

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

Volume III

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Index

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, June 7, 1973

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

Prayer by the Rev. Mr. Roy Barnes of Lincoln.

The journal of yesterday was read and approved.

**Papers from the Senate  
Reports of Committees  
Leave to Withdraw**

**Covered by Other Legislation**

Committee on Taxation on Bill "An Act Relating to Net Asset Limitation Under the Elderly Household Tax Relief Act" (S. P. 502) (L. D. 1591) reporting Leave to Withdraw as covered by other legislation.

Came from the Senate with the Report read and accepted.

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

**Divided Report**

Majority Report of the Committee on Liquor Control on Bill "An Act Relating to Liquor Purchased from State Liquor Stores" (S. P. 387) (L. D. 1133) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. OLFENE or Androscoggin  
FORTIER of Oxford  
SCHULTEN of Sagadahoc  
— of the Senate.

Messrs. STILLINGS of Berwick  
IMMONEN of West Paris  
CRESSEY

of North Berwick  
CHICK of Sanford  
FARNHAM of Hampden  
RICKER of Lewiston  
GENEST of Waterville

— of the House.

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

Report was signed by the following members:

Messrs. TANGUAY of Lewiston  
FAUCHER of Solon  
KELLEHER of Bangor

— of the House.

Came from the Senate with the Minority Report accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S.212).

In the House: Reports were read.

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

Mr. STILLINGS: Mr. Speaker, I move acceptance of the Majority "Ought not to pass" Report in non-concurrence.

The SPEAKER: The gentleman from Berwick, Mr. Stillings, moves that the House accept the Majority "Ought not to pass" Report in non-concurrence.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you not to accept the majority report. This bill that was passed out of Liquor Control is a bill to allow your retail outlets, your hotels, your motels and whatever have you that have licenses to purchase their liquor from the state liquor stores in their various areas at the same price that they would be able to purchase in the Kittery store.

This bill had some very heated debate in our Executive Session, and I thought out of fairness to Aroostook County and Penobscot, Oxford and all the other counties where these various establishments are, that if we are going to reduce the price down there in the southern part of the state, then we should equally do so in our areas.

I urge you not to support the majority report.

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

A vote of the House was taken.

Thereupon, Mr. Kelleher of Bangor 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 Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker and Members of the House: I hope that we don't get into a long debate over this issue. The issue is identical to the question that was raised by the bill before us yesterday. The facts are essentially the same. This bill represents, in my judgment, simply a raid on our liquor revenue, and I would hope that you would go along with the majority report of the committee and accept the "ought not to pass" report.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I agree partially with the gentleman from Berwick, Mr. Stillings. However, the fact is, these people are going to go there and get it anyway. There is nothing to prohibit them from now going to Kittery and buying this at discount prices. And for the amount of places involved, it would be well worth their while if they did. So we are not going to solve anything here by accepting the majority "ought not to pass" report.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentleman of the House: I think we debated this item for over an hour and a half yesterday. And to my count, you were correct, there were 37 speakers. It is pretty near time we voted on this point.

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

Mr. LEWIS: Mr. Speaker, a point of inquiry, please. I had a call from a local restaurant last week. I am not sure this applies to the question or not, but they asked me to support a bill that would permit them to get their liquor in the local store as cheaply as they could buy it at Kittery. Does this refer only to restau-

rants who are serving liquor and buying it locally?

The SPEAKER: The gentleman from Bristol, Mr. Lewis, poses a question through the Chair to anyone who may answer if he wishes.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I think this is the very bill that the party in question called you on, Representative Lewis. This involves anyone that is in the retail business to be able to purchase it at the same price that they would be able to purchase it in southern Maine.

The SPEAKER: The pending question is on the motion of the gentleman from Berwick, Mr. Stillings, that the House accept the Majority "Ought not to pass" Report in non-concurrence. A roll call has been ordered. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Binnett, G. W.; Berry, P. P.; Birt, Bither, Bragdon, Brown, Bunker, Cameron, Chick, Churchill, Davis, Evans, Farnham, Ferris, Finemore, Fraser, Good, Haskell, Henley, Herrick, Hoffses, Hunter, Immonen, Kauffman, Kelley, LeBlanc, Littlefield, Mahany, McNally, Merrill, Morton, Murchison, Najarian, Perkins, Pratt, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, S.; Snowe, Sproul, Stillings, Trask, Tyndale, White, Willard, Wood, M. E.; The Speaker.

NAY — Berube, Binnette, Boudreau, Brawn, Bustin, Carrier, Chonko, Clark, Conley, Cooney, Curtis, T. S., Jr.; Deshaies, Donaghy, Drigotas, Dyar, Emery, D. F.; Farley, Gahagan, Greenlaw, Hobbins, Huber, Jalbert, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaPointe, Lewis, E.; Lewis, J.; Lynch, MacLeod, Martin, Maxwell, McHenry, McKernan, Mills, Morin, L.; Morin, V.; Murray, Norris, Parks, Peterson, Rolde, Rollins, Smith, D. M.; Soulas, Theriault, Tierney, Trumbull, Walker, Webber, Wheeler, Whitzell.

ABSENT—Albert, Ault, Briggs, Carey, Carter, Connolly, Cottrell, Cressey, Crommett, Curran, Dam, Dow, Dudley, Dunleavy, Dunn, Farrington, Faucher, Fecteau,

Flynn, Garsoe, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Hamblen, Hancock, Jackson, Jacques, Knight, LaCharite, Lawry, Maddox, McCormick, McMahon, McTeague, Mulkern, O'Brien, Palmer, Pontbriand, Ricker, Santoro, Sheltra, Strout, Susi, Talbot, Tanguay.

Yes, 51; No, 54; Absent, 46.

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

Thereupon, the Minority "Ought to pass" Report was accepted in concurrence and the Bill read once, Senate Amendment "A" (S-212) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Transportation on Bill "An Act Providing for Motor Vehicle Operator's License Classification" (S. P. 409) (L. D. 1211) reporting "Ought to pass" as amended by Committee Amendment "A" (S-201).

Report was signed by the following members:

Messrs. GREELEY of Waldo  
SHUTE of Franklin  
CIANCHETTE  
of Somerset  
— of the Senate.  
Messrs. KEYTE of Dexter  
FRASER of Mexico  
JACQUES of Lewiston  
WEBBER of Belfast  
McNALLY of Ellsworth  
— of the House.

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

Report was signed by the following members:

Mrs. McCORMICK of Union  
BERRY of Madison  
Messrs. WOOD of Brooks  
STROUT of Corinth  
DUNN of Poland  
— of the House.

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

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Ellsworth, Mr. McNally, moves the House accept the Majority "Ought to pass" Report in concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I don't think we should accept the majority report. I wonder if everybody has read the bill. This would require three classifications of licenses. It would be the passenger car or truck up to 18,000 pounds. Anybody driving a truck of 18,000 pounds or over would require another license at a fee, and then there would be another class of combinations which would be trailers and tractor-trailer combination.

The amendment from the Senate would give an early examination which would take seven days. In this day when employment is hard to come by, even with the large amount of employment, seven days to an employer could mean quite a bit.

This would mean that an employer on a farm or in construction or most anything, who might hire a fellow who had only Class I license, if he wanted to send a fellow down the road to pick up something because he didn't have any other driver, this couldn't be done. It really would be quite a hardship on the smaller fellow, I believe. Maybe some of the larger ones have more employees around so that they could find somebody with a class II classification. Many times I have gone down the road with a farm truck and I couldn't do this, although I would be grandfathered in under this, but it would mean an examination, this type of thing. So I wish you would think about it before you voted to have this pass.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Especially coming from Aroostook County, this morning I would like to tell you something about what you have before you. You have got about the best little dilly that we have had for Aroostook County since I have been here. This right here, the only thing you can drive on your operator's license today, as I understand it, is a pickup and your car. You can't drive anything else. You have to have a special license, the farmer, the owner of the trucks, everyone has to have a special license for anything in the truck line. That would be up to and including 18,000 pounds. Over and above that, on your big trailer trucks you would have to have another license again.

Ladies and gentlemen, especially Aroostook County, PUC takes care of the age limit and everything else on these big trucks that so many are worried about. The insurance company also takes care of your driver. If your driver has had trouble, you lose your insurance, so you aren't going to have these people.

I hope this morning that you will vote against this bill because this would crucify Aroostook County. Up there in the fall of the year we need young people, we need young girls, we need men to drive trucks to haul potatoes. You see almost as many girls driving the trucks as you see men, and they are all doing a good job and we have very few accidents. Our accidents on potato trucks are very very small amounts. So I hope this morning you will go against this report and accept the "ought not to pass" report.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: This bill is the result of nearly two years of research and study by the Motor Vehicle Department, the Maine State Police and Department of Transportation and operators of all size trucks, private carriers as well as those who haul for hire.

The bill contains the best language of states having classified or chauffeur license laws. The 18,000 pound classification is a somewhat higher tolerance than other states as a special allowance to Maine home farm trucks.

The only opponent to testify at the hearing was a truck rental agency representative who admitted their only requirement of a person renting a truck, large or small, was that they have a driver's license and the money to pay the rental.

The grandfather clause permits those who already drive a truck to qualify as a classified driver when he or she purchase their next driver's license.

This is a small requirement of truck drivers and eliminates the double standard whereby some Maine truck drivers are required by law to qualify by passing written tests, road tests and physical examination, as well as being required to be 21 years of age while other truck drivers need no qualification except a motor vehicle driver's license. We must discern when a truck is a truck or not a truck because it is owned and driven by a son, husband or neighbor.

By passing this piece of legislation we will have taken one small but important step towards improving highway safety as well as eliminating the hypocritical double standard we now have.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I think the speech was on hired trucks mostly. There are many, many trucks here in Maine that are owned and operated by the small businessman.

I would like to say that as far as I could see, it was the Maine Truckers who were pushing this bill. Maine has been known in the past to try and get these smaller people out of their way so that they could do more trucking.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Keyte.

Mr. KEYTE: Mr. Speaker, Ladies and Gentlemen of the

House: I want to bring up one good point. The grandfather clause in this bill is so liberal that every licensed driver in the state can obtain a truck drivers license endorsement free of charge and no examination for a period of one year service or further application of a license can have their application notarized and examined as an experienced driver. In fact, this will give him the right to come under the grandfather clause and he can still drive his truck. Surely, no one would let anyone run or drive a truck, operate a costly piece of equipment loaded with valuable cargo.

I also think this is a safety bill, and I hope you support the majority report.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Truly this is a highway safety measure. We like to think of truck drivers as competent, skillful, cautious and courteous, and the majority of the experienced ones are just that. But it is very important that we have assurance of this fact. It is a difficult and tiring job.

Now, many may wonder why I have an interest in this and what my experience is. In 1942, I spent several months at the Atlanta Motor Base studying and learning to operate the then new ten-wheel trucks with trailers. Later I was sent to various Army camps as an instructor and an examiner of truck drivers. I held a truck driver's license for several years, but I surely would not consider myself qualified now. It took many weeks even for the very best automobile drivers to become proficient with trucks.

Unlike the licenses we all now have to drive a car, a truck driver should have a special category license showing the extent of his ability. Examination should be given to truly measure the exact skills.

This bill, in my opinion is good, but it might not go even far enough. In several places they have seven categories of drivers. This proposes only four.

Probably this comes to the forefront at this time because last spring we had a rash of accidents here in the state involving unregulated truckers. Not only was this a serious situation from the highway safety standpoint, but it was spoiling the excellent record of common carriers. Trucks, of course, are extremely vital to the economy of Maine, and we must be assured that the drivers are qualified.

If you have followed a pulp truck, or a potato truck even, on a narrow road in the northern part of the state, sometimes it is not a very pleasant experience. If we could be guaranteed that the drivers were truly proficient to hold this position, this might not be so. A truck in the hands of an untrained and unqualified driver is an extremely dangerous weapon. We can not legislate human judgment of error. However, the passage of this bill would at least assure potential competence of each driver.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: I will try to be as brief as I have been all through my years here in the legislature.

Now, I learned to drive a Ford that the lights on it was a carbide light, you had to pour in a little water before you could light it. And since then I have probably driven several hundred thousand miles. I have driven the T-model Ford truck, and the smaller Chevrolet and Ford trucks and even an old White truck when I worked for the Highway Commission at — I don't know what the Army used it for in World War I, but they used it for something, and it had hard rubber tires. But I can assure you with all the experience I have had through the years that I wouldn't anymore dare to get into a ten-wheel truck and try to drive today with all the traffic there is on the roads, with the multitude of traffic that you have everywhere, I most certainly think this is the time that has arrived when we should have

something that would designate how much the ability is of the person who is driving the vehicles that they are in.

The amendment to this bill that has been put on, number S-201, strictly states in the Statement of Fact that the purpose of this amendment is to guarantee a prompt appointment for examination in case of need. And this bill provides right now so that you know that ahead of time that if you pass it that you would need to obtain the proper license for different vehicles that you could foresee that you were going to be in, and in case something ever did happen that you had to come up in a different class, the amendment here guarantees a prompt appointment for examination in case of need.

Now, I hope you will give this due thought. Remember this is not back in the days when I started with a T-model Ford with carbide lights, but it is the day with the roads full of automobiles of various kinds and at this time the Transportation Committee is trying to arrange to have a motorcycle drivers license, not one that says that if you can drive a Volkswagen you can drive a motorcycle and so on. We have tried to help out the situation, and I hope that we continue on and have this bill to continue the aid and the safety of the people of the State of Maine.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: After hearing from the members of the Transportation Committee, and having seen the report, I am a firm believer in highway safety. I think at the present time that it is almost a chore for anyone to go on the road today with a car because there are so many fatalities, so many irregularities in regards to the drivers.

Now, in regard to my good friend Mr. Finemore's statements regarding the girls and the boys in Aroostook County who drive trucks, when they take their examination I think they could

take an examination for truck driver just as well as they can for a car. I see no trouble in that. That could be handled all right. But when you come down to drive these big rigs, I think you should have a special qualification.

Now, to exempt some users of trucks from qualifying would be like saying a Ford truck must have four wheel brakes while Mack trucks be required to have only two. Let's be honest and have no double standards. I believe we should support the majority report because I think they have put a lot of time in that, and I think they were very sincere in regard to their decision.

Now I have a little clipping here that a truck struck the rear of a jeep on Washington Avenue yesterday, forced the jeep across the road and onto a lawn at Washington Avenue. The driver of the jeep, a young man about 29 years of age, was making a left hand turn. He was taken to the Maine Medical center for treatment and later discharged. The driver of the truck, which carried poultry, was identified as Kevin Murphy of North Leeds. He wasn't injured, the reason why, he had a heavy rig and this other fellow didn't have as much weight and when he made the turn this truck really shook him right out of the way.

Now anything we can do to protect the lives on our highways, I am 100 percent for it. I believe we should accept the majority report.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Obviously, I have not had an opportunity to study this bill at any length. I presume that it has had a thorough study by the committee that has been mentioned that has been looking into it. Certainly, I am not one who wants to do anything that would cause more accidents on the highways than we have now.

However, as I glance quickly at this bill, one thing I do notice is that it does require eight new employees to put this bill into effect. Now somehow or other this seems



to me, offhand, to be a little bit ridiculous. It seems that it was known that anybody driving a vehicle, car, truck or what have you, on the roads of the State of Maine, when they got their license they should very well know what type of license or what combination of types of license that they would want. And it seems to me that the one application in most cases would be all that would be needed. And if this were done, I can hardly see how it would justify increasing the force to this extent.

I presume somebody will answer this objection that I have to the bill. I have no objection to anybody driving a truck of any weight subjecting themselves to an investigation to see whether they qualify. But why in heaven can't this be done when they apply for their license if they want to drive a car or a car and a truck or a car and something else and a truck, get their license then to do all three. In doing that, I don't see the need of a great number of employees to put the thing into effect.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: There are three or four reasons I object to this bill. I will try to explain to you. There is a lot said the trucking companies with the big combination trailer trucks. There is not one of them in the State of Maine but what now train their drivers. They have to, they couldn't get insurance if they didn't. There are none of the big trailer trucks on the road without trained drivers. So this certainly couldn't hurt them or hardly apply to them.

In the next group of trucks we have farmers that haul potatoes, we have farmers that haul other things here and other parts of the state. How are we going to train these young people to drive these trucks? There is not one single thing in this bill that gives them the right to go on the road and even learn to drive a truck without that license, and they certainly couldn't qualify until after they have driven one.

I built roads in the State of Maine for 18 years. And time after time working in a little town, we had to have a truck driver, we had to have sometimes two or three truck drivers or we couldn't do a days work. Somebody would call up and say I have got my truck, but I have got no driver this morning, if you can find one you can have the truck. So it was up to me to go out and find a truck driver. And I wouldn't hardly go out and pick up a boy or a girl that I knew had never driven a truck. It would be a farmer or somebody in town that was well qualified to drive that truck that probably never would be licensed under this law, that we could get to drive a truck for two or three days until the regular truck driver came back, which we would be barred from doing under this law. And there is no way in the world, not one thing in this bill that says we can take a young man out and teach him to drive that truck without he first qualify for a license.

We have farmers that are tied up every day in the fall of the year hauling in corn, potatoes, and things they need a driver for; they want somebody just for a day or two. If there were some provision that their own sons that have worked on the farm, perhaps are home from school, that wouldn't qualify under this, they don't happen to have that license, could help them out, that would be a help to those people.

And I tell you, you read the articles that are put on our desks this morning about the little cars that are in trouble because of somebody on the road. Well, it isn't the trucks that are causing the trouble, it is those people in those little cars. There is not a thing in this bill that says let's test those people in those little cars and take the drunks off the road. It seems to me that the fellow that is trying to earn a living with a truck or helping somebody else to earn a living.

The people will be hurt in Aroostook County, the farmers will be hurt, the people that are building roads in the towns will be hurt, unless there is some provision made that we can train these

young people before they qualify. Now, they can't qualify before they learn to drive these trucks. And it is going to cost somebody a lot of money. How in the world are you going to take a test to qualify for driving a truck hauling 48,000 pounds of farm produce without having somebody there with a truck loaded with that to go out on the road to show that they can handle it? There is no provision for that either. I don't know how they are going to qualify.

The bill says that it is going to cost the State of Maine plus \$109,000 the first year of changing these licenses over. It is my opinion that's a pretty small amount, it will cost a whole lot more than that.

I believe in safety on the highways. I believe we should get at the problem where it is, not where somebody tried to tell us it is that really hasn't come up with the facts. The State Police or anybody else don't tell us there has been any great amount of accidents or trouble with somebody driving farm trucks around the neighborhood or gravel trucks around the neighborhood. It speaks of the larger truckers that are on the road all the time, and if you could get at them I would be all for it. But the big trucking companies that operate in the State of Maine, coming into Maine and going out of Maine, they do train their drivers, they have to or they couldn't get any insurance to operate them on our roads. I don't believe it will affect them one way or the other, and they seem to be the ones who want to drive the others off the road.

I want you to think about it, think who you are going to hurt, how much it is going to cost. This bill could be changed not to hurt anybody and still be effective, and then I would be for it, but this just does not do it.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: You probably say he has done everything. I want to tell you something that I have never related to any one of you here. And

this is not a joke. Years ago I was unfortunate, I killed a person. This is no joke. I was not guilty. This will never help. I had driven 13 years without an accident. A fellow slid under my wheel, and I will go along with Mr. Finemore.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I have been interested in this type of legislation for some time. I did not attend the hearing, but I understand there were no opponents, except truck rental companies. When they were asked, what are the requirements for renting a truck of any kind, any size? They replied a drivers license and your ability to pay, these are the only requirements. That is just great. That makes a lot of sense. This is highway safety? And this is true, I rented a 16 foot van last summer for two days. I was never asked if I was familiar with driving a rig of this type or this size, nothing at all.

Now there are some here who are concerned about their own personal businesses being affected. This L. D., as I read it, is well grandfathered on page 2, and persons now using a truck would not be affected adversely. And the grandfather clause reads, on page 2, that for a period of one year from the effective date of this act, persons holding a valid license to operate motor vehicles issued by the Secretary of State may apply to the Secretary of State to have such licenses endorsed class 1 or class 2, without additional fee. Now this is not too stiff. So let's not let personal interest enter into this. And in the interest of highway safety, let's pass this bill as it is written.

I would hope we would accept the majority "ought to pass" report.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: First, I would like to answer Mr. Ross from Bath. Today the truck accidents aren't caused by Maine drivers. Very, very few, the per-

centage is very small, most of them are gypsy drivers. And our biggest percentage of trucks on 95 and on the turnpike are gypsy drivers. And as a rule, these gypsy drivers are well trained. In fact, in the State of Maine practically all of our big companies are training their drivers. Merrill has a school, I wouldn't say how many weeks, but it is a matter of weeks and it is a matter of quite a few, maybe eight or ten weeks they train their drivers. These drivers are well trained.

In regard to the last speaker, you take your trucks, rental trucks, any 16 foot van truck isn't any harder to drive than an automobile. In fact, in Aroostook County our kids cut their teeth on trucks 16-foot van trucks, even the girls, high school girls, girls 15 and 16 years old. When we start digging potatoes in Aroostook County, we don't want to have to go out and wait seven days or six or five days for someone to get their license to drive a potato truck. The mother drives, the father drives and the children all drive in Aroostook County in the fall of the year. And as far as truck drivers are concerned, you don't find a better class of drivers than truck drivers.

You go up here on 95 and check the accidents this last four or five years that it has been open clear through, and you will find that those trucks that have killed people are nine times out of ten that it has been the car at fault.

