

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, June 11, 1973

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

Prayer by Dr. Blair Benner of Waterville.

The members stood at attention during the playing of the National Anthem by Bonney Eagle High School Band.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 659)

ORDERED, the House concurring, that the Joint Standing Committee on State Government is directed to exercise general oversight over the records of the Legislature to ensure that necessary program services are provided for their efficient management, disposition, preservation and servicing in accordance with the Archives and Records Management Law.

Came from the Senate read and passed.

In the House, the Order was read.

On motion of Mr. Simpson of Standish, the Order was indefinitely postponed in non-concurrence and sent to the Senate.

The SPEAKER: The Chair is pleased to note at the rear of the House the Vice Prime Minister of the Province of Quebec, the Honorable Gerard D. Levesque, who is Minister of Inter-governmental Affairs and is leading a group of Quebec Representatives here in Maine.

Would the Sergeant-at-Arms escort the gentleman to the rostrum.

Thereupon, the Sergeant-at-Arms escorted Vice Prime Minister Levesque to the rostrum, amid the applause of the House, the members rising, and he addressed the House as follows:

Mr. LEVESQUE: Mr. Speaker and Members of the House: Indeed this very warm reception is one which I will bring back to my government in Quebec. We have established very interesting rela-

tions with the State of Maine. We have established a joint commission of cooperation. We were delighted last year to have an important delegation of parliamentarians from the State of Maine in Quebec City, and this was led by Governor Curtis. We really enjoyed having you in Quebec City and we are now returning this visit here in Augusta.

I have met with the Governor and some of you last night. We will continue the work this forenoon and go back this evening to Quebec City. I shall be happy to say that I met with the House of Representatives here in Augusta and I was quite impressed by the presence of so many members here early Monday morning, and I am sure going to impress this upon the other members of our House and tell them how things are handled here, even bright and early Monday morning. Congratulations to you all. Come back to Quebec City. Be sure you are quite welcome, any one of you.

We have been friends and neighbors for many years. We invade Maine during the nice season of summer on your beaches and we would like to continue these relations on a more permanent basis and a more official manner.

(Thereupon, Vice Prime Minister Levesque continued to address the House in French.)

Thereupon, Mr. Levesque was escorted from the hall by the Sergeant-at-Arms amid prolonged applause, the members rising.

Reports of Committees Ought Not to Pass

Committee on Taxation on Bill "An Act to Clarify Tax Exemptions for Pollution Control Facilities" (S. P. 250) (L. D. 701) reporting "Ought not to pass"

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

Leave to Withdraw Covered by Other Legislation

Committee on State Government on Bill "An Act Establishing a Comprehensive Health Insurance Program for the State of Maine" (S. P. 470) (L. D. 1523) reporting

Leave to Withdraw as covered by other legislation.

Came from the Senate with the report read and accepted.

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

Ought to Pass with Committee Amendment

Committee on Transportation on Bill "An Act to Authorize Bond Issue in the Amount of \$19,800,000 to Build State Highways" (S. P. 187) (L. D. 494) reporting "Ought to pass" as amended by Committee Amendment "A" (S-216).

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

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-216) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Ought to Pass in New Draft

Committee on State Government on Bill "An Act to Reestablish the Maine Commission on Drug Abuse" (S. P. 230) (L. D. 665) reporting "Ought to pass" in New Draft (S. P. 635) (L. D. 2008) under same title.

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

In the House, the Report was read.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I want to mention just briefly this bill which is the result of a great deal of work on behalf of the State Government Committee, all of the members and particularly the staff assistants. It is kind of a mini-reorganization bill. We think it is going to be one effective step toward providing more efficient organization and services in two very important areas.

Presently there are two small units with similar programs, but they are both independent, the independent Maine Commission on Drug Abuse and the Division on Alcoholism Services, which is now part of the Department of Health

and Welfare, and what this bill would do would be combine those two organizations to cut down on the staff that is required, but I think make them much more effective, better able to utilize federal funds and obtain them and put them both within the Department of Health and Welfare. We think it is a very good idea.

We are kind of proud, for one thing, that this is the sort of legislation that can be developed in depth by using our legislative staff assistants.

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

Committee on Transportation on Bill "An Act Relating to Town's Matching Funds for Resurfacing State Aid Highways" (S. P. 370) (L. D. 1096) reporting "Ought to pass in New Draft (S. P. 656) (L. D. 2009) under same title.

Committee on Transportation on Bill "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975" (S. P. 160) (L. D. 415) reporting "Ought to pass" in New Draft (S. P. 657) (L. D. 2010) under same title.

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

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

Order Out of Order

Mr. Berry of Buxton presented the following Order and moved its passage:

ORDERED, that Wayne Cobb, Kerry Dyar, Wanda Anderson and Betsy Verrill of Buxton be appointed Honorary Pages for today.

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

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentleman from Brunswick, Mr. LaCharite, to the rostrum.

Thereupon, Mr. LaCharite of Brunswick assumed the Chair as

Speaker pro tem and Speaker
Hewes retired from the Hall.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act Creating Public Defender Services" (S. P. 402) (L. D. 1260) reporting "Ought to pass" in New Draft (S. P. 660) (L. D. 2015) under new title "An Act Creating the Office of Public Defender."

Report was signed by the following members:

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

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

Report was signed by the following members:

- Messrs. CARRIER of Westbrook
HENLEY of Norway
DUNLEAVY of Presque Isle
GAUTHIER of Sanford
— of the House.

Came from the Senate with the Minority "Ought not to pass" Report accepted.

In the House: Reports were read. (On motion of Mr. Simpson of Standish, tabled pending acceptance of either Report and tomorrow assigned.)

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Creating Definite Sentencing Limitation in Juvenile Offenses" (S. P. 495) (L. D. 1582) 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
KILROY of Portland

Messrs. PERKINS

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

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

Report was signed by the following members:
Mr. BRENNAN

of Cumberland
— of the Senate.
Messrs. DUNLEAVY

of Presque Isle
McKERNAN of Bangor
Mrs. WHEELER of Portland
— of the House.

Came from the Senate with the Bill indefinitely postponed.

In the House: Reports were read. The SPEAKER pro tem: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

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

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

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning in an attempt to persuade you not to accept the majority report of this committee.

I have seldom been more moved by a need for conscientiousness than any bill during this session of the legislature. What manner of justice is it when the law treats people differently merely because of their age? The statute which I refer to is Title 15, Section 2714 of the Revised Statutes. It says "All commitments of such children shall be for the term of their minority, unless sooner discharged by the superintendent."

This law refers to confining children between the ages of 11 and 17 at either Stevens School or the Boy's Training Center. As you are well aware, both of these facilities are designed for the purpose of

detaining children, denying them their freedom and the ability to live at home. In this respect, these facilities are little more than jails, and for the purpose of this bill, they should be considered in that light.

When we talk of confining children in a school or training center, we are talking about sending the children to jail with the same locked doors, covered windows and attendants whose duties include making sure the children don't leave that facility.

The juvenile law just quoted says that a child may be confined for up to six years at the subjective pleasure or displeasure of the superintendent for any number of offenses, including incorrigibility, truancy and danger of falling into vice, none of which is an offense if committed by an adult. This means that there is a whole set of laws aimed directly at children and apply to no one else. The law is supposed to guarantee equal treatment and it does, except to children. Children receive special treatment, special laws which create special crimes that only children can commit. But this is not the real crime that our judicial system perpetrates against young people. The real crime is a six-year sentence at Stevens or the Boys Training Center for skipping school. I wonder how many members of this House would appreciate a six-year term of confinement for skipping a week of the legislature? I might have to do without my splendid young colleague, the gentleman from the great City of Caribou, Mr. Gahagan.

Even if you disregard entirely the injustices and the unfairness of the juvenile laws, young people are still the victims of the adult law that is supposed to protect their rights. Because of indefinite sentencing at Stevens or the Boys Training Center, children frequently are confined longer than adults for the exact same crime. The adult penalty for petty larceny is a fine of not more than a hundred dollars and six months in jail. The average juvenile committed to the Boys Training

Center for the same crime spends nine months there or is confined for 50 percent longer than the maximum sentence allowed for an adult. If this is protection for our children under the law, then I am sure that a lot of juveniles in trouble would rather be neglected.

In short, ladies and gentlemen, there are major flaws in this juvenile justice system which in the long run hurt those we desire most to protect. L. D. 1582 will correct one of those laws, taking discretionary sentencing powers away from the superintendents of these institutions and placing it where it belongs, back in the judicial system, in the hands of the judge. I urge you to join with me in support of this bill and in opposition to the motion.

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

Mr. PERKINS: Mr. Speaker and Ladies and Gentlemen of the House: I sincerely feel for the position of my good friend from Caribou, Mr. Briggs. However, we have sort of a paradox when we speak of the juveniles in that we have a couple of buildings that are considered institutions and to many people are penal institutions.

The juvenile law itself was established to try to eliminate the penalty aspects in regard to juvenile offenders. Consequently, we have established these institutions as rehabilitative institutions with an effort directed towards bringing these young people back into society for the purpose of growing into adulthood and without having an offense sticking with them for the rest of their life as a matter of record.

I had a call the other day from the Boys Training Center in which they asked the particular status of this bill, and they are very concerned that we would pass such a bill and for some very good reasons, in my opinion. We have a situation of children who are living in homes or in an environment that is something that you and I would not put up with. However, they are forced to put up with that environment, and unfortunately, because of their environment, occasionally they get themselves into trouble

to the extent that the state, through its court system, and in this instance, the juvenile system, has to do something with them.

Unfortunately, we do not have the best system in the world, and I know that and you know that. However, the Boys Training Center and the Stevens School have come a long way in the past 10 or 15 years, to the extent that during our committee hearing, we were informed that some of these young people who have committed some rather heinous crimes have come out of these institutions and become well-established individuals in our community. They have gone on into the service and done very well for themselves. Grant you, there are many who have not, but they have managed to produce some fine adults.

You have children in these institutions who, if they were confined for a definite period of time and forced to be removed from that institution at the age of 14, 15 and 16, have no place to go except return to the very environment that put them there in the first place.

I don't say that they should be penalized or institutionalized or anything else if we have some alternatives for them. We don't have any alternatives for them, and the best alternative for them in many cases is to remain there until the people who we have put in a position of trying to establish whether or not they are ready to be returned to society or ready to return to a place where they can be placed have made that decision.

Therefore again, with all due respect and understanding of the position of my good friend, Representative Briggs, I urge you to accept the majority report.

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

Mr. ROLDE: Mr. Speaker and Ladies and Gentlemen of the House: I would urge you not to accept the majority report. There are two problems here, really. One is the question of simple justice and the other is whether or not our juvenile institutions are working effectively. As a matter of justice,

you wonder about some of the figures I have here of the sentences that youngsters are serving in our institutions. There is an 11-year-old who has already served 11 months for the crime of being incorrigible, whatever that means, and here is a 12-year-old who has already served 10 months for truancy. Representative Briggs has given you some other figures on comparing the sentences that youngsters serve with the sentences that adults serve for the same crime.

What is happening basically is that our juvenile institutions are filled with youngsters who are not really criminals, even though some may have committed criminal acts, and they are stuck in our institutions simply because we do not know what to do with them. In my town of York, we had a tragic example of this recently. We had two boys, a fifth grader and a sixth grader, who were disturbed children from disturbed home environments who, because of their childish fantasies, set fire to our elementary school and burned it to the ground. Clearly, this was a case of arson. But I wonder if the only solution that our society was able to devise, which was to send them to the Boys Training Center, was the best one either from the standpoint of the eventual welfare of these boys themselves or society as a whole.

The rate of recidivism and of those who become repeat offenders is very high at our institutions. More than 40 percent of the youngsters at the Boys Training Center graduate to our higher criminal institutions of learning at Windham and Thomaston, and the cost to the taxpayers is shocking. It costs Maine taxpayers more than \$10,000 a year to keep a girl at Stevens and close to \$12,000 a year to keep a boy at the Boys Training Center. This is why I put in a bill to allow the Bureau of Probation and Parole to pay for the education of youngsters instead of incarcerating them. They can be sent to the best private schools in Maine for less than it costs to keep them — far less than it costs to keep them in our in-

stitutions. This bill which has been passed by both branches is now on the Appropriations Table. It is, in many respects, a companion to the measure we are discussing today.

Massachusetts has taken a bold step and closed all of its juvenile institutions, including the venerable Lymans school, which is the first so-called reform school in the United States. Except for a maximum security unit for the genuinely criminal, they have put all of their youngsters back in the community, either in foster homes, group homes or private schools, and the experiment seems to be working well.

The bill before us today does take the first step toward dealing with the twin problems of justice for our youngsters and the ineffectiveness and expense of our present system. A question sent by the Youth Resources Referral Agency to the executive department, to law enforcement officials and other officials dealing with juveniles found three quarters of them, including three sheriffs, four police chiefs and one police department, in favor of this bill and more than three quarters expressing the opinion that they do not feel juveniles are treated fairly under our present system.

I will close with a quote from Sheriff Thurston from Knox County who says, "As you know, a great many of these people reach a point of rehabilitation, and to continue beyond this point could undo all that has been done." I hope we can treat our youngsters fairly and begin by passing this bill today.

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 rise to support the "ought not to pass" report. I have always felt that I guess if we are ever going to start to rehabilitate a criminal or a potential criminal, that it should start at the Boys Training Center or at Stevens. There is the chance that we first get at a youngster to possibly put him on the right road instead of the wrong road. I have always felt

that my next priority, I guess, would be at Windham and the next one would be at Thomaston as we go along.

I have never been to Stevens, but I have had the opportunity to go to the Boys Training Center at South Portland a good many times. I have had the opportunity to take and deal directly with these boys. I have a little deal worked out with the school there that the boys who pass certain inspection or certain tests and what have you, as part of their reward, they get a field trip. And therefore, I allow them to come up to my place for the day. They come up there at no charge to the State or anything else and for the sake of getting those boys away from there and getting them out into the environment a little bit and see how they react with other kids and so forth as they do. While they are there, a good many times I have had the opportunity to talk with the boys and try to find out just exactly how they like it at the Boys Training Center and what it means to them. And to a vast majority of them, it means a heck of a lot. It is a home. It is a home that they didn't have before.

Our rehabilitation processes in this state are a long way yet from becoming what they could be. But I think the passage of a bill such as this, where we are going to place a child or a kid into an institution with a definite sentence, is only going to give that child the opportunity to say, look fellow, I'm only going to be here so many days. And that kid they might be able to work with a little bit longer and put him on the right track, but because we have got to get rid of them because he is only there for 30 days or 45 days is only going to build up an antagonistic attitude in that child's mind.

I don't believe that this bill is in the right direction and I am not sure that our penal institutions are completely in the right direction either. But I would hope that you would go along with the "ought not to pass" report. Mr. Speaker, I would now move the indefinite postponement of this bill and all its accompanying papers.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I rise to support the "ought not to pass" report. I would like to tell you one of the reasons I signed it. I would like to mention that what the gentleman from Standish, Mr. Simpson, just told you I would like to second. He has done a very good and excellent job of explaining to you what kind of a school there is up there in South Portland.

I visited South Portland, and I feel that these boys who have no homes, have no parents, are much better in South Portland than they are in many other places. In fact, we had superintendents and principals of school from South Portland and other towns who appeared before us and told of the hopes that some of these boys had. And after they came out of that training in South Portland at the Boys School, they were very much for going back to their different places and being better citizens than when they had come in in the first place. In fact, the Health and Welfare Department mentioned to us that they have no place — they can't send back a lot of these boys to their homes because there is no home. And for that reason, I hope that you support the "ought not to pass."

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

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: I must rise again and speak just briefly to apprise you of the facts in this matter. This is not going to prevent the juvenile from being sent to the training center or the Stevens School. This is merely going to put the decision as to the term of that incarceration where it belongs, in the hands of the judge.

I can't understand the logic behind the idea, for instance, that if I get sent to Thomaston, that Warden Robbins should be the person to determine how long I should stay there. Certainly, the judge who has heard the circumstances of the situation from the beginning

should be the one to determine the length of the sentence.

I seem to detect here all throughout the thread of this great body an idea that if we are severe enough, that the laws will help to keep some of these presumably incorrigible people in line. And I must remind you of that which you know very well and are aware of, that this, in fact, has not been borne out by the circumstances.

Thirty-five police departments in this state have just been polled and thirty of them all favor this change that the judge be the one to decide the term of the sentence for a juvenile. In my own town the police department strongly supports it. This is part of the reason for my interest in it. But my more fundamental reason is in the absolute illogic of the idea that because a person doesn't have a good home — we all know that, there are many people who don't have good homes. There are many adults who don't have good homes, but you don't detain them at Thomaston or in the county jail because they don't have a good home. That is no solution, I believe.

