Committee, I admit I did sign Committee Amendment "A," and I did read the amendment. But at the time, I didn't realize that

the wording of the agreement was going to cause that much problem.

I agree with Mr. Simpson, I think we have to act on this thing quickly. We are going to have a situation here. I see there are about three or four amendments here on my desk, where this thing is going back and forth between the Senate and the House, and it is going to get a little bit ridiculous.

So personally, I am going to change my vote on this thing. I would like to see this get out to the people. I don't know how they are going to vote on it one way or another, but I would like to see it get out to the people. I wish you would go along with the indefinite postponement of Committee Amendment "A."

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I would just like to clarify the record. I don't know if the gentleman from Standish was at the public power hearing, but when he says that the president of the largest power utility—private power company in the state of Maine said that he favored getting this out to referendum, I will quote the gentleman directly.

The president of the public power company—of the private power company, largest in the State of Maine, at the public hearing said, "This is the most radical piece of legislation I have ever seen." He also then was questioned, "Do you favor the public power bill going out to referendum?" His words were, "No, absolutely not."

As regards to the wording on the referendum, some of the wording I might suggest would be, shall an act creating the power authority of Maine, which will lower electrical bills to consumers of Maine become law? That is as good a question as any, or shall cheaper power be made available to the citizens of Maine, or shall we phrase it, shall an act passed by the legislature to create a public power authority to be named the Power Authority of Maine become law, since that is, in fact, what we are asking for; or you

could say, shall a power authority as authorized by the 106th Legislature become law. These would be much more suitable and more direct questions to be placed before the public on referendum.

These are the ones that I would suggest, probably the one that says, shall an act passed by the legislature to create a public power authority to be named the Power Authority of Maine become law. That is, in fact, what we are doing here today. We are enacting a law creating the Power Authority of Maine and then putting it out to referendum. And that is the way the question should be worded. And if someone would — I will prepare an amendment to that effect.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman just said that he would like to prepare an amendment that would state that after we pass a law that we are going to put it out to referendum for the people. The initiated referendum does just that. It says if we want to pass a law, we don't have to go to the people, we have created the Public Power Authority. I don't believe we are ever going to do that, so we are probably going to give it to the people and let them make the decision.

Now, since the public hearing on this particular thing, the president of the company has had a good many opportunities, and he has been quoted in the paper a good many times publicly as saying that he was willing to let this go to the people. Now, maybe he has had a change of heart since the hearing, but he has definitely stated that, so don't come out and say that he hasn't.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: Everyone that has spoken has attempted to clarify the issue. I have six amendments in front of me, and every clarification has left me a little bit more confused than I was before I came in.

However, I do want to clarify one point for the gentleman from Bath, Mr. Ross, who questioned whether people knew what power authority was. Well, up in the boondocks where I come from, the power authority is also called the power house. It is a state operated store with green paint on the outside. Within it are many bottles with various labels, all containing antifreeze of one kind or another, and that is the power authority up where I come from.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: I would just like to clear the record here this morning. The young gentleman from Gardiner seems to shade everything that comes here in legislation with these remarks that he comes up with.

Now, if our majority leader wasn't at the hearing, I happened to be there in the front row center. I stand corrected, and I would like to know who he is referring to when he said that one of the speakers on behalf of private power — now, I know that Mr. Dunham, the president of the Central Maine Power Company, very emphatically that day stated that he wanted to see this go out to referendum and would welcome it. Now, if this is what the gentleman is referring to as private power and was the man who made this statement, then I think he stands to correct his statement right now. If he is referring to some other party that testified, then I am in error.

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

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I was at the public hearing. I paid complete attention to what Mr. Dunham said, since we are going to mention names as to who said it, and Mr. Dunham did say when asked directly, "Do you favor this going out to referendum?" "Absolutely not." And I think there

were enough witnesses there to bear that out. If other members of the committee care to comment, I would appreciate it.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to clarify one point with a little liberty here. It has been stated that many times the legislature has sent out questions that the people could not understand in the referendum. Well, I have to say this: I don't want to be blamed as a long term fellow here, in the sense that I don't want to be responsible for the sins of past leaderships.

Mr. Kelleher of Bangor requested a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, to indefinitely postpone Committee Amendment "A" to L. D. 1760. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Bustin, Cameron, Carrier, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cressey, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Dunn, Dyar, Emery, D. F.; Farley, Farnham, Farrington, Fecteau, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Hobbins, Hoffses, Huber, Hunter, Jackson, Jacques, Jalbert, Kelley, R. P.; Keyte, Knight, LaPointe, Lawry, LeBlanc, Lewis, F.; Lewis,

J.; Lynch, MacLeod, Maddox, Mahany, Martin, McCormick, McHenry, McKernan, McMahan, McNally, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Smith, D. M., Smith, S.; Snowe, Sproul, Stillings, Strout, Susi, Talbot, Theriault, Tierney, Trask, Tyndale, Walker, Webber, Whitzell, Willard, The Speaker.

NAY — Ault, Briggs, Carey, Chick, Conley, Cottrell, Crommett, Dam, Dudley, Ferris, Immonen, Kauffman, Kelleher, Littlefield, Maxwell, O'Brien, Ross, Soulas, Tanguay, Trumbull, Wood, M. E.

ABSENT — Curran, Evans, Faucher, Henley, Herrick, LaCharite, McTeague, Morton, Santoro, White.

Yes, 119; No, 21; Absent, 11.

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

Senate Amendment "A" (S-184) was read by the Clerk.

Mr. Ross of Bath offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

House Amendment "A" (H-499) was read by the Clerk.

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

Mr. ROSS: Mr. Speaker and Members of the House: The question has been raised that the income tax referendum and the big box were not specific. Let me read to you what they said. "One. Shall the corporate and individual Maine income tax law be repealed?" Very specific. "Two. Shall an initiated act establishing an office type ballot and eliminating voting by a straight ballot box become law?" Very self explanatory.

I now present a simple statement which is very much like Committee Amendment "A" but it is explanatory. You can see the amendment before you, "Shall the power authority of Maine be created to generate and sell electricity?" rather than, "Shall an

act creating the Power Authority of Maine become law?"

I doubt if this type of amendment would go back and forth and back and forth, because it is so much like Senate Amendment "A", and I move its adoption.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I am glad that the gentleman from Bath rose to make this perfectly clear except that the item is not perfectly clear. As a matter of fact, it is less clear than the original wording.

The part that is not clear is the fact that they shall be created to generate and sell electricity. But it never does say sell electricity to who. In this case the Power Authority of Maine is not going to be created to sell electricity directly to consumers. Now, if he wishes to amend the amendment and say to sell electricity at a lower cost or sell electricity to the private utilities, then I would be in favor of this. Otherwise, I move indefinite postponement of this.

The SPEAKER: The gentleman from Gardiner, Mr. Whitzell, moves the indefinite postponement of House Amendment "A" to Senate Amendment "A".

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I am somewhat surprised at the remarks made by the gentleman from Gardiner. If he had only supported Committee Amendment "A", it would be just as plain as pie in the sky. You know, it says to enter in the business of generating and selling electricity by creating a power authority. I think he could have been more consistent in his remarks if he had supported the original amendment instead of attempting to diffuse Representative Ross'.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to confuse

the issue anymore, but I do want to mention one thing to you, and this doesn't involve where you stand on the issue of public power per se. But it could be entirely possible, for example, that a power authority, if it were to be created, might not generate any power at all. What could very well happen is that this authority could buy power from Canada and, in turn, sell it to Maine utilities and act as a go between.

There are all kinds of possibilities that can transpire under the present statute. The way that the wording is worded, as presented by the gentleman from Bath, is this would entirely confuse the issue, and the people of Maine would imply that you have to generate, which is not the case. Keep in mind that an awful lot of that power will probably be coming in anyway. It doesn't matter whether it is public power, whether it is private power; coming from Labrador or the northern part of Canada where there is a great deal of power. I think that unfortunately the amendment that the gentleman is presenting would confuse the situation to a greater degree, and so I believe the amendment ought to be indefinitely postponed as offered by that gentleman.

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

Mr. ROSS: Mr. Speaker and Members of the House: In reference to the remarks of the gentleman from Eagle Lake, Mr. Martin, if this is so, then the people are not going to have any idea what they are voting on. I have always been told as long as the power authority has been introduced in this House, that they were going to generate by one means or another power to sell to the State of Maine. Whether or not it will be cheaper, nobody knows. That is why they don't dare to insert that phrase into the referendum question. But if they are going to buy power from Canada, how in the world are the people of the State of Maine going to realize they are allowed to do such a thing as that?

I have always been under, I guess, the misapprehension that we were going to make our own power through some means or another and sell it and hope that it be cheaper.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I am sure that the gentleman from Bath is aware that if there were to be a buying of power from Canada, it would have to be with the approval of the Federal Power Commission, because this is the only way that it could be bought. But what I am pointing out to you is that the way that the authority bill is drafted, whether we agree with it or disagree, I am saying that could be done.

If you take a look at the wording it says in order to provide an adequate supply of electrical power and energy for the residents of the state as a whole. Now, I am not debating the merits or demerits, I am just telling you what the bill is or does and what the amendment proposes to say, and what I am saying to you is that the amendment, in effect, would confuse the issue even more.

I do think, though, that when and if it does, and when it does, this session, the next session or in five years from now, the issue gets to the people, that I am going to rest on the part of the utilities of this state to do an adequate job in making sure that their point of view was well known. And I suspect with some of the money they have got, they can very well do it. So I am not worried about whether or not their point of view is going to be spread well across the state and whether we are going to know by the time we vote.

I am frankly concerned about the entire operation of how we are going to advertise and how we are going to let them advertise and whether we are going to put limits, which I really think we ought to at some point before we go home. And this applies to both—in my opinion, both the public power proponents and the private

power proponents and also we ought to make sure before we go home that we pass legislation which is going to require a monthly disclosure by both parties of all expenditures for or against public and private power and that we have a reporting system that is as good and as tight as the new federal law which would make these things known and the public would be aware of what is there. We haven't got a bill to take care of that right now, but if before we go home we will pass an order to report out a bill to solve that problem, I think it is something we would have to concern ourselves with. So I think that both sides will be protected at that point.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I don't know as I am opposed to this amendment or anything that will clarify the matter to the public. As I sit here listening and listening to this power authority, it seems to me that the sponsors of the bill are only trying to define some means that they can deceive the people of the state to vote for this bill, and so anything that would clarify it—I liked the committee amendment better. I thought it was decided by more people, by a larger committee, and I thought it explained it quite well. I might even vote for the bill if it continued along this course with the committee amendment. I am not going to vote for a bill to go out to the public that tends to deceive them, make them think they are buying public power.