Just recently we had one that included a state engineer on the two-lane road above Howland. He deliberately broke right out of a solid line and hit a truck from my town right head on. That isn't the truck driver's fault. We don't hear only that it is a truck, it is a truck involved. That truck pays more taxes and has more right to be on that road than any driver that drives a car or a small truck, and there is no reason why he shouldn't continue. These accidents, and we had another accident this side of Millinocket the same way two or three years ago. They pulled out one morning after daylight right out in front of a big truck. That is not the truck driver's fault. In

fact, you come up behind these trucks, pulp trucks and other trucks both, you come up behind them and they will pull over in the passing lane, the third lane and let the cars by, especially Cole's Express and trucks like that, they all pull over and let you by. There is no trouble with these trucks.

Pulp trucks, every bit of their pulp has to be below the stakes. They have to be chained by two, three-eighths chains the whole length of that body or risers on them or both. You haven't got a safer bunch of vehicles on the road than those trucks.

I am not talking my own point of interest because I don't haul on 95 anymore. I haul into Canada and 90 percent of my stuff goes into Canada now. I think it is a shame this morning to put something like this over on the people in the State of Maine as a safety item. We want safety; we want safety all over the state. But you take your big trucks, they are inspected. That is something your car isn't; your car is inspected every six months.

The former speaker just mentioned how much of a safety this would be. But you go down here to Kittery, when they weigh you up, they inspect your truck. The PUC will stop you on the road and inspect your truck. They will weigh you up on the road and you are checked constantly and steady if there is a light out, if there is a trailer light out, but this is not true with automobiles. You get them inspected once every six months. Then you drive up to the inspection door and they look you over and they say, "Where is your license?" They walk in and bring it back and pass it to you. That is not so on a truck. I will tell you, this is a bad bill.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: After hearing my good friend, Mr. Finemore, state how capable the young people are in Aroostook County, I wish that we could say the same thing about other counties through-

out the state, because there are a lot of them who should go to driving school to learn how to drive a car or a truck or what have you. But when he brought out the statement about these trucks up there do not cause many fatalities, if I can remember right, not too many years ago there was a potato truck that wiped out a family down here in Richmond, Maine. That wasn't any ordinary truck, it was a potato truck too.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker and Members of the House: What the previous speaker said, it was not a potato truck, it was an oil truck, and the car ran right smack under the middle of it, because I happened to know the man who went over to get the truck off the car. This bill looks to me like one of those ideas that restricts our freedom. In the name of safety and health we are going to lose every freedom we have got if we keep on. I hope you vote against this bill.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker, Ladies and Gentlemen of the House: I, too, believe in safety. I have been involved with trucks all my life. I wouldn't put a driver on if I didn't think he was capable. This training and this special license, it would improve a person's judgment a bit, I don't think, and that is what you need in driving.

As far as a U-Haul, if I was to hire a U-Haul, I wouldn't dare drive it myself if I didn't feel confident.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: After reading through this bill here, I don't find anything in it that covers these alien trucks that come into our state.

Up our way we have a lot of these Canadian trucks coming across the border loaded with pulp, logs, most of them overloaded. Day by day up there they are being brought into court for overloading and everything else. I

don't know what kind of a deal it is between this state and any other state, whether it is reciprocal agreement or what it is, but I do know that these people come into this state and they carry vast overloads. Many of them get by. A lot of them are involved in accidents in this state, and if they get back across the boundary of the state, there is no liability.

I would be opposed to this bill in its form. I don't think it is complete.

Thereupon, Mr. Good of Westfield requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Ellsworth, Mr. McNally that the House accept the Majority "Ought to pass" Report on Bill "An Act Providing for Motor Vehicle Operator's License Classification" (S. P. 409) (L. D. 1211) in concurrence. All in favor of that motion will vote yes; those opposed will vote no

#### ROLL CALL

YEA — Ault, Baker, Berry, P. P.; Berube, Binnette, Birt, Boudreau, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carter, Chonko, Churchill, Conley, Connolly, Cooney, Cote, Cottrell, Curtis, T. S., Jr.; Deshaies, Donaghy, Drigotas, Emery, D. F.; Farnham, Fecteau, Ferris, Flynn, Fraser, Gahagan, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Huber, Jackson, Jalbert, Kauffman, Kelley, Keyte, Kilroy, Knight, Lawry, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maxwell, McKernan, McMahon, McNally, McTeague, Morin, L.; Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Peterson, Rolde, Ross, Silverman, Simpson, L. E.; Smith, D. M.; Stillings, Talbot,

Theriahult, Tierney, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, The Speaker

NAY — Albert, Berry, G. W.; Bither, Bragdon, Brawn, Chick, Clark, Davis, Dunleavy, Dunn, Dyar, Evans, Farrington, Finemore, Gauthier, Good, Hamblen, Haskell, Henley, Herrick, Hoffses, Hunter, Immonen, Kelleher, Kelley, R. P.; LaPointe, LeBlanc, Mahany, Martin, McHenry, Merrill, Mills, Mulkern, Pratt, Ricker, Rollins, Shaw, Shute, Smith, S.; Snowe, Sproul, Tanguay, Whitzell, Willard, Wood, M. E.

ABSENT — Carrier, Cressey, Crommett, Curran, Dam, Dow, Dudley, Farley, Faucher, Hancock, Jacques, LaCharite, Maddox, McCormick, Morin, V.; Morton, Pontbriand, Santoro, Sheltra, Soulas, Strout, Susi.

Yes, 84; No, 45; Absent, 22.

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

The Bill was read once. Committee Amendment "A" (S-201) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

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

Bill "An Act Relating to Election of Jury Trials in Misdemeanor Proceedings" (H. P. 161) (L. D. 203) which the House accepted the Minority Report "Ought to Pass" as amended by Committee Amendment "A" (H-486) and passed the Bill to be engrossed on June 4.

Came from the Senate with the Majority Report "Ought to Pass" accepted and the Bill passed to be engrossed in non-concurrence.

In the House: On motion of Mrs. Baker of Orrington, tabled pending further consideration and specially assigned for Monday, June 11.

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

Bill "An Act Providing Pensions for Former Governors and their Widows" (S. P. 363) (L. D. 1077) which the House enacted as amended by Committee Amendment "A" (S-115) as amended by House Amendment "A" (H-400) thereto on May 30.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (S-115) as amended by House Amendment "A" (H-400) thereto and Senate Amendment "C" (S-211) in non-concurrence.

In the House: On motion of Mr. Haskell of Houlton, the House voted to recede and concur.

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

Bill "An Act to Extend the Deadline for Mandatory Shoreland Zoning" (H. P. 1538) (L. D. 1968) which the House passed to be engrossed as amended by House Amendment "B" (H-478) on May 31.

Came from the Senate with the Bill passed to be engrossed as amended by House Amendment "B" (H-478) and Senate Amendment "A" (S-215) in non-concurrence.

In the House:

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

Mr. MARTIN: Mr. Speaker, I move that the House insist.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the House insist.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I would request a division and would speak a little bit to this matter.

The proposal is an amendment to the shoreland zoning act. A few days ago I distributed a memorandum where it says there are serious problems the way the act is presently written in the event that municipalities do not zone as they are required to do within the deadline. Part of the bill before us extends the deadline. I certainly have no objection to that. I think that is a worthy goal. The amendment, however, would solve the other problem and that is, if municipalities do not zone, the state, as we know, will do it for them.

Under the present law, if you look in page three of the bill, the present law is repeated. The decision is to who would determine what a proper municipal ordinance is in the shoreland zoning area and

it would be determined by the Department of Environmental Protection and the Land Use Regulation Commission. The purpose of the amendment, which I support, is to delete the responsibility for determining municipal ordinances from the Land Use Regulation Commission, an organization which I submit has proper responsibility in the unorganized territories but not in the municipalities. For that reason, I oppose the motion and ask for a division and hope that later a motion would be in order to recede and concur.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Let me give you a brief background of this bill and some other bills which I have been involved with.

The past legislature passed a bill which I sponsored which dealt with mandatory shoreline zoning. It was one of those items which, I suspect, if I had thought would have been written differently than it was written. But at the time there was a real question as to whether or not we were going to be moving in this type of direction. It was obvious that most probably we would not. But we felt that this was an opportunity during the legislative session to try and find out what the feeling was within the legislature, so I presented the bill and the bill was debated on the floor of this body quite adequately and we finally ended up passing the bill. The bill called for a deadline to be effective July 1 of 1973.

Under the terms of that bill, the Department of Environmental Protection, the State Planning Office and the Land Use Regulation Commission were to work on guidelines.

I was involved throughout the entire planning process, through the implementation and through the programs that were done. The Department of Environmental Protection, the State Planning Office and the Land Use Regulation Commission applied for a Ford Foundation grant, which was granted and was roughly \$90,000. The \$90,000

was spent and is about to run out on July 1, and at that time there will be no more funds available from the Ford Foundation. They have already made their wishes known to us.

The reason why there is nothing available is basically because the shoreline zoning project proposal handled by the University of Maine has done but very little and has done what it has done very poorly. If you take a look at the proposals that have been written and the way that the whole thing transpired, it is really a waste of money. If it were taxpayers' money, you would hear me screaming a heck of a lot louder than I am screaming now. The money was Ford Foundation money, granted for a particular purpose.

At that point, the Ford Foundation said, "No way, we are not going to help the State of Maine any more."

There were two bills before the Natural Resources Committee, both of which I submitted, this bill, plus another bill which I asked leave to withdraw. We worked out a proposal between myself and an awful lot of people into what ought to be the process that we ought to take in working this situation out. Keep in mind that we are interested in having shoreline zoning in those areas where they are close to the lakes, rivers or streams.

But the issue is very simple. If you want to get the Department of Environmental Protection or, for that matter, any other department to force things down the community's throat, then I would suggest that you vote for the motion that the gentleman from Orono is probably going to make, the motion to recede and concur. If you disagree, then I would ask you to vote with me on the motion to insist.

The way that this is planned and the way this is hoped it is going to work, is that the municipalities will be given direction through the State Planning Office in consultation with other departments that the municipalities are asked to set up a planning board, that we are not forcing them and

we are not forcing regulations down the municipalities' throats. If you believe that what we ought to do is to simply on July 1 of next year have DEP impose regulations on those municipalities that have not acted, then I repeat, vote for the motion that the gentleman from Orono is going to make. But if you believe that the municipalities ought to be given an opportunity to work out the problem, then you ought to leave the bill the way it is.

When we come back, we will be back in the next session, and if the municipalities fail to act, then I think it might be proper for us to consider mandatory zoning in these areas. I am a proponent of zoning and I suspect if I had my way, in the final analysis I might want the whole state, every municipality zoned. But I also believe, believe very strongly, that the municipalities ought to be given an opportunity to do that. So I would ask you to go with the unanimous report of the committee as the bill originally came out. The reasons why the amendments were introduced in the other body have been discussed and they have been taken care of, and I can assure you that if we vote to insist, it won't be back.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I do move to recede and concur at this time and I would like to speak once again, a little bit more to the matter.

I listened very carefully to the gentleman from Eagle Lake as he described his interest in this area. I, too, have an interest in the area because I am a member of the General Advisory Committee, one of the two legislators on the committee. To the shoreland zoning project, first of all, I would disagree completely with the gentleman's analysis of the effectiveness of that project, but I think that is completely beside the point. What we are discussing here is the bill which is before us, L. D. 1968. The present law, which is continued in the bill, requires

mandatory zoning after the extension. Again I would say I agree with the gentleman, probably all of us agree that that extension deadline should be made into law and provided. But after that deadline is extended, the municipalities are still faced with the decision that if they have not already passed their own ordinances, someone in the state, under the law that we are about to pass here, is going to do it for them. Again, I suggest that the Land Use Regulation Commission ought not to have a part in determining the ordinances for municipalities, that that should be left strictly to the Planning Office and the Department of Environmental Protection. I hope you agree with me and vote with me.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I wish you would take the time to read the amendment. The Statement of Fact that is there is not quite accurate. The issue is not whether or not LURC is not going to do any zoning, because that is not the case either way. The way the bill is drafted, it says that the State Planning Office shall assist the municipalities after consultation with the Land Use Regulation Commission and the Department of Environmental Protection. The way that the amendment would change the bill is that the Department of Environmental Protection would do their zoning — would do it, that is the difference. That is why I would ask you to vote against the motion to recede and concur and I would ask for a division.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would have to disagree with the motion that Mr. Curtis has presented. I believe that the definition should be the same as it applies to DEP and applies to LURC.

If you go back to subdivisions, you will find that we had the same case. Presently in the State of

Maine we have three definitions actually of subdivisions. I think we should take the time and exert the effort to make sure that the definition of shoreline zoning is the same statewide.

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

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: We have been discussing these communities that have not complied with the zoning ordinance. What about the communities that have made the effort and have complied with the deadline, which is July 1, 1973? I think those communities should be commended, and those communities that have dragged their heels or in other ways have not complied with the law as it is written should be penalized in some way or other.

I am not opposed to extending the deadline, but I believe that it should be done in such a manner that those communities that have made the effort, that have done their zoning as they should have done it should at least be given some consideration over those communities that have not.

We may be back here again and extending the deadline still further because those communities have not complied with the law, but have continued to drag their feet. Is this going to be a continuation, that is my question, or are we going to render to those communities that have done as they should have done and have complied with the law and have passed a zoning ordinance?

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I quite agree with the gentleman from Camden, Mr. Hoffses. At the present time, I believe 113 or so communities—the accurate number escapes me—have actually done what the law that was passed was intended to try to get the communities to do. Most of those communities that were able to act as quickly as that were able to do it because they already had existing planning boards and they al-

ready had the machinery structured to do just that. Other communities, in particular the more rural ones, have been unable to because they have had to literally go through all the machinery that they did not already have that the other towns did have.

I think and I do feel strongly that I personally would not plan, as one proponent of shoreline zoning, to extend it any further beyond the date that is proposed in the new guidelines in this bill. On the other hand, I suspect that if I had thought for a moment two years ago that the bill would have passed, which I sponsored two years ago that the deadline that was in that bill would have been a little different than it finally ended up.

But you see, one of the things that happens around here is every now and then we say we are going to fly an issue and the issue gets away from us, and I think that is what transpired two years ago and '73 was just too quick for an awful lot of municipalities to act.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I find it kind of amusing sitting here listening to this this morning, because you know it takes me back to the 105th and some of the comments and objections I had to this whole bill at that time. At that time I said that one of the problems we would have is that we would be back in the 106th looking for extensions of deadlines and everything else because of the interference of the state with the local municipal bodies.

I read the bill, Section 4813, where it definitely does state that LURC will have the veto power in local municipalities. It is as plain as day, as I see it. It says, if the Board of Environmental Protection and the Maine Land Use Regulation Commission determine that particular municipal ordinances, because of their laxity and permissiveness do not adequately prevent and control water pollution, protect and so forth, that they shall



have the right to take and reject them. The amendment would take them out of it and leave it to at least the Department of Environmental Protection, and I would like to not support the whole bill, but I would at least support the amendment as it came down from the Senate.

The 104th, if I follow this right, we started in by saying that we were going to zone the bodies of water within 250 feet of the navigable bodies of water in the unorganized territories. They soon realized that this was too much of a problem, too much of a burden, it couldn't be done unless they did the whole unorganized territory. So at that time, they came into the 105th and asked to do all the unorganized territories and I support that. I think somebody has got to do it, and if we are the owners and so forth, the controlling interest of the municipal body that is handling it, then we are going to do it. But then the bill came in that now we are going to mandate that all local municipalities zone and subdivide within 250 feet of navigable bodies of water in the organized territory. That is fine except that it says that if they don't do it by such a date or if they don't do it in a way the state likes, then the state is going to do it for them. That is where the hang-up came and that is where all of a sudden everybody said well, we want some guidelines. If you are going to veto what we are going to do, then we want some guidelines, and they haven't come forth.

So now we are back here again looking for another extension which, okay, I will go along with the extension, but I still don't want LURC involved in the organized territories in this state. If the Department of Environmental Protection wants to be there, let's give them the opportunity to do so.

Now, I happen to be a strong proponent of zoning, but I tried to tell you the other day that a zoning ordinance is the most powerful ordinance in the world, it definitely is, and it gets involved in personal rights more than any-

thing else going. And for the state to start to try and determine what is good in Fort Kent and what is good in Standish or Portland or any place else, I don't think it is our prerogative and we should leave it to local control as much as possible.

We have decided not to do that, so I would at least say that we ought to recede and concur and at least leave it up to one agency, the Department of Environmental Protection.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: One of the problems that we have around here is that there are 2,000 bills and we can't all read them throughout. Unfortunately, the gentleman from Standish has the same problem as I have, that he can't read them all. If the gentleman would turn to page 4 of the bill and take a look at 4814, this is the point that I was making and if you want to change this, I have no real hangups about it, but I just want you to know what you are doing.

It says, "the Board of Environmental Protection and the Maine Land Use Regulations Commission, municipalities and all state agencies shall mutually cooperate to accomplish the objectives of the chapter that deals now with enforcement. To that end, the Board and the Commission shall consult with the governing bodies of the municipalities to whatever extent is necessary with other state agencies to secure voluntary uniformity of regulations so far as practical and shall extend all possible assistance therefor. The State Planning Office shall be responsible for coordinating the efforts and responsibilities of the Board of Environmental Protection and the Maine Land Use Regulations Commission acting pursuant to the chapter."

The amendment changes that to give the Department of Environmental Protection complete and total power of implementation and enforcement at the end of the deadline. It is that simple. What I am suggesting and I am not

going to get upset about it because I think if you vote for the mandatory zoning, DEP controlling everything, that is fine. But keep in mind, we are concerned with voluntary implementation of this, consultation with the municipalities, and you ought not to recede and concur. It is really that simple.

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

Mr. MacLEOD: Mr. Speaker and Ladies and Gentlemen of the House: I would like to concur this morning with the gentleman from Eagle Lake, Mr. Martin. I think this bill had a good hearing. We have sat on Natural Resources this year and I think this has been the year, you might say, or the session of the amendment, because many of the bills that were passed in the 105th Legislature have been thoroughly worked over by our committee and by assisting attorneys general who are well versed in the environmental laws.

I seem to be at odds with my leader in the right hand corner when it comes up to zoning and land use regulations and subdivision laws. However, I think at this time we should stand pat, leave the zoning to the municipalities and let them work this out. Let's not build another layer up here that they have got to wade through for the time being. You will be back here in the special session and you have another one coming up. It isn't as if it is do or die today.

At this time, I would urge you to accept the insist motion.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the gentleman from Bar Harbor, I think that is just exactly what we are doing here in this amendment, taking away another layer of responsibility. He said that we should leave it to local municipalities, and I think that is just exactly where it should go. Also, in answer to the gentleman from Eagle Lake, Mr. Martin, if he would take a look at the amendment, the sec-

ond page of it, under section 4814, it does just that again. And it still leaves it up to the Department of Environmental Protection. It takes LURC out of it.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: Once again, I would like to reiterate what I said before. The area we are concerned with, regardless of what you have heard a little bit previously in this debate, is not section 4814, which has the cooperation of enforcement and does indeed involve the State Planning Office. It has to do with section 4813, which is the question of who is going to write the ordinances for the municipalities if they don't write the ordinances themselves? The way the bill is now written without the amendment, it would be two organizations that would be doing the job — the Land Use Regulation Commission and the Department of Environmental Protection — both presumably getting together, and I hope they would be able to do it if we finally pass this, and working out the regulations and the specific ordinances for each municipality under the guidance and direction of the State Planning Office.

The amendment, as Mr. Simpson has mentioned, cuts through one layer of government, eliminates the Land Use Regulation Commission from having a part in writing the ordinances for the municipalities.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Curtis, that the House recede and concur with the Senate on Bill "An Act to Extend the Deadline for Mandatory Shoreland Zoning" (H. P. 1538) (L. D. 1968). All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Martin of Eagle Lake, the House voted to insist.

**Messages and Documents**  
The following communication:  
The Senate of Maine  
Augusta

June 6, 1973

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

The Senate voted today to Adhere to its action whereby it accepted the Majority Ought Not To Pass Report on Bill, An Act Relating to Grounds for Judicial Separation. (H. P. 1224) (L. D. 1594)

The Senate also voted to Adhere to its action whereby it accepted the Minority Ought Not To Pass Report on Bill, An Act Relating to Probation and Expungement of Records for First-time Possession of Marijuana Offenders. (H. P. 470) (L. D. 618)

Respectfully,

(Signed)

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following communication:  
State of Maine  
One Hundred and Sixth Legislature  
Committee on Agriculture

June 4, 1973

Honorable Richard D. Hewes  
Speaker of the House  
State House

Dear Speaker Hewes:

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

|                                |    |
|--------------------------------|----|
| Total number of bills received | 34 |
| Ought to Pass                  | 16 |
| Ought to Pass as Amended       | 4  |
| Ought to Pass in New Draft     | 1  |
| Ought not to pass              | 3  |
| Divided Reports                | 7  |
| Leave to Withdraw              | 2  |
| Referred to Another Committee  | 1  |

Sincerely,

(Signed)

LEE E. EVANS  
House Chairman

The Communication was read and ordered placed on file.

**Orders**

On motion of Mr. Shute of Stockton Springs, it was

ORDERED, that Ralph Cressey of North Berwick be excused for the duration of his illness.

Mr. Simpson of Standish presented the following Joint Order and moved its passage.

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation of the 106th Legislature report out a bill entitled "An Act to Provide Property Tax Reduction, Rent Relief and Equalization of Municipal Revenues." (H. P. 1582)

The Order was read and passed.