I don't think that we are going to solve these problems ever by the continued length and harshness of the incarceration of juveniles. And the only thing that this seeks to do is to place the responsibility for the length of the term of the sentence in the hands of the judge himself. What, I ask you, could be more fair than that?

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: I would like to briefly touch on a statement referred to by the gentleman from York, Mr. Rolde, in regards to the closing of the juvenile facilities in the State of Massachusetts. We have been very fortunate in this state to have picked up some of these people from the Massachusetts institutions. Fortunate or unfortunate, I have one of these schools in my legislative district, which at last report had 25 young people who had been sentenced by the courts

in Massachusetts, New York and New Jersey.

The police department, the sheriff's department in my county possibly would take a different view than those that have been put before you this morning by the gentleman from Caribou, Mr. Briggs. In one week's time there was four stolen cars, numerous camp breaks, gasoline and gas tanks, broken windshields, slashed tires, vandalism, drug problems and you name it caused by a group of juveniles who had been released from institutions in Massachusetts, New York and New Jersey and sent here to Maine to live with nature.

The cost, as I understand it, to these states to send their problems to us, is some \$8,000 a year.

The SPEAKER pro tem: The Chair recognizes the gentle lady from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: I am basically in favor of this bill, but I would like to pose a question if I may. Suppose there is a child who has been incarcerated in one of those institutions who feels he is being helped. Would this bill allow him to stay longer if he wanted to? You know, his home situation might be so poor that he doesn't want to go back to it. Could he stay longer at the Stevens Training Center or the Boys Training Center if he wanted to?

The SPEAKER pro tem: The gentle lady from Auburn, Mrs. Lewis, poses a question to anyone who may answer.

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

Mr. BRIGGS: Mr. Speaker, Members of the House: I fear that what we will be finding over the years as time goes on as we make the sentences more and more severe at all of our penal institutions is that we will be having people making appeals to stay there for a longer term of sentence, because the treatment there and the facilities there will be so accommodating and so enjoyable that they will want to stay.

The circumstances, I presume, to answer the question in a more direct way, are that if the judge

who did the sentencing was made available of the circumstances and that the youngster felt that he would benefit from the advantages of education and correction that he was receiving, could extend the term of sentence if that seemed to be advisable. I am speaking without the benefit of a legal background, obviously, but I think that if some youngster did want to stay, it could be arranged for him to stay. However, I do feel that that would be very unlikely.

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

Mr. PERKINS: Mr. Speaker, a more direct answer is no.

Orders Out of Order

Mr. Brown of Augusta presented the following Order and moved its passage:

ORDERED, that Stephen Levesque of Augusta be appointed Honorary Page for today.

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

Mr. Brown of Augusta presented the following Order and moved its passage:

ORDERED, that Thomas Briggs, Marie Chafi, David Hasenfus, Timothy Cuddie, Mark Holt and Mark McNaughton of Augusta be appointed Honorary Pages for today.

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

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I dislike very much to speak on this item, but when you sit right here and hear people talk on something they don't know anything about, like the gentleman from Caribou, Mr. Briggs, it kind of amuses you. I served two terms on correctional institutions, one term was as chairman, and we probably did more work than — I am not blowing my own horn — but we did more work probably in those two sessions than ever had been done and made more improvements on the Portland Boys School than any other

committee ever did. We had trouble there; we went down and we straightened it out. We changed the superintendents, we did a good job. We traveled up to Stevens, we were there several times, went all over the state to the correctional institutions.

Now at the present time down to Stevens, after a girl has been there six months to a year, she can be put out. She can go out to a home and do work, save her own money and make something out of herself.

Now, down at Portland they can do the same thing, the boys can be transferred out. But I noticed another statement has been made here, responsible for them to overstay. They cannot. When they reach the age they are put out of that school — when they reach the age and given a chance. Let me tell you that the children that are there appreciate those places. I have met with them and talked with them, and we have another member in the other body, Senator Greeley, who has met with them and talked with them. You will find that the children, by a great majority, are satisfied with those places, they are satisfied with the food and with the way they are used. I think people who talk on these things should know what they are talking about.

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 would like to pose a question to any member of the legislature who has any knowledge of what has been going on at any of the institutions and the question basically is this: What we have been doing there for so many years, is it working, or are we simply promoting them to an institution of higher learning and ultimately to Thomaston? I would be interested in knowing what the rate is in terms of individuals going back there from one institution to the other, and I would be interested in knowing whether or not anyone here has any knowledge of people who have literally been promoted. I guess I don't have that much knowledge because

of my area. As I understand it, most of the students who are at the Boys Training Center come from the larger metropolitan areas, if we can call them that, of Bangor, Lewiston and Portland. I would be somewhat interested to get the reaction of the members of those areas as to what happens after they leave there for the first time.

The SPEAKER pro tem: 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 Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Members of the House: I can't give a complete report to my dear friend, Mr. Martin. But I would like to say that the people who appeared before our committee, the superintendents of schools, the principals and teachers who did come before our committee told us that these boys came back to their schools and were real gentlemen. They were much better than when they left in the first place. They were very pleased with the way they came back to the school from this institution.

I would like to mention to Mr. Briggs, my dear friend Mr. Briggs seems to compare the State Prison with South Portland. I don't know if he has been over there, but I would say to him that I personally, having been at these two places, you can't compare, you can't start to compare South Portland with the State Prison, because I have visited at least every class over there. We had people, we had teachers that are coming out of high schools, out of other prep schools, who are paid \$12,000 or \$13,000 a year. It is a real school. And they have one of the nicest vocational schools, with all the new implements over there. And these boys, I went into the class rooms, and you ought to see them pay attention to their teachers. And really, these people are doing a fine job and I am sure that when these youngsters get out of there they are much better than when they came in in

the first place, with the surrounding that they have over there.

The SPEAKER pro tem: The Chair recognizes the gentlemen from Portland, Mr. LaPointe.

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I think it is important for me to try to rise and attempt to answer the questions that were raised by Mr. Martin. Some of the figures that I have received from the institutions themselves, in spite of some of the glowing accolades that are being placed upon the juvenile institutions in the State of Maine. The one that I am familiar with is the Boys Training Center. The current population at the Boys Training Center, 43 percent were there previously, one other time. Currently at the Men's Reformatory, 34 percent of the inmates at the Men's Reformatory were at the Boy's Training Center at one time, and 39 percent of the resident inmate population at Thomaston were at Boys Training Center at one time.

It is very important that the House recognize the significance of these statistics this morning relative to the particular bill you have this morning, which is indeterminate sentencing.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: The gentleman from Sanford, Mr. Gauthier, has stated that he was very impressed with the educational facilities at the Boys Training Center. Well, as a professional teacher and having taught at the Boys Training Center, I am not impressed nor would I ever teach there again. I would even advocate closing the school. And as far as — if they have all this equipment around, why didn't the kids in my class even have pencils? They came to class daily. They were not allowed pencils or paper. If that is education, it is certainly a far cry from what we expect in the public schools that we are paying for.

There is an old axiom that I would like to refer to Mr. Gauthier, and that is, you can tell a man by the company he keeps and if

those people come out better people because of the company they kept in those institutions then that axiom is no longer true.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to answer Mr. Whitzell, ladies and gentlemen. I would like to say that it must have been some time ago, because I have been on the school board in Sanford for 25 years and we have one of the best schools in the State of Maine. I was surprised to see the teachers and the men and the women that were teaching down there. As far as the vocational school, they have one of the best. So if he didn't do a good job in South Portland, I am surprised because they certainly had the facilities.

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 figures that Mr. LaPointe from Portland gave you are factual figures and speak for themselves. Whether we are doing wrong or right in the area to have these high rates of return to our institutions is beyond me and evidently beyond the department.

I believe, from what I see at the Boys Training Center and the Stevens School, that there are pencils available, there is paper available. Having been to the Augusta State Hospital and observed things over there, I know that at times they have no toilet paper and no soap. This is furnished by aides and nurses who bring it on their own at their own expense.

The gentlewoman from Auburn asked a question and nobody has answered yet in regard to young people requesting to stay at the Boys Training Center or at Stevens School. We have enacted legislation this session which allows a person involved in either institution, at age 18, if they elect, they may stay and continue the school year so that they can get their high school diploma. So we do have people at these institutions

who became 18 years of age, who are eligible to go out, who do request and are now allowed by law to stay and get their diploma.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: As a result of a few observations here, I would like to make some comparisons to what has been said and some of the things that I believe in. For one thing, and I think the most important thing, we have a warning sign here on this particular bill.

The fact is, if you look at the majority report of the bill, which is "ought not to pass," if you look on the minority "ought to pass" report, you will notice that the bill already, although it has the signature of some members of the other body, the bill has been indefinitely postponed. I think that this actually is a warning light here and some attention should be paid to it.

I do agree that some young people are in both of the Centers and I am a little familiar with the place because both of them are within two miles of where I live. I do believe, although some others do not, that for many of the young children over there, this is a better place than they ever had for a home. If you do not believe this, and it isn't a very pleasant matter to mention, but if you don't believe, just check on these and the other institutions locally, then check and see how many of these young girls have been attacked by members of their own family. And I think this is a situation where they should be taken care of and we have no other facilities to put them in.

The bill says that whatever is not a crime for an adult should not be a crime for a younger child. Let me say to you, I think we have recognized that there is a difference between an adult and one that hasn't attained the age of 18 yet, and I think that the difference here is that you make older people more responsible because they have had the hard knocks of life. They should have the knowledge

of what is right and what is wrong; they should use their better wisdom. They are expected to and if they don't, this is why it is an offense. You cannot take a grownup person and put him over there for truancy. So actually you do have to make a comparison, because there is an essential big comparison between a child under 18 and an adult that is over 18. Therefore, when we talk about simple justice, I don't believe there is simple justice. You either have justice or you do not, one of the two.

It has been mentioned here that 40 percent of the people who have been up there, there is this big word they use, recidivism. Well, let me tell you, if you look at it that way, about 40 percent, actually you are looking at it from a negative point of view. You should look at it from a positive point of view. When they go there there is a hundred percent chance that they can return if they don't behave. And if we actually save 60 percent of these younger people who don't return there, I think that is a better average than to use for comparison the 40 percent of those who do go back.

As far as leaving the judgment to the judge, that is up to you individually. Personally, myself, I have some doubts as to the decisions that some of the judges have come to and I have been a little reluctant in leaving too much leeway to them.

Therefore, if you want to live in a society of permissiveness, which many people apparently believe in, then maybe you people have the solution as to where we will put these younger people. Which ever way it is and whatever position you have, I am sure that it is one of concern. And the approach of rehabilitation, some of them have asked—I think the approach of rehabilitation does work in these three particular areas of correction that we have. I do not believe that the rehabilitation has worked at the State Prison and that is why on some bills I have tried to change the approach to it.

I hope you give consideration to these children, because some

of them really have no place to go. We can sit back here and say, well, they shouldn't be there, but where do we place them? So I hope you support the motion to indefinitely postpone this bill.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: The real issue we are considering this morning is whether or not we are going to permit our courts to do this job. In any court case, the judge is in the best position to decide what penalties fit the crime. We give the judges discretionary sentencing authority for almost any criminal case he hears except where juveniles are involved. The judge is the best person to match the punishment to the crime. He has heard the evidence, circumstances, arguments and the facts in each case. He should then be authorized to set the maximum sentence.

As the situation exists now, some judges are reluctant to send a boy or girl to Stevens or the Boys Training Center because he cannot control the length of his confinement. In some cases a month of confinement is sufficient to give a juvenile a taste of what it is like to go to jail and will serve as a deterrent for further criminal acts. In other cases a longer sentence is justified, but in each case, it is the judge, not the superintendent of the facility or the social worker, who is in the best position to decide.

The judge has at his disposal all pertinent information concerning the juvenile's background and family situation. In other courts, the judge has the authority, and it is only consistent with traditional judicial principles that discretionary sentencing carry over into the juvenile courts.

From the simple point of view of fair play and justice, this bill is a good bill. We tell children to respect the laws and to abide by them, but how much respect can be felt by children for a set of laws which single them out for special punishment? This bill will help correct some of the inequities in juvenile laws and doing so will engen-

der a sense of justice in those whom it seeks to protect.

My local police department, I talked to them about this, and in one case my chief told me of a situation where after he had arrested a juvenile the judge was afraid to sentence him because he was afraid he would be there too much longer than what the sentence would call for.

So I think what we have here is a situation of who determines the sentencing for an individual, the social workers or the judges of the courts?

Thereupon, Mr. Connolly of Portland requested a roll call vote.

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that this Bill "An Act Creating Definite Sentencing Limitation in Juvenile Offenses," Senate Paper 495, L. D. 1582 and all accompanying papers be indefinitely postponed in concurrence. 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, Bither, Boudreau, Bragdon, Brawn, Bunker, Cameron, Carrier, Chick, Chonko, Churchill, Cote, Cottrell, Dam, Davis, Drigotas, Dudley, Dyar, Emery, D. F.; Evans, Farley, Farrington, Faucher, Ferris, Finemore, Flynn, Garsoe, Gauthier, Good, Hamblen, Haskell, Henley, Hoffses, Hunter, Immonen, Kauffman, Kelley, Keyte, Kilroy, Knight, Lawry, Lewis, E.; MacLeod, Mahany, McCormick, McMahon, McNally, Merrill, Morin, L.; Morin, V.; Morton, Murchison, Palmer, Parks, Perkins, Pratt, Ricker, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Susi, Tanguay, Theriault,

Trask, Tyndale, Walker, Webber, White, Willard.

YAY — Albert, Berry, P. P.; Briggs, Brown, Bustin, Carey, Carter, Clark, Connolly, Cooney, Crommett, Donaghy, Dunleavy, Dunn, Farnham, Fecteau, Fraser, Gahagan, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jackson, Jacques, Kelleher, LaPointe, LeBlanc, Lewis, J.; Lynch, Martin, Maxwell, McHenry, McKernan, McTeague, Mulkern, Murray, Najarian, Norris, Mulde, Santoro, Smith, D. M.; Smith, S.; Talbot, Tierney, Wheeler, Whitzell, Wood, M. E.

ABSENT —Conley, Cressey, Curran, Curtis, T. S., Jr., Deshaies, Dow, Genest, Herrick, Hewes, Jalbert, Kelley, R. P.; Littlefield, Maddox, Mills, O'Brien, Peterson, Pontbriand, Sheltra, Silverman, Soulas, Trumbull.

Yes, 80; No, 49; Absent, 20.

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

Non-Concurrent Matter

Resolution Proposing an Amendment to the Constitution to Provide for Indian Representatives to the Legislature (H. P. 214) (L. D. 287) which the House passed to be engrossed as amended by House Amendment "A" (H-511) on June 5.

Came from the Senate with that body adhering to their action whereby they passed the Bill to be engrossed.

In the House:

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

Mr. **ROSS**: Mr. Speaker and Ladies and Gentlemen of the House: If the other body is not willing to accept their part in legislative participation by the Indians, but insists that the House assume full responsibility against our wishes, I move we adhere.

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

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

The **SPEAKER** pro tem: The gentleman from Eagle Lake, Mr.

Martin, moves the House recede and concur.

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

Mr. **KELLEHER**: Mr. Speaker and Ladies and Gentlemen of the House: I oppose the motion to recede and concur, although I supported the amendment to seat these other representatives in the other body. I was out of my mind to think they were ever going to accept it. The other body was trying to impose their wishes upon us. I submit that 151 members seems to be a very round figure. It represents the people of this state. The legislators in this House that represent the Indians in their districts, and believe me they are more just than Old Town and down in Washington County, I think they are very well represented. I think that this House, it would be bad judgment for them to recede and concur.

We had a very good vote on this the other day, a large vote and I trust very well the Representatives that are down here representing the people and they are doing a very fine job for them and I would like to think that I could fight as hard for my people in my area as they have been fighting for their particular constituents in their's.

I think there is no necessity at all for this, and I move that we do not support the recede and concur motion.

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

Mr. **DUDLEY**: Mr. Speaker and Ladies and Gentlemen of the House: I, too, would like to urge you not to recede and concur. Our vote was quite decisive here the other day on this before us. I am sure we voted right. I am sure that I live here with these people and these people have not requested this to me. As a matter of fact, most of them are not interested. If they were interested, there would have been an Indian Representative with full voting rights in this House today. I elaborated on this the other day and I am not going to further take your time. I just hope you will not recede and concur.

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

A vote of the House was taken. 32 having voted in the affirmative and 87 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Kelleher of Bangor, the House voted to adhere.

At this point, Speaker Hewes returned to the rostrum.

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

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

Non-Concurrent Matter

Bill "An Act Permitting Sale of Liquor at Certain Golf Courses" (H. P. 1180) (L. D. 1519) on which the House accepted the Majority "Ought not to pass" Report on June 6.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (H-507) in non-concurrence.