While I am on my feet, I was of the opinion that we were already buying a lot of energy from Canada at the present time. Now, if I am wrong, if it is not so, I wish someone in the House would tell us that we are not, because I am of the opinion that we are buying quite a lot of energy from the provinces right now by permission of Federal Communications or whoever handles it. And I am wondering how the State of Maine can buy it any cheaper than

can the utility companies. It is pretty much regulated by federal regulations and by Canadian government regulations with what the price of power is right now.

So I cannot see where if the State of Maine was buying it, they would buy it any cheaper than it is presently being bought at. So I cannot see any point in creating an authority to buy power which—a thing that already exists, and I believe that I am right, too. If I am not, I hope someone will say I am not and why I am not.

At least if I vote for this bill to finally get out of this House—I am not going to vote for it because it goes out to try and deceive the people and make them think they are going to buy cheaper power, because I am firmly of the opinion—and I have got a big mouth, and I am going to be on radio and TV and explain it to them. You cannot show me anything the government has been in, whether it be the Postal Department, the Health and Welfare Department, the Highway Department or any other department of government that can manufacture cheaper than a private industry.

Now, I will get back to last year. I went into great detail to look up what it was costing to administrate our highway funds, which at that time was 34 cents on a dollar for administration. I know you can get a private industry to do it like Stone and Webster or any other reputable firm in engineering to do it for about 10 percent. This is just one example.

The Post Office Department is run by the federal government. I have a package that came back from New York City to my business by United Parcel Service overnight. It takes about two weeks, costs about double by the United States government service. So that is another good example of the government being in business.

So this is the thing that we are trying to get the public into. To get them into it, you have got to deceive them one way or another, and I am not going to be one of those people that stands here or gets upon the street and hollers

to try to deceive the people. If this goes out to the people so they understand what they are getting into, I will go along with it and let them vote on it. But about these things going out to these referendums that were unclarified before—in this House, the many years I have been here, I have always voted against it, because I thought it was a poor way to put things out, and I will be against this one if it goes out by the same method, poorly written and trying to deceive the people. However, there are some that have gotten out of here without my endorsement in the years gone by, and the people were quite well deceived on a lot of them. I hope they are not on this one, because it is trying to get it out—it is misleading. It isn't going to help the situation one bit.

I hope that eventually when this gets out of the House, we accept the committee amendment some way or another, and I am not against this amendment, but I don't think it goes quite far enough explaining to the public what they are getting into.

Mr. Martin of Eagle Lake was granted permission to speak a third time.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Enfield is absolutely right. At the present time the utilities of Maine are buying a great deal of power from Canadian officials. For example, Maine Public Power purchases somewhere between 75 and 80 percent of its total power load from the New Brunswick Power Commission, and the New Brunswick Power Commission provides public power and it generates public power.

Now, over the years you cannot get the price of what they are paying for that power. That is what is referred to as a company secret or whatever they call it. It is a trade secret, and you have no way of knowing what the power commission is being paid. When you ask Canadian officials what they are being paid, they respond by saying that there is a transfer of power, and it is very difficult to arrive at the price that is being paid for that power.

The Bangor Hydro and the Central Maine Power Company are purchasing through the interchange which is set up and goes just below Houlton, and they are also receiving power from further up into the Province of New Brunswick and also beyond; and they are presently, as I understand it, planning in the future to hook onto a project in Labrador and upper Quebec.

Now, there is no question that we are buying power, and we are getting it from across and the power utilities are in the business. I do want to point out, if you take a look, if any of you have the bill, 1760, in front of you, to reemphasize the point that I made. On page 4 and page 5, in subsection 4 and subsection 7 of those two pages, you will note that it says there that one of the purposes is to purchase, construct or otherwise acquire, maintain, repair, et cetera, cause to be repaired a plant system, et cetera, et cetera, and then it goes on to say that it may be required to enable interconnection of such plants and interconnections with other electric utility systems, either publicly, cooperatively or privately owned, within or without the State, including such systems in Canada and any of the provinces therein, together with substations, et cetera.

So, the issue is demonstrated there on page 4 and then it is also demonstrated on page 5 when it says that we can make contracts for the purchase, sale, transmission, or exchange of power and energy with the United States of America; contracts for the purchase, sale, transmission or exchange of power and energy with Canada and any of its provinces; contract with the utility systems, privately or publicly, et cetera.

So the point that I am making is that the way that the amendment is worded as proposed by the gentleman from Bath if it is that the way the bill is, it would completely confuse the issue to a greater degree, and that is assuming the issue is already complicated and confusing.

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

Mr. DYAR: Mr. Speaker, Members of the House: I think the

gentleman from Enfield, Mr. Dudley, was partly correct. If he could get ahold of a report where Sheboygan Falls, located in Quebec, tried to sell power here in Maine and was efficiently blocked by some corporations in this state, I think he would see the point Mr. Martin is trying to make.

Now, the Sheboygan Falls, as I understand it, could have supplied peaking power. Now, if you are not familiar with what peaking power is, the big difference is if you put your hand in an electric socket that carries 110 volts, the power coming out of Sheboygan Falls, you would receive a jolt in your arm of 110 volts. Presently, you might get 85 or 90.

Mr. Silverman of Calais requested a roll call.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: If the purpose of Mr. Whitzell and the gentleman from Eagle Lake, Mr. Martin, is to confuse us, I think they are doing it. They are trying to tell us that the power authority wants to bring in Canadian power on public utilities — I mean private utilities' transmission lines and bring it in here and sell it to us to be distributed by private utilities, just what are they going to do besides have some party's faithful get some high paid jobs out of it. Certainly, they don't think that they can do a better job than these people that know something about electricity, know something about business and have been doing these things for many years.

If he is interested in how the Canadians are doing it, they are doing it under public power, but they got started a long time ago, and they have some falls and rivers that the Lord didn't happen to give to us here in the United States, and they are making the most of them. As a matter of fact, for your information, there are public utilities here in Maine that are buying their power from private utilities.

As a matter of fact, the Town of Lubec has a light and water district, and we find we can buy cheaper from the Bangor Hydro than we can generate ourselves.

So many hours of the day we are using entirely Bangor Hydro production and paying less for it than if we had to generate it ourselves.

Now, I don't think that this is really helping the issue to bring in all these details about distribution and transportation and buying and selling, and let's get this amendment knocked off the books and perhaps indefinitely postpone the whole bill, when it gets to that position, and then put the thing out to the people to let them decide what they want to do.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: It would be a bit naive to think that I can't find out from the Canadian Power Authority what they will sell power in the state for. But I concede this, that you first would have to give them some specifics. You couldn't just ask them for the price of power, because the price of power would depend on the specific point where it was going and the specific amount you were going to buy. This governs the prices. So if you just go out and ask them the price of power delivered in the State of Maine, I am sure they couldn't give it to you. But if you told them so many kilowatt hours to Woodland, Maine, they could give you a price, or to any other point in Maine, because there is a lot of loss in electricity in transmission and a lot of other things to take into consideration, like the number of kilowatts that you want to purchase and what time of day you want to purchase it and whether you want it at a peaking time. There are so many things that you would have to give them when you ask them this question. You couldn't just ask them a vague question of what is the price of power. They couldn't give it to you, I grant that. But if you want me to find out, I am sure I can find out if you will give me a given point and the time of day you want to purchase it and the amount of kilowatts, and I can find out the price for you, and any other member here can. If you just want to ask them a vague question, I

am sure there is no answer to it. That is like picking something out of the sky. But give them a specific question of where and how much and what time of day, and I am sure you will get a specific answer.

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 Gardiner, Mr. Whitzell, that House Amendment "A" to Senate Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bragdon, Brawn, Brown, Bunker, Bustin, Cameron, Carrier, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Dunn, Dyar, Emery, D. F.; Fecteau, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Hobbins, Hoffses, Huber, Hunter, Jacques, Kelley, Keyte, Kilroy, Knight, LaPointe, LeBlanc, Lewis, E.; Lynch, MacLeod, Maddox, Mahany, Martin, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Najarian, O'Brien, Palmer, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Susi, Talbot, Tanguay, Theriault, Tierney, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard.

NAYS — Ault, Bither, Carey, Chick, Evans, Farley, Farrington,

Ferris, Finemore, Immonen, Jackson, Jalbert, Kelleher, Littlefield, Maxwell, Ross, Shaw, Soulas, Strout, Trumbull, Wood, M. E.

ABSENT — Briggs, Curran, Dudley, Farnham, Faucher, Hancock, Henley, Herrick, Kauffman, Kelley, R. P.; LaCharite, Lawry, Lewis, J.; Morton, Norris, Santoro, Sheltra, Trask.

Yes, 110; No, 21; Absent, 19.

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

Thereupon, Senate Amendment "A" was adopted in concurrence and the Bill assigned for second reading tomorrow.

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

Bill "An Act Providing Full-time Prosecuting Attorneys and Public Defenders" (H. P. 1380) (L. D. 1861).

Tabled — June 1, by Mr. Simpson of Standish.

Pending — Motion by Mr. Farnham of Hampden to Accept Report A, "Ought to pass" as amended by Committee Amendment "A" (H-484).

On motion of Mr. Simpson of Standish, retabled pending acceptance of Report A and specially assigned for Thursday, June 7.

Mr. Pontbriand of Auburn presented the following Joint Order and moved its passage:

WHEREAS, sales tax on passenger vehicles is collected under existing law by the dealer at the time of purchase and forwarded monthly to the State; and

WHEREAS, legislation has been proposed which will enable payment of this tax directly to the State at the time of registration, thus enabling annual savings of approximately \$155,000; and

WHEREAS, the proposed change appeared not workable in its present form for collecting of General Fund Revenue by a dedicated revenue account; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the subject matter

of the bill: An ACT Providing for Payment of Sales Tax on Motor Vehicles at Time of Registration, House Paper 1321, Legislative Document No. 1727 and all amendments and new drafts thereto, as introduced at the regular session of the 106th Legislature, to determine whether or not the best interests of the State would be served by the adoption of such legislation; and be it further

ORDERED, that the Bureaus of Motor Vehicles and Taxation be directed to provide the Committee with such technical information and other assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report the results of its study at the next regular session of the Legislature; and be it further

ORDERED, that copies of this Order be transmitted forthwith to said bureaus upon final passage as notice of the pending study. (H. P. 1576)

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

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

Bill "An Act Revising the Rate Tables of Tax Imposed on the Income of Individuals" (H. P. 835) (L. D. 1105).

Tabled — June 4, by Mr. Martin of Eagle Lake.

Pending — Motion by Mr. Susi of Pittsfield to accept the Majority "Ought not to pass" Report.

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

Mr. DUNLEAVY: Mr. Speaker, Ladies and Gentlemen of the House: I think it was Will Rogers who credited one of our founding fathers, Alexander Hamilton, with originating the "put and take" system into our government treasury. The taxpayers put it in and the politicians take it out, said Will. While this is true enough, we politicians today have the opportunity to make our tax structure more just. And I agree with many of you that the average citizen is

long overdue for a little fair treatment.