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Martin of Eagle Lake, presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Election Laws shall report out an emergency bill requiring all persons, corporations, public and private utilities, associations and political committees accepting or expending money to promote or defeat any referendum question to report all such contributions and expenditures at the end of each month, commencing in July, 1973, to the Secretary of State. Such report shall be of substantially the same form and content as that required by federal candidates by federal law, and as this Legislature has recently voted to require of gubernatorial candidates. (H. P. 1583)

The Order was read and passed.

By unanimous consent, ordered sent forthwith to the Senate.

**House Reports of Committees  
Leave to Withdraw  
Covered by Other Legislation**

Mr. Norris from the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Salaries of Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court" (H. P. 130) (L. D. 154) reporting Leave to Withdraw as covered by other legislation.

Mr. Smith from same Committee reporting same on Bill "An Act

to Provide Nutritious Meals for Older People" (H. P. 879) (L. D. 1166)

Reports were read and accepted and sent up for concurrence.

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

Mr. Haskell from the Committee on Appropriations and Financial Affairs on Bill "An Act to Adjust Certain Salary Provisions of State Officers and Officials" (H. P. 573) (L. D. 752) reporting "Ought to Pass" in New Draft (H. P. 1581) (L. D. 2007) under same title.

Mr. Haskell from Committee on Appropriations and Financial Affairs on Bill "An Act Adjusting State Employees' Pay" (H. P. 1159) (L. D. 1492) reporting "Ought to Pass" in new draft (H. P. 1580) (L. D. 2006) under title "An Act Increasing State, Maine Maritime Academy and Classified University of Maine Employees' Pay."

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

The following matters appearing on the Consent Calendar were taken up out of order by unanimous consent:

**Consent Calendar  
First Day**

(H. P. 904) (L. D. 1192) Bill "An Act Declaring Maine's Sovereignty for 200 miles Seaward from its Boundaries" — Committee on Marine Resources reporting "Ought to Pass as amended by Committee Amendment "A" (H-517)

(H. P. 907) (L. D. 1195) Bill "An Act Authorizing Plus New England Service of Maine, Inc., to Confer Associate Degrees" — Committee on Education reporting "Ought to Pass."

(H. P. 1548) (L. D. 1982) Bill "An Act Relating to Tuition Contracts in School Administrative District No. 68"

Committee on Education reporting "Ought to Pass."

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

**Consent Calendar  
Second Day**

(S. P. 287) (L. D. 834) Bill "An Act Relating to Marine Fishery Regulations."

(S. P. 398) (L. D. 1212) Bill "An Act Providing for Suspensions of Domestic Corporations by the Secretary of State" (C. "A" S-199).

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

(H. P. 623) (L. D. 821) Bill "An Act Relating to Forfeiture of All Property Used in Delivering Illegal Drugs" (C. "A" H-508).

On the request of Mr. Connolly of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-508) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The following Enactors were taken up out of order by unanimous consent:

**Emergency Measure  
Tabled and Assigned**

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

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

(On motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and specially assigned for Monday, June 11.)

**Passed to Be Enacted  
Emergency Measure**

An Act Providing Funds for Continued Operation of Regular Ferry Service between Rockland and Matinicus Island (S. P. 391) (L. D. 1137)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of same and 2 against,

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

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**Passed to Be Enacted**

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

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

An Act to Establish a Uniform Program for Educational Leave for State Employees (H. P. 507) (L. D. 672)

An Act to Provide a Minimum Fine for Obstructing Justice (H. P. 983) (L. D. 1303)

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

An Act Relating to Operation of the Halfway House Program (H. P. 1201) (L. D. 1541)

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.

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An Act to Repeal the Minimum Age for Hospitalization of Mentally Ill Persons (H. P. 1295) (L. D. 1707)

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

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I am a little bit concerned about this bill. It does away with the minimum age of anybody entering our state institutions. This would mean, and I think it was prompted by the story around the Children's Hospital at Pineland not being able to be accredited.

I think we should think twice before we do away with an age of entering our children into state institutions.

We heard yesterday the hazards that are in our state institutions, and do we want to put young children in them? There is no guarantee here as to where these children would be placed. If they are placed within our state institutions, I fear their safety.

I am not the only one. Parents of Pineland patients who the department has been talking about moving to our state institutions are very much concerned.

The amendment to this could do away with our fear, and on the other hand, it might not. The amendment says that it is up to the consent of the parents and the Commissioner of the Department of Mental Health. As it is now, it doesn't matter whether the parents do not want their children moved. The thoughts of the department heads supersede that of the parents. I would like just a guarantee that if the parents do not agree, the department cannot go over their heads and move our children that are mentally disturbed into some of our state hospitals.

Since they are doing away with the maximum security, everybody is running together and mingling together in our state hospitals, no matter what the degree of insanity there is. We know of instances where the inmates or clients have been harmed. They have had broken arms and this type of thing, and do we want our children under the age of 16 in our state hospitals and this type of thing? I wish you would think of this before we vote for this to be done.

Before I make a motion, I would like to ask a question of anybody that might answer. Are we going to have a guarantee that these department heads can't supersede the wishes of parents or guardians?

The SPEAKER: The gentlewoman from Madison, Mrs. Berry, poses a question through the Chair to anyone who may answer if he or she wishes.

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

Mr. NORRIS: Mr. Speaker and Members of the House: To the gentle lady from Madison, I guess the only thing anyone can guarantee in this life is probably death and taxes, but I hope, and the main intention of the amendment on the bill was to state as it does, and I don't have it before me here, but to state that no child will be put in any one of the mental in-

situations—and I think the amendment states that very emphatically—either or unless the parent or guardian gives their consent.

We also put in that the commissioner would have the right to determine whether or not they would accept them in these institutions, and that is the only reason he was put in. For instance, a parent or guardian could insist, could come to let's say Bangor State Hospital with a child under 16 and say, you must put my child in this institution. The commissioner would have a right to say no, we will not. But I think by the same token in the amendment, if the gentlewoman would read it again, she would find that it says that no child may be put in one of these institutions without the consent of the child's parent or if the child has no parents, the child's guardian, and that is exactly the intent of the amendment and I don't think that it would be at all possible.

This legislation did come about—just to correct the gentle lady—this legislation did come about from the Bangor State Hospital study report. This was long before the hassle came up at CPH, and it was not put in in any way to accredit Pineland or to interfere in that thing at Pineland at all. The thing that we found, there were some 5,000 children with mental problems. Now, these are no mentally retarded, these are children with emotional problems throughout the State of Maine. On the overall look, we have some 64, I believe, and I could stand to be corrected on that, but I think it is around 65 at Pineland now and apparently from the hearing I went to, the parents were very well satisfied with the treatment they were getting and they didn't want them moved.

I am not addressing myself to that. I am addressing myself to the other 4,936 emotionally disturbed youngsters throughout the state and eventually something is going to have to be done. But I had the amendment put on because I felt that it would satisfy the good lady's objections, because the parent or guardian will have to give their consent for the

child to be put in any of these institutions and hopefully if we do open—and I have no idea what the plans are, but I am sure that there will be separate facilities for these children at these institutions. I feel quite sure of this, because I don't think that anyone wants to mix children and adults with emotional disturbances. I hope this answers the gentle lady's question.

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

Mr. DYAR: Mr. Speaker, Members of the House: I think there should be some clarification on this. It is a well known fact that most departments start acting on a program one or two years in advance before actually bringing it to the eyes of the public.

It has been our experience through testimony to find that the Director of Mental Health here in the state wants to close CPH at Pineland and take these 60 or 70 children and place them in Augusta and Bangor State Hospitals. His main reason is that there is an educational advantage at these two institutions.

We objected to 13, 14, 15-year-old young people being placed in a unitization setup where they will be living with seriously disturbed people ranging in age from 16 to possibly 90 years of age. The reply to this question was that this would put the child in a community surrounding that he would normally be in his own home. He would be living with people his own age, living with people who are elderly. He would be with people of both sexes. I do not believe that an emotionally disturbed child could receive proper treatment in the surroundings that have been suggested by the department.

If the department needs more room at Pineland let them place an appropriation in the budget. If they want to transfer young people to Augusta or Bangor State Hospital let us know what it is going to cost. Are we going to put in dormitory facilities to take care of these people at the present time between 60 and 70? Are we going to expand to take in 400, 500, 600? Are we going to spend \$1 million or are we

going to spend \$20 million.

I think the theory behind this is a selfish motivation by certain individuals within the department, and I think the question brought up by Mrs. Berry this morning is germane.

The SPEAKER: The Chair recognizes the gentle lady from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I am not quite satisfied with the explanation. It didn't go in too much to the Commissioner of Mental Health and Corrections on the part of the amendment.

We have been told yes, the parents do have a say in whether our children are moved, not particularly to state institutions but being moved out into the community. But then when we get to the bottom of the thing, the parents do have a say, but then the department can come in and supersede everything, and they move them regardless of what the parents think.

I am sure that the department is looking ahead to moving these children from Pineland to our state institutions, and I don't know whether many of you know just what the system is in some of our state institutions now, but there are a part of the clients, as they like to call them, who have the use of the grounds under a guardian or having a guard or a person out with them. There are those who can move all over the grounds without anybody saying where they go or anybody knowing where they are. There are those who are allowed to go off grounds by passes. They are all over the City of Augusta, and I am not saying that they are doing too much harm, but we have seen where some have jumped off the bridge, and we understand that the police here in Augusta have to cater to them, carting them back to the hospital and this type of thing. They are not particularly people that I would like to have around my children, if I had some in there.

They don't know where these people are. They let them out at 8:00 in the morning and they come in when they want to. I think at this time that this is a poor place

for any children under 16 years of age who are emotionally disturbed or are this type of person or child at all. They may be 16 years old but in their mind they might be 3, 4, 5 or 6-year-old children. I think they should stay where they are and not be in our state hospitals.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Again very briefly, I have listened to the good lady from Madison, and as usual, she is talking about Augusta and she is talking about Bangor, she is talking about patients being in Augusta, and certainly the 16-year-old children, if what she says is true, are in danger in the City of Augusta. I mean, this is the usual attack which may be well-founded. I am not addressing myself to that but the usual attack on the department and everything that has anything to do with the department, whether it be good or bad, should be done away with. I mean, this seems to be her opinion.

Now, Mr. Dyar says that — my good friend, Representative Ross Dyar from Strong says that they want to commingle them under a unitized unit. I went to the hearing that his committee held with the parents from Pineland there. At no time did I hear the commissioner — at no time did I hear the commissioner or Schumacher or Anderson or anyone there that represented the department say that they intended to put these children into the unitization at Augusta, and when he says this, then he heard something that I didn't hear, and I was at the meeting practically until the end until the gentle lady from Madison launched her attack about bridges and escapees and things that again were very irrelevant to the question at hand; because we are dealing with a specific issue here. We are not dealing with your overall picture. If the department is wrong and the commissioner doesn't act in the proper manner, then I go along with Mr. Jalbert, let's fire him and get somebody that will. But we cannot forever and a day

keep dragging our feet on every piece of legislation that comes along here, because the department doesn't do this or they do something wrong.

Now, the other thing I would say specifically to the gentle lady is she speaks of age limitation and emotionally disturbed, which makes it very apparent that she doesn't know the difference between emotionally disturbed children and mentally retarded children, and she has been on a committee that has been studying this thing now for two years. There is a difference between children being emotionally disturbed and mentally retarded, and she should know that. She said, these children, even though they are 16 or 17, may have the mentality of a 3 year old, and this is absolutely and unequivocally incorrect. So please stick to the facts and quote the facts, Mrs. Berry.

Mrs. Berry of Madison was granted permission to speak a third time.

Mrs. BERRY: Mr. Speaker, Members of the House: I was not speaking of just an emotionally disturbed child. This gives them permission to move the mentally retarded along with the emotionally disturbed. I am sure I know the difference between the two.

This bill doesn't specify whether it is an emotionally disturbed or a mentally retarded child, so any of them could be moved.

Mr. Norris of Brewer was granted permission to speak a third time.

Mr. NORRIS: Mr. Speaker, Members of the House: The only mix that I know of is at CHP at Pineland with the mentally retarded. There was no attempt at all made at any of the institutions at Bangor or Augusta nor has there ever been to put mentally retarded in those institutions. Those institutions are for the emotionally disturbed. That is their function, and that is what they are there for, not for the mentally retarded.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond very brief-

ly to the question raised by the gentle lady from Madison. I just took a look at Committee Amendment "A," and as I see the House Calendar today, Committee Amendment "A" is part of the bill, and at this point in time, it was engrossed with the amendment. It says, "Any person 16 years of age or under must have the consent of his parent or guardian." I assume that before that could be done, that before a child younger than 16 would be placed in one of these situations, the parents would have to give their consent. They would have to agree that the child could be better served at that particular unit rather than another, and I would think that this would protect what the gentle lady is concerned about in terms of protecting the parents and also protecting the child, because it is not a question, according to the amendment anyway, as to — maybe it is a question of must.

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

Mr. DYAR: Mr. Speaker, Members of the House: There are two points I would like to make. Mr. Norris made the statement that the emotionally disturbed child is not a mentally retarded child. An emotionally disturbed child can be a mentally retarded child, and a mentally retarded child can be emotionally disturbed. So they can have both factors involved.

The point I would like to make on what Mr. Martin has just said, certainly the amendment says a parent shall have the say, but if we close CPH at Pineland and cut the facilities for the mentally retarded at Pineland so there are no buildings available, then the parents have no choice. You can see, if you followed the program over the last two years, CPH at Pineland has purposely been lowered and degraded physically, administratively, to have it discredited to close it. This has been the policy of the department in many areas.

The farm at Augusta State Hospital was purposely let run down. It purposely showed a loss of revenue. The year they closed the



farm at Augusta State Hospital is the first time in history they used a figure of depreciation of some \$16,000 which it had never used in the history of that institution before to show an operating loss to make it mandatory to close the facility.

Certainly, Dr. Schumacher did not answer the committee that night when we asked him about putting these children in unitization. He would not answer us. He went all around the barn, and then he went into the situation of putting these kids into a community setting.

Now, you want to put 14-year-old children or 13 or 12-year-old children in a community setting with sex offenders, psychopaths, all classifications of mental illness, this is an excellent bill. If you want children to receive proper treatment and hopefully find their problem and get them back in the community, keep them in an institution where they can be handled as children and their problems can be taken care of. If you really want to institutionalize them and make them a member of the welfare society, put them in Bangor State Hospital, Augusta State Hospital, in nursing homes and boarding homes, and these people will be a cost to society for the rest of their lives.

Now, we have had people from out of state who have children in CPH at Pineland who have testified before our committee. They have had their child in many institutions all over the country, and they say that CPH at Pineland is the finest institution they have had their children in. They have had their children in private institutions where they paid in excess of \$12,000 a year, and yet, they tell us that this facility is superior to many of these high-priced private institutions.

I hate to have to bicker with the department and members of this House two or three times a week, but I think we have found and we know what this department is up to. We don't have the power to replace anybody. We can merely bring the problems to your attention, to the attention of the people of the State of Maine and hope

pressure will be put where it should be put and changes can be made.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Strong, Mr. Dyar, in discussing the situation with the gentleman from Brewer, Mr. Norris, made the statement that one can be emotionally disturbed and one can also be mentally retarded. Now, in the last few years on that basis, we formed a department for mental retardation, and we formed a department for mental health, two departments headed by two separate individuals. On that basis, then, I would hope that somewhere along the line somebody will join me in eliminating one of those departments or joining them under one roof, number one, to save money.

Number two, my question is, why do we need both departments then within the department?

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

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

Mr. JALBERT: Mr. Speaker, Members of the House: I see I don't get an answer to my question. I also notice that the gentleman from Strong, Mr. Dyar, mentioned the CPH, I believe, program. I would just like to remind this House again that the CPH program was initiated by Dr. Bowman back in 1959 or 1961. He was heralded two years later nationally, and for the first time since 1909, in 1963 Pineland was accredited. Since then, because of the poorness of the CPH program at Pineland and other reasons, Pineland is now not accredited, and Dr. Bowman was put to one side by a law that at least I knew nothing about when it became law because I wasn't around my seat; and ironically, the gentleman who was responsible for setting him to one side wound up across the bay heading the Department of Mental Health and Retardation, and he is the gentleman that Dr. Bowman

hired and rehired for a second time. If that isn't irony, I want to know what is.

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

Mr. WHITZELL: Mr. Speaker, Members of the House: I rise to answer the question that the good representative from Lewiston, Mr. Jalbert, has raised, why are there two departments, Mental Health and Retardation? Probably the answer is so obviously simple that it escaped him, but mental health deals with problems at Augusta State Hospital and Bangor such as probably alcoholics, alcoholism, drug related problems, people who are psychotic, people who are guilt ridden, people who are paranoid, people who have sociopathic tendencies which are completely unrelated to the area of retardation. These people have no limits on their learning or their ability to learn.

The problems of the retarded such as those who are in the Levinson Center, Bangor or in Pineland are quite unique to a certain sect of society. These people have actual brain limitations, items that they can learn. When you see a trainable child it took three months to learn how to tie his shoes, you know that there is a difference between that child and an adult or another child who is emotionally disturbed or held at another institution. They are not retarded to the point that they cannot function. They can't function because of personality problems and not because of limitations in learning. Retarded people have limitations in learning. I hope that answers the gentleman.

The SPEAKER: The Chair recognizes the gentle lady from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, I would move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The pending question is on the motion of the gentle lady from Madison, Mrs. Berry, that L. D. 1707 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I am probably just overkilling and probably compounding a felony. I just would like to point out that this is the attitude of the other committee which studies this problem. Apparently, Dr. Bowman can throw up such a smoke screen that anything that has to do with Mental Health — as I say, we are talking now about 5,000 — we are not talking about 64 people at Pineland, which apparently has been the spearhead of the other committee, we are talking about 5,000 emotionally disturbed children across the State of Maine. There are 5,000 of them. There aren't 64. You are speaking of 5,000, and I would hope this morning that you would be able to go against indefinite postponement.

We have certainly — I have tried and apparently it is impossible to try and do everything that was asked of me by the other people and particularly Mrs. Berry. I tried to make it at the discretion of the parents, but she apparently this morning feels that she is better qualified than the parents are to decide. Perhaps we could get her to take the job as the Commissioner of Mental Health and Corrections. Maybe, she can do that, and then she would be happy.

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: I would just like to reiterate a couple of points that the gentleman from Brewer, Mr. Norris, has made this morning.

First of all, this suggestion came out of the study committee that looked into Bangor State Hospital after the last legislative session. As I mentioned to you yesterday, I served on that committee, and we heard from a number of people concerning different problems at the institutions. But I think that we must consider that the trend at least this legislature and the last legislature has embarked upon is to try and make our institutions institutions where people can go in and be treated and in hopes come out again and be a functioning member of society.

Up to maybe three or four years ago, it was generally conceded that these were custodial institutions without many programs, but what we want to do is be able to offer the mentally disturbed programs; and once in a while the hospital is faced with the situation of maybe we could help a 15-year-old, but the state law says no, we can't. He can't come into this institution. I think we ought to remember this, that the programs are changing, and they are changing every day, and we are out to try and help people. I think that we ought to consider that the parents and the Commissioner of Mental Health probably have enough knowledge and background to know the individual 15-year-old or 16-year-old to know whether a program will help him. That is all this bill is talking about.

I think that maybe we ought to vote against this motion so that we can give these parents and these mentally disturbed people of maybe 14, 15, 16 years old an opportunity if there is a program available and they can be helped. So I hope that we vote against the pending motion.

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

Mrs. McCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question through the Chair to the gentle-

man from Bangor, Mr. Murray that when they get to the 14 and 15 year olds, don't they use the area mental health clinics, and I believe Bangor has one.

The SPEAKER: The gentle lady from Union, Mrs. McCormick, poses a question through the Chair to the gentleman from Bangor, Mr. Murray, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. MURRAY: Mr. Speaker, Members of the House: To try and answer the gentle lady's question, first of all, I will preface my remarks with I am not a professional in the area of mental health. I would assume if I had a 14-year-old who had a problem, I would certainly encourage the area mental health route, but I am saying that possibly there are situations in the state where a 14 or 15 or 16-year old might benefit by a program within an institution. I cannot make that judgment, but I think maybe the parents and maybe the people in the mental health field can make that decision. I hope that is what we will allow by defeating this pending motion.

I hope that I answered her question adequately. I am sure I cannot give her a professional answer, and I am sure there is no general answer "no" to that question. In most cases, I would hope that the area mental health clinic would be used first.

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

Mr. NORRIS: Mr. Speaker, Members of the House: Just to further elaborate for the gentle lady, Mrs. McCormick, the counselling center in-patient unit for the five-county area at Bangor is in the Bangor State Hospital, to answer her question, if she is talking about treating from the community, and if they have to be an in-patient, then they have to be put in the Bangor State Hospital, because that is where the in-patient unit is. It is on D-3, and it is in Bangor State Hospital.

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

Mrs. McCORMICK: Mr. Speaker, Members of the House: Then I would like to pose a further question to the gentleman. If they use the area clinics, are they the ones to make the decision and not the rest of us, let them decide which institution and not just have to go the other route?

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

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

Mr. NORRIS: Mr. Speaker, Members of the House: To try and answer, I am sure that they would like to, but I am afraid that there would be a great — there would be a great deal of controversy if the area mental health clinics should decide to close CPH, and this seems to be what the whole argument is about; and it is in no way intended, in the first place, to close CPH. No one has ever come to me and said to me, put a bill in so we can close CPH. This has nothing to do, in my opinion, with CPH; but to answer her, no, I would doubt very much that the state would want the local community mental health centers to decide the policy at the state institutions concerning 16-year-olds and up, to answer the gentle lady's question.

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

Mr. WHITZELL: Mr. Speaker, Members of the House: I would like to raise a question to anyone who wishes to answer, and probably the gentleman from Brewer, Mr. Norris, would answer it since he is the sponsor of this bill, but I would like to know if this is a department bill or where this bill originated from, I might have missed that.