In the House: On motion of Mr. Stillings of Berwick, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Reform County Government" (H. P. 1385) (L. D. 1802) which the House passed the bill to be engrossed as amended by House Amendment "A" (H-521) on June 7.

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

In the House:

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

Mr. HENLEY: Mr. Speaker, I move the House insist.

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

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

The SPEAKER: The gentleman from Orland, Mr. Churchill, moves that the House recede and concur.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: In the first place, I fail to see what my friend, Mr. Churchill, has against the bill or against me. I do not have too much hope for the final results of the bill. I still feel that inasmuch as this House was kind and generous to the extent of messing around with the bill for two weeks, and inasmuch as my friend, the gentleman from Rockland, Mr. Emery, and others put in a lot of time and energy to work out an amendment on the districting, which I have been given to understand several people in the other body didn't even intend to look at because they said, "Well, was it amended? I wasn't aware that it was."

I see no reason why we should not let this go back over there by insisting and see if they want a Committee of Conference. If they do, we can at least talk it over and I would get a chance to talk — some of us would get a chance to talk with the people in the other body to see what they had to object to in the bill.

As you people are well aware, there is a tremendous amount of work that has gone into that bill, and I fail to see why there is a good reason for instantly killing it, just because of what I feel is hurried action on a Friday in the other body.

I ask for a division and I hope that you will support me in this last one chance to open this bill up for a chance of a Committee of Conference looking it over.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: I think there is no animosity of members of the House against the gentleman from Norway, Mr. Henley, although there is against the bill which he is sponsoring. His bill did come out of

the committee with a minority report of two signers. And the redraft of the county reform package came out of committee, I believe, 9 to 3 "ought to pass." That bill is presently tabled in the other body. What the disposition will be, I don't know. There has been an amendment put on in the other body to cover the problems they saw in the bill the majority of the committee reported out.

The basic problem as we see it with L. D. 1802 is the violent change in county government, the complete elimination of elected county officials, of placing the authority in the hands of a county administrator, who under this bill will have the right to hire and fire those who are not of top rank in the county government. I am sure in the past Mr. Henley has on the floor of this House, spoken against the increased cost of running county government, the bureaucracy that is being built up in county government at the present time, and yet his legislation builds in a bureaucratic setup where this county administrator can habituate and follow through and build his own bureaucracy without much interference with his so-called county councillors.

As to cost, the original bill recommended five councillors at a salary of \$2,000 apiece or \$10,000 a year built in, where the small counties now are perhaps paying \$6,000 for their county commissioners. On top of this, they would have had to hire a county administrator who would be the equivalent of a town manager, which would run in a small county probably \$8,000 to \$15,000 a year. And in the larger counties, you would be talking \$20,000 to \$25,000 a year for an administrator.

This was the main objection that I had to his bill. It was the built-in bureaucratic system that the county administrator would have an additional cost of having councillor districts.

I realize and respect that Mr. Henley has put in hours on this bill and it was tabled for several weeks to allow the gentleman from Rockland, Mr. Emery, to bring in the amendment. The amendment does bring in some counties hav-

ing seven councillors, which gives a built-in cost of some \$14,000 plus an administrator. I believe that he would be talking in terms of Cumberland, Penobscot and possibly York County on this, with a \$14,000 cost for county council members, say a conservative \$20,000 a year cost for a county administrator, and we are building in some \$35,000 additional cost in county government. In my mind it is not necessary.

The main reason of sponsoring legislation to reform county government was to give county government home rule, which is the purpose of the bill I sponsored. I did not try to ruin county government by changing their elective setup, changing the workings within the courthouse. I feel this is necessary. Once you give counties home rule, they can clean their own house and set their own house in order. We did this for the municipalities in the state in the last session and I think we owe it to county government to do it on their own with their own home rule.

As I see it on the floor of this House here today, we are the only state in the country, to my knowledge, that passes on a county budget. I am sure that opposition will say that other states have county councillor setups. The State of Maryland does. The county councillor in Maryland, one who I have talked to, represents some 700,000 people and has the salary of some \$15,000 a year. But I remind you that this county councillor in the county government in Maryland represents nearly three quarters of the population of this state as a county councillor in the State of Maryland.

I hope that you will go along with the recede and concur motion this morning. The redraft came out of County Government Committee. If there is any changes to be made in that, I am sure that this could be the vehicle where the changes could be made. I am sure that if the county commissioners want to hire a county administrator to handle their county business, we can leave it in their hands and not have to legislate it

in. The bill sponsored and backed by the County Government Committee does give them this power.

There was some discussion on the areas the county commissioners could build them that were written in the legislation. This was a problem to many people. But with the exception, I believe, of two items, county commissioners in the State of Maine are already engaged in these fields. The only field to my knowledge that they are not engaged with at the present time is education and the propagation of fish in the waters of this state. With federal revenue sharing involved, at the present time, and recreation being a part of special allocations of revenue sharing, I certainly believe that the county government in this state will be in the field of recreation in order to get revenue sharing money and they may be in the fish business, stocking some recreational ponds with fish.

As far as education is concerned, certainly there will be money coming down in special revenue sharing funds that pertain to education. And I would assume this would be basically on special education.

We in the State of Maine, have had county governments since 1820, which we inherited from the State of Massachusetts, which was inherited from England. I feel that it is time for a change in county government. I feel that it should be gradual and not eliminated overnight. If we want to kill county government, let's have a very simple bill, repeal county government and have it over with.

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

Mr. CHURCHILL: Mr. Speaker, and Ladies and Gentlemen of the House: I wish to speak briefly to my motion that I made to recede and concur and I wish to apologize to our very able bodied legislator, Mr. Henley, from Norway. But this 1802 is not the implement to streamline county government. It would compound the problem and it was stated at the hearing that county government, it was wished to eliminate party politics. Well this would just compound it and there would be more politics

than there ever has been in county government. And this is not the instrument to do it with, but I just wanted to apologize to Mr. Henley for making that motion.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: Apologies from my friend, Mr. Churchill, are accepted, but I sometimes wonder why everybody knows so much more about county government than I do. I have worked in county government, I have watched it operate, I have studied it, I have researched it. I haven't messed around too much with county government in other states. I am not particularly interested.

There are so many errors in stating what the bill, 1802, attempts to do, there are so many errors that what my friend from Strong has to say is pitiful. In the first place, the bill does not cost \$2,000 for your councillors. There was a tentative, suggested first-year pay of \$1,500 per councillor actually written into the bill that this, of course, would be subject to change as soon as the new type of government was accepted.

As far as its creating more political bureaucracy, that is a bunch of hogwash. Your political bureaucracy has already got such a hold on county government that you can see the results. The county commissioners and the sheriffs' departments are so strong in the State of Maine that apparently nothing can touch them. I hope that there are some county commissioners listening to me, because it is a fact. They are so strong they didn't feel it was necessary to come and object to my bill in committee hearing except for two who more or less came on their own. Their association chairman was not there. The usual spokesman for the sheriff's department was not there.

The only concerted opposition to my bill in committee was from one county and their chief opposition was because it would upset the apple cart because of their three county commissioners districting in a small county. The

amendment to the bill takes care of that, because it leaves three councillors in that county and in several other small counties.

There is much more to it than just the taking out of some of the elective offices. As far as the administrator is concerned, some counties are already doing it and more are talking of doing it, and they will all have to do something like that, because it is becoming too complicated, too complex to run county government by a few elective personnel that have even at best a brief tenure in office with limited authority.

Sure, the other bill gives home rule, but it is, in a sense — that bill, I suppose, is a county officer's paradise. It just continues the same patchwork situation as has gone on for 300 years. Now, the counties need more authority. They have got to have some type of home rule. This gives it to them, but it does not revise in the process. It still uses a horse and buggy and it puts an engine in it. That didn't work very well back in 1900, they tried it. They got along because they knew no better. Consequently, we had a hard road with automobiles. But now we have samples, we have examples of expertise in governmental management. It eliminates some figureheads, employs a professional to run it who is completely at the mercy of the council. He cannot overstep himself. He would be employed at the discretion of the council. He could be fired in 30 days just like town and city managers can.

I am not going to debate the bill any farther. It had a lot of other things other than just taking out elective offices. It did leave the sheriff an elective office constitutionally, but it did put the deputies under civil service which the sheriffs insist they wanted all along. Four years ago they were going to come out with their own, and they still have not done so.

It sets up a system for the other employees to be under civil service. It sets up a system for district attorneys. It sets up a system for transferring the Superior Court to the state. All of this is in the

bill, so it is not just a bill to knock out a few elective offices.

Lastly, I insist that it seems only just, I myself two days ago withdrew my motion to recede and concur on the other bill for county reform to allow it to go to the other body and to have a Committee of Conference. I fail to see where I am not getting the same courtesy. I feel that there should be time to open up the bill for a Committee of Conference to look over. Then if they decide to kill it, which it probably will, let it be.

I ask you to oppose the motion to recede and concur, and I ask for a roll call.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: First off, I would like to commend Mr. Henley from Norway for presenting an extremely broad bill encompassing a lot of reform in county government. He has done a great deal of work on it, many hours, much time. He is to be commended for it.

However, as I stated the other day, it is extremely broad in nature, and I have a feeling that at this present time it is not going to be accepted.

I have a great deal of compassion for the gentleman's ideas and wishes, but I really can't see any need of sending this to a Committee of Conference. It is apparent that the other body turned it down by quite a substantial margin.

The SPEAKER: The gentleman will not refer to the other body in attempting to sway argument or votes in this body.

Mr. FARRINGTON: So, members of the House: I cannot see any real need of sending this bill to a Committee of Conference.

I won't go into the merits of his bill. It is too much, in my estimation, to digest, and the committee thought so. Hopefully, it may be something to study on for the future, and perhaps before the session is over, if the other bill doesn't pass, we can have a study group.

I want to re-emphasize the need for — in my estimation, for some

change in the area of setting the budgets. Now, I think if we can do that much this year, this session, we will be doing a lot, because the time and the energy and the effort that it takes to go through the needless, in my estimation, maneuvering to set the county budgets is something that this House could well do without.

At this time I do hope that you will go along with the pending motion.

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

Mr. WHITZELL: Mr. Speaker, Members of the House: As one of the minority signers of Mr. Henley's bill, I will readily admit that I am not an expert in the area of county government or Mr. Henley's bill, but I would like to commend the gentleman for the amount of work and effort that he did put into the bill. It is voluminous in the research. This House went along with him once, and I think we will do it again today.

The reason I arose is there seems to be a feeling in county government among many people in this House where we are torn between this patchwork repair of county government, and we are torn between doing away with county government as a middle layer of government, and we are torn against reforming county government. But certainly, some action has to be taken in that area, and there are not many of us who recognize that county government is seriously suffering from a lack of effectiveness. I would urge you to support Mr. Henley in this matter.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I also rise to support Mr. Henley in his motion to ask for a Committee of Conference. I listened with a great deal of interest to Mr. Dyar and Mr. Farrington discuss what was wrong with Mr. Henley's bill, but then I became aware of the fact that those two gentlemen are the authors of the other bill.

I think both bills have merit. In fact, I signed the "ought to pass" report on both. Now, I would hope we would put this bill in the similar posture of Mr. Dyar's bill in the other body so that we will leave it up to the other body just what kind of reform we can have.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I rise very briefly to indicate my support for Mr. Henley, and to observe — we are witnessing a situation in Cumberland County today that wouldn't be possible if legislation such as he proposes were in effect today.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Trumbull.

Mr. TRUMBULL: Mr. Speaker, Members of the House: I too, wish to add my support to the fact that this — that you not recede and concur but that you insist, because I think it is fair that both of these bills get the same treatment.

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 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 Orland, Mr. Churchill, that the House recede and concur with the Senate on L. L. 1802. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bragdon, Briggs, Bunker, Cameron, Churchill, Connolly, Cote, Crommett, Curtis, T. S., Jr.; Dam, Donaghy, Drigotas, Dunleavy, Dyar, Evans, Farnham, Farrington, Flynn, Hobbins, Hoffses, Huber, Hunter, Jackson, Jacques, Jalbert, Kelleher, Kelley, Knight, LaCharite, LaPointe, Law-

ry, Lewis, E.; Lewis, J.; MacLeod, Mahany, Maxwell, McCormick, McHenry, McKernan, McNally, McTeague, Morin, V.; Murray, Najarian, Norris, O'Brien, Palmer, Parks, Ricker, Rolde, Shaw, Simpson, L. E.; Smith, S.; Sproul, Tierney, Walker, Wheeler, Wood, M. E.

NAY — Baker, Berry, P. P.; Binnette, Brawn, Brown, Bustin, Carey, Carter, Chick, Chonko, Clark, Cooney, Cottrell, Davis, Dow, Dunn, Emery, D. F.; Farley, Fecteau, Finemore, Fraser, Gahagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Henley, Immonen, Kauffman, Keyte, Kilroy, Lynch, Martin, McMahon, Merrill, Morin, L.; Morton, Mulkern, Murchison, Perkins, Peterson, Pratt, Rollins, Ross, Smith, D. M.; Snowe, Stillings, Strout, Talbot, Theriault, Trask, Trumbull, Tynedale, Webber, White, Whitzell, Willard.

ABSENT — Carrier, Conley, Cresse, Curran, Deshaies, Dudley, Faucher, Ferris, Gauthier, Genest, Good, Herrick, Kelley, R. P.; LeBlanc, Littlefield, Maddox, Mills, Pontbriand, Santoro, Sheltra, Shute, Silverman, Soulas, Susi, Tanguay.

Yes, 65; No, 60; Absent, 25.

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

Non-Concurrent Matter

Bill "An Act to Create a Maine Agricultural Bargaining Board" (H. P. 1511) (L. D. 1941) which the House passed the Bill to be engrossed as amended by House Amendment "A" (H-435) on May 23.

Came from the Senate with House Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-196) and Senate Amendment "C" (S-223) in non-concurrence.

In the House:

On motion of Mr. Evans of Freedom, the House voted to recede.

On further motion of the same gentleman, House Amendment

"A" was indefinitely postponed in concurrence.

Senate Amendment "A" was read by the Clerk and adopted.

Senate Amendment "C" was read by the Clerk.

Mr. Evans of Freedom offered House Amendment "A" to Senate Amendment "C" and moved its adoption.

House Amendment "A" (H-542) to Senate Amendment "C" was read by the Clerk and adopted.

Senate Amendment "C" as amended by House Amendment "A" thereto was adopted in non-concurrence.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Regulation and Inspection of Plumbing" (H. P. 1523) (L. D. 1953) which the House indefinitely postponed the bill on June 1.

Came from the Senate with the bill passed to be engrossed as amended by Senate Amendment "A" (S-217) in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Rockland, Mr. Emery, moves that the House recede and concur.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to debate this, but we have trowned this bill twice in the House, the last time by a good margin, and I hope this morning you will go against the motion to recede and concur.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would ask that you vote against the motion to recede and concur. If it had been a motion just to recede, then I would have

gone along with it because I have an amendment that is on your desks that I would like to offer to this bill, and I don't know whether I can offer it now or not.

The SPEAKER: The Chair would inform the gentleman that the motion to recede takes priority over the motion to recede and concur. If the House does recede, at that point amendments may be offered.

On motion of the gentleman from Skowhegan, Mr. Dam, the House voted to recede.

Senate Amendment "A" (S-217) was read by the Clerk.

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

House Amendment "A" (H-544) to Senate Amendment "A" was read by the Clerk.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would like to direct a question to the gentleman from Skowhegan, if I may.

I would like to ask the gentleman from Skowhegan how his amendment differs from that Senate Amendment "A" which has been adopted, which I think, already covers those two points that he wants to have changed?

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

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Waterville, Mr. Carey's question, it is something that he has evidently overlooked too. I was over to the department last Friday with this and they went over the whole amendment, and they agreed with me that there should be a change in the Statement of Fact, because in the original Statement of Fact in Senate Amendment "A" which is filed under S-217, it says that the amendment further provides the private owners of real estate to do plumbing

on real estate which they own without obtaining a permit. Well, that is not what was intended in the Statement of Fact. It was intended in the Statement of Fact to say that the amendment further provides that private owners of real estate can do plumbing on real estate which they own without obtaining a license.

Under the present law, to do plumbing you must obtain a permit, you do not have to have a license, and this leaves it just the way it is at the present time. But the permit is required under the present law and this allows for the inspection. Otherwise you would have no regulation at all as far as the inspection, anybody could use any pipe they wanted to or even, as I have seen on some inspections I have done where some homeowners have been rejected to work, they have tied the pipes together with a piece of inner tube, where they couldn't make a fitting come around the corner the right way or come into line with an existent pipe. And all this does is take out the error that was not intended in the original Statement of Fact, the word "permit" was intended for a "license" but this corrects this error.