Since taxes are with us to stay, we must concern ourselves with reducing or eliminating those taxes which are unfair or regressive, preventing increases in those taxes which hit hardest at the great middle class, and revising our tax laws so that persons earning over \$30,000 per year and more, wealthy persons and corporations, for example, who benefit most from the services which are provided by government and who should pay their fair share of this expense. This bill before you now, L. D. 1105, would not affect corporations, but it would affect individuals.

Over 80 percent of the tax revenue collected in Maine comes from regressive tax assessments, an example being the sales tax. Ability to pay in no way affects the assessment and thereby the middle class wind up paying for many of the services which are enjoyed by the wealthy.

This bill would not affect the state income tax paid by single individuals earning \$15,000 or less, and it would not affect the tax of married people earning \$30,000 or less.

As things stand now in Maine, only 7.5 percent of our total tax dollars come from the state income tax, which is our fairest tax. The Special Joint Interim Committee of the 105th Maine Legislature reported three months ago that 25 percent of our revenues should come from the state income tax, thereby aligning our tax system with a concept of ability to pay.

All we buy by taxes are government services. Since the accepted view is that the need for these services increases as wealth and income increase, so also should taxes to pay for these services increase as ability to pay does.

Under our present law, a person making \$100,000 or \$500,000 does not pay any higher percentage than a person earning 10 times less than that amount. Yet, individuals earning \$10,000 or \$15,000 pay a higher percentage than those paying \$5,000 or less. Why should the percentage for state taxation stop at 6 percent where it is now, while

many states and the federal government go much beyond this present figure?

I think that it is time to give a little help to 99 percent of the people of Maine who would be helped by this bill and who are being strangled by the tax laws which we have now. Let's levy taxes in their proper place and make loopholes less advantageous for those who can afford the lawyers and accountants to avoid paying their fair share, vote against the pending motion and let's show the people of Maine that we are with them and have a roll call when we 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 Pittsfield, Mr. Susi, that the House accept the Majority "Ought not to pass" Report on L. D. 1105. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Ault, Baker, Berube, Bither, Bragdon, Briggs, Conley, Cottrell, Drigotas, Dudley, Dunn, Farrington, Finemore, Flynn, Hamblen, Haskell, Hoffses, Huber, Hunter, Kelley, Keyte, Knight, Lewis, J.; MacLeod, Maddox, Maxwell, McNally, Merrill, Morton, Palmer, Parks, Perkins, Pratt, Shaw, Shute, Silverman, Simpson, L. E.; Smith, S.; Snowe, Soulas, Sproul, Susi, Trask, Tynedale, White, Willard, The Speaker.

NAYS — Albert, Berry, G. W.; Berry, P. P.; Boudreau, Bunker, Bustin, Carey, Carrier, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cote, Crommett, Curtis, T. S., Jr.; Davis, Deshaies, Dunleavy, Emery, D. F.; Farley, Farnham, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jackson, Jacques, Jalbert, Kauff-

man, Kelley, R. P.; Kilroy, La-Pointe, Lawry, Lewis, E. Lynch, Mahany, Martin, McHenry, McKernan, McMahan, McTeague, Mills, Morin, L.; Morin, V.; Mul-kern, Murchison, Murray, Najarian, O'Brien, Peterson, Pontbri-and, Rollins, Ross, Sheltra, Talbot, Tanguay, Theriault, Tierney, Walker, Webber, Wheeler, Whit-zell, Wood, M. E.

ABSENT — Binnette, Birt, Brawn, Brown, Cameron, Carter, Churchill, Cressey, Curran, Dam, Donaghy, Dow, Dyar, Evans, Faucher, Fecteau, Gauthier, Hancock, Henley, Herrick, Immonen, Kelleher, LaCharite, LeBlanc, Littlefield, McCormick, Norris, Rick-er, Rolde, Santoro, Smith, D. M.; Stillings, Strout, Trumbull.

Yes, 47; No, 69; Absent, 35.

The SPEAKER: Forty-seven hav-ing voted in the affirmative and sixty-nine in the negative, with thirty-five being absent, the mo-tion does not prevail.

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

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

Bill "An Act to Provide Pro-tection of Fetal Life and the Rights of Physicians, Nurses, Hospitals and Others Relating to Abortions" (H. P. 1559) (L. D. 1992).

Tabled — June 4, by Mr. Simp-son of Standish.

Pending — Passage to be en-grossed.

Mr. Huber of Falmouth offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-493) was read by the Clerk.

The SPEAKER: The Chair rec-ognizes the gentleman from Fal-mouth, Mr. Huber.

Mr. HUBER: Mr. Speaker and Ladies and Gentlemen of the House: I am sure you all realize that Maine now has no valid abortion law due to the Supreme Court decision on January 22nd of this year and the subsequent U. S. District Court judgment on Febru-ary 20th. Many of you also know, at least some people would like to pass L. D. 1992 and nothing else.

This is a politically attractive idea but it equals abortion on demand. It would allow abortion up to the day of birth.

The title of L. D. 1992 is An Act to Provide Protection of Fetal Life and the Rights of Physicians, Nurses, Hospitals and Others Re-lating to Abortions. The Supreme Court defined legitimate state in-terests in the protection of mater-nal health and protection of poten-tial human life in the third tri-mester of pregnancy. L. D. 1992, without the amendment protects hospitals, doctors and to some limited extent the fetus, but not the mother or the potential life of the fetus in the third trimester.

What would the amendment do in addition to the limited protec-tion provided by L. D. 1992? First, it gives a clear statement requir-ing a physician, either a regular physician or an osteopathic physi-cian to perform an abortion throughout the term of pregnancy. Second, it requires hospitaliza-tion for abortion procedures after the 12th week and hospital bylaws are really where most medical standards and medical guidelines are applied and enforced.

Third, it would prohibit after 24 weeks, abortion procedures, ex-cept when necessary in the pro-fessional judgment of a physician, to protect the life or health of the mother and the judgment would be filed with the department of Health and Welfare in writing. Again, remembering that title of L. D. 1992, which is said to pro-vide protection to fetal life and others relating to abortions, I would like to note that this amend-ment would also require the con-sent of the husband, when husband and wife are living together, mar-ried. It would also require the consent of a minor herself in addi-tion to consent of her parent, par-ents or guardian, which is re-quired normally.

It would also incorporate cer-tain provisions of the gentlewom-an from Lewiston, Mrs. Berube's L. D. 1887, which provides for fil-ing of certain data with the De-partment of Health and Welfare concerning abortion procedures. The unamended L. D. 1992 pro-vides no definition of abortion

and again, I would like to remind you that our past abortion law has been completely invalidated by U.S. District Court judgment. This is where the definition of abortion was contained in the Maine law. Further, it doesn't repeal Title 17, Section 51, which is Maine's old law, which, as I said, is invalid.

And finally, I would like to remind you that the bill as amended would not impose abortion procedures on anyone against their own personal wishes. This amendment provides, I feel, important protection for Maine citizens in the area of maternal health and protects the state's interest in potential human life after viability. Without this amendment, abortion would be available with no restrictions, right up to the day of birth. In short, without this amendment, Maine would have abortion on demand, with no regulation except that provided by normal regulations governing physicians.

I don't think this is acceptable to anyone and I am sure you will agree with me. With this amendment, Maine would have as strict regulation as legally possible under the recent Supreme Court decision. I hope this body will reject abortion on demand and will adopt this amendment in the protection of life and health of Maine citizens and for the protection of potential life.

Ladies and gentlemen, I realize this amendment represents, what I am told, is a somewhat unorthodox approach to a touchy political problem. As I said, there are those who would like to do little or nothing in order to ignore the Supreme Court decision. Politically this would be a route to take. I decided that the clearest demonstration to the additional regulation and protection that could be provided under the Supreme Court decision was to present this in amendment form and let this body make its own decision.

I am sure that all of you know this amendment is essentially my bill to regulate abortion procedures as strictly as is allowed by the Supreme Court decision, which is

L. D. 1529, except that I have deleted the two sections in my bill that covered the same subjects as Representative Jalbert's bills.

My bill, as you know, is still in committee; it has not been reported upon. Because it would be so politically attractive to vote on L. D. 1992 and then do nothing else, I thought it would be best to at least give this body a chance to consider the entire subject one time and to realize the passage of L. D. 1992 alone represents unregulated abortion or abortion on demand.

I do not mean, by presenting this amendment, to undercut the committee system in any way, but do want to take the only way I can think of to make a clear presentation of the choices before this legislature. Do we want unregulated abortion or do we want to control this procedure as strictly and as legally as possible? The only other way I can think of to present this choice to the legislature was to have this bill tabled unassigned for two days at a time until my bill is reported out of committee so these two bills can be considered together. I was told that this could not be done. If someone wants to so move, I will gladly support this approach and would hope that the House would support it also.

This amendment presents a choice between regulated abortion and unregulated abortion. This House will decide what is best for the people of Maine.

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

Mrs. BAKER: I move this bill be tabled unassigned.

Thereupon, Mr. Jalbert of Lewiston requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that this matter be tabled unassigned. All in favor 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 gentlewoman from Orrington, Mrs. Baker, that this matter be tabled unassigned. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Briggs, Brown, Bustin, Cameron, Chick, Clark, Connolly, Cooney, Cottrell, Cressey, Crommett, Davis, Donahy, Dow, Emery, D. F.; Farnham, Flynn, Gahagan, Good, Greenlaw, Hamblen, Haskell, Huber, Hunter, Jackson, Kelley, Kelley, R. P.; Knight, LaPointe, Lawry, Lewis, J.; MacLeod, Maddox, Maxwell, McMahon, Merrill, Morin, V.; Morton, Murchison, Najarian, O'Brien, Peterson, Rollins, Ross, Shaw, Silverman, Smith, S.; Snowe, Talbot, Trask, Trumbull, Tyndale, White, Willard.

NAY — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Bunker, Carey, Carrier, Carter, Chonko, Conley, Cote, Dam, Deshaies, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Evans, Farley, Farrington, Fecteau, Ferris, Finemore, Fraser, Garsoe, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Hobbins, Hoffses, Jacques, Jalbert, Kauffman, Kelleher, Keyte, Kilroy, LeBlanc, Lewis, E.; Littlefield, Lynch, Mahany, Martin, McHenry, McKernan, McNally, McTeague, Morin, L.; Mulkern, Murray, Norris, Palmer, Parks, Perkins, Pontbriand, Ricker, Sheltra, Shute, Simpson, L. E.; Smith, D. M.; Soulas, Sproul, Stillings, Strout, Susi, Tanguay, Theriault, Tierney, Walker, Webber, Wheeler, Wood, M. E.

ABSENT — Churchill, Curran, Curtis, T. S., Jr.; Faucher, Hancock, Henley, Herrick, Immonen, LaCharite, McCormick, Mills, Rolde, Santoro, Whitzell.