The SPEAKER: The gentleman from Gardiner, Mr. Whitzell, poses a question through the Chair to anyone who may care to answer if he or she desires.

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

Mr. WHITZELL: Mr. Speaker, Members of the House: Is it that nobody knows where this bill came

from that I didn't get an answer to that question?

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: To answer the question, the bill came out of the Bangor State Hospital legislative study committee which was created by the 105th Legislature.

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

Mr. BRAWN: Mr. Speaker, Members of the House: I would like to ask one question. Isn't there outpatient treatment up in that unit also?

The SPEAKER: The pending question is on the motion of the gentle lady from Madison, Mrs. Berry, that Bill "An Act to Repeal Minimum Age for Hospitalization of Mentally Ill Persons." (H. P. 1295) (L. D. 1707) and all accompanying papers be indefinitely postponed. 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, Bither, Boudreau, Brawn, Cameron, Carey, Chick, Cote, Davis, Donaghy, Dudley, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Finemore, Gauthier, Good, Hamblen, Henley, Herrick, Hoffses, Hunter, Immonen, Jacques, Jalbert, Kauffman, Kelley, R. P.; Lawry, Lewis, E.; Littlefield, Lynch, McCormick, McNally, Merrill, Mills, Morin, L.; Palmer, Parks, Pratt, Ricker, Santoro, Shaw, Shute, Silverman, Sproul, Stillings, Susi, Tanguay, Theriault, Trumbull, Webber, Willard, Wood, M. E.

NAY — Ault, Binnette, Birt, Bragdon, Brown, Bunker, Bustin, Carrier, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cottrell, Curtis, T. S., Jr.; Deshaies, Dow, Drigotas, Dunleavy, Evans, Farley, Fecteau, Ferris, Flynn, Fraser, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Haskell, Hobbins, Jackson, Kelleher, Kelley, Keyte, Kilroy, Knight, LaPointe, LeBlanc, Lewis, J.; MacLeod, Mahany, Martin,

Maxwell, McHenry, McKernan, McMahon, McTeague, Morin, V.; Morton, Mulhern, Murchison, Murray, Najarian, Norris, Perkins, Peterson, Rolde, Rollins, Ross, Sheltra, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Talbot, Tierney, Trask, Tyndale, Walker, Wheeler, Whitzell.

ABSENT — Briggs, Cressey, Crommett, Curran, Dam, Faucher, Hancock, Huber, LaCharite, Maddox, O'Brien, Pontbriand, Strout, White.

Yes, 59; No, 76, Absent, 15.

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

Thereupon, the Bill was passed to be enacted.

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

Mr. NORRIS: Mr. Speaker, having voted on the prevailing side, I move reconsideration and hope that you will all vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, having voted on the prevailing side, moves that the House reconsider its action whereby this bill 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 Bill was signed by the Speaker and sent to the Senate.

### Enactor

#### Tabled and Assigned

An Act Relating to Applicability of Workmen's Compensation Law to Employers (S. P. 618) (L. D. 1934)

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

On motion of Mr. McTeague of Brunswick, tabled pending passage to be enacted and tomorrow assigned.

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

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

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

Mr. JALBERT: Mr. Speaker, Members of the House: In a hurry, I am not going to debate this thing. I merely want to ask a question. How are these single member districts going to be elected if this bill is enacted is all I want to know.

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

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

Mr. SHELTRA: Mr. Speaker, Members of the House: In answer to my good friend, Louis Jalbert's question, these single member districts will be enlarged. This is just to insure that the metropolitan areas of the larger cities don't monopolize the county commissioners. So this bill is a good bill. It came through committee unanimously.

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

Mr. McMAHON: Mr. Speaker, Members of the House: I would like to add to what my good friend from Biddeford, Mr. Sheltra, has said on this bill. Originally, this was my bill. It has been the subject of a great deal of work. At this point, it has the unanimous and perhaps reluctant support of all the members of the York County delegation.

The purpose of the bill is single-fold, to provide geographic representation on the board of county commissioners which really means to give the rural areas of the county at least a single seat on that board. The election is county wide, and as a practical matter, I suppose that was one of the features of the compromise.

We feel that it is a bill that everybody in the county will benefit from. We hope you will support it.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the

House: I want to commend the members of the York County delegation for getting together on this thing and making it a county-wide at-large election so that there will be some representation, but I particularly want to commend them for their county-wide and at-large voting.

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

Mr. GOODWIN: Mr. Speaker, Members of the House: I would just like to go on record as stating I am doing this very reluctantly, going along with this bill.

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

An Act Relating to Repair of the Seawall in the Towns of York and Kennebunk (S. P. 643) (L. D. 1978).

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

#### Finally Passed

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

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

#### (Off Record Remarks)

On request of Mr. Birt of East Millinocket, by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconstruction, the Clerk be authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence, and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be in order.

On motion of Mr. Birt of East Millinocket,

Recessed until three o'clock in the afternoon.

#### After Recess

P.M.

The House was called to order by the Speaker.

#### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Giving Powers of Arrest to State House Security Officer" (H. P. 821) (L. D. 1058), reporting "Ought to pass."

Report was signed by the following Members:

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

Mrs. BAKER of Orrington  
WHITE of Guilford  
KILROY of Portland

Messrs. PERKINS

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

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

Report was signed by the following members:

Mrs. WHEELER of Portland  
Messrs. MCKERNAN of Bangor  
DUNLEAVY

— of Presque Isle  
— of the House.

Reports were read.

On motion of Mrs. Baker of Orrington, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Liquor Control on Bill "An Act Prohibiting Liquor Advertising" (H. P. 1284) (L. D. 1671) reporting "Ought not to pass."

Report was signed by the following members:

Mr. OLFENE of Androscoggin  
— of the Senate.

Messrs. STILLINGS of Berwick  
GENEST of Waterville  
KELLEHER of Bangor  
CRESSEY

— of North Berwick

RICKER of Lewiston  
TANGUAY of Lewiston  
— of the House.

Minority Report of the same  
Committee on same bill reporting  
"Ought to pass" in new draft  
(H. P. 1577) (L. D. 2005).

Report was signed by the follow-  
ing members:

Messrs. FORTIER of Oxford  
SCHULTEN of Sagadahoc  
— of the Senate.

Messrs. CHICK of Sanford  
IMMONEN of West Paris  
FARNHAM of Hampden  
FAUCHER of Solon  
— of the House.

Reports were read.

The SPEAKER: The Chair recog-  
nizes the gentleman from Ber-  
wick, Mr. Stillings.

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

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

The Chair recognizes the gen-  
tleman from Hampden, Mr. Farn-  
ham.

Mr. FARNHAM: Mr. Speaker,  
Ladies and Gentlemen of the  
House: I rise to encourage you or  
urge you to accept the minority  
report which came out in new  
draft this morning, and it is on  
your desks, L. D. 2005.

The purpose of L. D. 2005 is to  
prohibit the advertising of alco-  
holic beverages. Alcoholic bev-  
erages, of course, could be beer,  
wine, whiskey, vodka, you name  
it. Furthermore, this act would  
prohibit advertising by the com-  
monly used methods of advertis-  
ing; namely, newspapers, maga-  
zines published in this state, bill-  
boards, radio and TV.

What is advertising and what is  
its purpose? The dictionary de-  
fines the word "advertise" as fol-  
lows: "To make known by public  
notice, proclaim the qualities of  
as by publication or broadcasting,  
generally in order to sell." The  
word "advertising" is defined as  
follows: "The act or practice of  
attracting public notice so as to  
create interest or induce pur-  
chase."

Now, I sponsored this legislation,  
because I do not think this is a  
product whose sale we need to en-  
courage. Actually, any alcoholic  
beverage is a substance that the  
world over is subject to strict  
governmental controls for the sim-  
ple reason that it is frequently  
abused and leads to or is a major  
cause of poverty, broken homes,  
crime and death. One out of every  
ten people who drink eventually  
become alcoholics and thus, be-  
come a burden to society.

My interest in this subject be-  
came serious when I started to  
read up on the drug problem, and  
I found that all responsible medi-  
cal authorities classify alcohol as  
the number one drug. It has been  
the feeling of most authorities that  
many young people took to what  
we call hard drugs because they  
wanted their kicks from a prod-  
uct other than the one that adults  
were using.

During the past few months I  
have noted the following items in  
the press or magazines: This is  
from a column by Sylvia Porter:

"The U.S. today is suffering from  
a national hangover costing a stag-  
gering \$15 billion a year.

"Of this, estimates the National  
Institute on Alcohol Abuse and Al-  
coholism in a special report to  
Congress, \$10 billion is the price  
our economy pays for lost work  
time and \$5 billion the cost of  
welfare payments and of the dam-  
age to the alcoholic's health and  
property.

"Absenteeism is 2½ to 3 times  
as great for alcoholics as for non-  
alcoholic workers. Alcoholics aver-  
age three times as much sick pay  
as others, and their accident rates  
also are much higher. Many al-  
coholic workers lose a full month  
of working days each year."

Then just two or three weeks  
ago in Don Larrabee's column in  
the Portland Sunday paper was  
this headline: "Alcoholism in Con-  
gress. Senator Harold Hughes (D-  
Iowa) is one senator who over-  
came alcoholism. He has a special  
compassion, therefore for his col-  
leagues in Congress who haven't  
been able to lick their illness.

"There are more members of  
Congress with a 'drinking prob-  
lem' than anyone dares to men-

tion. Hughes knows who they are. Most of us who watch Congress closely are aware of the problem drinkers. But we don't mention them in our stories, either. Alcoholism among Senators and Representatives is something we don't write about. Yet we know alcoholism is the Number One Drug problem in America."

Now, I think I have given you a slight picture of the problem and why I am concerned, and I hope you are concerned. I am not trying to bring back prohibition, but I do hope that prohibiting advertising will lead to a reduced consumption of alcoholic beverages.

There will be, I am sure, arguments against this bill. Well, what will some of them be? First, someone might say that it is unconstitutional, but forget this as the United States Supreme Court settled this many years ago. The only newspaper publisher testifying at the hearing other than those who were represented by paid lobbyists claimed the loss of revenue to his company would be about 3 percent of the gross. This, in my book, would never be missed because gross is a long way from what becomes profit; and in my opinion, it could lead, if the money was spent for shoes, clothing and whatnot, could lead to increased advertising of those products.

The newspaper people can also say this puts them at a disadvantage because the out-of-state papers can carry the ads. They estimated that about 10,000 papers a day come in from out of state. That is less than 5 percent of the total circulation of our daily newspapers in this state. So certainly it is not a major factor.

If you follow or ever notice the liquor ads in our daily papers, you will note that most are what is called "brand name advertising." The biggest advertising month for liquor is December when you are urged to celebrate what is a holy time of the year and not a holiday.

Again, just before our long holidays, such as Memorial Day, 4th of July and so forth, you will also notice a heavy increase in liquor ads. Think of it, encouraging you to buy and drink at a time when the highway travel is heaviest.

As to billboards, Maine has regulated size and location so we legally can prohibit billboard advertising. In fact, this authority now rests with the Liquor Commission whenever they so want to exercise it.

To me, the billboard advertising is the worst of all. Here you are driving along high-speed roads and being encouraged to stop and buy and drink brand "X." Is it any wonder that half of our highway deaths are attributable to drinking drivers.

Now, as to radio and TV, TV now cannot advertise so-called hard liquors, and the beer ads cannot show a person drinking. Radio and TV will lose some money if all advertising is prohibited, but you will recall they survived not being permitted to advertise cigarettes.

Now, some people are concerned that sports contests will not be broadcast as many are sponsored chiefly by brewers. Don't kid yourself. The big football games are usually sponsored by the auto industry or tire manufacturers or such outfits as Gillette razor. When a game is nationally televised, the advertiser has a product that is used nation wide, not a locally consumed beer. Furthermore, the local stations know where the ads will be on the program and can substitute their own local ads. This often happens. Recently, I watched a Red Sox-Cleveland game, and though I have no way of knowing if the main sponsor was Narragansett or Budweiser on channel 5, channel 5 had all local ads at the inning breaks.

Ladies and gentlemen, this is the longest speech I have ever made in this House, because I try to limit myself to three minutes. I know it was too long, but there was much ground to cover, and I urge you, if you want to help control drug abuse and alcoholism, that you vote to accept the minority report and pass L. D. 2005, which is a new draft of L. D. 1671.

Mr. Peterson of Windham requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Berwick, Mr.



Stillings, that the House accept the Majority "Ought not to pass" Report on L. D. 2005. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Cote of Lewiston 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 Berwick, Mr. Stillings, 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

YEAS — Albert, Berube, Birt, Carey, Conley, Cote, Crommett, Davis, Deshaies, Dow, Drigotas, Dunleavy, Dyar, Evans, Ferris, Finemore, Fraser, Gauthier, Genest, Goodwin, K.; Hamblen, Henley, Huber, Jalbert, Kauffman, Kelleher, Knight, LaCharite, LeBlanc, MacLeod, Maxwell, McCormick, McHenry, McKernan, McMahon, McTeague, Merrill, Mills, Morton, Najarian, Norris, O'Brien, Pratt, Ricker, Rolde, Ross, Sheltra, Simpson, L. E.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Tanguay, Theriault, Trask, Trumbull, Wheeler.

NAYS — Baker, Berry, G. W.; Berry, P. P.; Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bustin, Carrier, Carter, Chick, Chonko, Churchill, Clark, Connolly, Cooney, Curtis, T. S., Jr.; Donaghy, Dunn, Emery, D. F.; Farnham, Farrington, Faucher, Flynn, Gahagan, Garsoe, Good, Goodwin, H.; Greenlaw, Haskell, Hoffses, Hunter, Immonen, Jackson, Kelley, Keyte, Kilroy, LaPointe, Lawry, Lewis, E.; Littlefield, Lynch, Mahany, Martin, McNally, Morin, L.; Mulkern, Murray, Parks, Perkins, Peterson, Rollins, Shaw, Shute,

Silverman, Smith, D. M.; Susi, Talbot, Tierney, Tyndale, Walker, Webber, White, Whitzell, Willard, Wood, M. E.

ABSENT — Ault, Bunker, Cameron, Cottrell, Cressey, Curran, Dam, Dudley, Farley, Fecteau, Hancock, Herrick, Hobbins, Jacques, Kelley, R. P.; Lewis, J.; Maddox, Morin, V.; Murchison, Palmer, Pontbriand, Santoro, Strout.

Yes, 58; No, 69; Absent, 23.

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

On motion of Mr. Farnham of Hampden, the Minority "Ought to pass" Report was accepted, the New Draft read once and assigned for second reading tomorrow.

### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Creating Emergency Regulatory Controls on Rent Increases for Residential Property" (H. P. 1316) (L. D. 1726) EMERGENCY reporting "Ought not to pass."

Report was signed by the following members:

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

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

Minority Report of the same Committee on same bill reporting "Ought to pass" as Amended by Committee Amendment "A" (H-518).

Report was signed by the following members:

Mr. BRENNAN of Cumberland  
— of the Senate.  
Mrs. WHEELER of Portland  
Messrs. DUNLEAVY  
of Presque Isle  
McKERNAN of Bangor  
— of the House.

Reports were read.

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

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

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

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

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

Mr. Carrier of Westbrook requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that L. D. 1726 lie on the table one legislative day pending the motion of the gentle lady from Orrington, Mrs. Baker, 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. 56 having voted in the affirmative and 29 having voted in the negative, the motion did prevail.

#### Passed to be Engrossed

Bill "An Act to Establish a Committee on Problems of Corrections" (S. P. 407) (L. D. 1209) (C. "A" S-200).

Bill "An Act to Implement Section 14-D of Article IX of the Constitution of Maine" (S. P. 651) (L. D. 1995).

Bill "An Act to Amend the Personal Property and Homestead Exemption Laws to Provide for Realistic and Liberalized Exemptions" (S. P. 462) (L. D. 1497) (C. "A" S-202).

Bill "An Act to Exempt Child Placement Agencies from Payment of Sales Tax" (S. P. 208) (L. D. 552).

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

Bill "An Act to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy" (H. P. 1575) (L. D. 2004).

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if I might pose a couple of questions to the members of the Judiciary Committee that heard this bill. First of all, it looks like this is going to be dedicated revenue, and it is going to amount to 10 percent of the fees that are collected by the courts automatically going to this new expenditure of government called the Maine Law Enforcement and Criminal Justice Academy.

Apparently, there is going to be — the funds will apparently be credited and a portion expended as provided by the legislature, but apparently we are structuring an automatic 10 percent of all fees collected. Now, I am wondering whether or not this is not kind of high; and secondly the way this is drafted at the present time? I know—I am not sure if the gentleman from Waterville—I know it was his original bill, but I am not sure to what extent this is related to the original, and I wonder if he might explain it.

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

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

Mr. CAREY: Speaker and Ladies and Gentlemen of the House: This is a redraft of L. D. 649. L. D. 649 you may remember, was a bill which would have imposed a 10 percent surcharge on fines for the eventual paying of expenses in the law enforcement academy. It was my feeling and obviously the feeling of many other people that those people who are convicted of breaking the law should be the ones who are actually paying for the education of our police officers.

The Judiciary Committee, in its wisdom, didn't want to leave this thing up in the air so to speak, so that they wrote into the law that 10 percent of the total fines would

be collected. Therefore, the chief justice can structure his fines in and about his own expenditures in this matter. If he finds that the expenditures of the justice academy are running too high, then the budget for the police academy will be taken care of by this legislature. They will have to submit a budget to this legislature which will be approved, and I assume that hopefully it will be taken care of by the Judiciary Committee—and I am not a member of that committee—but they would have to prepare a budget, come in for the money.

I like this thing probably even better than mine. Then if the judge finds that the court fines are not giving them enough money to play with, then he can adjust the fines, and I would certainly hope — and as I recall, this was a unanimous report out of Judiciary. I would certainly hope that it does get favorable action.

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

Mr. MARTIN: Mr. Speaker, Members of the House: A couple of other questions have come to my mind. How are we going to make up the difference that will be lost to the counties, because some of those funds presently go to the counties; and secondly, how are we going to make up the loss of revenue in relationship to the District Court fund, and does that mean that we have to appropriate more money to pay for the salaries of judges and the court system?

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

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

Mr. CAREY: Mr. Speaker, Members of the House: I don't know how much money the fines bring in now, but the fines are running well over and above what is needed to operate the District Court system. There is some money that is being returned to the counties, and this would now be directed more towards the education of their police officers.

Now whether or not you pay for it out of your municipal budget, send your police officers down to the police academy and get them educated, whether they are deputy sheriffs out of the county office or whether they are municipal officials, eventually if you don't fund the police academy this way, when the federal funds are finally withdrawn from the participation in the police academy, you are going to be putting it both in county budgets and municipal budgets anyway. So you are really robbing Peter to pay Paul, so to speak. But there is sufficient money at the rate that the fines are coming in right now to fund this.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: I think we would be making a serious error if we dedicated any more revenues. It is so easy, with one swoop, to dedicate a revenue, but it is almost impossible to undedicate a revenue.

Mr. Carey was granted permission to speak a third time.

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: You will notice in here that the dedication of these funds is done by statute. It is solely under the control of this legislature, unlike the Highway Fund, which is dedicated through constitutional amendment. Any time that the legislature feels they want to change the system that we have here, and I think this is why the Judiciary Committee chose this route, is that any time that they want to get out of this system, they can do so with a simple bill in the legislature.

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

Mr. PERKINS: Mr. Speaker and Ladies and Gentlemen of the House: Just a few comments. We as a body are very concerned about the criminal activity in the State of Maine and in doing something about it. And it bothers me a great deal when we don't take a positive step such as this to try to keep that activity down. It is

felt that if the criminals are going to run rampant in the state, then let them pay the tab. Let them pay the tab that would provide for the proper police enforcement to cut their activities more.

As far as the amount of money that is lost, there will be no loss. The fines and the amounts are discretionary with the court. If it is felt that the fines are not sufficient to take care of this in the counties, the courts have the prerogative of increasing them. Again, they are increasing them against those who are breaking the law. What better way to support a project than to try and put it on the proper people and off the taxpayers of the state. It really could be a great program. I hope you will support it.

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

Mr. MacLEOD: Mr. Speaker and Ladies and Gentlemen of the House: I would like to rise today to support the Representative from Waterville, Mr. Carey. I had a very strong interest in this bill at the time of its hearing. Two police chiefs from my end of the state appeared at the hearing. I ran into them quite by chance and they asked me if I would come to the hearing and offer a few words on the bill. Up to that point, I had never even seen the bill. But after reading it and conferring with the good Mayor from Waterville, who has been fortunate enough to have this Police Academy located in his back yard, and naturally I think he would like to give it as much support as he could and I would also.

Just to deviate a little bit from the main theme of the bill for a moment. Today we are going through a very lawless period of time in our society, unfortunately. Police work has got to become more sophisticated. We are educating our local police officers, our county officers and those who were fortunate enough to go down to Waterville the other noontime for the luncheon and the inspection, saw an abandoned college down there, a small college with several very usable buildings, and which they are using one for a barracks,

the other for a classroom type of thing. And on that particular day, we saw some of the groups that are being educated at this facility. And for myself, at the particular time of the hearing, it seemed very, very good legislation, or a move maybe in legislation, to try and fund some of these things.

I think today we are being led down a primrose path by many government drafts that are being given to us and I understand that most of our police agencies in our small towns and cities have been able to qualify for funds, and this particular institution is getting off the ground through federal funding. But you know and I know that a switch in administration or a change in politics or a change in funding — and here we have a lovely facility that we are getting off the ground and we have no way to fund it.