Thereupon, House Amendment "A" to Senate Amendment "A" was adopted. Senate Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I believe this bill is in the position now for indefinite postponement. I so move for indefinite postponement. When the vote is taken I ask for a roll call.

The SPEAKER: The Chair would state that the motion to indefinitely postpone is not in order at this time.

Thereupon, the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Extend the Deadline for Mandatory Shoreland Zoning" (H. P. 1538) (L. D. 1968). The

House insisted on June 7 whereby they passed the bill to be engrossed as amended by House Amendment "B" (H-478) on May 31.

Came from the Senate with that body insisting on its action whereby the Bill was passed to be engrossed as amended by House Amendment "B" (H-478) and Senate Amendment "A" (S-215) and asking for a Committee of Conference.

In the House: On motion of Mr. Martin of Eagle Lake, the House voted to insist and join in a Committee of Conference.

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

Messrs. MARTIN of Eagle Lake
ROLDE of York
HERRICK of Harmony

Non-Concurrent Matter

Bill "An Act to Provide Protection of Fetal Life and the Rights of Physicians, Nurses, Hospitals and Others Relating to Abortions" (H. P. 1559) (L. D. 1992) which the House passed to be engrossed as amended by House Amendment "A" (H-493) on June 5.

Came from the Senate with House Amendment "A" indefinitely postponed and the Bill passed to be engrossed in non-concurrence.

In the House:

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

Mr. HUBER: Mr. Speaker, I move that we recede and concur with the Senate and would like to speak to my motion.

The SPEAKER: The gentleman from Falmouth, Mr. Huber, moves the House recede and concur.

The gentleman may proceed.

Mr. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat sorry to see this item before us again so quickly without my bill having been reported out of committee. As you know, I think these two bills would go together, which was the purpose of my action earlier. This regret is partly caused by a statement by the chairman of the Judiciary Committee on Wednesday,

in which he said, "We do have a bill in committee which is coming out shortly, either tomorrow or Friday, which is the deadline anyway, but it will probably be coming out tomorrow." Well, as I am sure you aware, it hasn't come out.

I am sure you are all now aware that L. D. 1992 provides protection for hospitals, doctors and nurses, as well as some limited protection of the patients. It does not regulate abortion nor protect the mother, nor does it protect potential life as allowed by the Supreme Court decision. It also seems somewhat unjust that those who refuse to perform abortions are protected, where those who perform legal abortions are not protected against discrimination.

Briefly, passage of L. D. 1992 alone would allow abortion on demand in Maine right up to the day of delivery. If we want to protect Maine citizens and potential life to the full extent of making it possible, we will still have to pass a bill with provisions, either the amendment that I proposed to this bill earlier or my bill, 1529, when and if it ever comes out of committee.

I am sure the people of Maine do not want abortion on demand and I am sure that the members of this legislature realize this. Therefore, I am confident that you will regulate abortion as strictly as possible by passing the provisions again either in the amendment or my bill when this bill eventually appears.

I hope you will support the motion to recede and concur, with full realization that with passage of this bill, L. D. 1992, alone, we will still have abortion on demand.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: We who favor carefully supervised abortions are in favor of the provision of this particular bill. Primarily, it is a combination of bills submitted by Representatives Jalbert and Representative Berube. As I recall, there were no opponents at the hearing, the only

trouble is, these bills, even when put together, don't go far enough to comply with the ruling of the Supreme Court. The bill by Mr. Huber complied as close as possible with this ruling. House Amendment "A" which we passed included the provision of all of the bills. This one before us today does only one half the job. The Judiciary Committee, as Mr. Huber said, is holding his bill. Sooner or later it will be reported out, then unfortunately we must debate the subject again.

Our present abortion law has been declared unconstitutional. And if we eventually don't accept the concept of Mr. Huber's bill, I will bet that the changes in this bill will not make it constitutional either.

I repeat, we pay for these changes, but we request that you give careful consideration to the major bill when it finally appears on our calendar. For this reason only, I support without enthusiasm the motion to recede and concur.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I know that if we support the motion to recede and concur and pass this bill finally, that when the measure called the Huber bill comes before us, we will have a nice healthy debate on the issue.

Thereupon, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to Property Tax Administration" (H. P. 1563) (L. D. 1997) which the House passed to be engrossed on June 5.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-220) in non-concurrence.

In the House: On motion of Mr. Susi of Pittsfield, the House voted to recede and concur.

Orders

Mr. Farnham presented the following Joint Order and moved its passage:

WHEREAS, the net profit to the State from the sale of beer, liquor and wine is estimated at 19 million, 155 thousand dollars for the coming year; and

WHEREAS, there are certain costs of the liquor business to the State of Maine including, but not limited to, liquor associated auto accidents, homicides, broken homes, welfare, crimes, court and prison cases; and

WHEREAS, identification and assessment of the benefits of the liquor business to the State of Maine including, but not limited to, tax revenues, employment and commerce, is needed and generally considered long overdue; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is authorized and instructed to study the costs of the liquor business to the State of Maine including, but not limited to, liquor - associated welfare, crimes, auto accidents, homicides, court cases, broken homes, prison and jail cases. Such study shall also include a study of the benefits of the liquor business to the State of Maine including, but not limited to, tax revenues, employment and commerce, and the study of any subject or matter adjudged by the committee to be relevant or germane to the subjects of its investigation or helpful to it in the consummation of its work shall be deemed within the scope of the committee's inquiry hereunder; and be it further

ORDERED, that the State Liquor Commission be authorized and respectfully requested to provide such information, technical advice and such other needed assistance as the committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the committee shall make a written report of its findings and recommendations, together with all necessary legislation, and at its discretion submit the same to the next regular session of the Legislature; and be it further.

ORDERED, upon passage in concurrence, that copy of this Joint Order be transmitted forthwith to

said commission as notice of this directive. (H. P. 1598)

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

Mr. Brawn of Oakland presented the following Joint Order and moved its passage:

WHEREAS, the Messalonskee Eagles have winged their way to their first State victory in baseball since 1909; and

WHEREAS, their courageous nine has risen from an obscure underdog to the prevailing Class B title holder in good sportsmanship and fair play; and

WHEREAS, the pride of their performance extends beyond their home communities of Belgrade, Oakland and Sidney to the far corners of the State; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the 106th Legislature of the great and sovereign State of Maine salute the members and coach of Messalonskee High School baseball team on their outstanding honor and accomplishment in the field of sports and extend to our new State Champions the best wishes of a proud Legislature; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the principal and coach of Messalonskee High School in honor of the occasion. (H. P. 1599)

The Order was read.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: The other day I was proud, today I am doubly proud. When I say the engines, the ambulances, and many people meet at the end of the freeway the sirens and lights blinking, and hundreds of people met this team that since 1909 when it was Oakland High School, then Williams High School, now Messalonskee, they were never able to pull it out. But this time they did pull it out, and we are very proud of them and we wish them success from here on.

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

On motion of Mr. Curtis of Orono, it was

ORDERED, that Kim Noyes, Stephanie Brightman, Donna Keene, Susan Sylvia of Orono and Gardner Moulton be appointed Honorary Pages for today.

Mr. Curtis of Orono presented the following Joint Order and moved its passage:

WHEREAS, track and field, like all great sports, are incomplete until that time when it is displayed, judged and acclaimed; and

WHEREAS, the Red Riots of Orono High School, on the basis of an outstanding performance, have won their second consecutive State Class C Championship in track and field; and

WHEREAS, this team has distinguished itself greatly by its willingness to enthusiastically accept challenge and having triumphed, may now experience the joys of attaining a worthwhile goal; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the 106th Legislature of the great and sovereign State of Maine salute the members and coach of Orono High School track and field team on their outstanding honor and accomplishment in the field of sports and offer the best wishes of a proud Legislature to our State Class C Track Champions for the second year; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the principal and coach of Orono High School in honor of the occasion. (H. P. 1600)

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

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

Mr. WHITZELL: Mr. Speaker, is the House in possession of L. D. 1058?

The SPEAKER: The Chair would answer in the affirmative. The House is in possession of L. D. 1058, Bill "An Act giving Powers of Arrest to State House Security

Officers," which the House passed to be engrossed last Friday.

The Chair recognizes the same gentleman.

Mr. WHITZELL: Mr. Speaker, I now move reconsideration of our action of Friday whereby the House passed this bill to be engrossed.

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

The SPEAKER: The pending question is on the motion of the gentleman from Gardiner, Mr. Whitzell, that the House reconsider its action whereby L. D. 1058 was passed to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. Thereupon, Mr. Whitzell of Gardiner 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 Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker and Members of the House: The reason I asked for reconsideration was to add an amendment to the bill which was passed to be engrossed, L. D. 1058. The amendment, for the most part, speaks about any such officer who is appointed and employed under this section shall not be permitted to carry firearms without a prescribed course and training as authorized by the director of Public Safety for the State House complex.

I don't think this is an unreasonable request. As a matter of fact, I think it is the most reasonable way of dealing with what could be a potential problem. I am not denying that there is a need for security around the State House complex. As a matter of fact, I didn't support the bill, not because I didn't believe the bill and concept but because I thought it was too

broad and that it needed some limit to it. And certainly, you don't send people on the street without drivers licenses and having been qualified in driving automobiles which also kill but neither do you issue handguns to people who are unfamiliar with them or for the most part who may use them in performing what they consider to be their duty, which may be inaccurately used to the point where the criminal offense could be against the officer and not the criminal.

So, I would ask that you go along with me and reconsider this, and I will offer this amendment next. By the way, the amendment that I am offering, I am offering with the bill's sponsor in full knowledge of it.

The SPEAKER: The pending question is on the motion of the gentleman from Gardiner, Mr. Whitzell, that the House reconsider its action whereby L. D. 1058 was passed to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bustin, Carter, Chonko, Clark, Connolly, Cottrell, Crommett, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Farley, Faucher, Fecteau, Fraser, Goodwin, H.; Goodwin, K.; Henley, Jackson, Jacques, Jalbert, LaCharite, LaPointe, Lewis, J.; Lynch, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, Norris, Peterson, Rolde, Smith, D. M.; Smith, S.; Talbot, Tanguay, Tierney, Wheeler, Whitzell

NAY — Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Cooney, Cote, Dam, Donaghy, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Finemore, Flynn, Gahagan, Garsoe, Gauthier, Good, Greenlaw, Hamblen, Hancock, Haskell, Hoffses, Huber, Hunter, Immonen, Kauffman, Kelley, Keyte, Kilroy, Knight, Lawry, Lewis, E.; Mahany, McCormick, McNally, Merrill, Morton, Murchison, Palmer, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.;

Snowe, Sproul, Stillings, Theriault, Trask, Trumbull, Tyndale, Walker, Webber, White, Willard, Wood, M. E.

ABSENT — Conley, Cressey, Curran, Davis, Deshaies, Dudley, Evans, Ferris, Genest, Herrick, Hobbins, Kelleher, Kelley, R. P.; Littlefield, MacLeod, Maddox, Mills, O'Brien, Pontbriand, Ricker, Santoro, Sheltra, Silverman, Soulas, Strout, Susi

Yes, 48; No, 76; Absent, 26.

The SPEAKER: Forty-eight having voted in the affirmative and seventy-six having voted in the negative, with twenty-six being absent, the motion does not prevail.

Mr. Martin of Eagle Lake was granted unanimous consent to address the House

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The reason that I am doing it at this time rather than later this afternoon is I thought I would give an opportunity to the Bangor Daily News to correct its mistake and to perhaps take care of it in tomorrow's paper.

I want to award to the Bangor Daily News the "Golden Gong Award" of the session. For those of you who will take a look at the front page and the excellent picture on the front page of that paper, if you have it in front of you I would like you to turn your attention to it which shows a young girl hitchhiking and it says, "You are breaking the law, baby." Then they go on to say that the Maine legislature has repealed the law that makes hitchhiking in Maine a crime, but the new statute does not go into effect until 90 days after the lawmakers adjourn their current session.

Granted, this House did that, but the other body did not. The bill is dead, and there won't be any hitchhiking ban removed. I think the people of Maine are going to be sorely mistaken when they read this in the paper, because they are automatically going to assume that it is going to take effect 90 days from now, which is not the case.

I certainly would hope that the Bangor Daily News would make an effort tomorrow on the front page, perhaps in as good a picture as they can, and perhaps it is going to attract as much attention as this, in order to set the record straight so that the public of this state won't be misinformed even though the News is.

House Reports of Committees Ought Not to Pass

Mr. Donaghy from the Committee on Business Legislation on Bill "An Act Providing for a No-fault Automobile Liability Insurance Law" (H. P. 1) (L. D. 1) reporting "Ought not to pass."

Mr. Trask from same Committee reporting same on Bill "An Act Providing for No-fault Motor Vehicle Insurance" (H. P. 1022) (L. D. 1420).

Mr. Tierney from same Committee reporting same on Bill "An Act Providing for a Maine Motor Vehicle Injury Compensation Plan and for Motor Vehicle Insurance Reform" (H. P. 1453) (L. D. 1882).

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

Mr. Trask of Milo was granted unanimous consent to address the House.

Mr. TRASK: Mr. Speaker, Ladies and Gentlemen of the House: It was with the feeling of sadness and considerable frustration that the Business Legislation Committee found it necessary to report out all the no-fault bills "ought not to pass." This was due mainly to being unable to obtain actuarial studies on these bills until July. The committee felt that without this information we could not, in good conscience, report out a bill without being able to tell you how this would affect the premium on your automobile insurance, even though there would have been many improvements in the payment of first-party benefits.

There is an order which refers this, hopefully, to the special session, which I hope will be passed.

Mr. Tierney of Durham was granted unanimous consent to address the House.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: Pursuant to Joint Rule 17-A, we have just relegated to the legislative files six bills concerning automobile insurance reform. As the gentleman from Milo, Mr. Trask, so ably pointed out, all of us on the Committee of Business Legislation feel that this is the right thing to do. We cannot in good faith recommend any of the bills, including my own, to this House without first an actuarial accounting.

The ultimate issue, however, goes beyond this narrow point. We must honestly ask ourselves who will bear the burden of our decision. Certainly not us; we are tired, unpaid and more than willing to shift one more complicated and sensitive issue to a later date. Certainly not the attorneys, for until we pass a bill containing substantive reform provisions, the legal fraternity of Maine will continue to view automobile accidents as a profitable source of business. Certainly not the insurance industry; business for the insurance companies in Maine is good. Profits have been increasing rather nicely. Of course under some forms of "no-fault," these profits would increase even more, but in general the status quo is more than acceptable.

Who then bears the burden of our action today? Clearly, it is the driving public of Maine. For one more year, Maine consumers will pay too high an insurance premium. For one more year, they will have to pay that premium and know that out of every dollar they pay, only 40 cents is ever returned to an injured accident victim. And for one more year, innocently injured Maine citizens will continue to live in the fear they will never be compensated at all.

In the weeks and months to come, I hope we all keep our eyes wide open in regards to the study of insurance reform. Let us watch the insurance industry and the legal fraternity in Maine. Watch them closely to see if they are able to rise above their own self interest for the betterment of our state. If they do, then the 106th Legislature can yet bring to

Maine's driving public a decent insurance reform package.

Mr. Lawry of Fairfield was granted unanimous consent to address the House:

Mr. LAWRY: Mr. Speaker and Members of the House: Along with Mr. Trask and Mr. Tierney, before bidding no-fault good-bye, I would like to make a couple of comments in passing.

As a member of the study committee appointed by the 105th, I can assure you that much time and effort was spent in studying the various forms of no-fault and so-called no-fault, information from proponents and opponents was amassed, digested and the man hours spent were considerable, and this also goes for the Business Legislation Committee who I think did an admirable job.

In my opinion, we have short-changed the people of Maine who were led to believe at the beginning of the session that we would produce legislation, which would be aimed at the reform of our auto insurance system with possible savings as one benefit and faster claim service as the primary one. Whether we would have arrived at such legislation now is strictly academic, but I feel a better effort was due.

If no-fault is enacted in a special of this or the next regular session, I hope that all of you here will insist on a bill that will grant faster settlement of bodily injury claims plus premium savings. The groundwork has been laid. The experience of the other states is available. It only remains for you to choose a system that will best serve the people of Maine.

While I am on my feet, I would like to say a couple of words about another issue before us which will be coming up shortly, and that is so-called property tax relief. I am referring to the specific bill that the Education Committee has reported out. I was quite chagrined to read in yesterday's paper that this bill and this idea received the wholehearted endorsement of the omnipotent one, the sage of sages who apparently knows everything about everything. I just hope that when it comes time to vote, you can overlook this gentleman's

comments, realize it is a good bill, and rise above it and vote for real meaningful property tax reform.