Yes, 56; No, 80; Absent, 14.

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

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: It is not my intention this morning to speak on the merits or demerits of either 1992 or the amendment. It is my intention to speak on philosophy and procedure.

At the hearing on this measure, on these bills, they were all heard at the same time. L. D. 887, L. D. 888, L. D. 952, L. D. 953, L. D. 1854, and L. D. 1529, which is, in itself the Huber bill. The committee, in its judiciousness, studied the bills and reported out in committee, reported out under new draft last Friday, on page 8 of the calendar, a bill relating to the immunity of persons or hospitals refusing to perform or assist in abortions, House Paper 740, L. D. 553, reporting "ought to pass" in new draft, House Paper 1559, L. D. 1992 and under the new title. An Act to Provide Protection of Fetal Life and the Rights of Physicians, Nurses, Hospitals and Others Relating to Abortion. This meant a combination of L. D. 952, 953, 888 and 1824. It left in committee, L. D. 1529.

Last night, quite late, I spent a great deal of time contacting several former officers of this body and several individuals who are former members of this committee who served on the Judiciary Committee. And my question after an explanation of this procedure, was has this ever been done before? The answer was an immediate no.

I can recall back at the beginning of the session when a member—and I can understand any freshman member making any comments or any errors—I can remember when a member, after a bill came out under 17-A, asked to speak, asked for unanimous consent to address the House and then when granted started to speak on that bill. If that procedure

would be followed, I mean we may just as well not have 17-A.

This measure here simply means this: L. D. 1529, which is this amendment—this is the bill and this is the amendment. The amendment is very very much substantially the same as the bill, and whatever changes could be made are so minor, they could be made by committee amendment. And as I state, I do not want to, in any way, debate either 1992 or the amendment. This very definitely circumvents the action and intent of the Judiciary Committee.

This simply operates in this fashion. Let us say that I have a bill that is rather a poor bill or controversial or could be in trouble, and let us say that any of you people in this House have a bill that has been reported out with the unanimous "ought to pass" committee report and my bill is still in committee. I turn around and I draft an amendment, which is exactly the same as the bill that is in committee and present that amendment while the other bill is still in committee.

I have had over the years some very pleasant and I mean pleasant, hectic sometimes, discussion with my very dear friend, and I do not say the word loosely by any means, the gentleman from Bath, Mr. Ross, concerning this problem. I wanted to be fair about the situation and I met him this morning outside of this House, where the gentleman from Falmouth, Mr. Huber, whom I think has been very badly misinformed in this thing, but I didn't ask the question in a way that it would necessitate hesitation, I asked the question in a fair manner. I said, "Rodney, have you ever seen this done before?" Immediately the answer was no. It has not and never been done before. I would like to see this measure pass as it is and then have the Judiciary Committee act upon 1529, which is substantially very much this amendment and if the good gentleman from Falmouth, Mr. Huber, wants to amend it, this is perfectly all right, and then we would debate the issues as they are.

I spoke today to one member of the Judiciary Committee and I explained the situation to her and I told her that in no way did I want to influence her as to how they are going to vote on the bill. I don't know how they are going to vote on the bill anymore than I knew how they were going to vote on what is now 1992.

I don't think this is the proper situation at all. This is a thorough, a complete breakdown of our system. It absolutely circumvents the action of a committee which is doing a fantastic job of work, as any other committee does. It is something—as I repeat myself—in the taking over at any time anybody wanted to. And I think this thing here, it creates a mammoth problem should we go along with it.

I want to debate, after the bill is reported out of committee. I want to debate the bill on its demerits or merits or merits or demerits. I don't want it done this way. If the good gentleman from Falmouth, Mr. Huber, had wanted this committee — these bills have been in committee for weeks—he could have well have gone to the chairman of the committee and said to him, would you include my bill into whatever is going to be packaged out, if it is going to be packaged out? I think that would have been the best procedure. Even if my motion would not prevail, I still would not, Mr. Speaker, debate the issues on the bill, because this amendment, which is this bill, is in committee. The bill, 1992 has been wrapped up in a package and reported out unanimously by the Judiciary Committee. 1529, which is exactly very much this amendment, has not been decided upon by the Judiciary Committee. That is when I want to discuss it, win or lose.

Mr. Speaker, first I would like to thank the gentleman from Standish, Mr. Simpson for tabling the bill for one day. I now move the indefinite postponement of House Amendment "A" and I ask for a roll call when the vote is taken.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I also would rather debate the actual bill itself and that is why I favored the motion of tabling this morning, so that we could have them both before us at the same time. I have fought for the abortion question three times in this House. I sponsored it once. I basically feel that abortion is not wrong under many conditions. However, I fully realize that others do not and I have the deepest respect for their feelings. For this reason, I certainly had no animosity for our past defeats. However, the suggested legislation was always voluntary and contained adequate control. The chief opposition was always based on the fact that a fetus was human at the time of conception. As I said, I do not question other christian teachings but this has not always been their belief. Still, this has no bearing on the subject, except for the fact that neither physicians nor patients need to participate if they oppose abortion on religious or moral grounds. This is specifically stated in this bill and the amendment.

Also, no minor can have this treatment without the consent of his parent or guardian. However, the entire subject really is now a fait accompli by a ruling of the United States Supreme Court, and we must bring our law into conformity and be sure that all of the safeguards are carried out.

In summary, nothing in this law makes it mandatory. I surely agree with this. We do not want to force or encourage any woman to have an abortion if it is against her conscience or religious teachings. We only maintain that they should have the right if they so desire and with the approval of a competent physician who believes in the decision of the Supreme Court.

The actual bill which is before us today, not the amendment, is perfectly all right, except that it calls for abortion on demand. The only thing is, it doesn't go far enough as far as regulation goes. It certainly does not apply to the specific rulings of the Supreme Court.

We have hospitals now which are performing abortions under

very careful supervision, and they should have the backing of our state law and not just the opinion of the Supreme Court. This amendment does this. However, it is a copy of a bill from the gentleman from Falmouth, Mr. Huber and attached as an amendment. This is a very unusual approach. As I said, I would much rather debate the bill and vote on it; however, we don't have it and the subject matter has been explained by Mr. Huber, so you know what it is. We only have before us a new draft of a bill which combines several minor items already in the Huber bill.

Once again, I would rather debate the Huber bill, but since we only have the amendment before us, I favor the amendment and I am opposed to its indefinite postponement.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman has just said that a person does not have to participate in these abortions if they do not desire. I have just received a letter here which I would like to read to you. This is from a father and mother from Waterville, Maine, who are very concerned.

It says, "Dear Mr. Brawn: We urge you to support L. D. 1992. It is our strong conviction that every possible step must be taken to protect the lives of fetuses, both born and unborn, and that any deliberate interference with such life is a violation of the moral and natural law. By the same token, if a man can conscientiously object to the killing of an enemy in the wartime, certainly we must provide protection for any person who objects to the killing of innocent children, born or unborn, by any procedure designed to terminate the life or the product of an abortion.

"Incidentally, I have been told that the procedure in at least one hospital in Maine stipulates that the nurse is actually the person who applies the suction which physicians produce in the abortion. Having a daughter in training to be a nurse and understanding of

her complete abhorrence concerning such an act, we urge that she be not forced to cohere in any such procedure." Signed, a Father and Mother in Waterville, Maine, and I do have their names.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Members of the House: I disagree today with the gentleman from Lewiston, Mr. Jalbert. I think this is the day that we should discuss the merits of the so-called Huber bill.

It seems ironic that we have come full circle on the abortion issue. The Right-To-Lifers are advocating no laws regulating the actual performance of an abortion, which is just exactly what those who advocate abortion on demand have been asking for all along.

We are now being told by the people who claim to be pro-life that we cannot in any way implement the Supreme Court Decision because somehow by so doing we legitimize and give credibility to that decision. As far as I am concerned that is the most convoluted philosophical reasoning I have ever been subjected to.

Regardless of whether you believe that the Supreme Court went too far, as I do, or whether you feel the entire decision was an abomination, it is the law of the land, and this is a nation of laws.

However, the Supreme Court decision did leave us with some latitude in the regulation of abortion. A state can require that after the 12th week an abortion must be performed in a hospital. A state may forbid abortion after the 24th week unless necessary for the preservation of the life or health of the mother.

How can this legislature in good conscience require that all steps be taken to preserve the life and health of a live born fetus and then refuse to enact the laws necessary to implement such a procedure?

Don't talk to me about the sanctity of life and then let a viable fetus die at 5½ months because he was aborted in a doctor's office and not in a hospital where

his life might have been preserved.

Don't preach to me about Christian love and then let a desperate woman bleed to death because some doctor is more interested in a fast buck than in life aborted her in her seventh month when we might have prevented it here this morning.

How far are you willing to go to win a philosophical or religious argument? Are you willing to risk the deaths of women and their unborn children just to prove a point?

Have the anti-abortion forces become so fanatical that they are willing to permit wholesale abortion rather than admit to the validity, however temporary, of a decision of the Supreme Court of the United States?

In the name of reason, I ask you not to indefinitely postpone this amendment.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the bill and also to support the amendment. I think Mr. Ross, the Representative from Bath, has done a very good job in telling us about the moral aspects of the issue before us. This is how I see particularly this amendment, as a moral issue and not as a political issue.

I would like to relate an incident to you that happened to me over the weekend. On Saturday morning I received a telephone call from the priest in the parish where I live in Portland. He said that he was calling about this very matter that was coming before us, and that on Friday night, all the parish priests in Portland, and I am not sure where else, but at least in Portland, had been contacted by the Chancellery office and urged to preach from the pulpit on Saturday evening at masses and on Sunday morning at masses in support of this bill and against any amendments that might be coming like the one the gentleman from Falmouth, Mr. Huber, has presented.

The Catholic church, in my opinion, is trying to take a moral issue and make it a political issue, using threats and innuendoes against us as Representatives that we may not be coming back if we don't support the bill and if we do support the amendment, I resent that. I think that all of us should vote today as our conscience tells us to and not as we would feel politically motivated or politically hamstrung.

I think if the Catholic church were as committed to other social legislation that has come before us as they are to this bill, such as the tenant bills or the bills that deal with welfare and were to make a commitment and lobby for those bills as strongly as they lobby for an issue like this, then perhaps there would be something good to say about the political efforts of the Catholic church. But I think that it might be wise to ask the Internal Revenue Service to perhaps investigate the tax exempt status of the Catholic church if they want to continue —

The SPEAKER: For what purpose does the gentleman rise?

Mr. JALBERT: I rise on a point of order, Mr. Speaker.

The SPEAKER: The gentleman may make his point.

Mr. JALBERT: Mr. Speaker, my point is this. I don't think the Catholic church is at stake here and the Catholic church is now being brought in for being tax exempt. I don't think that the other churches are not tax exempt. I mean, I don't think we have to go that far, do we, Mr. Speaker?