We have the lawless amongst us. Summer activity up here is just tremendous with people crawling out of the woodwork and all around, the highways are crowded. So I would very much like to have you support this bill today and I think that it is a good piece of legislation. I know there are those who are concerned with the dedicated revenues, that maybe this is not the proper thing to do. But I think in this case, there can be no harm in it and I would hope that you would support it.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I have visited the State Police Academy and I have a great appreciation for what they are trying to do up there. However, I think that I speak for at least some members of this House when I say that I am a little bit fearful of an account that we are going to set up like this, simply because we take a little bit of the accountability away from the legislature. It seems to me if there is one thing we need, particularly in this day and age when we see tremendous abuses of police power and executive power, it is accountability to legislative bodies. It seems to me, if we want each year

to be able to review departments, if we want to be able to review activities, then we ought not to be constantly creating dedicated revenues, setting these institutions and different departments and different agencies aside so that they don't have to come to the legislature. I, for one, would like to be able to review the activities of the state government, regardless of what department it is, regardless of what the federal government does in the future. So I would think we would want to think this one over very carefully in terms of accountability before we finally pass this into law.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: There are two things that bother me about this bill, one is this permanent funding. I don't know just what that means — permanent funding. Mr. Perkins mentioned about the fine system. I would like to point out that the criminals don't pay the fines. They don't have any money, that is why they are criminals. It is the poor worker who works in the shoe shops, in the mills and so forth, that happens to make a mistake, go through a red light and he is fined \$25 or \$35 or \$45 plus costs and so forth and so on, he is the fellow who is going to be paying this in addition to what he is paying now. So that is what bothers me about going up on the fine system.

I don't like to repeat myself, but I want to say this, that criminals don't have any money, so how can they pay fines?

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

Mr. PERKINS: Mr. Speaker and Ladies and Gentlemen of the House: Just in terms of accountability. The new draft specifically was written because of the accountability question. We in the Judiciary Committee were very concerned about the accountability. We were concerned that just an unappropriated set of funds going to the Police Academy could create a real problem. Therefore, we provided in this new draft, "All money

so credited to the Department of Public Safety shall be credited to portion and expended as provided by the legislature," with the specific thought that they will present a budget and it will be reviewed and approved or disapproved.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: In reference to what the gentleman from South Portland said, what happens if the 10 percent allows an extra \$20 million left over in a couple of years? It doesn't seem to take care of that problem. Does it mean that they will automatically spend it, or they can't spend it anywhere else, or is there another procedure through which this is going to take place?

I happen to be a proponent of the academy. I happen to believe that it is very much needed. I believe that the state ought to fund it. But on the other hand, I also want to point out that this is a federal program that was started. The funds are being cut off. The state is going to assume that responsibility and we have to know what we are assuming. It seems to me a much better approach that this be made part of the Part II budget, to where we can make it accountable and a part of the legislative process. That is really all my concern is.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the gentleman from Eagle Lake, Mr. Martin. If we take this action, there is no reason why in one year or two years, if the fund is created larger than there is any need of, it can be abolished, it can be changed, it can be returned to the General Fund, it can go most anywhere that the legislature decides.

The original bill called for a surtax on fines. It was decided in lengthy discussion in the committee in order to arrive at a unanimous decision, which we did do and we worked hard on this bill, and we thought that this would be an answer, more or less, to all

the questions. The fund is not dedicated particularly. It is something that can be changed in any legislature. It is at the disposal of the legislature. The whole thing could be cancelled by the next legislature. It just seems to some of us that, even if we raise the money in this area and just reverted to the General Fund — there is tremendous demand upon the General Fund — that we would lose sight of it, and consequently this program might suffer.

We feel, as has been previously stated, that because of the almost losing battle that law enforcement has with the criminal element, that it is a grand idea to let them pay for this program, and I think it is a grand idea. Whether this surcharge would entirely pay for it, whether it would doubly pay for it or not, it would be up to the next legislature to find out.

I see no great damage or harm in this bill. I think it is a good area to try and see if we cannot get the very people that are causing us to have an expensive academy for the training of law enforcement officers, to help fund it. I hope you will go along with the bill and give it a try for a year or two and see how it works out.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I speak today to support the bill. First of all, I want to state that I have great reservations at all times about taxing the people of this state and I had great reservations on this bill when it first came up. However, I have found, and as you know, we are supporting and funding many agencies in state government who do not help the people but instead, rather, harass them. I feel that this is one of these agencies which the people of this state deserve the help and they deserve the protection that they offer in training new officers and training the hierarchy in the enforcement department. I think is a very worthwhile investment, and this is one measure which, although it does have a surtax,

whether it is a surtax or regular tax or assessment of anything, it still takes the money away from your constituents. And although it does all this, I think it is a well worthwhile measure and I surely will support this measure.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: It hasn't been mentioned here that in the previous session we passed a law which made it mandatory that anybody to be employed as a law enforcement officer must have training. In years gone by, many of these men who were employed had no knowledge whatsoever and became involved in very serious cases.

I think this is the best step forward in law enforcement and our civil controls that I have seen in my days in this session.

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 you members of this body that the reason why I signed the "ought to pass" report, and I thought that it was much better to have those who are breaking the law and are creating the problem that they should be made to pay for it.

The SPEAKER: The pending question is passage to be engrossed. All in favor of this Bill being passed to be engrossed will vote yes; those opposed will vote no.

A vote of the House was taken. 93 having voted in the affirmative and 17 having voted in the negative, the motion did prevail.

Sent to the Senate.

### Second Reader

#### Tabled and Assigned

Bill "An Act Relating to Service Retirement of State Mental Institution Employees" (H. P. 181) (L. D. 223).

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

Mr. Soulas of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-522) was read by the Clerk.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: In regards to L. D. 223, the purpose of this amendment is to limit the bill to provide for continuous creditable service with the mental institutions and the employee has to be in direct contact with the patients.

Thereupon, House Amendment "A" was adopted.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I am very happy to see this amendment. I guess that takes care of one of the objections as of yesterday. But I am still concerned about Rule 46 on this L. D. 243. And it seems very strange to me that since an amendment was being put together anyway, that there was no effort made to try to put the cost for this L. D. into the statement as Rule 46 requires.

We are running behind on proof, so I haven't been able to check my memory on what took place yesterday. But as I recall, I raised a parliamentary procedure concerning this bill and Rule 46. And I believe it was turned over to the gentleman from Eagle Lake, Mr. Martin, who told me this could easily be amended to take care of that, and I think went on to indicate that this rule was being used in an attempt to kill this bill.

I have some difficulty why anyone would be criticized trying to follow the rules of this House and no attempt being made to follow them.

I would like to read from this rule, the third line from the bottom in our little booklet, it says, "No such bill or resolve shall be considered before such statement is made," and that is referring back to the amount of money being so stated, "or pass without being read on two several days."

It would seem to me that today is the day when this bill is in the position to have such an amend-

ment to comply with either section of this rule, and I would hope that somebody might table it until the sponsors and proponents take such necessary steps to straighten it out.

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

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Bill "An Act Creating the Maine Motor Vehicle Certificate of Title and Anti-Theft Act" (H. P. 1075) (L. D. 1455) (C. "A" H-488).

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

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#### Second Reader Tabled and Assigned

Bill "An Act Creating a Study Commission on Environmental Laws" (S. P. 642) (L. D. 1977) (S. "A" S-187).

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

(On motion of Mr. MacLeod of Bar Harbor, tabled pending passage to be engrossed and specially assigned for Monday, June 11.)

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The following Enactors appearing on Supplement No. 1 and Supplement No. 2 were taken up out of order by unanimous consent:

#### Passed to Be Enacted Emergency Measure

An Act to Allocate Money from the Federal Revenue Sharing Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975 (H. P. 341) (L. D. 456)

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, 114 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.

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#### Passed to Be Enacted

An Act to Regulate Revolving Credit Accounts (H. P. 45) (L. D. 52)

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

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

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)

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

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

#### Enactor

#### Tabled Unassigned

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

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

(On motion of Mr. Simpson of Standish, tabled unassigned pending passage to be enacted.)

#### Joint Resolution

#### Out of Order

Mr. Brawn of Oakland presented the following Joint Resolution and moved its adoption:

WHEREAS, the Legislature has learned with regret of the passing on June 5, 1973 of the Honorable Clarence P. Chase of Belgrade; and

WHEREAS, he was a successful and well-liked farmer in adult life who had a deep seated interest in both state and local governments; and

WHEREAS, he served with great care and dedication such interests as selectman, assessor and overseer of the poor in the community of Belgrade and as Member of the 95th Legislature and doorkeeper of the House of Representatives for six successive terms; now, therefore, be it

RESOLVED: That the One Hundred and Sixth Legislature of the State of Maine express its most sincere sympathies on the passing of this Honorable colleague and friend of former years and our appreciation on behalf of the People of the State of Maine of him and his loyal and devoted service; and be it further

RESOLVED: That this token of respect and sympathy by his successors in trust be spread upon our journals in perpetuation of his memory and a suitable copy forwarded to the family. (H. P. 1589)

The Joint Resolution was received out of order by unanimous consent, read and adopted and sent up for concurrence.

#### Orders of the Day

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

Bill "An Act to Provide Elected District Attorneys" (S. P. 474) (L. D. 1569)

Tabled—June 5, by Mr. Simpson of Standish.

Pending—Acceptance of Either Report.

On motion of Mr. Simpson of Standish, Report B was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-183) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

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

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

Tabled—June 5, by Mr. Simpson of Standish.

Pending—Further consideration.

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

Mr. DYAR: Mr. Speaker, I move that the House insist.

The SPEAKER: The gentleman from Strong, Mr. Dyar, moves the House insist.

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

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



The SPEAKER: The gentleman from Norway, Hr. Henley, moves that the House recede and concur.

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

Mr. DYAR: Mr. Speaker and Members of the House: This bill received a good vote on acceptance of majority "ought to pass" report. It went to the other body, and the minority report was accepted. The problems, in the other body, had been corrected. There will be an amendment presented to clarify the problem, and I hope that this body this afternoon will vote against the motion to recede and concur, and allow this bill to go back to the other body and let them take action and have it sent back here.

I feel that I have been extremely fair with Mr. Henley by not attacking his bill up until now, and I would appreciate the same courtesy.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the assistance that my friend Mr. Dyar of Strong has given by not attacking my bill. There hasn't been too much opportunity to attack mine because it has been on the table ever since it came in. I would inform the gentleman that I already had extended the courtesy of going to some extent to assist in getting that bill on the floor of the House and getting it to the other body. I insisted and you will find as a matter of record that I felt that they should have an opportunity to look at both bills and I feel that if any body wants to extend courtesy that courtesy should be extended to me now to let my bill go to the other body and see what happens. If there is anybody who would like to hold this bill until the results of my movement of my bill along the way, possibly comes to an end or comes back here one way or another, fine. But I fail to see why I should remain quiet any more when I think that my bill is the best one and I think a lot of you think so.

I am not particularly attacking anyone. The bill was a compromise

bill of committee. It was a part of Mr. Dyar's bill, and part of someone else's, I have been given to understand. I have no particular quarrel with some of the objections of the bill. I insist that it does not go far enough. It does give, and I feel erroneously, too much authority to the county as is now constituted. It does not do anything to revise or rebuild or restructure county government, except the financing. And the committee that is set up for a finance committee in my opinion is cumbersome and unwieldy.

If you have read the bill, you will find that it calls for, at last account, something like 4 or 5 people to be appointed or elected at large from communities. What is this country going to do with 25 to 40 communities? What about those that are not represented on the finance committee, isn't there going to be quite a squabble about it?

Also, I have been given to understand that they use two or three of the legislators. I don't know whether it has been cleared by the Attorney General, but when I try to use some of the legislative delegation in my county reform, I was definitely told I could not do so, that we legislators are elected to come up here and represent the state and through the state control county government but to have nothing particularly to do in the county governmental structure itself.

Now, the above mentioned bill here did proceed through here, and they accepted it, it went to the other body and it was indefinitely postponed. It has come back here and that is the reason I made my motion to recede and concur. Anything that that bill did my bill will do, and mine does a lot more. There is an amendment going on my bill today which may make it a little more acceptable to some of you.

So either I would like to recede and concur, and if that fails I wish that someone could table this other bill and, as I say, give mine a chance to go through the same process. I hope you will recede and concur.

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

Mr. CHURCHILL: Mr. Speaker, I request that this bill lie on the table for two legislative days.

Thereupon, Mr. Simpson of Standish requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Orland, Mr. Churchill, that this matter lie on the table two legislative days pending the motion of Mr. Henley of Norway to recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 56 having voted in the negative, the motion did not prevail.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: My good friend Mr. Henley and I started in 1940 in mock warfare in the southern states. I expect this morning to be engaging in another warfare of some sort.

I have served on the County Government Committee for the third term. It is my firm feeling that there needs to be a general reform in the method of budgeting. In the first instance the commissioners called a meeting for the general public. The second instance, there is to be a meeting of the delegation to go over the budget. And the third instance, the County Government Committee is supposed to analyze and figure out what all the county delegations want, and believe me it is very difficult to get them together.

I think it is time we had a reform of some sort. It is my feeling at this time that Representative Henley's bill goes too far. I doubt if it could be adopted. I question the fact of whether or not there is too much to digest to act upon it in this session.

The committee bill that was reported out is a relatively simple bill only asking for a finance committee so we can decide on the budgets at the local level. If there is a disagreement, there is a meth-

od whereby these budgets can be referred to the legislature.

I think this will answer a lot of our problems. If we want to expedite the time of legislative session, this is one way to do it. A great deal of time and effort, in my estimation, is wasted by the methods we are using now.

Secondly, I believe that if this document is adopted, there will be more prudent and a great deal more concern by the municipalities who are actually supplying the funds to support county government.

I have a great deal of respect for my good friend, Mr. Henley. He has given a great deal of time to this document of his. There has been an equal amount of time put on the document that is now before you by the county commissioner group who heartily endorse this particular measure.

I would hope that you would allow a consideration of the watered-down version of county reform in this document which perhaps might be bought with a little lobbying, so that we can do away with the cumbersome method we have now.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to be fair to both the gentlemen. I think that we should not recede and concur. I think that we should insist. We have a lengthy amendment that will be coming forth in a few minutes that I hope that we will discuss and then send both bills back to the other body where they will be right side by side and keep them there and see what we do want to do with them.

Mr. Henley of Norway requested permission to withdraw his motion to recede and concur, which was granted.

On motion of Mr. Dyar of Strong, the House voted to insist.

The SPEAKER: The Chair requests the Sergeant-at-Arms to escort the gentleman from Camden, Mr. Hoffses to the rostrum for the purpose of presiding as Speaker pro tem.

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

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

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

Tabled—June 5, by Mr. Bunker of Gouldsboro.

Pending — Acceptance of Either Report.

On motion of Mr. Simpson of Standish, tabled pending the acceptance of either Report and specially assigned for Monday, June 11.

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

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

Tabled—June 5, 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).

Mr. Cote of Lewiston requested a vote.

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

Mr. KELLEHER: Mr. Speaker, Members of the House: If I may ask, will someone on the committee explain what Report A is and what the bill does? I am somewhat lost right at the moment.

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

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I think that what is involved here is an attempt by the people who are concerned with solving the problems with district attorneys and the prosecution system in general to keep both bills alive in order that we may further discuss this over the weekend and

in the beginning of next week prior to coming to a final decision.

So I would hope that Report A, which is the "ought to pass" report, would indeed be accepted at this point.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, that the House accept Report A on L. D. 1861. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 70 having voted in the affirmative and 29 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once, Committee Amendment "A" (H-484) was read by the Clerk and adopted, and the Bill assigned for second reading tomorrow.

The Chair laid before the House the fifth 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 5, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

On motion of Mr. Simpson of Standish tabled pending passage to be engrossed and later today assigned.

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

Bill "An Act Relating to Possession of Marijuana for Personal Use" (H. P. 1210) (L. D. 1562).

Tabled — June 6, by Mr. Simpson of Standish.

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

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will bear with me. Due to laryngitis, we had this tabled yesterday. I was beginning to think from the thunder and the laryngitis, somebody up above doesn't really want me to take this position. But I do feel I should

give you some of the reasons that I was the sole signer of the minority "ought to pass" report.

I want to make a few points preliminarily, and that is that I do not use marijuana, so this isn't self-serving in the least. Also, I have consistently voted against legalizing the sale of marijuana. In fact, I amended this bill to put a limit on the total amount of possession that would be permissible.

So, my position is not pro pot. But I did think that it is time to de-mythologize the whole marijuana issue. In fact, all the major medical studies that have been done nationally have shown that marijuana is no more harmful when used to a moderate degree than alcohol or tobacco.

I want to list some of the national groups who have studied this issue and have decided that decriminalization of the personal use of marijuana should be adopted. Some of these are: the Committee on Alcohol and Drug Reform of the American Bar Association, the National Commission on the Reform of Federal Criminal Laws, Consumers' Union, the American Medical Association, the American Public Health Association, The Commissioner of the Food And Drug Administration, and the Assistant Secretary of Health, Education, and Welfare.

In fact, some of the material that was passed around and put on your desks by the sponsor of this bill, Representative Brown from Augusta, shows that even conservatives Barry Goldwater and William F. Buckley also endorse the decriminalization of personal use of marijuana.

I think the most important commission that has come out with the position of decriminalization is the President's Commission on Marijuana and Drug Abuse. And on that committee were Senator Hewes from Iowa and Senator Javitz from New York, both politicians, as you know, but also people who signed the unanimous recommendation of that commission to decriminalize the personal use of marijuana.

Unfortunately, most politicians, both at the federal and state level,

are scared of this issue and also scared of the position of decriminalization. I think even the groups in the State of Maine, at least two non political groups, the Maine State Drug Abuse Commission, of which the Attorney General and the Director of Public Safety are both members, that commission came out unanimously in favor of decriminalization. And also on the local level and my own City of Bangor, the Bangor Drug Education Committee came out with a preliminary 11 to 4 adoption of the position of decriminalization of personal use.

Let me give you a list of the membership of that committee in Bangor. There is one minister, a city councillor, two sociologists, the city health director, one representative of the labor council, a newspaper man, a representative of Parks and Recreation Department, one representative of the Chamber of Commerce, a physician, a school teacher, one pharmacist, one representative of the Bangor High School, and one of John Bapst High School, one police officer and two members of the public at large. So you can see that committee was not swayed by the youth of today. They were swayed by the medical facts that have been proven in studies.

I realize that most of you think that the position I have taken is risky, but I have faith that my constituents in Bangor, as I feel yours would, by especially looking at this committee report from the Bangor Drug Education Committee, will realize that our present marijuana laws are based on the myths of the 1930's and '40's and not on the results of the present-day scientific studies.

I personally can't vote to sustain a law which is based on myth that is going to ruin the future, the future for not only graduate schools but for just getting jobs of thousands of young people in this state.

I probably see this issue from a little different perspective than most of you, because I personally know people who smoke marijuana, and I know people who have been arrested for smoking marijuana. In fact, the latest national

survey shows that over 90 percent of all high school and college students do know people who smoke marijuana or who have been arrested for marijuana. So you can see that marijuana use is widespread.

The same national survey, in fact — the President's Commission on Marijuana and Drug Abuse found that the number of Americans who have smoked pot during the past year now total 26 million. Now, that is 8 percent over the 1971 figures of 24 million, and they figure that by 1976 an estimated 45 to 50 million people in the United States will have used marijuana. In fact, already 67 percent of all college students have at least tried marijuana.

So I think it is obvious from these figures that marijuana isn't just going to go away, that its use is on the rise, and we have to try to deal with it in a rational way. I think that the rational way is to adopt a policy of discouragement. I think that we can accomplish this by decriminalizing the personal use of marijuana, yet not legalizing the sale of marijuana. And the way to do this is to strictly enforce and to center our law enforcement activities on the pusher and try to dry up the supply of marijuana.

A lot of people, I think, are going to say, well, this is a double standard, and if they are going to smoke it, where are they going to smoke it, where are they going to get it. Well, the point is, this is not unique. That double standard has been used in our law for a long time. We do it presently with gambling and with prostitution, and we did it with prohibition. In fact, during prohibition, there were only five states in the whole country that outlawed the personal use of alcohol.

Mentioning alcohol, I guess before I stop, I would like to try to bring this maybe a little bit closer to home. I am sure that most of you, I am not sure — in fact, I am pretty sure that Mr. Brawn will refute this, but I think that most of us, when we were under age, did occasionally drink an illegal beer. But what was the pen-

alty for that? Anyone who got caught was probably only going to get a fine and it would have no bearing at all on their future. Well it is in this light that today's youth see marijuana. Yet, the penalty for getting involved with that is going to be a stigma that will follow them around for the rest of their lives.

In conclusion, I just want to say one last thing, and that is that I feel that we, as representatives, were elected to lead this state and the areas that we represent. And if we receive facts that show us that we should alter our present laws because they are unjust. I feel that it is incumbent on us to alter those laws. Regardless of the political consequences of the position that I have taken today, I simply refuse to continue to make criminals out of thousands of our youth in Maine by perpetuating a law which is based on myth and not on the results of present-day scientific studies.

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: As he said, I probably would refute this. Yes, I sure will. No, when I was a boy, we did not have beer. I was so far back in the country and we were so poor, we couldn't have gotten it if we had wanted it.

Now, when he says they take it at a moderate degree, I would like to know what he calls a moderate degree. I visited a school a few years ago, and I saw a bus come in. I saw a child get off the bus who had been taking marijuana. I saw him crash his head into the cement basement. I saw the cop. I saw the school nurse, and I saw his father take this boy to the hospital. And they said that the father and mother were takers. How do you think this is a moderate degree?