Leave to Withdraw

Mr. Hamblen from the Committee on Constitutional State Reapportionment on Resolution Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts" (H. P. 603) (L. D. 801) reporting Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Haskell from Committee on Appropriations and Financial Affairs on Bill "An Act to Create Community Industrial Buildings in Maine" (H. P. 1217) (L. D. 1572) reporting Leave to Withdraw as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Referred to 107th Legislature

Mr. Faucher from the Committee on Liquor Control on Bill "An Act Providing for a Study to Determine Costs of the Liquor Business in Maine" (H. P. 955) (L. D. 1265) reporting that the Bill be referred to the 107th Legislature.

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

Ought to Pass Printed Bill

Mr. Farrington from the Committee on County Government on Bill "An Act Relating to Supplemental County Budgets" (H. P. 1594) (L. D. 2018) reporting "Ought to pass" pursuant to Joint Order (H. P. 1578).

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

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Family Planning Services" (H. P. 1367) (L. D. 1823) reporting "Ought not to pass."

Report was signed by the following members:

Mr. BRENNAN
of Cumberland
—of the Senate.

Messrs. DUNLEAVY
of Presque Isle
HENLEY of Norway
GAUTHIER of Sanford
CARRIER of Westbrook
Mrs. KILROY of Portland
WHEELER of Portland
—of the House.

Minority Report of the same Committee on same bill reporting "Ought 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. MCKERNAN of Bangor
PERKINS
of South Portland
—of the House.

Reports were read.

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

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

The SPEAKER: The gentle lady from Orrington, Mrs. Baker, moves the acceptance of the Minority "Ought to pass" Report.

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

Mr. CARRIER: Mr. Speaker and Members of the House: We are talking about L. D. 1823 which is a very important bill and due to the fact that this bill here is a consolidation of some of the other bills we have voted down in other sessions. That is mainly that the purpose of this bill is to provide measures to what they call family planning. But we can, in fact, provide contraceptives to people of all ages regardless of their intentions, regardless of their motives, and regardless of many other things.

Now, I have studied this bill quite a lot, and it would require an awful lengthy discussion to say to you that this bill here is depending as to what your convictions are, a bill which I believe is not in the best interests of the state.

Now, first of all, we have on our desks here quite a few things this morning, a few of them delivered anyway, stating certain facts which are incorrect. Some of it says that — one sheet says that we would lose about \$250,000 a year and calling it a federal penalty. Well, I don't think it is a federal penalty. Any money we get from the federal government is probably money due to us, and I don't think it is a penalty at all. However, one fact sheet says that it is a federal penalty at \$250,000.

On the other hand, the other statement in the letter says that Health and Welfare can be subject to the possibility of losing 1 percent of \$250,000. So actually, these two pieces of paper that we have on our desks contradict themselves, and so take it for what it is worth.

There is one thing in here which seems to be a very — it must be to some people — a very touchy subject, but I think we should be proud of it, which is number 6 on one of the things which says that Maine has the highest birth rate of any New England state. I don't think that this is anything to ask any apologies for. I think it is a great thing and I think that all of us wanted to be born, and it should be that way.

Now, this particular bill here would give the distribution of drugs and all kinds of other mechanical devices in order — under the guise of family planning.

Well, actually, it also says, "under physician's directions." This is all right. But here it says under number 6 persons, means persons regardless of so and so and so motive — motive. Now you can imagine what motive means here. And citizenship. Now, are we going to provide this to every citizen of this state or anybody in the state? If this, as taken, means anybody in the state, because it says here in the next sentence, "services shall be readily and practically available to all persons needing such services." Now, who is going to determine if this is needed or not?

The fact is in here that it is in a camouflaged sense that the

physicians will decide this. But on the other hand, there is nothing here to protect the physician if he in his own idea and to his thought does refuse for no reason to take part in any such program.

Now, one of the very touchy things about this is the fact that if you look under 1908 and if I interpret this right under minors, that family planning would be given to any minor who is a parent or married or has the consent of his legal guardian. On the other hand, you go a little farther and it says, "or who may suffer in the professional judgment of a physician probable health hazards if such services are not provided." Now, this, in fact, the way it is written is without giving services to these minors without parental consent. I challenge anybody to say any different here.

Of course, do not forget that the price tag on this little gem runs from two to three hundred thousand dollars, which is the very minimum fee.

So all in all, the statement of fact, I think, is really the best part of the bill here to the fact it is almost a joke.

So therefore, ladies and gentlemen, we have in the past sessions voted down contraceptive bills, we have voted down sterilization bills, and I think the people at that time that did so, I think it was very good judgment. I don't think that we should open up this area as wide as this bill proposes. I do hope that you will vote down the "ought to pass" motion so we can go along here and accept the majority "ought not to pass."

THE SPEAKER: The Chair recognizes the gentleman from Fal-mouth, Mr. Huber.

MR. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: Before I really get into my talk, I would like to emphasize three points. This bill deals with the voluntary avoidance of conception, it does not deal with abortion. This is not a new program in this state. The state is already involved in family planning, and you have all received this report from the Department of Health and Welfare which on page 11 shows that dur-

ing the last biennium the state committed \$280,000 in this direction. This commitment was in programs that are very much in jeopardy now, due to change in federal guidelines, and the reason I put the appropriation in as words that appear is to pick up the pieces from the existing programs and to broaden the scope of these programs. If, in fact, these programs continue to be funded, the appropriation could be decreased by approximately one half, and I hope we can get this bill as far as the Appropriations Table and perhaps by the time it gets there we will have some clarity on the point where these programs will continue to exist.

I would also like to apologize beforehand for my presentation, which is a little longer than I would like it; however, it is very true that any controversy concerning the merits of family planning services, as it usually weighs the things of those who have seriously thought about it and those who have not.

If I can do nothing else, I hope I can get you to seriously think about this important but often neglected and especially politically neglected subject.

In 1969 the President of this country stated that unwanted or untimely childbearing is one of the several forces which are driving many families into poverty or keeping them in that condition. Most of the estimated five million low income women of childbearing age in this country do not now have adequate access to family planning assistance, even though their wishes concerning family size are usually the same as those of parents of higher income groups. It is my view that no American woman should be denied access to family planning assistance because of her economic condition.

The commission created as a result of this address reported that for many, unwanted childbearing means poor prospects for employment and limited opportunities for themselves and their children. For others, the costs are measured in increased family stress and unhappiness, altered

life plans and less time and attention for each child. Unwanted childbearing is associated with serious health consequences such as increased incidence of prematurity, mental retardation, infant and maternal mortality, and physical and emotional neglect and abuse.

This commission recommended that states eliminate existing legal inhibitions and restrictions on access to contraceptive information, procedures and supplies; and two, that states develop statutes affirming the desirability that all persons have ready and practicable access to contraceptive information, procedures and supplies.

The social security amendments of 1972 provide that family planning services must be offered to recipients of AFDC and Medicaid assistance. There is 9 to 1 funding provided under these provisions. These are mandatory provisions. The same amendments provide that state welfare departments that do not provide these services are subject to a penalty of one percent of their federal funding under these programs. In Maine, this penalty would amount to about \$250,000 per year or would be equal to the appropriation attached to this family planning act. You have on your desks a copy of a letter from Commissioner Fisher of the Department of Health and Welfare confirming this statement.

The rate of unwanted fertility is highest among those whose levels of education and income are lowest. I would refer you to table I which I have given you, noting that these data refer only to married women up to the age of 45. If unmarried women and those 45 and older were included, I am sure that the percent of unwanted fertility would be higher.

As an example, in 1970, women with no high school education reported that 31 percent of their births in the preceding five years were unwanted at the time they were conceived. The figure for woman college graduates was seven percent, or one fourth. The incidence of unwanted births is twice as high among those with incomes below \$4,000 as it is

among those with incomes in excess of \$10,000.

I think it is important to emphasize that the last column of Table I shows that desired family size is about the same regardless of education, and education is a fairly reliable measure of income.

I do not in any way mean to imply that the problem of unwanted fertility is a problem only of low income people. I do mean to stress that the rate of unwanted fertility is much higher among low income people than among those of higher income. Desired family size is about the same regardless of income. I think that this is a clear indication that low income people have less access to family planning information and services. This is a very damaging form of economic discrimination.

In Maine, there are an estimated 40,000 people who would qualify for family planning services under various federal programs. Of these, only about 40 percent are currently served by existing family planning programs, programs whose existence is very much in doubt due to the federal revisions in funding.

Applying national figures to Maine, which has about 18,000 births per year, indicates that about 2,700 births result from unwanted conception each year. It is interesting to note that this is equal to 73 percent of our yearly outmigration figure. Thus, if each family reached only their desired family size voluntarily, our outmigration and unemployment problem would eventually be reduced to one quarter of its present level if all other things remained equal.

The rate of unwanted fertility in Maine may be even higher than the national rate. Maine's birth rate is the highest of any New England state. Maine's rate of illegitimacy is the ninth highest in the nation. The most recent figures that I have found show the rate of illegitimacy in this state is 30 percent higher than it is nationally.

In 1970, 7.8 percent of children born in Maine were illegitimate and the percentage has been increasing steadily since 1957. Again I point out that the national figure of 15 percent unwanted fertility

is based only on married women under 45 years of age. If you included unmarried women this figure would certainly rise.

Certainly all unwanted pregnancies do not result in unwanted children. Many, perhaps most, are eventually accepted and loved indistinguishably from births that were wanted, but many are not, and the costs to them, to their brothers, sisters, parents, and to society are considerable.

The social, health and psychological costs are enormous. Studies have shown unwanted children to have been registered more often with psychiatric services, engaged in more antisocial, violent and criminal behavior and have been more dependent on public assistance programs than children born wanted.

The psychological burden carried by children rejected by their parents and given over to institutional care must be considerable.

Most of the costs of unwanted fertility do not lead to the dramatic instances of abandonment or child abuse. Any of you who have followed the recent symposium in Portland on child abuse will recognize, however, that a rejected child is often an abused child and that a person who does abuse a child was usually rejected himself as a child.

Health problems often result from the fact that most unwanted births occur to women in the later years of childbearing when maternity risks are greater. Compared with the risk of maternal death at age 20 to 24 when the risk is lowest, the rate is four times greater at ages 35 to 39, almost eight times greater at ages 40 to 44 and nearly 20 times greater at older ages.

The risk of certain hereditary diseases is also associated with increasing age. For example, the incidence of Down's syndrome, which accounts for 95 percent of mongolism, would be reduced significantly by the avoidance of childbearing in the older ages. Other genetically linked disorders such as hemophilia and certain forms of retardation could also be reduced by genetic counseling and family planning. Genetic coun-

seling, incidentally, is merely apprising the parents of the risks of having a retarded child, for example. It still leaves the decision as to whether they want to take this risk up to the parents themselves.

Infants of young mothers, especially those under 19 years of age, are subject to significantly high risks of prematurity, mortality and serious physical and intellectual impairments than are children of mothers 20 to 35.

I feel that the mental, emotional and social burdens on family stability that could be voluntarily avoided by the families themselves fully justify the passage of L. D. 1823. However, I think I should in passing mention the financial costs of unwanted childbearing on the family itself. I refer you to table 2 which estimates the average cost of raising a child through college to be about \$40,000, or about \$20,500 with future expenses discounted to the present. Additional costs if a woman were prevented from working while bringing up a child are also shown. These costs are only those borne by the family and do not include the costs of services borne by the state or other levels of government. For a low income family, most likely to suffer an unwanted pregnancy, these costs can only help assure that the entire family remains in poverty. L. D. 1823 would truly help people help themselves by allowing informed and voluntary decisions concerning family size, regardless of income.

The bill specifically deals with the voluntary avoidance of conception. It does not deal with unwanted pregnancy. It does not deal with abortion.

Encouragement of the ready accessibility of voluntary family planning services without imposition on anyone's moral standards, beliefs or freedom of choice would, however, allow people to voluntarily avoid the situation where abortion might be considered. I sincerely hope that those who find abortion unacceptable will solidly support this alternative.

A number of states have enacted laws similar to L. D. 1823 and many more are considering such laws this session. In drafting this

legislation, I have relied heavily on the Tennessee statute, with some of the provisions from Georgia and Florida laws. I have tried to include every provision, and I quote from L. D. 1823, "to protect the right of all persons to pursue their religious beliefs, to follow the dictates of their own consciences, to prevent imposition upon any person's moral standards and to respect the right of every person to self determination in respect to family planning."

Any person or institution may refuse to provide family planning services for religious or conscientious reasons. No person may be forced to accept family planning services. Those involved in carrying out the purposes of this act must "recognize that the right to make decisions concerning family planning is a fundamental personal right of the individual and nothing in this chapter shall in any way abridge such right nor shall any individual be required to state his reasons for refusing the offer of family planning services."

Even behavioral means for the prevention of conception are included in the definition of contraception. This includes the "rhythm method" and abstinence, which I am sure will be brought up at some point in this debate. In short, family planning as defined in this act means "voluntary self determination of desired family size and the timing of childbearing." (Sec. 1902, 3.)

This legislation is not directed at limiting the size of anyone's family but is very strongly directed at allowing people to build strong families according to their own wishes.

Although I feel that passage of this act is more than justifiable on humanitarian grounds and on the grounds that it lets individuals strengthen and maintain the family unit, the appropriation probably deserves some comment. The average cost of family planning services is about \$50 per year per consumer. Of this, about \$15 or 30 percent is devoted to physical exams, lab tests, et cetera, which are actually general health care services rather than family planning services. For many, family planning services are often the only

regular medical attention received, except when physically ill or at childbirth. Thirty percent of the appropriation could thus be justifiably termed general health care rather than family planning services.

From a strictly financial standpoint, I am certain that the appropriation on L. D. 1823 will be well more than self-amortizing through the reduction of potential demand for state services likely to be required in the absence of readily accessible, voluntary, family planning services. On the federal level, it has been recently estimated that for each dollar spent on family planning, three dollars are saved in other federal programs. I think the same ratio would probably apply to various state services.

I hope that each of you will take a look at your state budget with this bill in mind. I ask that you review especially the areas of health, mental health, welfare, foster care and education, bearing in mind the special services likely to be required by an unwanted child. I urge this review with strong emphasis that L. D. 1823 deals with the voluntary self-determination of family size and in no way imposes upon this fundamental personal right.

I urge your favorable action on this bill to help all Maine families to help themselves in the extremely important areas of mental and physical health, social and economic wellbeing, and in the building of strong families. Let's allow all Maine families to voluntarily avoid the situation where abortion might be considered. Let's correct the existing economic discrimination in respect to access to family planning. Let's allow all Maine families to voluntarily avoid unwanted conception, which is driving many families into poverty or keeping them in that condition. Let's make Maine a state where all children are born wanted.

I hope you will support the minority "Ought to pass" report on this bill.

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

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

House: I am going to be very brief. I have looked over L. D. 1823 rather closely, and I think really that I concur with Mr. Huber's remarks on this bill. I think the bill has a great deal of merit, and as you people in the House here know, I have taken a very strong stand against abortion on demand. You know how I feel about it very well, but I think this bill here, L. D. 1823, is something a little bit different. As a matter of fact, I think that this bill would go a long way toward avoiding the situation of abortion on demand. I wish that you would support it.

If the bill has to be amended, well so be it, but I feel that we should at least keep it alive. I would ask you to accept the minority "ought to pass" report on this bill.

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House accept the Minority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

80 having voted in the affirmative and 25 having voted in the negative, the motion did prevail.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation on Bill "An Act Increasing the Gasoline Tax" (H. P. 647) (L. D. 863) reporting "Ought to pass" as Amended by Committee Amendment "A" (H-540).

Report was signed by the following members:

Messrs. WYMAN of Washington
COX of Penobscot
FORTIER of Oxford
— of the Senate.
Messrs. SUSI of Pittsfield
DOW of West Gardiner
MAXWELL of Jay
MORTON of Farmington
MERRILL of Bowdonham
— of the House.

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

Report was signed by the following members:

Messrs. FINEMORE
of Bridgewater
IMMONEN of West Paris
DAM of Skowhegan
COTRELL of Portland
DRIGOTAS of Auburn
— of the House.

Reports were read.

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

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

Thereupon, on motion of Mr. Simpson of Standish, tabled pending acceptance of the Majority Report and tomorrow assigned.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Judiciary on Bill "An Act to Clarify and Simplify the Administration of the Mechanic's Lien Law" (H. P. 1361) (L. D. 1817) 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. KILROY of Portland
WHEELER of Portland
Messrs. DUNLEAVY
of Presque Isle
McKERNAN of Bangor
— of the House.

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

Report was signed by the following members:

Mrs. BAKER of Orrington
WHITE of Guilford
Messrs. PERKINS
of South Portland
CARRIER of Westbrook
GAUTHIER of Sanford
HENLEY of Norway
— of the House.

Reports were read.

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

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

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending acceptance of the Minority Report and tomorrow assigned.