The SPEAKER: Will the gentleman please confine his remarks to the issues of the bill, and included in his remarks he may discuss if someone has lobbied him or tried to speak to him about how he should vote on the bill.

Mr. CONNOLLY: Thank you, Mr. Speaker.

I think I made my point and I would hope that when you vote today, vote on the amendment and on the bill, both of which I support. Vote out of the dictates of your conscience and not out of political motivation.

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

Mr. MULKERN: Mr. Speaker and Ladies and Gentlemen of the House: I placed on your desks this morning a couple of articles in reference to abortion. One of these articles is out of Washington, D. C. and it talks about an anti-abortion amendment being proposed by the U. S. Congress. I think in reading this article you will find that the Supreme Court decision is not a foregone conclusion, as Mr. Ross seems to think it is. The article reads thusly:

"Six senators today proposed a 'Human Life Amendment' to the Constitution which would prohibit abortions except when the mother's life is endangered.

"Spurred by the recent Supreme Court decision which struck down anti-abortion statutes in the 50 states, the senators proposed an amendment which would define an unborn baby as a human being with full constitutional protection.

"Sen. James L. Buckley, R-N.Y., prime sponsor of the proposal, said it was drawn to cover not only abortion but to head off what he termed a growing trend toward acceptance of mercy killing.

"Joining Buckley were Sens. Mark O. Hatfield, R-Ore., Harold E. Hughes, D-Iowa, Wallace F. Bennett, R-Utah, Carl Curtis, R-Neb., and Dewey F. Bartlett, R-Okla.

"The amendment establishes that unborn children 'are persons within the meaning of the 5th and 14th Amendments to the Constitution' Buckley said. The only exception to the prohibition is when the pregnancy risks the mother's life.

"The exemption is severely limited in scope, and most emphatically does not cover the spurious claims of risk to maternal life and health which are a transparent cloak for 'abortion-on-demand,' Buckley said.

"Buckley said the amendment was aimed at preventing what he termed was a 'new ethic' that he feels is present in the Supreme Court decision — implying that the unborn do not possess the 'capability of meaningful life.'

“ ‘When this kind of sociologese creeps into a Supreme Court opinion, and when it is used to justify the taking of innocent human life, albeit unborn human life, thoughtful men ask themselves where such logic might lead,’ Buckley said.

“ ‘Already there is a renewed interest in so-called mercy-killing,’ Buckley said. ‘Such talk is no mere idle speculation. It is taking place on the highest levels of the scientific establishment, where ideas that the public would consider truly shocking just a few years ago are being debated with great and serious intensity.’

“ ‘We are, I fear, entering an era where the sacredness of human life, born and unborn, will be sacrificed on the altar of social utilitarianism,’ he said.

“ ‘A constitutional amendment must be passed by Congress and three-quarters of the state legislatures before it becomes effective.’”

I do not feel that the State of Maine, at this point, should be in any great hurry to go on record as supporting the decision of the U.S. Supreme Court.

I would like to relate to you, some of you who are not acquainted that well with the Supreme Court's decision, just exactly what that decision involved. I have some data here with me on the subject. Basically what this decision has done in effect is to deny personhood under the law to the unborn, for the first six months of pregnancy and little protection for the entire nine months.

In its far-reaching consequences, this decision is a serious blow to the cause of human life on this planet for today and the generations yet to come.

The court, in an unprecedented manner, ignored the question of life at conception, which it dismissed as not having been proved scientifically. However, in a most arbitrary and unscientific manner, men who know nothing about biochemistry, obstetrics, gynecology, genetics and other life sciences, set up legal guidelines by dividing the mother's nine months pregnancy into periods of three months each and set standards for each division.

The court ignored evidence presented to them from experts in the life science field, indicating the presence of human life at least as early as the eighteenth to the twenty-fifth day when heart beat begins.

Even in criminal courts, those accused of murder are given a fair chance until all the evidence is in and the penalty of their crime is death. The Supreme Court, I submit, has awaited no such evidence in regard to the life of the unborn and in effect has condemned the innocent to death without grounds.

The court addressed itself to only one side of the issue, what it called the mother's right to privacy. These rights, it claimed, were implied in the 1st, 9th, and 14th Amendment to the Constitution. The standards set down by the court decision were designed to recognize this principle at the expense of the unborn's right to life or the rights of the father of the unborn.

I would like to point out to you that two justices of the court dissented from this opinion, namely, Justice Rehnquist and Justice White. Justice Rehnquist, in his statement on this case, found, he said, nothing in the Constitution concerning this “special right for mothers” and he accused the court of merely inventing that right.

Also, there is a question here brought out by Justice White of what he called raw judicial power. He claimed that the court in handing down its decision was in effect legislating. The court's job is to decide on the constitutionality or unconstitutionality of laws. Its job is not legislating.

I feel that this amendment presented by Mr. Huber to this bill is a liberal attempt to implement the Supreme Court decision in the State of Maine. It set standards permitting abortions after the first three months and this would be decided between the doctor, the physician and the woman involved. This decision would be solely up to them. It would not decide where the abortion would be performed or anything else. In the second trimester, the state may interfere and insist that the woman be put in a hospital. The abortion may

still be performed with the permission of the woman and her doctor.

In the third trimester, interestingly enough, we have a provision added in the bill which is supposedly designed to protect the unborn fetus. It says that an abortion may be performed only if the life or the health of the mother is in jeopardy. But what I submit to you, the word health is defined by the Supreme Court has a very interesting definition. The word health is defined as health involving social psychological, physical and familial well being. That is a pretty broad definition.

It seems to me, in effect, that really what we have right here on the Supreme Court's decision and Mr. Huber's amendment is abortion on demand, and I don't see — it is just about abortion on demand. I would retract my statement somewhat, but it is pretty close to that.

In view of the fact that we have this pending legislation now before Congress, I think we should wait awhile, at least, maybe until the special session or to the 107th, to see what the Congress is going to do about this problem. However, I do believe that we do need something on the books. I think L. D. 1992 would fill part of the gap, and really I think the State of Maine should not put itself as going on record on something that, as you can see, is not a foregone conclusion by any means. I would ask you to support L. D. 1992 without the amendment.

Mr. Littlefield of Hermon presented the following Order and moved its passage:

ORDERED, that Kathy Wood, Susan Babb, Clay Overlook, Steven McClarie, Neal Pickard and Sydney Wilson of Hermon be appointed Honorary Pages for today.

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

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to speak a

second time, but I do think that the argument of the gentleman from Portland, Mr. Mulkern, should be rebutted. It is strange, because I remember talking myself blue in the face out in the corridor to him one day because he just said that the Supreme Court decision was a denial of personhood, and I asked him if he would not grant me my personhood as a woman and vote for the equal rights amendment. After a long, hard battle, I finally won.

I would like to rebut the argument of the constitutional amendment and how long it might take. Many of you may know, the equal rights amendment was first proposed 50 years ago. The present equal rights amendment has seven years in which to be ratified. And after ratification, the states will have two more years in which they may bring their laws into conformity. So even if a constitutional amendment on right to life is passed by Congress immediately, it could be nine years before it is in effect. So the question really is, do you want abortion on demand until such time, or do you want abortion regulated as strictly as the law allows? Since it has taken over 50 years and women still do not have their equal rights under the law, I wonder how long it will be before the fetus has his equal rights under the law.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I listened to the gentlewoman from Bath, Mrs. Goodwin, in her statements when she was not angry, because I think she is very pretty when she smiles, and she herself admitted the very point that I am making to you this morning. She said — she talked about L. D. 1529. We do not have L. D. 1529 before us. The Judiciary Committee studied at length these bills. They wrapped up a bunch of them and threw them right at us with the unanimous report and left 1529 in committee. It is their judiciousness to do what they did.

I am not debating — although I would love to, believe me, be-

cause if it wasn't for this bill, I would not be standing here this morning. But I am here. I am not going to debate the issues, because the issue is not before us. And this kind of procedure is going to destroy the committee system. It is going to start a precedent. It is going to open up a Pandora's Box of circumventing committees and nobody can deny it, and to prove my point, I would like to ask anybody in the House to tell me if ever they have known of this situation having been done before. That is my only point, rise or fall. I would like to debate 1529 when the Judiciary Committee comes out and reports it. In the meantime, I would like to see L. D. 1529 this morning in the guise of an amendment put away so we can go on our way with L. D. 1992.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: After I just spoke, a gentleman stood on his feet and said he thought this was a religious issue. Let me straighten this out. I am not Catholic, but I admire you that are, and I hope you all attend your church Sunday.

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

Mr. COTTRELL: Mr. Speaker, Members of the House: Friends, I hope, I am back. I took my walk a couple of months ago. Since then, I have read the Supreme Court decision. It was very instructive. I am not going to recount it.

I don't think this debate is necessary, really, now, because we are dealing with the law of the land until such time that it might, through a long amendment process, be overturned. I believe Rhode Island recently passed a law to adjust itself to the Supreme Court decision, and it was ruled unconstitutional by the District Court down there.

This abortion problem has been a problem that has bothered the nation. I talked with a deeply religious friend of mine who happens to be of the Catholic faith who has been connected with Congress

for eight years, and I asked him what the Congressmen in general thought about the Supreme Court decision, and "They were very much relieved," he said, because it is such a highly emotional, moral issue that was disturbing the country, continuing to disturb the country.

As for my own constituency, as I said the last time I spoke in connection with this matter, I have tried to represent the majority of them while I have been in the legislature here, and I voted against liberalization. I voted for what I thought expressed the majority of my constituents. But now, in dealing with the law of the United States of America, which is the law, I am representing not only my constituency in my state, but I am representing the United States.

I might add this, add or say further, as I read the Supreme Court decision, I found that they had studied this matter of abortion through the ages. There was a time when our church — and it was the church of all of us, the one church, in this matter of abortion — supported through the Middle Ages and the Renaissance. They supported the Arcetalian theory of mediation right down until the 19th Century. I didn't know what that meant, so I called the doctors in the Portland area, and they didn't know what it meant. I finally found out what it meant and that was that until the life quickened and at that time life quickened in the first three months when the mother felt a heart beat and a kick inside.

I am going to support this amendment, because I think for once and all it will clear it up. I don't know whether this bill, 1992, would stand the test of the court. I haven't read it all, but some things I have read in it, I am just wondering; and I think we ought to go along with the law of the land and get rid of this terribly emotional issue.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House:

I am opposed to the amendment. I think if you will recall a few weeks ago when we had a bill dealing with the experimentation of animals in high school how thoroughly it was defeated here, 97 to 31, I think. Mothers from all over the state wrote to me expressing the horror they felt their children would be exposed to in experimentation on live animals in the high school, and this House responded with a 97 "ought not to pass" report.