I say if you want something to help you, let's drink orange juice and milk. You were given a clean body. Take care of that body, don't abuse it. Ladies and gentlemen, if you abuse the body you have, you are the one who is going to suffer,

nobody else. When you get down in the gutter so low that no one will hire you because you are a drunk, you are a dope, you are a thief, you have gotten just as low as you can go. You better have a few morals, and I hope you go along today and don't accept anything like this.

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

Mr. PERKINS: Mr. Speaker, Members of the House: First of all, I would like to commend the gentleman from Bangor, Mr. McKernan, for his lone stand on the Judiciary Committee. I admire him for it.

However, I would just like to say a few things in respect to the subject of marijuana. One is I think that we as a society are sticking our heads in the sand if we believe we are going to do away with it by retaining the law as we have. However, at the same time, it is not the time to change those laws. I think that we, as members of society, grow and evolve over a period of time to change our thinking depending upon what our own society is doing, whether it be breaking the law or not breaking the law, upholding a moral standard or not upholding a moral standard.

I think we are all aware that in our own culture here in Maine that the use of marijuana is certainly widespread. I feel that the hearing before the Judiciary Committee on this particular subject was one of the most sophisticated, best hearings that we had this session. We had in attendance speaking on behalf of this subject legalization or decriminalization of marijuana a former head of the Federal Drug and Abuse Administration from Washington D.C., we had a 70 some odd year old little old lady, pediatrician, who stood before us and begged us to decriminalize marijuana.

I think that when you have subjects such as these standing before you, you have to put some faith and credence in what they are saying, and I, for one, listened very attentively and felt that they were speaking the truth.

Before the election, I, in my own community, had indicated that I was for the decriminalization of marijuana. I also took a survey of my community as to what the feelings of my constituents might be in respect to it. The surprising thing was not that they were against legalization of marijuana. It was surprising to me, the number that responded that they were favorably inclined primarily toward discrimination, and so I can only say it is not that we should decriminalize or legalize marijuana for its use today, and I certainly respect my constituents in their feelings and went along with them in respect to this matter. I do believe that we are not ready for it, but I do say to you ladies and gentlemen that the day is coming; and I only hope when the day does come that we set up some form of controlled distribution, if you will, just as we have with alcohol, and it won't be nearly as bad as we make it out to be.

There are those of us that may be against alcohol and rightfully so, if we wish. There will always be those who are going to be against marijuana and rightfully so but I say to you, if we do, in our culture, decide to take it on — and with the percentage points running as they are, we are going to — I only hope we have some form of control where it is going to be effectively distributed to those who desire it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I shall not take much of your time on this subject which I know little about. So far, I have been able to obey the signs and "keep off the grass." Some of the other sauce I haven't done so well with, but I rise this afternoon in support of my colleague, the fine young man from the City of Bangor, Mr. John McKernan, who I believe has given a speech of great logic.

If you will pardon me for saying this, nearly 20 years ago I stood in this great branch of the Maine legislature and tried to convince

people that the problem of water pollution was very serious and something should be done about it. Well, the only support that I was able to get was that of a few of my friends who happened to room and eat with me at the various watering places around here in Augusta.

So, I can very easily understand the logic of the talk which attempts to persuade you that probably looking down the road a bit will be a great deal more considerate and reasonable about persons who indulge in this drug than we are today. Because of that, although I am a couple of years older than is the gentleman from Bangor, Mr. McKernan, but not as old as the distinguished gentleman, Mr. Brawn, I would like to state my position of support for Mr. McKernan's position; and therefore, I hope that the "ought not to pass" report which has been presented will not prevail.

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

Mr. BROWN: Mr. Speaker, and Ladies and Gentlemen of the House: I am opposed to the pending motion which is "ought not to pass," and I am going to talk for a few minutes. I have to bore you because I know nothing about marijuana. I knew nothing about marijuana when I put the bill in, and I haven't learned a great deal since about it. But I can look at the sentences and the statutory offense which is a violation of our laws and the sentencing is extremely severe, and I think that is how I got interested in it.

Before I get into it, I would like to commend this committee, Judiciary, because I think they had a very difficult time, and I think they have done a pretty good job on these marijuana laws. I wish they had taken one or two more steps, but I am not going to criticize them for that.

I think we might also commend the press on this rather emotional subject for the most part as they have been very careful in not stimulating the emotions. They have stayed pretty much on the facts and have done an excellent job, I believe.

I was asked to put this bill in by a constituent, and when I saw

what the penalty is — that is, for a second offense of possession of marijuana, you are charged with a felony in this state, and that, ladies and gentlemen, is a serious situation.

Before I get into this, I would like to just comment on an AP story summarizing a couple of paragraphs here, the report of the National Committee on Drug Abuse. This is what it says in part: "The federal drug commission Thursday rated alcoholism as America's number one drug problem. Heroin was second. Marijuana ran far back.

"The panel said government efforts to discourage drug use are disorganized, based on public misconceptions and possibly are making matters worse instead of better.

"Most present drug information material is factually wrong and shouldn't be distributed. Future material should be screened for accuracy.

"In both reports the commission reasoned that society shouldn't prohibit drugs merely because they injure the user. To do so would require prohibition of barbiturates, alcohol and tobacco before all others."

I would like to call to your attention some of the sentences which have been given in some of the situations in other states, and this is given to me by the Civil Liberties Union. As far as I know, the information is factual. In Louisiana recently, a man was sentenced to 50 years in prison for selling a matchbox of marijuana to an undercover agent. In California in 1968, one fourth of all felony arrests were for marijuana crimes netting a total of more than 50,000 persons. The state spent about \$72 million enforcing the laws. The F.B.I. reports that 26 percent of the persons arrested for marijuana violations in 1970 were under the age of 18 and 62 percent were under the age of 21. Marijuana arrests account for 45 percent of all narcotic drug law arrests in the United States.

In Michigan a few years ago, two undercover policemen spent several months cultivating the friendship of a local hippie poet,

then asked him for some marijuana. When he gave them two cigarettes, he was arrested, convicted of possession and dispensing and originally faced 40 years, many times more than the minimum sentence in that state for any crime except first degree murder.

The San Francisco Police crime laboratory estimates that 38 percent of its staff time is devoted to marijuana analysis. Yet, in the period between 1960 and 1970, the number of lab tests performed in conjunction with serious crimes ranging from murder through robbery, burglary and aggravated assault actually declined while the number of such crimes more than doubled. You can go on and on with similar situations.

I think it is this heavy sentencing and the very seriousness of what you are doing to our young people which actually is involved or can be involved if these figures continue to go. Over half of our youngsters under 21 are going to be faced or find themselves liable to be charged with a felony.

Now, let me ask you this: Are you familiar with what a felony is? A felony, as I understand the law, is a crime for which you can be convicted and sentenced to a year or more in state's prison. This is where we place our most hardened criminals. I am suggesting, along with the amendment by the gentleman from Bangor, another amendment which may not go as far as my original proposal but at least an amendment which says a misdemeanor. Now, a misdemeanor is 11 months in the county jail. I don't know how many of us spent a day in jail or 14 days in jail or 30 days in jail or 6 months or a year or more, but it is a pretty serious penalty. It is a pretty serious infringement on your own rights and your own time.

What we are doing is trying to kill a fly with a piece of cardboard. We are going back to the days of the barbarians, the days when they put you in the stocks. This is what we are doing with a felony charge for every single youngster or at least half of our youngsters

as the figures are increasing. Half of our youngsters are faced with this charge.

I call your attention to the fact that the gentleman from Bangor also mentioned that this felony charge stays with you. You go to apply to get into the service, you go to apply to get into a school, you apply for a job. I will call your attention to what the gentleman from Presque Isle the other day put out, Mr. Dunleavy. He had a list of any number of jobs for employment in the State of Maine, state jobs, all requiring good moral character. There it is, it takes a whole full page, and I suspect there are many more, because I don't believe that private industry wants to hire people unless they are of good moral character. This affects good moral character.

I would like also to call your attention to what we do at the state's prison. I haven't been down there along with the Committee on Health and Institutional Services lately, but nevertheless, let's listen to some of the crimes we have got in there for people that we have there. About 400 people are there, give or take. Adultery, aggravated assault, arson, assault and battery, assault with a dangerous weapon, assault with intent to kill, assault to maim, assault on an officer, assault to rape, assault to rob, attempted armed robbery, common thief, so on, embezzlement, extortion. There is no limit to the number of crimes, kidnapping. This is the type of person you are associating these youngsters with; and this, unfortunately, involves mostly people under 25. But this is the association when you charge these people with a felony that you are involving these youngsters with.

Now, at the present time and for the first time, as far as I know, the last year or two we have had some offenses for marijuana, not for possession for sale which have ended up in the state's prison, ten of them: one to two years, one to two years. In many instances they have had no prior offenses, three of them had a prior offense. Some of these offenses had been suspended.



Now, what I am coming back to is this, that what you are getting is a very breakdown of the laws that we are passing here. I have heard gentleman after gentleman stand up and say that the judges and the judiciary are not doing its job; and yet, when you have got a ridiculous law on the books like a felony for marijuana possession, you can't expect reasonable people or decent people or judges to send a 21-year-old kid to state's prison or a 22-year-old kid. It doesn't add up. So what happens? They suspend them, they put them on probation, they file it. Okay, the county attorney or the prosecuting attorney says, why should I prosecute the case, the judge isn't going to do anything with it; he is going to let them off. And so it backs up to the arresting officer and he says, why should I do anything. And then the public says, well, our laws aren't being enforced, convicts aren't being sentenced or anything else. This is a good example of why some laws are not being enforced and why judges are not sentencing people according to the statute.

I would like to comment just on one more item. We think we live in a pretty conservative state, and we do. I happen to have three editorials here from different sections of the state. I would like to read just a section of them. The Bangor News, May 22: "The 'decriminalization' of marijuana possession warrants, we think, careful consideration. Above all, it should not be aborted simply on the premise that it would be a legal endorsement of pot consumption.

"For a young person (or an old person) to carry a felony conviction with him the rest of his life for the use of marijuana seems inconsistent with the 'crime.'

"And getting down to basics, grandfather assumed a greater known physical risk with bathtub gin than his present day counterpart with pot. And even then, there was a price to pay. But not in a court of law."

I have the Kennebec Journal: "But we're concerned here with just one aspect of such "moral

legislation" — legalizing the possession of marijuana.

"Insofar as the user is concerned, we agree with one assessment that this is a medical and not a criminal problem. So is the third martini before lunch.

"More importantly, we don't like the idea of young people being charged with a felony over possession alone, of marijuana. A felony rap against a youngster is as ineradicable as a letter branded on his forehead.

"As the matter stands, police may choose the lesser of two evil courses: Spend an unconscionable amount of time sniffing out marijuana smokers, or looking the other way. Either is debilitating to police morale and the good of society. A case could be made as we suggested earlier against any police effort expended in the area of no-victim crime. Taking the criminal label off the possessor of marijuana is a good place to start."

I am not going to read the Portland Press Herald, it is more or less the same thing. I suggest to you that my interest in this is not a knowledge of marijuana but a knowledge of having served as a municipal court judge and participating in the practice of criminal law, and I don't believe for one minute that any of our decent and reasonable minded men are going to send our youngsters to state's prison or to Windham or to any other place on this kind of a rap.

I hope you will vote against the motion.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: When I came in here this afternoon, I had all the intentions of voting for the majority "ought not to pass" report. But after listening to the remarks made by the gentleman from Bangor, Mr. McKernan, and the gentleman from Augusta, Mr. Brown, I think that we would be doing a disservice to the youngsters of this state and to ourselves if we didn't give this bill further consideration so proper amendments could be presented.

I never thought that I would be standing up here, supposedly the old arch-back conservative that I am supposed to be, and saying these things. But I think that they presented a very serious argument here today. As Mr. Brown stated, he is not too knowledgeable on marijuana; well neither am I, but I certainly hate to see the youngsters have their lives shattered because of possession of marijuana on their first offense or second offense. He is not standing here today and neither is Representative McKernan and endorsing the sales or the pushing of marijuana. He wants these scoundrels off the streets as much as I do; but we have to consider the youngsters of this state, and I do ask the people of this House to vote against the majority "ought to pass" report and let them present some proper amendments to make the bill perhaps a little more compatible to all of us.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Augusta referred to some of the crimes that cause people to be incarcerated in the Maine State Prison. I think it is rather sad to go down to the Maine State Prison and the men's reformatory and talk to these inmates and find that the crimes they have committed, many of which Mr. Brown brought to your attention, these crimes were committed under the influence of drugs. It is sad to me to go to South Windham and see young men down there from prominent families of the state, some college men, college graduates who were serving time in penal institutions in this state because they have developed a habit, and they are now serving time for pushing.

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

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: I stand here this afternoon very torn by this bill. I truly didn't know when I came in here how I was going to vote, and I am not sure that I am positive right

now, if there is much more debate; but there is one thing that I would like to point out to you that hasn't been brought up in the debate so far. We talk about pushers, Mr. Dyar just mentioned them. I think they should certainly be clobbered with every power that we have got. But I listened to the whole 4½ hours of the hearing that day and one statistic continues to come up in mind: 93 percent of the arrests last year were for users, only 7 percent for pushers. Now, that suggests to me, ladies and gentlemen, that the weight of our people who are attempting to enforce the laws is going in the wrong direction, and if we could get that 93 percent of the officers who were involved in picking up users to concentrate on the pushers, we might be able to reduce the amount of the drugs around and thereby create a much better atmosphere for our young people.

The word I think that sticks in my craw is decriminalization, that is what we are doing. We are making it non-criminal. I am not in favor of using it. I would do everything I could to teach people not to, but I think, at least at this point with this bill, I think I have made up my mind now to support Mr. McKernan.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: As I have said many times, I hunt. I had a four-cell flashlight given to me here the other day, and if I was to take that four-cell flashlight tonight and go out here and shine it around the field and a game warden caught me, I am going to pay from \$1 to \$300 for illegal illumination of a field. Then if I take my trusty little shotgun with buckshot and I knock down a deer and they catch me, that is jacking. I'm going to pay from \$1 to \$300, and they can jail me from ten to thirty days, and they will lift my license for one year. Now, suppose I see a moose while I'm out here, and I get him — \$2 to \$500, ten to thirty days in jail or he can give me as much as eleven months. Gentlemen, that

is breaking the law. I know it is breaking the law, and if I get caught, I expect to pay the penalty. I wouldn't be very proud, in the first place, to see my name in the paper, that is for sure.

These young men and young women know they are breaking the law, and when they go over to Spain we have got them younger than they spoke of here in their prisons over there. There is no sympathy shown them. And until our officers start enforcing the law, we are degrading our morals. I hope you will go along with the "ought not to pass."

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Just to ask the gentleman from Oakland, Mr. Brawn, all the heinous crimes he has just mentioned that deal with fish and game certainly don't carry a felony penalty. He certainly could go to jail, and he could pay a fine, but he still would be charged only with a misdemeanor.

I went to the hearing and sat with my good friend from Farmington and was equally as confused, I think, as he was, and I am sure none of us are in favor of the use of marijuana. It is a drug, but I think a great number of us are concerned with the penalties as has been so ably explained this afternoon.

I would hope you would go along with the— go against the unanimous "ought not to pass" report and accept the unanimous "ought to pass" report.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House; I stand around here all by myself today, and I am going to shock an awful lot of people in this place, I guess; because you know, I am going to support this bill all the way right to its final passage, I hope. That probably comes, I guess, as a real shock. But you know, I guess probably the hardest thing I am finding in being a parent is to take and

try to put some of my own thoughts behind me in trying to realize what my kids, who are teenagers, are trying to think and what is going through their minds today and what is coming about around them.

You know, I don't get home too often like most of you, but I find it awful interesting when I do get home and really sit down and start to talk to them and find out what type of pressures they are subjected to. I guess if I was probably 16 or 17 again, I would probably be trying pot just exactly like I tried beer or a drink, and I wonder if all of you can't put yourself in that same position and ask if you wouldn't do it.

Whether you are stuck with it or not, I guess that is a different story. But you know, I have a young secretary who is working for me that is not out of high school too far. I had a long talk with her one day, and she was telling about the percentage of kids who have tried it. She will admit she tried it, it didn't agree with her, I guess, or she couldn't go along with it, and she finally decided that it just wasn't for her. I think all the kids are going to have that opportunity, and I hate like heck to see these kids get a criminal record just because they are going to do some things we did, and now we don't want them to have the same opportunity, I guess.

The SPEAKER pro tem: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker and Ladies and Gentlemen of the House: I am in a bit of a dilemma myself. The only thought I would like to put forth at this time is whether or not we would be creating a haven during the summer tourist season? You can well imagine influx of young people that we have coming upon us during these months and the input we receive. Our young population probably triples and quadruples. So this is something I think you should be thinking about also, that if we decriminalize this action, just imagine, I can almost foresee riotous situations presenting themselves along our resort areas.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I am standing alone in this corner, too. I am not as big in size, but I can guarantee you that I can be as big vocally as some of my friends here in the House.

I want to say that I strictly endorse the "ought not to pass" report. The issue really is, I think, whether the present law that we have should be left on the books or whether we should do away with it. Well, I want to state to those of you who were not here a few years ago that the law on the books that you have now was put on here mostly by some of the legislators that are right in here now. I believe then they believed in the law, that this was necessary and it still is necessary. And I want to say that probably the law was passed for the concern of young people and not against them.

However, listening to a few things here that have been said and to an editorial that has been read, I don't know how much credibility you put to it when they haven't got the guts to even sign their names to it. This is extremely serious, because what I say, I am willing to sign, I am willing to let anybody know what I say at any time.

We have passed laws in this legislature, whether you know it or not — you will be faced with other bills, laws on marijuana, raising fines for possession and other laws that we have tabled today, I think or set aside, for illegal transportation of and everything else.

I can report to you when this particular law that we have now as far as penalties for marijuana came here — I think it was two years ago — I voted against such a law, because I thought it was too strict. But I can also tell you that I would vote against any law to legalize marijuana.

I can only suggest to you that those of you who probably endorse this legislation just to take time — and you will have time before it is enacted, if it ever is — to talk to the parent who have been

touched by their children using marijuana and other drugs. I have talked with them, I have been in close contact with some of them because they live on the next street to where I live. The parents are so concerned about it that they cry, they are sick about it and everything else. The kids are not sick about it. The only time they ever come to their parents or they come to their legislator is to see if you can give them a hand to get out of such a rap as they are in. I can only suggest to you again that they must face their responsibilities, whatever age they are, just like we have, even though we are a little older.

As far as South Windham and all that stuff, it is pitiful to see some of those kids out there. But on the other hand, I can tell you this, that whenever anybody gets out of South Windham on his own — and I mean escape or something like that — it must be a serious matter, because in Westbrook and the surrounding towns, right off the town is alerted that they are out, to watch out for them and there are many reasons they try and get them back there.

I don't believe that we should do away with the law. I think we should probably try to get more programs going to instruct them and to educate the kids on the dangers of marijuana and actually try to do away with the problem that way. I think that any law that we have, we have to obey it, and actually, I still consider — even though modern penologists do not believe so — I still think that the laws that we have are a deterrent, and I think that is what we should strive for.

Mr. Brawn of Oakland requested a roll call vote.

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

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: In regard to the remarks of the last two speakers, I call your attention to filing number H-510 and filing number H-505, two potential amendments which we would like to add onto this L. D. if, by chance, the majority "ought not to pass" report is defeated.

H-510 provides that such possession shall be a misdemeanor instead of completely decriminalized. As a misdemeanor, if convicted, they still stand a chance of 11 months in the county jail. Now that is a fairly severe penalty for mere possession in your home — 11 months in the county jail. That is H-510. But we cannot put these amendments on unless this particular motion is defeated.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to address a question through the Chair to the gentleman from Augusta, Mr. Brown. I would ask him if when he speaks about H-510, would that be for every offense or is that only for the first offense?

The SPEAKER pro tem: The gentleman from Waterville poses a question to the gentleman from Augusta, who may answer if he wishes to speak.

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: At the current time, the first offense for possession is a misdemeanor. This would pertain to succeeding offenses. The first offense is a misdemeanor. This would make all offenses a misdemeanor.

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentle lady from Orrington, Mrs. Baker, that the House accept the Majority "Ought not to pass" Report on L. D. 1562. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Berry, B. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Bragdon, Brawn,

Bunker, Bustin, Carey, Carrier, Chick, Chonko, Churchill, Clark, Conley, Cooney, Cote, Crommett, Davis, Deshaies, Donaghy, Dunleavy, Dunn, Dyar, Emery, D. F.; Farrington, Faucher, Ferris, Finemore, Fraser, Gahagan, Gauthier, Good, Hamblen, Henley, Hewes, Hobbins, Hunter, Jalbert, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, LeBlanc, Lewis, E.; MacLeod, McCormick, McHenry, McMahon, McNally, Merrill, Mills, Parks, Perkins, Pontbriand, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Snowe, Sproul, Stillings, Theriault, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.

NAY — Albert, Boudreau, Briggs, Brown, Connolly, Cottrell, Curtis, T. S., Jr.; Dow, Drigotas, Dudley, Farnham, Flynn, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Haskell, Huber, Jackson, Kauffman, Kelleher, LaCharite, LaPointe, Lewis, J.; Lynch, Martin, Maxwell, McKernan, McTeague, Morin, L.; Morton, Mulhern, Murray, Najarian, Norris, Peterson, Pratt, Rolde, Simpson, L. E.; Smith, D. M.; Smith, S.; Soulas, Susi, Talbot, Tierney, Whitzell.