Divided Reports

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Access and Egress to Great Ponds" (H. P. 1417) (L. D. 1855) 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. WHEELER of Portland
WHITE of Guilford
KILROY of Portland
Messrs. GAUTHIER of Sanford
PERKINS
of South Portland
DUNLEAVY
of Presque Isle

McKERNAN of Bangor
— of the House.

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

Report was signed by the following members:

Mrs. BAKER of Orrington
Messrs. HENLEY of Norway
CARRIER of Westbrook
— of the House.

Reports were read.

On motion of Mr. Perkins of South Portland, 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 Providing for Fines in Lieu of Suspensions under Liquor Laws" (H. P. 1247) (L. D. 1624) reporting "Ought to pass" in New Draft (H. P. 1595) (L. D. 2019) under new title "An Act Providing for Fine or Suspension under Liquor Law."

Report was signed by the following members:

Messrs. OLFENE of Androscoggin
SCHULTEN of Sagadahoc

—of the Senate.
Messrs. GENEST of Waterville
TANGUAY of Lewiston
RICKER of Lewiston
STILLINGS of Berwick
CHICK of Sanford
FAUCHER of Solon
KELLEHER of Bangor

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

Report was signed by the follow-
ing members:

Mr. FORTIER of Oxford
—of the Senate.
Messrs. FARNHAM of Hampden
IMMONEN of West Paris
—of the House.

Reports were read.

On motion of Mr. Stillings of Ber-
wick, the Majority "Ought to pass"
Report was accepted, the New
Draft read once and assigned for
second reading tomorrow.

Divided Report

Majority Report of the Commit-
tee on Judiciary on Bill "An Act
Relating to Commitment of Ju-
venile Offenders" (H. P. 1203) (L.
D. 1542) reporting "Ought to pass"
as amended by Committee Amend-
ment "A" (H-541).

Report was signed by the follow-
ing members:

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

—of Presque Isle
—of the House.

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

Report was signed by the follow-
ing members:

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

Reports were read.

On motion of Mrs. Baker of
Orrington, the Majority "Ought

to pass" Report was accepted and
the Bill read once. Committee
Amendment "A" (H-541) was read
by the Clerk and adopted and the
Bill assigned for second reading
tomorrow.

Divided Report

Majority Report of the Commit-
tee on Constitutional State Reap-
portionment on Resolution Propos-
ing an Amendment to the Consti-
tution Relative to Apportionment
of the House of Representatives
(H. P. 606) (L. D. 804) reporting
"Ought to pass."

Report was signed by the follow-
ing members:

Messrs. SHUTE of Franklin
MORRELL of Cumberland
—of the Senate.
Messrs. BIRT of East Millinocket
FERRIS of Waterville
HAMBLEN of Gorham
McKERNAN of Bangor
—of the House.

Minority Report of the same
Committee on same Resolution re-
porting "Ought not to pass."

Report was signed by the follow-
ing members:

Mr. KELLEY of Aroostook
—of the Senate.
Messrs. McTEAGUE of Brunswick
KELLEHER of Bangor
COTE of Lewiston
—of the House.

Reports were read.

On motion of Mr. Birt of East
Millinocket, the Majority "Ought
to pass" Report was accepted, the
Resolution read once and assigned
for second reading tomorrow.

Divided Report Tabled Unassigned

Majority Report of the Commit-
tee on Judiciary on Bill "An Act
Relating to Bylines for Editorials
in Maine Newspapers" (H. P.
1339) (L. D. 1775) reporting
"Ought not to pass."

Report was signed by the fol-
lowing members:

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

Mrs. BAKER of Orrington
WHEELER of Portland
WHITE of Guilford

Messrs. PERKINS

of South Portland
McKERNAN of Bangor
— of the House.

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

Report was signed by the fol-
lowing members:

Mrs. KILROY of Portland
Messrs. CARRIER of Westbrook
HENLEY of Norway
GAUTHIER of Sanford
DUNLEAVY
of Presque Isle
— of the House.

Reports were read.

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

Mr. SIMPSON: Mr. Speaker, I
move this item lie on the table
unassigned.

Thereupon, Mr. Whitzell of Gard-
iner requested a vote on the mo-
tion.

The SPEAKER: The pending
question is on the motion of the
gentleman from Standish, Mr.
Simpson, that this matter be
tabled unassigned pending ac-
ceptance of either Report. All in
favor of that motion will vote yes;
those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Whitzell of Gard-
iner 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 less than one fifth of the mem-
bers present having expressed a
desire for a roll call, a roll call
was not ordered.

The SPEAKER: The Chair will
announce the vote.

87 having voted in the affirma-
tive and 4 having voted in the
negative, the motion to table un-
assigned does prevail.

Consent Calendar

First Day

(H. P. 1212) (L. D. 1574) Bill
“An Act to Amend the Employ-
ment Security Law” — Commit-
tee on Labor reporting “Ought to

pass” as amended by Committee
Amendment “A” (H-538).

(H. P. 1409) (L. D. 1849) Bill
“An Act to Amend the Workmen’s
Compensation Act to Make
Compensation for Permanent Par-
tial Incapacity Coextensive with
the Duration of Disability” —
Committee on Labor reporting
“Ought to pass” as amended by
Committee Amendment “A” (H-
539).

No objection having been noted,
were assigned to the Consent
Calendar’s Second Day list tomor-
row.

Consent Calendar

Second Day

(H. P. 1345) (L. D. 1779) Bill
“An Act to Allow Group Self-In-
surance Under Maine’s Work-
men’s Compensation Law” (C.
“A” H-524).

(H. P. 1421) (L. D. 1857) Bill
“An Act to Clarify and Improve
the Enforcement of Decisions of
the Public Employees Labor Re-
lations Board” (C. “A” H-527).

(H. P. 1533) (L. D. 1966) Re-
solve Authorizing the Commission-
er of Mental Health and Correc-
tions to Convey Land at the Au-
gusta State Hospital to the Au-
gusta Sanitary District.

(H. P. 1547) (L. D. 1981) Re-
solve Authorizing the County Com-
missioners of Sagadahoc County
to Pay Certain Claims (C. “A”
H-526).

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

The following Enactors were
taken up out of order by unanim-
ous consent:

Passed to Be Enacted Emergency Measure

An Act to Create a Commission
to Prepare Legislation Revising
the Trial Court System (S. P. 457)
(L. D. 1473)

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 neces-
sary, a total was taken. 107 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.

Emergency Measure

An Act to Establish Title to Islands in Maine's Coastal Waters and to Create the Maine Coastal Island Registry (S. P. 500) (L. D. 1608)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 113 voted in favor of same and two against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Bond Issue

An Act to Authorize Bond Issue in the Amount of \$3,000,000 for Acquisition of Real Property for State Parks (S. P. 476) (L. D. 1537)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, an affirmative two-thirds vote of the House is necessary, a total was taken, 93 voted in favor of same and 21 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to Insurance for Motor Vehicle Dealers under Financial Responsibility Law (H. P. 298) (L. D. 400)

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

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

Enactor

Later Today Assigned

An Act Relating to Veterans Preference and Military Service for Employees of State Agencies (H. P. 454) (L. D. 603)

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

(On motion of Mr. Talbot of Portland, tabled pending passage to be enacted and later today assigned.)

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

An Act to Clarify Title to Roads and Ways (S. P. 317) (L. D. 983)

An Act Providing for Suspensions of Domestic Corporations by the Secretary of State (S. P. 398) (L. D. 1212)

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

An Act Extending Regulation of Fishing Methods and Quantity and Types of Gear Used. (H. P. 1376) (L. D. 1832)

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

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

An Act Relating to Criminal Penalties for Knowingly Being in the Presence of Cannabis (H. P. 1562) (L. D. 1987)

Finally Passed

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

Resolve to Locate the Public Lot in Township 2, Range 6 W.B.K.P., Franklin County (S. P. 193) (L. D. 538)

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

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 reconsideration, the Clerk was 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 allowed.

Mr. Mills of Eastport was granted unanimous consent to address the House.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House; I would like to call your attention to a hearing I have been to this morning before the Environmental Improvement Commission over at the Augusta Civic Center.

Two weeks ago I went across to their office over here and recorded myself to be present as a district representative and State Representative to have a voice in these hearings. This meeting was convened by Mr. Adam at 10:30 this morning. They called off the names of so on and so forth and wanted to know if there was anybody's name that hadn't been called. I called their attention to the fact that mine hadn't been called. Well, there was a huddle that went into the corner and they came back with a decision that I, a member of the State Legislature, a member of the general court of Maine, a district state representative for the area involved in this refinery hearing had no voice to speak. That is it, thank you.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Recessed until three o'clock in the afternoon.

After Recess 3:00 P.M.

The House was called to order by the Speaker.

Passed to Be Engrossed

Bill "An Act Clarifying Interest Charges on Personal Loans in Excess of \$2,000" (S. P. 383) (L. D. 1129)

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

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

House Amendment "A" (H-533) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Bill "An Act to Establish a State Mortgage Assistance Program" (H. P. 1586) (L. D. 2013)

Bill "An Act Relating to Property Tax and Rent Relief for Disabled Persons" (H. P. 1587) (L. D. 2014)

Bill "An Act to Protect the Rights of Injured Persons under the Workmen's Compensation Law" (H. P. 1584) (L. D. 2011)

Bill "An Act to Reform the Methods of Computing Benefit Payments under Workmen's Compensation Act" (S. P. 427) (L. D. 1287) (C. "A" S-177) (S. "A" S-207)

Bill "An Act Appropriating Funds for Public Housing Authorities for Operating Subsidies" (H. P. 1365) (L. D. 1821)

Bill "An Act Revising the Motor Vehicle Dealer Licensing Law" (H. P. 478) (L. D. 629) (C. "A" H-529) as amended by (H. "A" H-532) thereto.

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

Orders of the Day

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

Bill "An Act Relating to Election of Jury Trials in Misdemeanor Proceedings" (H. P. 161) (L. D. 203) (C. "A" H-486)

Tabled — June 7, by Mrs. Baker of Orrington.

Pending— Further consideration.

On motion of Mrs. Baker of Orrington, the House voted to recede and concur.

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

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

Tabled — June 7, by Mr. Birt of East Millinocket.

Pending — Passage to be enacted.

On motion of Mr. Birt of East Millinocket, retabled pending passage to be enacted and later today assigned.

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

Bill "An Act Creating Emergency Regulatory Controls on Rent Increases for Residential Property" (H. P. 1316) (L. D. 1726).

Tabled — June 7, by Mr. Martin of Eagle Lake.

Pending — Motion of Mrs. Baker of Orrington that the House accept the Majority "Ought not to pass" Report.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I was a signer of the minority "ought to pass" report as amended, and I feel that I should explain a few of the reasons why I decided to sign the minority report.

First of all, I want to say that I have accompanied the sponsor of this bill, Representative LaPointe from Portland on some public hearings he had around the state, in Portland, Lewiston and Bangor. At that time it came to my attention that this is a much more complex problem than I had originally perceived.

At each of these hearings we found out not only the large increases that are taking place around the state, but also some of the problems that are confronting the landlords. And it was for this reason that you see the amendment, and I didn't know the bill was coming up quite this fast, so I don't know the filing number,

but it is a committee amendment. I am sure that somebody will give the filing number. And basically, the amendment that I put on this bill, which was the reason that most of the people on the minority signed the bill, was an attempt to look after not only the tenant but also the landlord and realizing that landlords do not have a chance to increase their rents during Phase II and therefore we wanted to give them some incentive to keep housing open to tenants.

So the first amendment that I put on this bill was to make the base rental 5 percent over what a landlord was charging on January 11. This gives a landlord a 5 percent increase right off the bat, and then we also have allowed landlords a 2½ percent a year additional increase. That is 7½ percent additional profits, plus another part of the amendment is something that we realized at the hearing that I guess none of us had really thought about, and that was that the increase in fuel and insurance costs and utility costs. So we have allowed all of these costs to also be passed through to the tenant so that any increased costs going onto the tenant's bill — I feel and I have talked with some of the landlords about this bill, and they feel it is a lot more palatable to them this way because they are still getting their profits and yet we aren't making tenants live with outrageous increases.

The tenants also, I think, are more than willing to live with the 10 percent increase here in this first year, rather than to be subjected to a possible 30 or 40 or even 50 percent increase which we found around the state. So this was the reason that the amendment came onto it and it was an attempt to try to get the landlords and the tenants to work together and make sure that the landlords do make a profit and yet in this time, when there is a housing moratorium for federally funded housing, which does create an emergency, that the tenants, since they had no other place to go, would not be subject to huge rent increases.

I think this amendment does accomplish this goal, and I really can't see how anyone — we have bent over backwards to try to make this acceptable to everybody, and I can't see how anybody in good faith can argue that this is creating a hardship on the landlords because they do have a 7½ percent straight increase, plus any additional costs that they have, including capital improvements, which can be passed on to the tenants.

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

A vote of the House was taken.

Thereupon, Mrs. Baker of Orrington 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 Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: This bill, 1726, we discussed it a little bit last week. The situation has changed since then. For those of you who didn't know, this morning we already passed in this House a rent control bill, much to my displeasure, which was the first item on page 10 of your calendar. So therefore, having passed this rent control bill, I don't believe there is any need for this particular bill. This is the first thing I have to say about this bill.

We are here to try to make rents and make livable places for tenants and other people. We have appropriated much money in this session for building new housing units, provided mortgage money for the low income people, but this bill here actually is pointed at the landlords, pointed at the landlords by some

individuals who have no interest, no equity and no actual reason to try to protect some individuals who on their own have chosen to be treated like they are.

I submit to you that this bill — we are talking about the bill now, we are not talking about the amendment, because to my knowledge, the amendment has never been presented, so therefore it is not before us. But the bill itself would limit my control, the doings and the return of money on someone's investment.

In committee we have had all kinds of testimony to the fact that some rents have been raised and probably some justifiably, others maybe were not done right. But on the other hand, ladies and gentlemen, when you start trying to control an industry which is already weak, I think that we are asking for trouble. I think that this particular bill is — I won't say discrimination, because I don't like the word and I don't believe in it and I don't believe there is anything such as discrimination. But I just think it is pointed. I think it is pointed at certain individuals who have the courage and probably the foresight to invest in property for later years to have some kind of security so I won't end up on the welfare roll like so many others do.

I think that this particular bill as presented does not do anything for the landlords and does less for the tenant. So therefore, with the action we took this morning by providing already a rent control bill for the people of this state, I don't think there is any need for this particular bill. Therefore, I move for the indefinite postponement and I ask for a roll call.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves the indefinite postponement of this Bill and all accompanying papers.

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

Mr. PERKINS: Mr. Speaker and Members of the House: This is exactly what I was talking about the other day when we had before us item 12 on page 10 of today's calendar, An Act to Provide Municipal Rent Control.

I indicated the other day that I was concerned about state regulation and federal regulation of rent within the particular area, including the State of Maine. And while I did not favor controls of property owners, landlords, or whoever they may be, I felt that if a municipality had a specific need, they in the municipality could make that determination. And we had by virtue of L. D. 1834 a provision that it could be set up and assist a given small municipal organization. It would not affect anybody in an area where it wasn't necessary, and I was very concerned about it. Here it is. This is the one that I was referring to earlier.

I certainly hope that we don't establish state regulations at this time. I am not in favor of it. I am aware that there are certain needs, but I certainly hope that we do not place our control over property owners of the State of Maine to the extent that would require that they rent their properties to given persons or for a given price.

I urge you to support the motion to indefinitely postpone.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I realize it is a hot afternoon outside, and it is a very hot afternoon inside, and the speakers here are probably going to add additional heat.

However, I would like to point out to you at this time that I have worked very hard on this bill. As a legislator, I conducted hearings in three of the communities across the state, Portland, Lewiston and Bangor. I was accompanied on those hearings by my colleague from Bangor who gave of his time to go out and listen to the needs of one particular segment of Maine's population who felt compelled to ask someone to put this piece of legislation together, because they are feeling in these very inflationary times, which affect the people of Maine, the need for the bill. The crunch is on, there is no question about it.

The bill as drafted would allow for certain ceilings in the area

of rents. I think it is a good bill, it is a sound measure. It doesn't create a big bureaucracy, and the bill allows for the alleviation of the housing shortage which we are all aware of that exists in the State of Maine.

I would like to share with you some of the experiences that I had from my journeys on the highroads and the byroads in the State of Maine that I visited. The vacancy rate in most of these communities is 3 to 5 percent. That means there are not too many houses available.

On the average these people who have sustained rent increases have sustained increases up to 30 percent; some, in fact, have sustained rent increases 100 percent.

I feel the bill is a sound measure, it is only a stopgap measure. It doesn't go on indefinitely, it has a date. I feel the indefinite postponement of this bill would be a serious injustice to the people of Maine, the people who are at this point sustaining economic evictions.