I contrast that with the feeling that it is all right to vivisect and experiment on the highest form of animal life, the human being. I just cannot understand how you can have so much great concern for animals, not even allow a worm to come into a high school classroom because it is an animal, and yet, you can, with little concern, agree to terminate human life at almost any stage in the womb.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry, I cannot agree with the gentleman from Livermore Falls that the argument he brought in has any bearing on the one we are speaking about here this morning. We are debating the amendment that is proposed by the gentleman from Falmouth, Mr. Huber.

What it is is an attempt to put all the abortion laws in one statute. Now, presently in effect, Maine has no laws controlling abortion. I have never felt that the Maine legislature or any legislative body could legislate morals, and I am opposed to trying to do so. But it is our sworn duty to protect the health and safety of all our citizens, men, women and children.

Conscientious doctors and hospitals are in need of specific statutes under which to proceed, statutes that will be legal under the Constitution of the United States and under the Constitution of the State of Maine.

I am in favor of L. D. 1992 which is the work of the gentleman from Lewiston, Mr. Jalbert. It is a good bill. I am particularly more in fa-

vor of it with the amendment that is now before you and connected with it.

The last thing I want to do today is debate parliamentary or legislative procedure with the gentleman from Lewiston, I hope you will not impugn the motives of a very sincere legislator who is trying to make sure that we did not leave abortion laws in a vacuum.

I am sure everyone here is capable of understanding the issues in both Mr. Jalbert's bill and in Mr. Huber's bill. I hope when you vote that you will not let your concern for procedural niceties, as brought up here in debate, take precedence over your fundamental responsibility to all the people to provide for their health and safety as contained in the acceptance of this proposed legislation.

L. D. 1992 is a good bill. The amendment, which does not materially change L. D. 1992 but adds to it, is also good legislation, and the whole package is necessary to protect the people of the State of Maine.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I wish to take a position today on this bill, 1992. I will not discuss the bill itself, but I will discuss the importance of us being here today on this important subject and probably to many of us one of the most important bills in this session, and this bill involves 1992, and it is important because it protects the start of life and not the survival of it.

I want to mention here that I am not going to preach to anybody. I am not going to talk about the sacredness of life. I am not a fanatic, but I am deeply concerned about the unborn child, I am deeply concerned about the situation that we are facing here today, and I think that this bill was presented to us as a matter of necessity due to my unacceptable decision to the unacceptable decision of the Supreme Court of this nation. I personally and especially am concerned about the unborn child, and I feel that many others are, and it is time for us to take a position

as to where we are, where we are going and what might happen if we don't.

I think these unborn children should have someone to speak for them. I am sure that it is a matter of approach as to which way we are heading. It seems to me that the Supreme Court decision, as mentioned before by the able gentleman, is a fait accompli. Well, it is a fait accompli, and it is prima facie to what they meant. So if we want to live under the federal law, we can live under the federal law. There is not much you can do according to their decision. But their decision might not be final, and this is our hope — my hope that some day we will see something different.

So, I submit to you that I think that the Judiciary Committee took fine bills and made them into one here, and then later on, the other bill, Mr. Huber's bill, will be presented to this House for consideration. It is your personal decision that will decide as to which way the State of Maine will go. I think at present that the federal laws as passed in January of this year are sufficient to accomplish the desires of the people at this time. So therefore, with great concern for the child that wants to live, I hope that you vote for the indefinite postponement of House Amendment "A."

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

Mrs. BAKER: Mr. Speaker and Members of the House: I rise in support of the amendment as offered by the gentleman from Falmouth, Mr. Huber. I see nothing wrong with putting these bills together. I think probably it should have been done in the first place, but since it was not, I see nothing wrong with bringing up this amendment at this time; and I am in support of the amendment, because I think we need some regulation.

We have been told over and over this morning about the vote of the Supreme Court, and we know that it strikes down the abortion laws as they now stand in Maine, and L. D. 1992 does nothing to protect the woman, and we need some

guidelines. We know that abortions are being performed every day in Maine, and we need some guidelines for it, and I see nothing wrong with combining it with 1992, and I hope you support the motion for the amendment.

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 Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: Much of the debate this morning has been centered around this amendment. I don't think the amendment was put in the proper manner as it should have been. I have never seen it done like that before.

What I am going to speak about is this: I am fully in accord with this document, 1992. I am very much interested in paragraph 2. I have two daughters who are registered nurses. They have brought to my attention the fact that there are many nurses who have long years of service, and they want to retire, and if they do not assist in such an operation, they are subject to being dismissed. That I do not go with. Therefore, I think this is the most wonderful paragraph in the whole bill right here to protect our working people, and I certainly hope that you will defeat this amendment and support the bill, 1992.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "A" to L. D. 1992 be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Boudreau, Brawn, Brown, Carey,

Carrier, Carter, Chonko, Conley, Cote, Dam, Deshaies, Drigotas, Dudley, Dunleavy, Emery, D. F.; Farley, Fecteau, Ferris, Fraser, Gauthier, Genest, Hobbins, Hunter, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaPointe, LeBlanc, Lynch, Mahany, Martin, Maxwell, McCormick, McHenry, McMahon, McNally, McTeague, Merrill, Morin, L.; Morin, V.; Mulkern, Murray, O'Brien, Perkins, Pontbriand, Ricker, Rolde, Sheltra, Silverman, Smith, D. M.; Snowe, Soulas, Strout, Tanguay, Theriault, Tierney, Walker, Webber, Wheeler, White, Wood, M. E.

NAYS — Ault, Baker, Birt, Bither, Bragdon, Briggs, Bunker, Bustin, Cameron, Chick, Churchill, Clark, Connolly, Cooney, Cottrell, Cressey, Crommett, Curtis, T. S., Jr.; Davis, Donaghy, Dow, Dunn, Dyar, Farnham, Farrington, Finemore, Flynn, Gahagan, Garsoe, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Hoffses, Huber, Immonen, Jackson, Kauffman, Kelley, Knight, Lawry, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McKernan, Mills, Morton, Murchison, Najarian, Norris, Palmer, Parks, Peterson, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Smith, S.; Sproul, Susi, Talbot, Trask, Trumbull, Tyndale, Willard.

ABSENT — Curran, Evans, Faucher, Hancock, Henley, Herrick, Kelley, R. P.; LaCharite, Santoro, Stillings, Whitzell.

Yes, 68; No, 71; Absent, 12

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

Thereupon, House Amendment "A" was adopted.

The **SPEAKER**: The pending question before the House is passage to be engrossed as amended of L. D. 1992.

Mr. Connolly of Portland requested a roll call.

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

vote yes; those opposed will vote no.

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

The **SPEAKER**: The pending question is passage to be engrossed of L. D. 1992. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ault, Baker, Birt, Bither, Bragdon, Brawn, Briggs, Bunker, Bustin, Cameron, Chick, Churchill, Clark, Connolly, Cooney, Cottrell, Cressey, Crommett, Curtis, T. S., Jr.; Davis, Donaghy, Dow, Dunn, Dyar, Emery, Farnham, Farrington, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kelley, Knight, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Maxwell, McHenry, McKernan, McMahon, Merrill, Mills, Morton, Murray, Najarian, Norris, Palmer, Parks, Peterson, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Susi, Talbot, Theriault, Tierney, Trask, Trumbull, Tyndale, Walker, White, Willard.

NAY — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Boudreau, Brown, Carey, Carrier, Carter, Chonko, Conley, Cote, Dam, Deshaies, Drigotas, Dudley, Dunleavy, Farley, Fecteau, Gauthier, Genest, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaPointe, Lynch, Mahany, Martin, McCormick, McNally, McTeague, Morin, L.; Morin, V.; Mulkern, O'Brien, Perkins, Pontbriand, Ricker, Rolde, Sheltra, Strout, Tanguay, Webber, Wheeler, Wood, M. E.

ABSENT—Curran, Evans, Faucher, Hancock, Herrick, Kelley, R. P.; LaCharite, Santoro, Stillings, Whitzell.

Yes, 90; No, 49; Absent, 11.

The **SPEAKER**: Ninety having voted in the affirmative and forty-nine having voted in the negative,

with eleven being absent, the motion does prevail.

Thereupon, the Bill was passed to be engrossed as amended.

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

Mr. HUBER: Mr. Speaker, having voted on the prevailing side, I would like to move for reconsideration.

The SPEAKER: The gentleman from Falmouth, Mr. Huber, having voted on the prevailing side, moves that the House reconsider its action whereby it passed L. D. 1992 to be engrossed. All in favor of that motion will say yes; those opposed will say no.

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

Sent to the Senate.

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

Bill "An Act Creating the Androscoggin County Commissioner Districts" (H. P. 271) (L. D. 378) (C. "A" H-485).

Tabled—June 4, by Mr. Pontbriand of Auburn.

Pending — Passage to be engrossed.

Mr. Pontbriand of Auburn offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-500) was read by the Clerk and adopted, the Bill passed to be engrossed as amended and sent to the Senate.

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

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

Tabled — June 4, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

On motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and specially assigned for Friday, June 8.

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

Bill "An Act Exempting Gas for Cooking and Heating in Homes

from Sales Tax" (H. P. 379) (L. D. 508).

Tabled — June 4, by Mr. McLeod of Bar Harbor.

Pending — Motion by Mr. Farrington of China to indefinitely postpone.

Mr. Finemore of Bridgewater offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-501) was read by the Clerk and adopted.

Thereupon, Mr. Farrington of China requested permission to withdraw his motion to indefinitely postpone, which was granted.

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

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

Bill "An Act Establishing an Office of Early Childhood Development in Maine" (S. P. 515) (L. D. 1639) (S. "A" S-146).

Tabled — June 4, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

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

Mr. O'BRIEN: Mr. Speaker, I move the rules be suspended for the purpose of reconsideration.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. O'Brien, that the rules be suspended for the purpose of reconsideration. The Chair will order a division. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

44 having voted in the affirmative and 54 having voted in the negative, the motion did not prevail.

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

Mr. O'BRIEN: Mr. Speaker, I now move passage of the Bill.

Thereupon, the Bill was passed to be enacted.

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

Mr. O'BRIEN: Mr. Speaker, I now move reconsideration and ask you to vote against me.

The SPEAKER: The gentleman from Portland, Mr. O'Brien, moves that the House reconsider its action whereby L. D. 1639 was passed to be enacted. All in favor of that motion will say yes; those opposed will say no.

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

The Chair laid before the House the following matter: Bill "An Act Relating to Probation and Expungement of Records for First-time Possession of Marijuana Offenders" (H. P. 470) (L. D. 618) which was tabled earlier in the day and later today assigned:

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

Mr. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: I spoke in favor of this bill when it appeared before the House a few days ago, and if you recall, on the vote — the vote was favorable, 67 to 20.