ABSENT — Ault, Cameron, Carter, Cressey, Curran, Dam, Evans, Farley, Fecteau, Hancock, Herrick, Immonen, Jacques, Littlefield, Maddox, Mahany, Morin, V.; Murchison; O'Brien, Palmer, Ricker, Santoro, Strout, Tanguay, Trask.

Ys, 78; No, 47; Absent, 25.

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

At this point, Speaker Hewes returned to the rostrum.

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

Thereupon, the Sergeant-at-Arms escorted Mr. Hoffses to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

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

Mrs. BAKER: Mr. Speaker, having voted on the prevailing side, I now ask for reconsideration and I hope that you all vote against me.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: Although I presume that the gentle lady will prevail with the motion because the House has voted by a significant margin, I think that the record should be clear regarding that significant minority that voted against indefinite postponement.

As the gentleman from Augusta, Mr. Brown stated there was a hope to keep this bill alive as a vehicle to attempt to do two things: One, to reduce from a felony to the misdemeanor level the offense of being present where marijuana is kept; and secondly, to take care of the expungement matter, which, if my memory is correct, this House acted favorably upon and which was indefinitely postponed in the other body.

I guess in reality, in spite of the hearing and the number of people who were at the hearing, the people from the Bureau of Narcotics and Dangerous Drugs, I believe the retired director was there, that we will not make any progress in this area at this time. I join with the overwhelming sentiment of the House to be opposed to the decriminalization of marijuana, but I think that there are significant numbers of us who find it anomalous, if I understand the statutes correctly, that first time possession is a misdemeanor; being present where it is kept is a felony.

Secondly, I was moved by the editorial, I believe in the Portland paper this morning. I do not have any teenage children, I have one that is two and a half, but I would be most thankful if the only difficulty my boy were ever in was that he was once present where someone else was smoking marijuana.

I would consider it a grave injustice and it would be one that would come home to me, and it could come home to many of you, if he desired an appointment to a certain school, for example, perhaps the naval academy or he desired to pursue a certain profession, the practice of law or dentistry or medicine and one of these type things were held against him.

So although I, as one individual, join with the sentiment of the House against the decriminalization, I think it is truly unfortunate due to the attitude of the Senate on the other bill and to our vote and the way in which this thing came up, the emotion concerned with it, that we cannot in this session of the legislature do two things in regard to marijuana: number one, recognize that when there is a petty offense on the part of a teenager and that he goes with no further involvements, that after a year, we wipe the slate clean and give this boy a chance to go on to school, employment, and professions, and secondly, that we irrationally, as I understand that matter, punish being present where marijuana is kept or, if you will, where it is smoked, more severely than we do the mere possession of it.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: I must take advantage of the opportunity, if you will bear with me, to speak again, this time in favor, in support of the motion to reconsider having just been posed to the House.

I know that it is terribly difficult for me to understand how so many people can truly believe that by these harsh measures, some way they are going to reduce the use of marijuana or of this potentially, they believe, damaging drug.

It seems to me that our experience in criminal justice has been so totally bad that it really escapes me wondering how so many can believe that as long as the justice is harsh enough or if we

can subject these people to 40 lashes, or something of that nature, that we will solve the problem.

I would like to attempt in my best mild way to persuade you this will not in any manner help to solve the problem, I believe. All it will do will be to compound the problem, and it will place many young people in a posture, in a position which is absolutely inexcusable in an era where social justice is of such great concern to so many persons. This is the only thing that bothers me.

I happen to have two young men, one is age 25, the other is age 21, and has just been through the rigors of all the problems at Colby College. For the most part, I have been entirely free of any serious ramifications due to the experience of these two fine young citizens participating in the academic affairs of the State University and the College at Colby. And I am very proud of the good work that they have done while they were there. Now, I don't mean to say that they have been totally exempt from slight excursions of what you seem to consider serious injustice. And the harshness which it seems to me you wish to deal with this problem is the only thing that concerns me. I am so old that, as I presented to you before, I have to obey the sign to keep off the grass, so I am not interested in it for myself, but I am persuaded by the sincerity and the total righteousness of the gentleman from Bangor, Mr. McKernan.

I am further persuaded by the knowledge in law and the knowledge in court, criminal justice that has been presented to you by an experienced municipal court judge, experienced attorney, the gentleman from Augusta, Mr. Brown.

Now I would like to convince you and I suppose it is probably impossible to do so, but once in a while I think you will be sympathetic with people who try hard to rise to what seem to be very difficult, nigh impossible challenges, and this is one of those things.

Possibly you will remember when prohibition was believed to be a suitable deterrent to the use

of alcohol. When prohibition no longer prevailed, I expect that many persons were terribly grievously, seriously wounded and shocked and dismayed that prohibition was repealed. I suppose there are many persons today who believe that were prohibition of alcohol reinstated that this would be a better world. I don't happen to subscribe to that position. But I respect the opinions of the people and their right to their opinion that that would be a good course. And it seems to be a very similar type of logic is being applied to this question.

You are just inviting relative disaster to be visited upon young people for offenses that are no more serious than any minor excursion and experiences with alcohol that went on during the period of prohibition. And this is, I submit to you, the type of a prohibition which will have the same result exactly as the prohibition of alcohol has been through. The only different thing is, it will apparently take a few more years for it to do so. Anyway, win, lose, or draw — and it may more likely be the second if I continue to experiment with this sort of irrational approach.

I would like to support the request of Mrs. Baker in her motion to reconsider. I have very little confidence that it will be possible to prevail in this. But I think it is so deserving in the consideration of justice and righteousness that I rise a second time to speak and I thank you.

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

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

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: As a member of the Judiciary Committee and living in the southern

part of the state, I have to disagree with my good friend Mr. Briggs, because I am sure that if he were living in York County, the gateway to the State of Maine, and to see the problems that have been coming in, I am sure that he would see that if we didn't have this law on the books at the time that our troubles would be double what they are at the present time, because we see it in our county. And I would say that our law as it is on the books at the present time has been a deterrent and helpful in this way, to kind of stop it in this direction.

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

Mr. ROSS: Mr. Speaker and Members of the House: I just have one question to ask the gentleman from Brunswick, Mr. McTeague. He said that one of these amendments had to do with expungement. I can't see how that is so.

The SPEAKER pro tem: The Chair recognizes the Gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: As is his usual pattern over many years in the legislature, the gentleman from Bath, Mr. Ross, is entirely correct. I didn't suggest, Mr. Ross, that the amendment had been printed. I suggested it had been before us before. And in the event that the bill survived, I for one would be happy to see it used as a vehicle, number one, not to decriminalize marijuana, but number two, a vehicle alive in this legislature to deal with the issue of expungement as we tried before.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, like the gentleman from Sanford, come from York County and probably no town in the State of Maine has had more problems with drugs than the town of York. And I was all set to vote against this bill. The only thing that kept me from doing it was the statement by Mr. Brown that he would offer an amendment to change

the penalty for other offenses from a felony to a misdemeanor, and therefore, I support the motion for reconsideration and give Mr. Brown a chance to offer that amendment. Without it I could not possibly support this bill. But with it I would like to have a chance to consider it.

The SPEAKER pro tem: 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 get involved in merits or demerits of the issue before us at this point, but I do want to comment briefly on the remark made by the gentleman from Sanford, Mr. Gauthier. It is very, very difficult to legislate when a state like us is caught in between a number of other states and, in my instance, another country. In my own case, I am very close to the Canadian border, and as some of you have suggested, would wish I would go there at times.

But I do want to tell you that in the Province of New Brunswick and the Province of Quebec, where they have the same problem as we have, they handle it entirely different than we do. Our own students in my own high school where I teach can go to New Brunswick or the Province of Quebec and they can indulge in this and they used to do it with liquor prior to our lowering the age to 18 without any serious criminal charges being brought against them. If they are picked up for such a charge, for example, on the road or anywhere while they are there, the Canadian Mounted Police will simply impose a fine upon them. The fine goes to the Province, the Canadian government, and they proceed back to Fort Kent or Eagle Lake or wherever they come from. They are not held up, there is no hassle with it. It is simply a process where they pay the fine and they come back and it is completely decriminalized, so to speak, as a felony. It is simply regarded as a misdemeanor.

This is not the first time that we have gone through this. We went through this on the liquor is-



sue. We are presently going through it on another matter now up there and it is just a very tough thing for us to wrestle with. But boy, when we are caught between, I agree with the gentleman from Sanford, when you are caught in between dealing with another state or another country, it creates problems that we really don't think about. And I just thought that I would pass this on to you. It really makes it unreal, and if you talk to the law enforcement officers along the Canadian border, they will quickly relate this to you.

The only time that they really have an opportunity to get hold of any of this is when the people come through the border stations at, for example, Fort Kent, Madawaska, Van Buren, and Hamlin, and the cars are inspected and then the immigration officers will call the Maine State Police and they will pick them up for transporting or for possession. But if they just do it over there, they can do all they want to and where do you go? There is nothing that you can do about it.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I was a pretty good boy, and I sat here all through the discussion until the vote, and I was hoping I wouldn't have to get up. I don't know as I can change anybody's mind. I don't know as I particularly want to. But there have been so many people spoken on it, I feel it is only just to, even though, I cannot possibly compete with my very good friend Jim Briggs of Caribou sitting here in his eloquence. I will state in reference to what Jim had to say, there were five, at least, attorneys on the committee that signed this bill "ought not to pass." And they did not sign it from any malice or anything like that. The committee worked hard at this making these decisions, and I also want to commend my young friend over here, Mr. McKernan. He is fully justified in standing by and defending his feeling on it.

I think that you will find that the decision of the majority of the committee wasn't particularly on the merits of the whole structure of the legality of marijuana. I think that what they felt was that there just had not been enough research, and we could not be sure of the statements that several made that it was perfectly harmless. We also felt that inasmuch as there are studies and research being made at the federal level, that the same as the liquor question, it should be a nationwide move if the time comes when they will legalize marijuana and, at the same time, possibly establish controls. If we do these things piecemeal and by state, it is going to create a lot of problems. As has already been stated we will have problems at our borders. Also, it seems a bit inconsistent to leave laws on the books relative to the transportation, the procuring, the selling, the purchasing and so on of marijuana and then set a law right in amongst them that says it is all right to have it. How is it going to be all right to have something if you aren't supposed to be able to procure it?

So based on that hypothesis and that general feeling is the reason that the most of your committee decided the way that it did.

Now, I am not up tight on it too much. That is one of the reasons I didn't get up before. But it looks to me as though this House has decided to sort of close it off so that it wouldn't be going on day after day. The chairman of the committee asked for reconsideration hoping that they would vote against it. And I also hope that you will vote no on reconsideration so that at this time we can go on with the other business and close this one out.

The SPEAKER pro tem: The Chair recognizes the gentleman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: I too congratulate Mr. McKernan for his fine presentation and also for managing to hang onto his voice for two days.

I also am reluctant to speak against my friend, I think one of

the best friends I have, or at least he was, in this House, and that is Mr. Brown from Augusta. But I am fearful about relaxing the laws concerning marijuana.

Over the weekend there was an article that come into my home via a small newspaper, which I am going to read very briefly from.

"Three more medical experts have spoken out on the subject of marijuana and their testimonies are all quite similar, viz., marijuana is a dangerous drug.

"Dr. Olva J. Braeden, director of the United Nations Narcotic Laboratory, Geneva, Switzerland, testified before the Senate Internal Security Subcommittee and stated that continuing research indicated there were many unanticipated side-effects of cannabis smoking which had not been adequately diagnosed.

"Braeden said he would not favor the legalization of marijuana since it is better to be careful when it comes to medicine and drugs. He also said, I think you people here in the United States have an excellent example of this in the Thalidomide case, which you did not authorize for use because you wanted more research done, and that saved you from some 10,000 malformed children as they have in Europe."

I hope we will not reconsider this bill. I think it is dangerous and I don't feel that we should relax the law.

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

Mr. HOBBS: Mr. Speaker and Members of the House: I voted against the bill in question on the last roll call vote because I am not in favor of decriminalization of marijuana. But I do hope that this House will reconsider its action so that the gentleman from Augusta Mr. Brown could propose an amendment concerning expunging, because I feel that this House should act upon this. I do hope that we do reconsider. I ask for a division.

Mr. Jackson of Yarmouth requested a roll call vote.

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

Mr. MILLS: Mr. Speaker and Members of the House: It is parliamentary. Am I correct in assuming that if we vote for reconsideration on this bill, that then Mr. Brown will have an opportunity to present his amendment?

The SPEAKER pro tem: The Chair would answer in the negative. If you were to reconsider the pending motion would be the adoption of the "ought not to pass" report.

The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker and Members of the House: Just to carry that a little bit farther. When we get back to adopt the "ought not to pass" report, then we vote on the "ought not to pass" report and defeat that and then we could vote for the motion which is spoken of.

One other little thing, if I might just say this. I know very well from whence comes a lot of the grave concern about the dangers of drugs, and I share that concern. I think alcohol is the most serious drug in the world, without any question or doubt. It is the most widely used and it is the most widely abused. And I know from whence comes the grave concern about alcohol, and I share that.

But the mere fact — also I would like to point out for the gentleman from Norway, Mr. Henley, my very good friend, as the saying goes, that I respect the opinions of the people on the committee and I respect the committee very much. There is no question about that at all. But many years ago many, all of you are so well aware of the fact that there were a lot of very well meaning people who slew your Lord and they all thought they were correct, and they were a majority. I hope that you will accept the motion that has just been made to reconsider so that we can moderate this harshness of this bill.

The SPEAKER pro tem. A roll call has been requested. For the chair to order a roll call, it must have the expressed desire of one

fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. ROLLINS: Mr. Speaker and Ladies and Gentlemen of the House: I have just one thing that I would like to have you consider and that is the report of the committee, which was 12 to 1.

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

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a parliamentary inquiry to the Chair.

The SPEAKER pro tem: The lady may pose her question.

Mrs. BAKER: Is it possible that in this same session we can have another bill presented to us if it has an amendment that has already been killed in this session?

The SPEAKER pro tem: The Chair would answer in the negative.

Mrs. BAKER: I refer to the bill on expungement. I think that some of the members of the House are laboring under the belief that if this bill were kept alive, that we could have an amendment that related to expungement. And if you will refer to today's calendar on page 3, you will see that we have a message from the Senate where it voted to adhere to its action whereby it has accepted the minority "ought not to pass" report on Bill, "An Act Relating to Probation and Expungement of Records for First Time Possession of Marijuana Offenders." So therefore, I do not feel that this could be offered as an amendment.

The SPEAKER pro tem: The Chair would state that the lady would be correct in the Chair's opinion.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the

House. Under the rules, there is no way that the Chair or the members of the House can make a decision as to whether or not the amendment would be in conflict unless the amendment is before us, which we do not have. Obviously, the amendment, if it were to be offered in the same wording as the bill that was defeated, the gentlelady is absolutely correct. However, there are any number of ways the same situation can be taken care of which would not get us into that problem. And so I don't view that as a problem at this time.

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

Mr. MCKERNAN: Mr. Speaker and Ladies and Gentlemen of the House: I just want to add one thing. I don't think you can rely on the committee report any longer. I gracefully accept defeat on that bill. We are now talking about an amendment which would not decriminalize the use of marijuana, but keep possession in the home as a misdemeanor for all offenses.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House reconsider its action whereby it accepted the Majority "Ought not to pass" Report. All in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Berube, Boudreau, Briggs, Brown, Bustin, Churchill, Clark, Conley, Connolly, Cottrell, Crommett, Curtis, T. S. Jr.; Dow, Drigotas, Dunleavy, Farnham, Ferris, Flynn, Fraser, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Haskell, Hobbins, Huber, Jackson, Kauffman, Kelleher, Knight, LaCharite, LaPointe, LeBianc, Lewis, J.; Lynch, Martin, Maxwell, McKernan, McTeague, Mills, Morin, L.; Morton, Mulhern, Murray, Najarian, Norris, Perkins, Peterson, Rolde, Ross, Smith, D. M.; Smith, S.; Soulas, Talbot, Tierney, Whitzell.

NAY—Ault, Baker, Berry, G. W.; Berry, P. P.; Binnette, Birt,

Bither, Bragdon, Brawn, Bunker, Carey, Carrier, Chick, Chonko, Cote, Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Farrington, Faucher, Finemore, Gahagan, Gauthier, Good, Hamblen, Henley, Hoffses, Hunter, Immonen, Kelley, Kelley, R. P.; Keyte, Kilroy, Lawry, Lewis, E.; Littlefield, MacLeod, Mahany, McCormick, McHenry, McMahon, McNally, Merrill, Parks, Pontbriand, Rollins, Shaw, Shute, Silverman, Snowe, Sproul, Stillings, Theriault, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.

ABSENT — Cameron, Carter, Cooney, Cressey, Curran, Dam, Deshaies, Dudley, Evans, Farley, F e c t e a u , Hancock, Herrick, Jacques, Jaibert, Maddox, Morin, V.; Murchison, O'Brien, Palmer, Pratt, Ricker, Santoro, Sheltra, Strout, Susi, Tanguay.

Yes, 58; No, 64; Absent, 27.

The SPEAKER pro tem: Fifty-eight having voted in the affirmative and sixty-four in the negative, with twenty-seven being absent, the motion does not prevail.

Sent up for concurrence.

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

Bill "An Act Providing for Protection of Employee Pension Contributions" (H. P. 1401) (L. D. 1843).

Tabled — June 6, by Mr. Brown of Augusta.

Pending — Acceptance of either Report.

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

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

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

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 1843 is my bill and I rise to oppose the "ought not to pass" report. This legislation addresses itself to a problem that

has plagued the working man for many years. That problem is loss of pension benefits due to termination of employment before retirement.

Currently, as you know, it is possible for a man or woman to work for a company for several years, participate in a pension plan during his entire period of employment and receive absolutely no benefits if he leaves that company before retirement. Some companies fund their employees pension plan entirely. Others require a weekly contribution from the employees' paychecks. But either way, the pension benefits accumulated in such plans are a guarantee for each working man that his retirement years will not be plagued by financial difficulty.

In my opinion, pension plan benefits should accumulate so that a man might receive pension contributions from each company that he works for during his working years. After all, a company owes its productivity to its employees and the established amount of a pension plan indicates that company's willingness to invest in its employees future well-being. That trust should not be qualified.

L. D. 1843, as amended by Committee Amendment "A", provides the following: If an employee leaves the company after five years, he may receive the amount accumulated on his behalf in that company's pension plan. If an employee leaves a company after ten years, he shall be entitled at retirement to pension benefits in proportion to his length of service.

In summary, the philosophy of this bill is very simple. An employee should be entitled to pension benefits accumulated on his behalf if he works in any one company for at least five years. This bill insures good faith and fair play. I urge you to defeat the "ought not to pass" report and support this bill.

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

Mr. HOBBS: Mr. Speaker and Ladies and Gentlemen of the House: This bill was presented very competently by the gentle-

man from Rockland, Mr. Emery. It had a thorough hearing before the Committee on Labor and it was decided by the majority of the committee to act favorably upon L. D. 1843. The principle behind L. D. 1843 is a very just one for the working people of our state, which basically states that a man or a woman should be entitled to the amount accumulated in a person's pension which he contributes.

There is an amendment, also, which we hope to present on the second reading, which would strengthen the bill and I think make it more creditable and which would amend the bill to exempt the building trades.

I hope that this House in its wisdom will defeat the pending motion so that we can accept the majority "ought to pass" report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: I am placing in jeopardy a perfect anti-labor record up to this point by arising to oppose this legislation today, because I find myself aligned with the representatives of the Building Trades and Construction Union.

At the hearing we held on this bill, they did testify to support of the concept. I don't think anyone could oppose the concept of providing pension protection for workers. But I have here a page and a half of single-spaced, typed objections from the Building Construction and Trades Union. I won't read it all to you but I would like to just go through and hit some of the high points.

They point out that this legislation makes no attempt to address itself to portability. This is perhaps the chief goal of pension plans, to achieve portability. It provides no regulatory or administrative machinery to regulate the act. Nothing in this L.D. provides for enforced segregation of pension funds, which would protect the funds and which, incidentally, would address itself to the problem that I think had some bearing on the birth of this legislation.

There was a very serious case in the state a few years ago where a company with supposedly a pension plan went out of business and the pension plan went down the drain with the company. Nothing in here would prohibit the repeat of that situation.

This act does address itself to the concept of withdrawing credits on the basis of individual employees, which I submit is in direct contradiction to the philosophy of the pension plan.

It not only throws the burden of the cost of administration on fewer people, but as these funds increase in size, it would be a strong temptation to cash these in on the basis of a Christmas Club. And it would have the effect of penalizing those long-term employees whose attachment to the labor market is continued.

I would also point out, at the present time pension plans are regulated by the Director of Internal Revenue and the Labor Department at the federal level. There is an on-going study in Congress right now, you have all heard, I am sure, the publicity that is coming up on this. This is a very important area that they are directing their attention to. I feel that this subject of pensions, especially as it addresses itself to portability and security and segregation of funds and proper regulations should be at the federal level. When you stop and consider the number of multi-state corporations and multi-state unions, you could easily see that if we have a fragmentation of the state regulation, even though this bill contains no machinery for regulation, that we are not going to be improving the situation.

I think this is a federal problem, and I think we should leave it to the feds. I would urge your support of the "ought not to pass" report.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I think I ought to clarify a couple of points that were just raised by the gentleman from Cumberland, who I usually vote

with, but evidently not on this bill. First of all, we are aware of the problem of the construction trades, and I have in my hand a copy of an amendment that is going to be offered tomorrow, hopefully, in second reading by the gentleman from Winslow, Mr. Carter, which provides an exception for the building trades. In fact, it was our intention that this exception should be on the bill. They feel that they can take care of themselves and I believe rightfully so.