I hope you do not go along with the indefinite postponement of this bill.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to concur with the remarks of my fellow legislator from Portland, Mr. LaPointe. I attended the hearing for this bill in Portland of which he speaks, and I can say to you most certainly that what he has said about these rather out of sight rent increases is entirely factual. I heard some people up there speaking about rent increases of 30 percent, 40 percent, 50 percent and even greater than that.

The amendment to this bill is something, I think, that more of the landlords across the state can accept. Basically, the statement of fact will more or less tell you just exactly what the bill does. It includes governmental and other service and utility charges, insurance cost increases as justifiable reasons why a landlord should be permitted to raise his rent plus adding 5 percent on the

initial base rental. I wish more of you people could have attended these hearings. I think you would have some appreciation of why this legislation is needed.

I would hope that you will go along and support L. D. 1726.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that L. D. 1726 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, Ault, Baker, Berry, G. W.; Binnette, Birt, Bragdon, Brawn, Brown, Cameron, Carrier, Carter, Chick, Churchill, Cottrell, Crommett, Donaghy, Dudley, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Faucher, Flynn, Fraser, Garsoe, Gauthier, Hamblen, Haskell, Henley, Hunter, Immonen, Kelley, Kelley, R. P.; Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; MacLeod, Maddox, Maxwell, McCormick, McNally, Merrill, Mills, Morton, Norris, Palmer, Parks, Perkins, Pontbriand, Pratt, Rollins, Shaw, Shute, Simpson, L. E.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Theriault, Trask, Tyndale, White, Willard, Wood, M. E.

NAY — Berube, Bither, Boudreau, Briggs, Bunker, Bustin, Carney, Chonko, Clark, Connolly, Cooney, Curtis, T. S. Jr.; Davis, Dow, Drigotas, Dunleavy, Farley, Fecteau, Ferris, Finemore, Gahagan, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jackson, Kelleher, Keyte, Kilroy, LaPointe, Lewis, J.; Lynch, Mahany, Martin, McHenry, McKernan, McMahon, McTeague, Morin, L.; Morin, V.; Mulkern, Murchison,

Murray, Najarian, O'Brien, Peterson, Rolde, Ross, Smith, D. M.; Smith, S.; Talbot, Tierney, Trumbull, Walker, Wheeler, Whitzell.

ABSENT — Berry, P. P.; Conley, Cote, Cressey, Curran, Dam, Deshaies, Genest, Herrick, Hoffses, Huber, Jacques, Jalbert, Kauffman, Littlefield, Ricker, Santoro, Sheltra, Silverman, Tanguay, Webber.

Yes, 71; No, 58; Absent, 21.

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

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

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

Tabled — June 7, by Mr. MacLeod of Bar Harbor.

Pending — Passage to be engrossed.

Mr. MacLeod of Bar Harbor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-535) was read by the Clerk.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: I would just like to explain this amendment and just give you a little background on this bill at this time. I don't want to hold things up at all.

As you know, there was a bill in this session, An Act Creating a Study Commission on Environmental Laws. We have reached a point in the state where with as many environmental laws as we have had written that we felt — and one of the esteemed gentlemen in the other body felt — that there should be a bill come in before you setting up a commission to take a good, long hard look at these bills that we now have before us to see where we are headed to pick up any flaws or things that might be wrong.

When we had our committee hearings and there were people that requested to be on this commission, we had a sort of commit-

tee policy that we weren't going to allow any of the larger bureaus up here to be on it in a voting capacity. However, I have had a request from the Highway Department, their feeling being that of all the departments that were here on the state level that has as much effect on the environment, building their roads, and changing the landscape and so forth, that we worked out sort of an agreement that it might be nice to have them on there in an advisory capacity.

I would at this time like to table it for one more day. I ask your indulgence as we have one more request, and Representative Rolde will be offering an amendment for tomorrow.

On motion of Mr. Carey of Waterville, tabled pending passage to be engrossed and tomorrow assigned.

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

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

Tabled—June 7, by Mr. Simpson of Standish.

Pending—Acceptance of either Report.

On motion of Mr. Simpson of Standish, tabled pending acceptance of either Report and tomorrow assigned.

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

Bill "An Act to Create the Department of Business Regulation" (S. P. 350) (L. D. 1102)

Tabled—June 7, by Mr. Birt of East Millinocket

Pending — Passage to be enacted.

On motion of Mr. Simpson of Standish, tabled pending passage to be enacted and specially assigned for Wednesday, June 13.

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

Mrs. BAKER: Mr. Speaker, I move for reconsideration of L. D. 1726 and ask you to all vote against me.

The SPEAKER: The gentle lady from Orrington, Mrs. Baker, having voted on the prevailing side, moves that the House reconsider its action whereby it indefinitely postponed L. D. 1726.

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

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

Mr. Simpson of Standish requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that L. D. 1726 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.

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

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

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

The SPEAKER: The 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. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Boudreau, Bustin, Carey, Carter, Chonko, Clark, Connolly, Cooney, Crommett, Dow, Drigotas, Dudley, Dunleavy, Farley, Faucher, Fecteau, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Kelleher, Kilroy, LaCharite, LaPointe, LeBlanc, Lynch, Martin, Maxwell, McHenry, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, O'Brien, Peterson, Pontbriand, Rolde, Smith, D. M.; Smith, S.; Talbot, Theriault, Tierney, Wheeler, Whitzell.

NAYS — Ault, Baker, Berry, G. W.; Binnette, Birt, Bither,

Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Carrier, Chick, Churchill, Cottrell, Curtis, T. S., Jr.; Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Ferris, Finemore, Flynn, Garsoe, Gauthier, Good, Hamblen, Haskell, Henley, Hunter, Immonen, Jackson, Jalbert, Kelley, Kelley, R. P.; Keyte, Knight, Lewis, E.; Lewis, J.; MacLeod, McCormick, McKernan, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Trask, Trumbull, Tyndale, Walker, White, Willard, Wood, M. E.

ABSENT — Albert, Berry, P. P.; Berube, Conley, Cote, Cressey, Curran, Dam, Deshaies, Gahagan, Genest, Herrick, Hoffses, Huber, Jacques, Kauffman, Lawry, Littlefield, Maddox, Mahany, Ricker, Santoro, Sheltra, Silverman, Tanguay, Webber.

Yes, 50; No, 74; Absent, 26.

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank the majority floor leader for his efforts.

I want to very briefly tell you why I made the motion to table it, and I suspect that it doesn't make any difference anyway. As you may or may not know, the president of the majority party is meeting today on the issue of wage and price control including rent control. One of the issues that is being discussed — and I have been so informed — is this one that we are presently discussing here today. It seemed to me an opportunity for us to have at this time the issue of whether or not we ought to do anything about it, worry about whether or not we are going to impose rent controls in this state, because it might be without any need for us to do so. It could very well be that this bill

would not be needed at all, there would be absolutely no need to worry about rent control on the state level if the federal government were to impose it.

According to some people that I spoke to this noon, one of the issues that is being discussed at great length is the possibility of the reimposition of those federal controls, which, in effect, would take care of what we have to worry about here or the lack of it, I suppose. That was the reason I made the motion to table the reconsideration motion, based on the fact that my feeling was that rather than get ourselves involved in a real lengthy, a real controversial, a real heated issue such as this, that we might be discussing something here today which we would have nothing to worry ourselves about, and we would have no problem of being upset with one another, because the federal government might very well have taken it out of our hands.

I think that even though I disagree very often with the federal government doing things for us, it is important to note under our system of government there is no way that we can, in effect, take things under our own control if the federal government has acted. And this very well could be the situation.

There is a bill that we enacted this morning as sponsored by the gentleman from Cape Elizabeth, the Speaker of this House, which, in effect, starts and works in that direction. It could be that this is not needed either because of what the federal government might also do.

I am the first one to scream and holler about what the federal government is doing and not doing, because I have always believed the states are the ones that ought to, as much as possible, take their own course of action and their own plans of action. But to me, as far as I am concerned, when we are talking about this issue today, it is too bad that individuals will get upset with one another and it could very well be in two days there'd be absolutely no need for it since the issue might no

longer be in our hands. That is why I had made that motion.

I certainly hope — it seemed to me at this time in this place and in particular this afternoon while we are awaiting the results of the President's conference, that it would seem to me the best approach to take rather than simply postponing or killing or passing or doing anything to any of these rent control bills.

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

Mr. O'BRIEN: Mr. Speaker, I move this motion for reconsideration be tabled two days.

Mr. Simpson of Standish requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. O'Brien, that L. D. 1726 lie on the table two legislative days pending reconsideration. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

46 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

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

Mr. DUNLEAVY: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the minority "ought to pass" report, I feel I should get my two cents worth in before the measure is finally killed.

I am sorry that the House hasn't agreed with the gentleman from Eagle Lake, as I think it would be an excellent thing to do at this point to see what happens on the federal level.

If we have to debate the merits of the bill, it seems to me that we should realize that we are presently living in an economy, both national and state, that is running wild. Inflation is all around us, and if we don't put a few controls around, economic chaos is going to take hold of Maine and this country. It seems to me if that happens, it will work its worst injustices on the people on fixed incomes such as Maine's elderly.

I have a letter here from Thomas W. Libby, the stabilization manager of the Internal Revenue Service who reports that his office which covers the economic stabilization program for the State of Maine has received a total of 30 complaints on rent increases since January 11, 1973. It says, "We have recorded these complaints and are holding them in an open file since we no longer have authority to take action on rent increases. We have also received 723 inquiries as to whether or not rent increases are permissible."

I have here a tabulation of what has been happening in several areas around the states where a survey was done of 570 apartments as a sample. It seems that 33.83 percent of these apartments have had increases since January 11, 1973.

I have here a tabulation of rent increases reported by the Bangor Tenants Union as of May 11, 1973, and there are 167 rental units which have been the subject of rent increases since January. It seems to me that since Phase II rent controls were removed on January 11, that we are having an awful lot of rent increases in the state.

I have here a report from the Senate of the United States that rent increases as high as 75 percent have been reported in some states since the lifting of these controls. Now, it seems to me that with everyone else being asked to spend less and to earn less, that we are not asking too much if we ask a little forbearance of our landlords, too. I hope that you will reconsider your action.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I apologize, I was hoping this debate was going to set at a minimum, but inasmuch as so many of the minority speakers are speaking on this, I feel that the majority report should have some defense.

I am usually — a lot of time I am in accord with some of the statements that my good friend,

Mr. Martin from Eagle Lake, makes, but it seems to me the statement that he makes in defense of this bill really do not hold water.

We have decided—we, I say the majority of this House anyway—that we do not want this bill in control of rent. So regardless of the possibilities of the results of today's conference may bring about an imposition of federal controls, so be it. As Mr. Martin so ably stated, if that happens, we will have to put up with it. I fail to see where keeping this bill alive, has any bearing whatsoever on it. We have decided that we do not want this kind of a rent control bill implemented by this legislature. The majority has spoken. So in my opinion, we have decided and consequently, we should stick by our decision and refuse to reconsider.

Just one more word on the bill itself. As I stated the other day, why must we pick on that specific business, the business of supplying rent. We have picked on them to the extent in the past that it is a course of diminishing return for the investor. Consequently, it is getting more difficult, year by year, to rent property from private ownership. We are driving it all to government control and government housing because of this practical persecution and interference in business.

Why do we not put out a bill stating that your plumber can only charge you \$5.00 an hour when he comes. He charges just about what he pleases, and we do nothing about it. I say we shouldn't do anything about it. If the plumber charges too much, why call a different one or else learn to do it yourself.

This interference in the manner in which people are going to conduct their business is just continuing the trend which I stated four or five years ago toward—a galloping trend toward socialism.

I suppose, as I have previously said, that we cannot stop it. But we can slow it down. Consequently, I urge you to only back up what we have already done and vote no on reconsideration.

The SPEAKER: The pending questions is on the motion of the gentle lady from Orrington, Mrs. Baker, that the House reconsider its action whereby it indefinitely postponed L. D. 1726 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The Chair laid before the House the seventh 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 7, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

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

The Chair laid before the House the eighth 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 7, by Mr. Finemore of Bridgewater.

Pending — Passage to be engrossed.

Mr. Churchill of Orland offered House Amendment "G" and moved its adoption.

House Amendment "G" (H-543) was read by the Clerk.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: If the House is going to entertain raises for county officials, I think it is only fair that every county be given an opportunity to put such raises in.

The committee's stand, of course, has been stated to you already. We reported out the bill in accordance with the guidelines of 5.5 increases.

There could be a compromise, I suppose. I have an amendment before me which would simply give these raises effective July 1. As you know, the House refused to make the pay raises retroactive to January 1, but rather than to see all kinds of amendments on this document, I hoped this might be something you would consider. I have no other alternative at the present time except to move indefinite postponement of this amendment, and I so move.

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

Mr. CHURCHILL: Mr. Speaker and Ladies and Gentlemen of the House: I would like to speak briefly to my reasoning for this. At the time this came out of committee, we were given to understand that we were to go by Phase II and III of the guidelines, and we were to stick to a 5.5 percent increase across the state. Since that time, we have also — I met with the county commissioners last Saturday, and I was informed they had a letter that this was all voluntary. If this was so, this increase, with a 5.5 percent — I figured out the sheriff's. It would mean a 7.7 percent increase which would be \$142 more than was given under the 5.5. And it certainly is and if it is a hazardous job with an exceptional workload, you can file and receive permission to grant this raise. But I talked with the Legislative Research this morning, and they said that I could not give them permission to increase. If there was an added workload or a hazard, I would have to grant a straight across-the-board increase.

This is the reason for this and they decided this morning when I talked with the chairman that we should have a straight \$500 instead of — for instance, a sheriff was \$358. They would be very happy with the \$500. When I talked to IRS, he did not say that anything like this would be an enormous increase or out of reason. And

this is my reasoning for offering this. If anyone else wishes to, I don't blame them for offering an amendment to the bill, but I urge passage of this one.

The SPEAKER: The pending question is on the motion of the gentleman from China, Mr. Farrington, to indefinitely postpone House Amendment "G" to L. D. 1999. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Farrington of China 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 China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: Of course, as a committee, we are supposed to work as a committee, and I would have hoped that these matters could have been taken care of in the committee. However, this is not the case.

I was sincere when I stated the fact that I believe that if we are going to open Pandora's Box, we ought to open it for all the counties. If you are not satisfied, that possibly the amendment that I will offer will take care of the desires of all the counties — and incidentally, I said I wouldn't offer it, but where so many amendments are in, I think it is the only proper thing to do to give every county the same fair shake.

In regard to the reasons for setting the pay increases as we did, we entertained people from IRS — I have placed a letter on each legislator's desk regarding their decision. We, as a committee, acting in the behalf of the House felt it was only right that we pass along this information and abide

by it. I have no qualms with any individual wanting to give single increases for their counties. This is their prerogative. However, I think we are opening up Pandora's Box here this afternoon, and I think possibly this amendment that I would offer will take care of across-the-board increases.

Incidentally, they would be most as much as what is asked for in this amendment. So I would hope you would go along with the indefinite postponement of this amendment.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: I think House Amendment "A," which allows the county commissioners through permissive legislation to raise county salaries for elected officials to a level approved by the county commissioners, a majority of the legislative delegations, county delegations, would accomplish part of the purpose.

The amendment placed by the gentleman from Brunswick, Mr. LaCharite, would be a test case where he increased the salaries of the sheriffs of Cumberland and Sagadahoc Counties. Certainly, if the two sheriffs get an increase and IRS wants to bring action against these two men and the court should find on behalf of the two sheriffs, certainly House Amendment "A" could be legally taken care of by the county commissioners. If, in the test case — and this should be brought about on the Sheriffs of Cumberland and Sagadahoc County — the courts should find in behalf of the Internal Revenue Service, then the Internal Revenue Service and the courts would define whether 5½ percent was the unit to be used on a one-year basis around two years of the biennium.

Based on this assumption, I am not speaking against the motion on the floor at the present time, but I am assuming that with these two amendments I mentioned, if these are carried forward and followed through, there will be no problem with any other amend-

ments being placed on the bill, because I think the counties will be taken care of on an individual basis.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to ask Mr. Farrington or anyone else who cares to answer through the Chair, how many changes are in here from what was agreed to between the delegation and the county committee and the county commissioners?

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

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: In answer to Representative Donaghy's question, I think that is reflected in the amendment.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I wonder if I could pose a question to anyone from Hancock County?

The SPEAKER: The gentleman may pose his question.

Mr. MARTIN: Is this amendment approved by the majority of the delegation of that county?