Now, I am not really up tight or too interested in this bill, but I am attempting to help out a seat-mate of mine here who has put a lot of time on this, and he delivered a good report last week. The area in which I am in is a rural area, and we are not troubled too much with the use of marijuana, but after listening to Mr. Dunleavy, I am convinced that in many cases youngsters, on a dare, try this marijuana for the first time, and then they have a record against them which will follow them all the days of their life. This bill would expunge that record, and I move now to insist and ask for a Committee of Conference.

The SPEAKER: The Chair would inform the gentleman that the pending question is on the motion of the gentle lady from Orrington, Mrs. Baker, that the House recede and concur.

Mr. Martin of Eagle Lake requested a vote.

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

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: I voted against this bill in committee and again the other day on the floor of the House, and I simply would like to say that I hope that you realize what you are doing here. You are opening the door for expungement of records. It might seem to you a simple thing to do, especially in the case of marijuana offenders, but it is only a start. Where will we stop? The next session they will be back asking for expungement of other crimes. I think this is a wrong move.

The example that was given you by the gentleman from Bristol, Mr. Lewis, sounds like a very innocent affair, the first time anyone tries marijuana, that the officers are waiting right there to arrest him and create a record. It doesn't happen that way, I don't believe. And I want you to think seriously about what you are doing here when you are talking about expungement of a record.

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

Mr. DUNLEAVY: Mr. Speaker and Ladies and Gentlemen of the House: I will just take a few seconds. I don't think that the argument that this is opening the door holds any weight in this particular instance. The Maine Commission on Drug Abuse has estimated that as many as 85 percent of our young people at one time or another are guilty of being in the presence where marijuana is kept. Now, that is not the same thing to allow expungement in those instances, to allow expungement for cases of rape or assault and battery or other things. There is a clear and convincing distinction between the two, and I ask you to vote against the motion to recede and concur so that we can go along on a motion to insist.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I hope you will go along with the gentle lady from Orrington, because the gentleman from Presque Isle, Mr. Dunleavy,

being an attorney, knows full well that most of our laws are based on precedent. And once we establish this precedent, we are opening the door just as Mrs. Baker said.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I am not a lawyer. I do not understand anything about the law or the law procedure. All I know is that if you do something wrong, you get arrested sometimes. And if you are fortunate, you can get out of it, and if you are not fortunate, you are stuck.

On this expungement of the records, I do know of two cases in my area, and I want to relate this to you so that you can get some general feeling of what is happening the way the law is now. In both of these cases, they are both good boys. They were both in the presence where marijuana was being smoked or being used and they did get caught. Now it is in their records. One of these boys has a chance for an excellent position if he could have this pulled from his record or rendered so it wouldn't be able to read in the record. But because he happened to be at this place where marijuana was being used and he happened to get caught — and he was not using it — he is branded from getting a good job. This is not helping the youth of the State of Maine, and I don't think it is setting any precedent.

As far as opening up the door, it is the legislature that opens the door, and it is also the legislature that can close the door. So, whatever comes before the next session as far as leaving this door open or giving more exemptions under this, it would be up to the next legislature to control, and I don't have any fear of what the next legislature would do, and so I don't see anything really harmful in this. I think it would be helping those that have been just unwittingly caught or innocently caught in the presence of marijuana.

A lot of the young people in the state have tried it and a lot of

them have quit using it. So this is not something that is bad, to clean the record and give them a chance to go out and get a decent job and really, in one sense, to start over. I think this is a step in the right direction, and I would hope you would vote against the motion to recede and concur.

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

Mr. DUNLEAVY: Mr. Speaker and Ladies and Gentlemen of the House: With respect to the argument of "let's not set precedent," I would counter with the fact that the precedent has already been set. The United States Department of Justice is for this bill. There is a federal law providing for expungement. Most of the states have laws providing for expungement. So I think we ought to join them.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: I think that these matters should be taken up individually. We have pardon and parole people here and the Council and the Governor, and if they deserve a pardon, they can get it, and that takes everything off the record. And I would request a roll call.

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

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

The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: In regard to the remarks of the gentleman from Skowhegan, Mr. Dam, as I understand it, this bill has no effect on records that are already on the books. It would only affect the future records.

Knowingly being in the presence of we have already taken care of

by a bill this session, so that it is no longer a crime. It will no longer be a crime as soon as that law takes effect.

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

Mr. DUNLEAVY: Mr. Speaker and Ladies and Gentlemen of the House: If I am not mistaken and I stand ready to be corrected if anybody wishes to do so, the report on the "knowingly present" law has not reached the enactment stage as yet. I do not believe that we have repealed it. It is still a crime.

The SPEAKER: The pending question is on the motion of the gentle lady from Orrington, Mrs. Baker, that the House recede and concur with the Senate on L. D. 618. All in favor of that motion will vote yes; those opposed will vote no.

Yea, 47; No, 82; Absent, 21.

ROLL CALL

YEA — Ault, Baker, Berry, P. P.; Binnette, Birt, Bither, Bragdon, Brawn, Cameron, Carey, Chick, Cottrell, Cressey, Davis, Donaghy, Dunn, Emery, D. F.; Farrington, Garsoe, Hoffses, Huber, Hunter, Jackson, Kelleher, Kelley, Lawry, Littlefield, Lynch, McCormick, McNally, Mills, Murchison, Parks, Perkins, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Theriault, Trask, Trumbull, Tynedale, Walker, Webber, Wood, M. E.

NAY — Albert, Berry, G. W.; Berube, Boudreau, Brown, Bunker, Bustin, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Curtis, T. S., Jr.; Dam, Dow, Drigotas, Dunleavy, Dyar, Evans, Farnham, Fecteau, Finemore, Flynn, Fraser, Gahagan, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Hobbins, Immonen, J. Albert, Kauffman, Kelley, R. P.; Keyte, Kilroy, Knight, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Mulken, Murray, Najarian, Norris, O'Brien, Palmer, Peterson, Pratt, Ricker, Rolde, Rollins, Smith, D. M.; Smith, S.; Soulas, Stillings, Strout,

Susi, Talbot, Tierney, Wheeler, White, Whitzell, Willard.

ABSENT — Briggs, Carrier, Crommett, Curran, Deshaies, Dudley, Farley, Faucher, Ferris, Gauthier, Hancock, Henley, Herrick, Jacques, LaCharite, McMahon, Pontbriand, Ross, Santoro, Sheltra, Tanguay.

The SPEAKER: Forty-seven having voted in the affirmative and eighty-two having voted in the negative, with twenty-one being absent, the motion does not prevail.

On motion of Mr. Lewis of Bristol, the House voted to Insist and asked for a Committee of Conference.

The SPEAKER: The pending question is on the motion of the gentle lady from Orrington, Mrs. Baker, that the House Recede and Concur with the Senate. The Chair will order a division. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

34 having voted in the affirmative and 77 having voted in the negative, the motion did not prevail.

On motion of Mr. Martin of Eagle Lake, the House voted to Insist and asked for a Committee of Conference.

The Chair laid before the House the following matter: Bill "An Act Relating to Grounds for Judicial Separation" (H. P. 1224) (L. D. 1594) which was tabled earlier in the day and later today assigned:

The SPEAKER: The pending question is on the motion of the gentle lady from Orrington, Mrs. Baker, that the House Recede and Concur with the Senate.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: I would ask that the House consider defeating the pending motion so that we may consider a motion to insist and ask for a Committee of Conference.

The purpose of the bill is to allow judicial separation, which is not an ending of the marriage relationship but is a regularizing of the separa-

tion for the same grounds that constitute grounds for divorce.

We debated this about a week ago, and I won't go by it again, except to say, if any of your have ever handled a divorce matter for people in their 70's, there isn't anything much sadder than that. I hope we can stop this. It is really a bill that respects the right of conscience of those people who have philosophical or religious objections to divorce. So I hope we will defeat the pending motion and take up the motion to ask for a Committee of Conference.

The Chair laid before the House Joint Order relative to collective bargaining, House Paper 1574 which was tabled earlier in the day and later today assigned:

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I wish I knew where to go on this thing, but I feel like a yo-yo between a member of the other body and a member of this body and trying to figure out where we are going and where we ought to go.

Last week we killed an order that was worded differently than this one. This one has been changed a little bit, and it is an order which we indefinitely postponed last week based on the same bill, based on a study of that bill.

I was led to believe last week by a member of the other body that we had a federal appropriation of \$50,000 that had been made to study the issue of whether or not the State of Maine ought to be involved in collective bargaining with state employees and University of Maine employees.

At that point in time, the issue was whether or not that study could include the public school teachers and other municipal employees. After a great deal of discussion, the issue was apparently put that we could not. We then came back here, and I had in my hand an article that appeared in the Portland Telegram, Portland daily paper, which implied and quoted the member of the other body saying that there

was no need for the order because funds could be allocated from that \$50,000 to make this study worthwhile or workable.

The gentleman from Houlton, Mr. Haskell, and I this morning, along with the school management representative, a former member of this body, discussed this issue again. I went back to the member of the other body who said the following words to me, "Yes, we can use some of that money to study this if we want to," which, I assume means if that particular committee doesn't want to, it doesn't have to. But the federal government has appropriated or has made available to us indirectly a sum of \$50,000 to study the collective bargaining problem.

The gentleman from Houlton believes that we need a special legislative study to look at a specific facet of the problem, i.e., the Biddeford school case. And after going up and down the hall from one end of this House to the end of the other this morning, I finally decided that if they can study it, let them study it. There is no need to have two of us studying it. We have already studied this once before. There was a committee last time. If we have got \$50,000 of federal funds, let's utilize that rather than our own \$5,000.

Now, again I suppose if I were interested in creating jobs for members of the minority party, there would be three positions available on this committee. I assume, by virtue of the power of appointment, three members would be from the minority and four would be from the majority, and I assume the Speaker would be fair, as he has been in the past, in making that number the same; so that I suppose that I shouldn't be as concerned about it as all that. I suppose any attempt could be made to put whoever would handle that problem in that way or whichever way we want to take. I am not sure I want to use that approach, and I am not sure this body ought to take that approach; and so at this point I am going to move indefinite postponement of this order.

The SPEAKER: The pending motion is the motion of the gentle-

man from Eagle Lake, Mr. Martin to indefinitely postpone this order.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: We have played with this order, Mr. Martin and I, for about five days. Mr. Martin was initially concerned that there might be some conflict with the order. If you read it, you will see that we very carefully put language in so that there is no possibility of a conflict between the two study areas.

I have discussed this very thoroughly with Mr. Danico, who is the executive director of the Public Relations Board. He informs me there is no way that the funds that will come from the federal level can be used to attack the particular problem that is outlined in this order.

I do feel very strongly that in the 104th the Labor Committee was not able to come up with the answer to this problem. In the 105th the Labor Committee was not able to come up with the answer to this problem. The current legislature, the Labor Committee is not able to come up with the answer to the problem. It was studied by a select committee appointed by the governor between the last session and this. They came in with a report which, in effect, was a restatement of the arguments on both sides and indicated it needed further study.