But we are not worried about the construction trades in this legislation. We realize that they have a lot of muscle, the Labor Union has a lot of muscle and they are perfectly capable of taking care of themselves. But this pension benefit proposal that I have today will protect the individuals that work for smaller concerns that do not have the muscle, that do not have the ability to protect their pension plans. These are the people that I think we ought to be concerned with and this is the reason for the bill, to protect the individuals who are working in those organizations which are not large enough to offer independent pension plans on their own.

The question that was raised about cashing in every five years for a Christmas Club is a little bit ridiculous, because in order to get these benefits, you have to leave the company. You have to change from one company to another. And certainly anyone who cashes in a full-time job for whatever amount of money is credited to this person in a pension plan is making a very foolish bargain and certainly one that I wouldn't make. And keeping in mind that this bill does not have any effect until the person has worked for one firm for at least five years, this certainly is no bonus at Christmastime or any other kind of a bonus for someone who just wants to cash in his chips, so to speak, and take home a bundle. It doesn't work that way. The sole idea is to protect the workingman who changes his job, who has either paid into a pension fund all the time that he is working or has had money paid on his behalf and stands to get

nothing back from his investment should he transfer his employment.

I hope that you will continue to listen to the arguments this afternoon and will support the "ought to pass" report, which was a majority report for the Labor Committee.

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

Mr. ROLLINS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to move that this be tabled for one day so that the amendment can be put on.

The SPEAKER pro tem: The Chair would state that we are in a position of accepting either report at the present time. Amendments would be offered in the second reading. Does the gentleman still wish to have his motion on the floor?

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

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question to anyone, probably Mr. Emery. Does this apply to voluntary plans which are now in effect, voluntary contributory plans where the employer and the employee both contribute to the plan? And I will ask another question. Does this apply to plans that are IRS approved which provides for investing of the company's participation over a period of years greater than five or ten?

The SPEAKER pro tem: The Chair recognizes the gentleman from Rockland, Mr. Emery, who may answer the question if he desires.

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House. In answer to the gentleman's first question, the answer is yes, and in answer to the second question, I am not sufficiently familiar with IRS regulations, but I believe the answer to that question is also yes, although I would have to clarify that.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I rise, not for any lengthy debate, but I would ask you to go along wholeheartedly with the gentleman, Mr. Garsoe from Cumberland. It is not only the building trades people who would not go along with this sort of thing. I feel quite certain that other employees need protection from such a bill just as much as the building trade, but they just don't know what is going on here. I am sure that the Internal Revenue would be quite interested in some of the innovations that Mr. Emery has brought about in pension planning. It is just a poor bill, period.

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

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

Thereupon, Mr. Birt of East Millinocket requested a vote.

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

A vote of the House was taken.

19 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

The SPEAKER pro tem: The Chair, recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: Hopefully, we can dispose of this today, and if you don't want to accept the "ought not to pass" then any members could go on later, but I think this amendment that Mr. Emery is speaking about could be the kiss of death to this bill. This bill is so bad that the building trades don't want to be under it. They realize that it would wreck their pension plan. Why should we let them out of it and impose it on the others who would be left under this, under a very poor plan, no regulation, no protection of funds? I hope you will accept this report.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: After having asked my question, I have been thinking about this a little bit and it seems to me that this bill goes much further than we can possibly accept here.

My company, for instance, has a small pension plan which is on the books which provides that the employees will always get all the money they have invested in it out and that they will acquire vesting over 20 years at 100 percent. It does take 20 years to do it.

This plan is not administered by me, it is administered by a large, national organization. It is a trust fund, and I see no way that this trust fund could change its rules to pay the payments that are pointed to under this plan. And therefore, at this time, I don't think it is good legislation and I would like to move the indefinite postponement of this bill and all accompanying papers.

Mr. Hobbins of Saco requested a vote.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I have sat here this morning listening to this debate and what I have heard, number one, I don't like bills that discriminate. Secondly, I think that if this bill was to go through, it would almost possibly even affect our Maine Retirement System. For that reason, I hope you will support the indefinite postponement and I ask for a roll call.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I certainly have sat here, I didn't want to speak on this bill, and I listened, but I listened to a great deal of misinformation.

The Internal Revenue Service made it possible for employees to contribute to pension plans on a favorable basis. I would say 99 percent of the pension plans are on a contributory basis, where

the employee puts up one half, it could be 25 percent, the proportions differ, but as a rule the employee puts up 50 percent and the employer puts up 50 percent. The IRS is very scrupulous about legalizing any plan that is set up by an insurance company or the trust division in profit sharing deals, and there is always a vesting program. At five years the employee would get all of his money back, and he would get 25 percent of the employers. Then as you go on and go on you go through, after a period of 15 or 20 years there is full vesting.

Now, I think a lot of you are thinking under misconceptions here. I am going along with indefinitely postponing this bill. It can't be tabled and reconstructed, and made in conformity with regulations that have been set up. When you consider all the pensions plans — now, is there a grandfather clause in this bill on these things? I didn't want to get concerned with this, but I have heard so much misinformation on the floor of this House this afternoon that I simply had to bring some of these things to your attention.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think we have debated this thing long enough. But if we must insist on debating it, is there any chance we could leave the Internal Revenue out of it?

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, reading this over, Mr. Soulas mentioned this could affect the state. Well, to me, if I read this right, it sets up the same procedure the state has. I have worked for the state several times and contributed to the pension plan, and then when I left I got that money back. I don't see why the private institution should be any different. If the person puts this money in, he should be able to redeem it if he leaves before he is eligible for that pension. I think it is as simple as that.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker and Members of the House: I speak in support of the motion to indefinitely postpone this bill.

This bill is not needed presently, and I will bring it up, even though Mr. Jalbert asked that the Internal Revenue not be brought into this. But under Internal Revenue service guidelines on pension plans, all employee contributions must be returned to them for the plan to be approved. And also, now the new vesting rights, a plan must be 100 percent invested within 10 years to be approved. So, these are the things that I am quite familiar with since I do deal in the pension business with Union Life Insurance Company, and this bill is not needed at all.

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

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

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

#### ROLL CALL

YEAS — Ault, Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Caney, Chick, Cottrell, Curtis, T. S., Jr.; Davis, Donaghy, Dow, Drigotas, Dyar, Farnham, Farrington, Faucher, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Good, Greenlaw, Hamblen, Haskell, Hoffses, Hunter, Immonen, Jackson, Kauffman, Kelleher, Kelley, Kelley, R. P.; LaCharite, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Mahany, Maxwell, McCormick, McKernan, McNally, Merrill, Morton, Murray, Norris, Perkins, Pontbriand, Shaw, Silverman,



Smith, D. M.; Soulas, Sproul, Stillings, Theriault, Walker, White, Wood, M. E.

NAYS — Baker, Benry, G. W.; Berry, P. P.; Berube, Boudreau, Bustin, Chonko, Churchill, Clark, Conley, Connolly, Crommett, Dunleavy, Emery, D. F.; Genest, Goodwin, H.; Goodwin, K.; Henley, Hobbins, Jalbert, Kilroy, LaPointe, Lawry, Martin, McHenry, McTeague, Mills, Morin, L.; Najarian, Parks, Peterson, Rollins, Shute, Smith, S.; Talbot, Tierney, Webber, Wheeler, Whitzell, Willard.

ABSENT — Albert, Cameron, Carrier, Carter, Cooney, Cote, Cressey, Curran, Dam, Deshaies, Dudley, Dunn, Evans, Farley, Fecteau, Gauthier, Hancock, Herrick, Huber, Jacques, Keyte, Knight, Littlefield, Maddox, McMahan, Morin, V.; Mulhern, Murchison, O'Brien, Palmer, Pratt, Ricker, Ross, Santoro, Sheltra, Snowe, Strout, Susi, Tanguay, Trask, Trumbull, Tyndale.

Yes, 67; No, 41; Absent, 41.

The SPEAKER pro tem: Sixty-seven having voted in the affirmative and forty-one in the negative, with forty-one being absent, the motion does prevail.

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

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

The SPEAKER pro tem: The gentleman from Farmington, Mr. Morton, moves that the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed. 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 up for concurrence.

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

ORDERED, the Senate concurring, that Bill "An Act Relating to Representation of Boards of School Directors," House Paper 99, Legislative Document 120, be

recalled from the legislative files to the House. (H. P. 1590)

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

The Chair noting that this requires a two-thirds vote asked if there was objection to this matter being recalled from the legislative files. Hearing none, it was so ordered.

Sent up for concurrence.

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

Joint Order: Relative to Supplemental Bill on County Budgets. (H. P. 1578)

Tabled — June 6, by Mr. Martin of Eagle Lake.

Pending — Passage.

Thereupon, on motion of Mr. Martin of Eagle Lake, the Order was passed and sent up for concurrence.

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

Bill "An Act to Create a Department of Marine Resources" (S. P. 637) (L. D. 1972)

Tabled — June 6, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

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

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

Bill "An Act Relating to Regional Planning" (H. P. 1573) (L. D. 2003)

Tabled — June 6, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

Mr. Stillings of Berwick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-520) was read by the Clerk and adopted.

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

The Chair laid before the House the eleventh 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 6, by Mr. Cottrell of Portland

Pending — Passage to be engrossed.

On motion of Mr. Birt of East Millinocket, tabled unassigned pending passage to be engrossed.

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

Bill "An Act to Create the Department of Business Regulation" (S. P. 350) (L. D. 1102) (S. "A" S-160 to C. "A" S-154)

Tabled — June 6, by Mr. Simpson of Standish.

Pending — Passage to be enacted.

On motion of Mr. Birt of East Millinocket, retabled pending passage to be enacted and specially assigned for Monday, June 11.

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

Bill "An Act Providing for a Tax on Petroleum Products and Refineries to Promote Environmental Protection" (H. P. 819) (L. D. 1149)

Tabled — June 6, by Mr. Simpson of Standish.

Pending — Motion by Mr. Susi of Pittsfield to accept the Majority "Ought to pass" Report.

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

Mr. DYAR: Mr. Speaker, I would move the indefinite postponement of this bill and all accompanying papers.

The SPEAKER pro tem: The gentleman from Strong, Mr. Dyar, moves that this Bill and all accompanying papers be indefinitely postponed.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: I would briefly like to explain the intended purposes of item 13, L. D. 1149. This legislative document

would provide for a 2 cent per barrel tax on petroleum products refined in the State of Maine, the money from which would be used for environmental protection.

I feel that with pending applications from at least the Pittston Oil Company and the possibility of others to establish an oil refinery along the coast, it is very important that we have the amount of money set aside for the purposes of environmental protection.

I represent a large number of people who are involved in the fishing industry. And if it wasn't for the fishing industry, many of these people would be out of work and would be on welfare. The presence of any oil related industry along the coast presents a very real threat to the environment and the livelihood of thousands and thousands of Maine citizens between Calais and Kittery.

I believe very definitely that any company that wants to make an application for an oil refinery in the State of Maine should have the opportunity to do so. I personally am opposed to the idea of oil facilities on the coast of Maine. But as long as these facilities can qualify, as long as they can meet all the strict environmental requirements of the State of Maine, as long as there are provisions for clean up and safeguarding our natural resources, and the livelihood of the Maine citizens who depend on the sea for their living, then I am not opposed to the concept of these applications. But this legislative document, I believe, is very important because it provides the one tool, the one weapon that we have when an oil spill occurs, and that is money to protect the coast and to clean up from such a disaster.

I would certainly hope that you would oppose the motion for indefinite postponement, and I would ask for a roll call.

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

Mr. ROLDE: Mr. Speaker and Members of the House: I would pose a question through the Chair to the gentleman from Rockland. I just wonder if there is any conflict between this act and the Maine

Coastal Protection Fund which has just been found to be constitutional by the Supreme Court?

The SPEAKER pro tem: The gentleman from York Mr. Rolde, poses a question through the Chair to the gentleman from Rockland, Mr. Emery, who may answer if he so wishes.

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

Mr. EMERY: Mr. Speaker and Members of the House: We had a second hearing on this legislative document before the Committee on Taxation, I guess it was last week. This particular point was brought out. The answer to that question is no, there is no conflict.

The conveyance law and the proposed two cents per barrel tax are both methods of safeguarding the coast. One relates to conveyance and the other to the refining of products in the state. There is a difference. The conveyance law relates to the conveyance and transportation problems; the two cents per barrel tax on products refined relates to the refining and the manufacturing of petroleum products.

I believe that it is necessary to have both of these measures, and I believe that the court would rule that the tax on oil products which amounts to 1/21 of a cent per gallon, there being 42 gallons in a barrel, is not an undue hardship.

I would hope that you would support the "ought to pass" report. It was an 8 to 5 committee report from the Taxation Committee. I hope that you would oppose the motion to indefinitely postpone.

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

Mr. DYAR: Mr. Speaker and Members of the House: The reason I made the motion was in fact based on the court decision. Now the gentleman from Rockland, Mr. Emery, in his debate against my motion has made the statement which refers to the bill as passed last session. He has stated that this money will be used to clean up oil spills, and this is exactly what we passed last session to set up a fund where we could take care of oil spills. It also bothers me

to see attacks placed on an industry here in the State of Maine which is non-existent at the present time.

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

Mr. MORTON: Mr. Speaker and Members of the House: I apologize for being on my feet so much this afternoon, but I do feel as though I should support this because I voted for it in committee and I also want to advise you that if this gets to the second reader, there is an amendment which will set up a fund very similar to the one that was just approved by the court decision which we call the Maine Refinery Hazard Abatement Fund, and this will be \$3 million which will be held for the purposes of taking care of any hazards that might accrue from the establishment of a refinery anywhere in the State of Maine. This does not necessarily confine itself to what happens on the sea but what happens on the shore or on the beach or out back or wherever it might be.

I would point out, to be perfectly candid with everyone, that the rest of the money which is collected from this will go into the General Fund, and it could result in quite a lot of money over the years.

I did pose a question at the hearing to the sponsor of this bill from the other body as to whether or not the primary thrust of this bill was to take care of the problems that a refinery might create from the standpoint of the ecology, and he very candidly said no, this is a revenue measure.

So I think you should know what you are voting on, and it is an opportunity to create this \$3 million holding fund to take care of spills and that sort of thing, but in the long run, it will be a revenue measure, based on the fact that an oil refinery or oil refineries are here in the State of Maine.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I just raise two questions. One, is this creating another form of dedicated revenue? And two, when there is

an oil spill, is it the state's responsibility to clean it or the person that created the spill.

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

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I have to get up here because I signed the minority report "ought not to pass." The responsibility for cleaning up an oil spill will come from the tax developed from the conveyance law, which is now constitutional—one half a cent a barrel going in, one half a cent going out. Now, the refinery would be subject to that tax on their crude oil products going in, their refined products coming out—half a cent a barrel.

The thing I objected to was penalizing industry. Now we are trying to get industry here. I think that sooner or later there will be a refinery, maybe in Portland, maybe in Machiasport, maybe in Eastport. I think two cents a barrel on the oil when it is in the refinery, and they lose a lot of that oil in the process of refining it, and yet they have to pay two cents a barrel just the same, I think it is kind of confiscatory. I think it is a proposition to try to keep oil refineries out of state.

I am not going around and fighting people but, I know we have a refinery problem. We only have seven refineries in the United States of America, and there is no other refinery in the process of being made now, being built, and that was my reason for this bill.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly, you have heard the discussion by Jack Cottrell, and the main thrust of this bill is simply to make it impossible for a refinery to ever be built in Maine. For right quick you have added two cents a gallon or a quarter a barrel or whatever they have to sell,

I hope you all go along with the motion to indefinitely postpone.

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

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

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have here from the Federal Communications Commission an item that tells that under a figure of 1094.1, a pollution revolving fund administered by the commandant to the United States Coast Guard has been established. Pursuant to Subsection K of Section 11, so on and so forth, and it sets up a whole federal law that has to do with the cleanup along the coast.

I am not going to get into this thing, because I think you all understand and know what it is all about, that it is an environmental bill. It is set up for the purpose of killing off a refinery in Eastport, as there is no other place here that it points at. Therefore, when you get into the nitty gritty of it and consider Subchapter 4, which is the distribution of tax, let me draw your attention to some figures—well, I don't have them here, I can give them to you from memory.

In Eastport there are 300 acres under allotment to the Pittston Oil Company at an evaluation of \$20 an acre. This is around \$6,000. Under the distribution of the fund—and we go back to Eastport—if this bill ever became law, there would be a total of \$1,850,000 that would go to the state and it would be disbursed by the Environmental Control Commission. Eastport would get approximately \$9,000 back and have the refinery and everything else and nothing they could say about it. It is all in here.

Incidentally, there is one article in this bill that deals with stump-

age. Now where in heck do you get stumpage in an oil refinery, I would like to know?

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

Mr. FINEMORE: Mr. Speaker and Members of the House: If you want an oil refinery here, vote for indefinite postponement of this bill, and if you don't, vote opposite. I will tell you why. This just costs the refinery \$5,000 a day to operate in the State of Maine.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Strong, Mr. Dyar, that this Bill "An Act Providing for a Tax on Petroleum Products and Refineries to Promote Environmental Protection," House Paper 819, L. D. 1149, 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.; Berube, Binnette, Birt, Boudreau, Bragdon, Brawn, Brown, Bunker, Bustin, Carey, Chick, Chonko, Clark, Conley, Connolly, Cottrell, Crommett, Donaghy, Drigotas, Dunleavy, Dyar, Farnham, Farrington, Faucher, Ferris, Finemore, Flynn, Fraser, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Hamblen, Haskell, Henley, Hobbins, Huber, Hunter, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Kilroy, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McNally, Mills, Norris, Parks, Pontbriand, Rolde, Rollins, Shaw, Silverman, Smith, D. M.; Smith, S.; Soulas, Sproul, Stillings, Talbot, Theriault, Tierney, Trask, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

NAY — Berry, P. P.; Briggs, Davis, Emery, D. F.; Gahagan, Greenlaw, Immonen, Jackson, Knight, LaPointe, MacLeod, McTeague, Morin, L.; Morton, Mulhern, Murray, Najarian, Perkins, Peterson, Shute, Snowe.

ABSENT — Albert, Cameron, Carrier, Carter, Churchill, Cooney, Cote, Cressey, Curran, Curtis, T. S., Jr.; Dam, Dow, Dudley, Dunn, Evans, Farley, Fecteau, Gauthier,

Hancock, Herrick, Hoffses, Jacques, Keyte, LaCharite, Littlefield, Maddox, McMahon, Merrill, Morin, V.; Murchison, O'Brien, Palmer, Pratt, Ricker, Ross, Santoro, Sheltra, Simpson, L. E.; Strout, Susi, Tanguay, Trumbull, Tyndale.

Yes, 85; No, 21; Absent, 44.

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

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: It is getting toward the end of the season and I hope it comes sooner than later. I am going to move for reconsideration of this and hope you vote against me.

The SPEAKER pro tem: The gentleman from Portland, Mr. Cottrell, moves the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed. All in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

Mr. Stillings of Berwick presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on the Judiciary of the 106th Legislature is directed to report out a bill clarifying the provisions of chapter 265 of the public laws of 1973.

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

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

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

Tabled — June 6, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

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

House Amendment "A" (H-521) was read by the Clerk.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: This is the long awaited amendment to the gentleman from Norway, Mr. Henley's county government bill, and since it is several pages long, I think I ought to briefly explain what it does.

As you realize, in his original bill, it provided for a county council of five members in each county. Well, I decided that maybe for Cumberland County five was not enough and that maybe in Piscataquis County five was too many, it was not necessary to have that many. So my amendment essentially sets up three basic sizes. Counties with populations under 75,000 would have three; counties with populations between 75,000 and 150,000 would have five; and counties having a population of greater than 150,000 would have seven. Essentially, that means that Cumberland County would have seven, the five largest counties of Androscoggin, York, Aroostook, Penobscot and Kennebec would have five and all the others would have three. It also changes the terms from two years to four years.

The districts that are created, which make up the bulk of the amendment, are either taken from existing county commissioner districts or existing legislative districts on bills that have been offered for commissioner districts in the past. I have tried to apportion those so that they do not involve any questionable political gerrymandering and I think if you look the amendment over, you will see that, at least to the best of my knowledge, the bill seems to be fair.

I would now hope that the bill would be passed to be engrossed and sent to the Senate, so that Mr. Lowell Henley's bill would have the same consideration that the previous county bill had by going to the other body.

Thereupon, House Amendment "A" was adopted.

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

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

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

Tabled — June 6, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

On motion of Mr. Birt of East Millinocket, retabled pending passage to be engrossed and specially assigned for Monday, June 11.

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

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) (H. "A" H-502) (H. "B" H-509) (H. "D" H-515).

Tabled — June 6, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

On motion of Mr. Finemore of Bridgewater, retabled pending passage to be engrossed and specially assigned for Monday, June 11.

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

Bill "An Act Relating to the Certification and Regulation of Geologists and Soil Scientists" (H. P. 1570) (L. D. 2000).

Tabled — June 6, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

On motion of Mr. Martin of Eagle Lake, retabled pending passage to be engrossed and specially assigned for Monday, June 11.

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

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

Tabled — June 6, by Mr. Birt of East Millinocket.

Pending — His motion to recede.

Thereupon, Mr. Birt of East Millinocket requested permission to withdraw his motion to recede, which was granted.

Thereupon, the House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act Regulating the Interception of Wire and Oral Communications" (S. P. 377) (L. D. 1108) (S. "B" S-171) which was tabled earlier in the day and later today assigned.

On motion of Mr. Birt of East Millinocket, retabled pending passage to be engrossed and specially assigned for Monday, June 11.

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On motion of Mr. Birt of East Millinocket,

A d j o u r n e d until eight-thirty tomorrow morning.