The problem is becoming a serious problem. You don't have to look any further than today's Kennebec Journal in which you can read that in negotiations in Augusta the threat has been made that if negotiations are not successful, there is going to be a strike in the fall. A strike, as I am sure all of you are aware, is illegal under the present law.

If you read further in that article, you will read where the members of the school board have, in effect, thrown their hands up in horror at trying to negotiate further and have indicated that their only solution is to hire a professional negotiator and that in their view, this is the only way

that negotiations are going to continue, by professional negotiators on both sides.

Unless we find a resolution to this problem, this is going to be the pattern of negotiation all over the state. It is going to be very expensive negotiation, and in the last analysis, the public is going to pay for the negotiation for both sides.

So, if we really want to face up to our legislative responsibility, which so far we have not been able to discharge, to find a resolution to this problem and to find a resolution that will be timely and something that the legislature can act upon, it is my firm conviction that the only route is by a study by a group of legislators who can bring back to the next special or the next regular session their recommendation for action in this area. It is a serious problem, it deserves attention, and it deserves legislative attention. I hope you will vote against the indefinite postponement motion.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: Here I am again between and betwixt. I happen to have been a member of the research committee that went to two conferences for collective bargaining; one in Washington, D.C., which I attended with the gentlewoman from Orrington, Mrs. Baker, and Marion Martin, who was then Commissioner of Labor. It was felt at that conference that we have a complex problem. Many many states had the same problem as we had. They have passed laws, but it seems that the laws were not working properly.

It was the consensus of opinion at this Washington conference that the states themselves had better handle their problems or if not, probably the federal government would come with federal laws which would be applicable to all, but what is necessarily good for California would not be necessarily good for Maine.

Later on, last December, I went to another conference in Key Biscayne, Florida, and I found out

that from the leaders of the conference, that they thought that our laws, the municipal collective bargaining, was a very good law, but it did need some improvement. They were using it as a model among other states. There were about 46 states represented at this conference. In talking with the leaders of the conference, they felt that we needed to straighten our law. It was also felt at that conference it should be handled at the state level. So for that matter, I feel this morning that maybe we should pass this order so that we can study it.

Now, I don't know what the other order in the other body will do. I understood Mr. Martin from Eagle Lake to say that they may want to study it and they may not. But I think it is a serious problem, and I feel that we should study it; and for that reason, I am going to support the order.

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

Mr. CAREY: Mr. Speaker and Members of the House: It was only a couple days ago that the gentleman from Brewer, Mr. Norris, pointed out that at times being a municipal official and also being a legislator was not a good thing. This is certainly not one of those times. I think Mayor Sproul from Augusta will bear this out, and Mr. Brawn from Oakland, who is also a municipal officer, will also bear it out.

We do need a study of municipal bargaining. And I beg of you as a municipal official, I beg of you to pass this order as being very much needed. The study that was done the last time and the commission that was put together by the Governor may have been somewhat overloaded in opposition to the bill that was presented and which passed overwhelmingly in both bodies in the last session of the legislature.

We certainly are having our problems at the municipal level, and we are in no position to bargain as we should be able to, and I feel we do certainly need some study.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Most members of the House are aware that there were three major collective bargaining bills before the current session of the legislature. One was mine which provided for collective bargaining for state and university employees; another dealing with the same subject was sponsored by the gentleman from Orono, Mr. Curtis and the proposed amendment dealing with narrowing the scope of collective bargaining presented by the gentleman from Houlton, Mr. Haskell. My bill was given leave to withdraw, as was Mr. Haskell's. Mr. Curtis' was taken out under — it was given a 17-A report.

The theory there was that combining and not taking the time of the whole legislature and plunging deeply into this whole controversy would be a good thing to save money and also that the \$50,000 study would be done and might be able to come up with some of the answers to the problems raised, particularly in the area of collective bargaining in state employment.

Well, down the pike comes this legislative order or the first one like it which was indefinitely postponed, and now we have this one. I would suggest to you that this order is brought to you by the same people who brought you L.D. 1974 in the last legislature which started it off this session with the sustaining of the gubernatorial veto and by the same people who have brought you L.D. 1157, which caused public employees all over the State of Maine to rise up in arms and combine together to try to beat that bill, because what the bill would have done in fact is to have the management side try to win here at the state legislature what they have not been able to win at the bargaining tables back at the municipal level.

I suggest to you to raise this issue now, to grant a special study committee and the way it is appointed here — although I feel the same as the gentleman from

Eagle Lake, that the Speaker and the President would probably be fair — but the makeup of the committee would definitely plunge this issue deeply into partisan politics, I am sure of that. To have this happen now is one more attempt, it seems to me and it seems to many of the public employees across this state, as a thinly veiled attempt to continue the unrelenting effort to wipe out collective bargaining rights by public employees.

I move that this be indefinitely postponed. I ask for the yeas and nays.

The SPEAKER: The gentleman from Augusta, Mr. Bustin requests a roll call.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I see this order as filling a very strong need, a need that was expressed almost two years ago by the late Judge Tapley in connection with the Biddeford case when he said that until and unless the legislature did turn its attention to this problem, we would be without devices to settle these disputes.

As illustrated by the testimony of our Commissioner of Education before the Labor Committee when he pointed with a great deal of dismay and even alarm at the rising tide of — I call this a cost item — the deterioration in the relationship between teachers and school management, superintendents of school boards. I think the cost in dollars is a pittance compared to the cost that we are going to encourage and mandate if we continue to drift purposely as we have been.

So I think this order meets the twin needs of cost and the demand for clarification that I think has been expressed now for a substantial period of time, and I have to observe that this last study that was performed last fall was not so much a study as it was a rehash of well-taken positions that were pretty well known before the report ever came out.

So for the opinions that have been expressed here today, I hope you will see your way clear to meet our legislative responsibility

in addressing ourselves to the problem of a study of the municipal bargaining act.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I think the issue is not what we think about bargaining, et cetera; but one, is there a need for the study; two, can it be funded in another manner if it is going to be studied; three, we can pass it all if we want to. If it doesn't go anywhere in the other body, it isn't going anywhere. I am fully aware that we should not use arguments to further the cause of our actions here, and I am not trying to do that. The point is, will we be able to get anything out of this study that will be useful to us so that we can act at the next legislature, and I think really that is the issue we have to be concerned about.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think we are all well aware that 1974 did have complete bipartisan support when it went through the 105th and it was vetoed by the second floor in the opening days of this session.

I also feel that maybe the legislature is where some of these things belong, because we also represent the people on the other side of the table, and that is the taxpayers that are interested in the negotiations, too.

I also get very leery of federal studies when they want to come into this state and want to put \$50,000 into a study that we feel as though we can do with maybe \$5,000. I think it is better that we handle our own problems. We understand our own problems. I think the committee that would be appointed would be able to understand our own problems. I believe that if we have — the Supreme Court right now in the State of Maine, in my opinion, has only left the work half done. In one instance, they couldn't decide, they were three and three. They have at least clarified some portions of it, but I do believe there are many

areas that can be studied and hopefully come out with some type of a solution. I would hope that you would support the order.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: It has been my experience since I have been in the legislature that studies outside the legislature itself were accepted very little by the membership.

I am not a bit afraid of the order that Mr. Haskell has put in. I think that the people in this House are fair and capable in both branches.

As I have said before, we have had numerous studies since I have been in this legislature, and unless they come from the legislature themselves by the members of the research committee, whatever the special committee is going to be, it appears to me, from my past experience, that very little heed has been paid to outside investigations or studies or whatever the case may be. I ask the House to support the order this morning.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I want to make it perfectly clear that I am impartial to this; just because I went to two conferences and have felt strongly that we need such a study that I got up on my feet and spoke on this order this morning.

I supported the veto of the 1974 bill that came back to us here this year. And it was said at that time there would be other legislation introduced whereby we could probably resolve the question. As a result, as Mr. Bustin just told us from Augusta, that they killed the three bills.

I think we need this study. I don't know who is going to be on the committee, whether it is going to be an impartial or partial study or it is going to be drawn into politics, I don't believe so. I feel that whoever is named to this committee will pass reasonably, and I don't think we have to fear

anything and then get the report back to this House anyway. Whether the 106th or the 107th, we can take care of it at that time if it is impartial.

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 Eagle Lake, Mr. Martin, that Joint Order, House Paper 1574, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, P. P.; Berube, Bustin, Carter, Chonko, Clark, Conley, Connolly, Curtis, T. S., Jr.; Dam, Deshaies, Drigotas, Dunleavy, Farnham, Fraser, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jackson, Jacques, Jalbert, Keyte, Kilroy, LaPointe, Lawry, LeBlanc, Lewis, J.; Mahany, Martin, Maxwell, McHenry, McTeague, Mills, Morin, V.; Mulkern, Najarian, O'Brien, Peterson, Pontbriand, Rolde, Rollins, Smith, D.M.; Talbot, Tanguay, Theriault, Tierney, Webber, Wheeler, Whitzell, Wood, M. E.

NAY — Ault, Baker, Berry, G. W.; Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Cameron, Carey, Carrier, Chick, Churchill, Cooney, Cote, Cottrell, Cressey, Davis, Donaghy, Dow, Dunn, Dyar, Emery, D. F.; Farrington, Fecteau, Finemore, Flynn, Gahagan, Garsoe, Good, Hamblen, Haskell, Hoffses, Huber, Hunter, Immonen, K a u f f m a n, Kelleher, Kelley, R. P.; Knight, Lewis, E.; Littlefield, Lynch, Maddox, McCormick, M c K e r n a n, McNally, Merrill, Morin, L.; Morton, Murchison, Murray, Parks, Perkins, Pratt, Ricker, Shaw, Shute, Silverman, Simpson, L. E.; Smith, S.; Snowe, Soulas,

Sproul, Strout, Susi, Trsk, Trumbull, Walker, White, Willard, The Speaker.

ABSENT — Boudreau, Bunker, Crommett, Curran, Dudley, Evans, Farley, Faucher, Ferris, Gauthier, Hancock, Henley, Herrick, Kelley, LaCharite, MacLeod, McMahon, Norris, Palmer, Ross, Santoro, Sheltra, Stillings, Tyndale.

Yes, 53; No, 74; Absent, 24.

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

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

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

Mr. COONEY: Mr. Speaker, relative to page 9, item 6, An Act Creating Androscoggin County Commissioner Districts, L.D. 378, I now move reconsideration of this measure and ask you all please vote against me.

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

Mr. JACQUES: Mr. Speaker, Members of the House: There is an amendment being prepared to amend this, and I hope that you do not reconsider this item at this time.

The SPEAKER: The Chair will order a division. The pending question is on the motion of the gentleman from Sabattus, Mr. Cooney, that the House reconsider its action as to L. D. 378. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

14 having voted in the affirmative and 96 having voted in the negative, the motion did not prevail.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until eight thirty tomorrow morning.