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

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

Mr. CHURCHILL: Mr. Speaker and Ladies and Gentlemen of the House: To answer the question, we had a delegation meeting set up for last Monday. At that time, they were only asking — the sheriff was the one giving the opposition, and at that time, we were going in to see if we could get an amendment made just for the sheriffs. But since that time, I have only talked with the three members right close by me, and as far as I know, they probably will all agree. Otherwise, they should stand up and state otherwise.

This seemed to be what they all desired over there in the county, and it is their prerogative. If they wish to go ahead and grant this 7.7 raise, let them fight it out with IRS or the Wage Stabilization Board. I don't think we should interfere. I would like to see this amendment passed.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Looking at the number of people from Hancock County and realizing that three is a majority, I am going to go along with the amendment as recommended.

The SPEAKER: The pending question is on the motion of the gentleman from China, Mr. Farrington, that House Amendment "G" to L. D. 1999 be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Bragdon, Brown, Chick, Cooney, Crommett, Donaghy, Dudley, Dunn, Dyar, Farrington, Gauthier, Hamblen, Henley, Hunter, Immonen, Lewis, J.; McCormick, McMahon, Parks, Pratt, Rolde, Snowe, Sproul, Tierney, Walker.

NAY — Ault, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Bunker, Bustin, Carey, Carrier, Carter, Chonko, Churchill, Clark, Connolly, Cottrell, Curtis, T. S., Jr., Davis, Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Faucher, Fec-teau, Ferris, Finemore, Gahagan, Garsoe, Good, Goodwin, H.; Goodwin, K.; Hancock, Haskell, Hobbs, Huber, Jackson, Jalbert, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, Lawry, LeBlanc Lewis, E.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Soulas, Stillings, Strout, Susi, Talbot, Theriault, Trask, Trumbull, Tyndale, Wheeler, Whitzell, Williard, Wood, M. E.

ABSENT — Albert, Berry, P. P.; Briggs, Cameron, Conley, Cote, Cressey, Curran, Dam, Deshaies, Evans, Flynn, Fraser, Genest, Greenlaw, Herrick, Hoffses, Jacques, Kauffman, LaPointe, Littlefield, Morton, Ricker, Santoro, Sheltra, Silverman, Tanguay, Webber, White.

Yes, 26; No, 95; Absent, 29.

The SPEAKER: Twenty-six having voted in the affirmative and ninety-five having voted in the negative, with twenty-nine being absent, the motion does not prevail.

Thereupon, House Amendment "G" was adopted.

Mr. LaCharite of Brunswick offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-534) was read by the Clerk and adopted.

Mr. Farrington of China offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-513) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: Would the gentleman explain his amendment, I can't find it here on my desk here, and I would just like to know what I am voting for, that is all.

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

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question, this makes the pay effective July 1, pay of county officials effective July 1.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I probably beat my cohort, Mr. Farnham, to his feet, but earlier in this session, I signed a minority report on the County Government Committee which referred to a retroactive pay raise. The

county government at that time was trying to get its pay raises retroactive to January, which would have been last January of the same term in which they just began serving in office. My feeling is the same still, as when you are elected for an office, you run and you know what the salary is going to be, then you have only yourself to blame if you run for the office and you are not satisfied.

County Government heard many many salary bills. Now the salary bills should have been presented in the committee, and the committee should have reported them out. They should all not have been reported on the floor and tacked on this other bill.

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I have to go along with Mr. Farrington on his amendment, House Amendment "C". I think most of these amendments that we have added onto this bill, although it has been reported out of County Government and although they did do a fine job on the bill, I think the county delegations had some voice in this. The county delegations, as I can see, Hancock County, Cumberland County, Sagadahoc County on sheriff Stailing's increase and the other amendments that have been tacked onto this, these are the voice of the county delegation. I feel that now the county delegations' voices should be heard, and therefore, I would support the amendment of Mr. Farrington, House Amendment "C".

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I do not have the amendment before me, but the fact that my good friend, Mr. Farrington, said this is to allow the pay increases to take effect July 1, that of course, brought me to my feet, because I don't believe it is right.

This House voted overwhelmingly to defeat the bill that was in here to repeal the bill that was

introduced to the 101st Legislature retroactive pay for county officials. This is one way they can't get the whole loaf, they will take half. The principle is the same, and I would oppose the motion, the adoption of this amendment. I really don't think it is right.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: This is altogether a different ballgame this year because of the way the County Government saw fit to report out these pay raises they would only be getting 5.5 and that is starting the first of 1974.

It seems only reasonable to me that under the circumstances, this House could grant five more months at 5½ percent. This is not going back to January 1, this is only starting in July.

Now, it has already been mentioned, in the action you have taken on an amendment, you have, indeed, given one county a substantial raise across the board, this amendment stayed. It seems only fair in my mind that this House goes along and gives the other officials of the various counties some substantial raise. This is not even half of 5½ percent. So if you want to act in a just, reasonable manner, I think the House should go along and allow this payment.

Now in past years, I haven't gone along with retroactive pay, but as I said before, it is a different ballgame this year and I would hope that the House would consider this seriously.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: A whole new ballgame, the principle is the same: three strikes and you are out.

To the people and to my good friend, Mr. Ross, who is looking directly at me with a smile on his face, he knows what I am talking about, and he will recall that the House chairman of this committee in the 101st Legislature time after time — and every time she spoke,

she confused the issue. Each time she said they had to have a quarter for the other body to agree to and that October was the quarter. That was poor reasoning, just the same as this reasoning is today that July 1 is the beginning of the quarter. I maintain that January 1 is the beginning of the quarter, and that is what this House decided on. Now, I would like this House to be consistent in their voting and to vote against this amendment.

The SPEAKER: The pending question is on the motion of the gentleman from China, Mr. Farrington, that House Amendment "C" to L. D. 1999 be adopted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

57 having voted in the affirmative and 32 having voted in the negative, the motion did prevail.

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

Mr. WHITZELL: Mr. Speaker, I move the indefinite postponement of this bill and all accompanying papers, and I would ask for a roll call.

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

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: Again I reiterate, this bill was looked over and was done over by the County Government Committee in good fashion. The county delegations did see fit to add these amendments to the bill. The amendments are good amendments. Therefore, I would hope and strongly urge that you let this bill go on its way to the other body so that we can enact this this week, and so that it will become effective on July 1, 1973.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I don't think I need to argue this. I think everybody here in the House are responsible people, and certainly we need this bill.

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

Mr. DYAR: Mr. Speaker and Members of the House: It seems utterly ridiculous here this afternoon to even have to vote on a motion to indefinitely postpone a bill of this magnitude. The County Government did go over the county budgets. They did meet with the Internal Revenue Service over the 5.5. I didn't agree 100 percent with the committee's action on the Internal Revenue ruling. I kind of cooperate with the committee.

The bill that Mr. Crommett referred to making the pay retroactive to January 1, 1973 came out of committee with one person signing the minority report. The majority of the committee was for the bill. At that time, Mr. Whitzell overturned the wishes of the majority of the committee on County Government.

I certainly hope this afternoon that you do not indefinitely postpone this bill. It will be extremely necessary that county employees receive pay increases for the biennium of 1974 and 1975. If you indefinitely postpone this bill this afternoon, I can assure you that the first special session, our county salary bill will be one of the issues we will have to face again.

This is not a perfect bill as you have seen by the amendments, but it is a workable bill at this stage. I certainly hope you vote against the motion to indefinitely postpone this afternoon.

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. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken and less than one fifth of the members present having expressed a desire for a roll call, a roll call was not ordered.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: If the House will bear with me one second, on October 1, the legislation we are about to pass will become effective, will become law, which

means that every county employee, salaried and elected, will receive a retroactive pay raise back to July 1. If you feel that the people in your municipality would be in favor of your giving yourself a raise back to July 1, if we were in actual fact full-time employees, then you should vote against the motion to indefinitely postpone. But if you feel that people who are elected to office know full well what those salaries are — and in county government, most of those people are elected to office, and those are the people we are talking about today. It isn't right, it isn't morally right, it isn't ethically right to be elected for an office and then to come and ask for a pay raise retroactive to the day you took office.

Now, in this case, it isn't going to be exactly to the day, but that is exactly what the original bill that was defeated earlier in this session did. Now, those people who ran for those offices knew what the salary was. There was no hidden magic. But if they know that we are their puppets and we dance their tune, then by gosh, everybody here ought to just leave the state service and go into county government, be assured that you will have a raise each time that you served.

I would hope that you would support the indefinite postponement. I don't think you need a roll call to do that. I think that if you vote what is right, you are going to indefinitely postpone it anyway.

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

Mr. FARRINGTON: Mr. Speaker and Members of the House: I hate to belabor the question, but if we were to have passed the increases that were asked for, it would far exceed what you are giving in retroactive pay and what we have granted by quite a substantial amount. I am only saying that if the circumstances were different and these guidelines were abided by, that this House would have allowed county government to spend somewhere near twice as much as you are now doing with the present bill in this retroactive move.

I hope the House certainly would not postpone this bill indefinitely. This would be a grave mistake.

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure if I understood the gentleman from Gardiner, Mr. Whitzell, quite clearly. He stated that if this bill is passed as it is, October 1 is when it would become effective; therefore, we would be paying retroactive to July 1. But House Amendment "C" is an emergency preamble which would make this bill effective the date of its enactment and signed by the governor. So therefore, we will not be paying retroactive pay, we will be paying as of July 1 when the bill goes into effect.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to belabor the issue too long this afternoon. I was formerly a member of the Towns and Counties Committee, and if I was a member of that committee today, my name would not be on this bill for its passage.

I think we would be breaking faith with the people of this state. I support the indefinite postponement. If they go to July 1 we will be back here again next year, and there will be a bill that will take them back to January 1. The hour is late, and I am not suggesting that debate should be cut off, but in my opinion let's vote on the bill, and let's just see how we stand.

The SPEAKER: The pending question is on the motion of the gentleman from Gardiner, Mr. Whitzell, that L. D. 1999 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.

26 having voted in the affirmative and 84 having voted in the negative, the motion did not prevail.

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

The Chair laid before the House the ninth tabled and today assigned Bill "An Act Relating to the Certification and Regulation of Geologists and Soil Scientists" (H. P. 1570) (L. D. 2000).

Tabled — June 7, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

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

House Amendment "A" (H-516) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, just to make correction on my part, if you take a look at the amendment if you have it in your possession, the statement of fact says that this deals basically with geologists. This does not, it deals with soil scientists. So the copy that the clerk has has been corrected and rather than having another one reproduced, if you want to make the correction, you can just make it. As far as the original bill will be concerned, we are talking about soil scientists.

Basically, what the amendment does is to impose two bases for qualification as to what is a soil scientist. Everyone has agreed to this, and I certainly hope that you would adopt this today.

There are two other amendments that will be offered, and all of those have been agreed to mutually, and this basically will solve the problem as we view it.

Thereupon, House Amendment "A" was adopted.

Mr. Ault of Wayne offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-548) was read by the Clerk.

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

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: The intent of this amendment is to put an odd number of members on the Board of Certification of Geologists and

Soil Scientists so that if they do get arguing amongst each other, there is going to be someone who is going to determine the question.

I also point out to you for the record the first sentence of the amendment, which says, "The State Board of Certification for Geologists and Soil Scientists shall be within the Department of Conservation (Forestry)." That means that if the Department of Conservation is not created by this Legislature, then this Board of Certification shall be in the Department of Forestry. It does not mean that the Board of Certification shall be in the Department of Forestry, which is going to be in the Department of Conservation.

Thereupon, House Amendment "C" was adopted.

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

The Chair laid before the House the tenth 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 7, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

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

Mr. SIMPSON: Mr. Speaker, I now move the indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the indefinite postponement of this bill and all accompanying papers.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: If I understand the bill as it has been amended in the Senate, it is a bill to prohibit by statute wiretapping in the State of Maine, or I think what we could call it, the dirty, foul business of wiretapping in the State of Maine. The bill, if I understand its history

in this and the prior sessions of the legislature, initially it was sent in before the legislature to permit, at least under certain circumstances, wiretapping. An amendment was put on either in committee or in the other body based on the recent distressful experiences we have had in this country in this area of wiretapping. It converted into a straightforward bill to ban wiretapping. As I understand, therefore, the motion of the gentleman from Standish, Mr. Simpson, it is not wished to have a prohibition of wiretapping on our books. I do, I hope that most of you do, and I would ask for a roll call on this motion. I hope you will vote to keep the bill alive and not indefinitely postpone it.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I know very little about this bill but I have an immigration officer back at home who studied it and I have mailed him every amendment. In fact, I mailed him the amendments that came through the other day, a House Amendment, and he is very much against this bill and says it is not what we need at this time, so I will go along with the indefinite postponement at this time.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: It was not my intent to not want wiretapping carte blanche in the State of Maine. This bill came out — you have on your desks right now, an amendment that it happens to be in my name. There have been some problems with that amendment. It seems that we just can't seem to get together with the other body or in this body as to what type of an amendment we should put on here to protect the law enforcement agencies who should have wiretapping of some type to handle the situations that they are in.

Therefore, since no type of remedy seems to be possible, I feel the only thing to do is to comply with the federal law that we have

right now and let our law enforcement officers have the opportunity to handle wiretapping if they so desire.

I don't condone wiretapping by everybody or by private agencies or detectives or anything else. But I don't feel that if we have a law enforcement agency in this state and we are dealing with hard drugs or whether we are dealing with extortion, with any type of crime, then I think if it is in their best interest to be able to use either a wireless communications system or use a wiretap if necessary, I don't think we should hamstring them. I think we should look at it from a law and order point of view and not from an emotional point of view on what we know is in the headlines today.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: When this bill was overturned in the other body and it came back here and we did the same thing, I started to somewhat get interested as to what the bill was and what the purposes were supposed to be.

I suppose it is true that an awful lot of concern about this is a result of the latest so-called political scandal, basically called Watergate. But it does bring to mind, I suppose, some of the problems that we face. One of the things that has bothered me is what and where we are going to stop tapping someone's phone, someone's line and someone's anything.

I just want to point out to you that in the last three months in this state there has been a four thousand percent increase — four thousand percent increase in sales of wiretapping equipment. Obviously law enforcement bodies are not the ones who are buying it. It is being bought by detective outfits and I suspect that an awful lot of that so-called wiretapping is not the result of law and order. And heaven forbid, if law and order is what we got out of Washington, I don't want this out of Maine.

Four thousand percent, are they going to wiretap your phone to see if you are going out with someone

else's wife? Is your wife going to hire someone to wiretap your business phones so that they know where you are going? For those of the opposite sex, is it going to work the other way? Is your employer going to determine whether or not you are sound and as a result is going to wiretap your phone?

This four thousand percent increase certainly is not to protect the public from law and order or from one another. I have no qualms with the law enforcement per se. It has its proper role. It can be ordered now under federal law. Federal existing legislation allows for that when the court wants to allow it. That is the way it ought to be offered here in Maine. But can you dream of a possibility of how far we can go with wiretapping? To me there is no end.

I certainly hope, and I am not saying that this is the right bill, but it better be a vehicle for us to use so that we don't get caught in a situation where we presently are today. I am not worried, I am not married. But I think that we have to be concerned with what other groups are doing with wiretapping equipment. I certainly hope that you would not vote for indefinite postponement.

Mr. McTeague of Brunswick 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 Standish, Mr. Simpson, that this Bill and all accompanying papers be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Bither, Bragdon, B r a w n ,

Brown, Bunker, Cameron, Carey, Carrier, Carter, Chick, D a v i s , Donaghy, Dudley, Dunn, Emery, D. F.; Farnham, Farrington, Finemore, Flynn, Garsoe, Good, Hamblen, Haskell, Henley, Hunter, Immonen, Jackson, Kelley, Knight, MacLeod, Maddox, McCormick, McNally, Morton, M u r c h i s o n , Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Snowe, Soulas, Sproul, Stillings, Theriault, Trask, T r u m b u l l , Walker, White, Willard, Wood, M. E.

NAY — Albert, Berube, Binnette, Birt, Boudreau, Briggs, Bustin, Chonko, Churchill, Clark, Connolly, Cooney, Cottrell, Curtis, T. S. Jr.; Dow, Drigotas, Dunleavy, Farley, Faucher, F e c t e a u , Ferris, Gahagan, Gauthier, Goodwin, H.; Goodwin, K.; Hancock, Hobbins, Jalbert, Kelleher, Kelley, R. P.; Keyte, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Mahany, Martin, M a x w e l l , McHenry, McKernan, McMahan, McTeague, Merrill, Morin, L.; Morin, V.; Mulkern, M u r r a y , Najarian, Palmer, Peterson, Pontbriand, Rolde, Smith, D. M.; Smith, S.; Strout, Talbot, Tierney, Tyndale, Wheeler, Whitzell.

ABSENT — Berry, P. P.; Conley, Cote, Cressey, Crommett, Curran, Dam, Deshaies, Dyar, Evans, Fraser, Genest, Greenlaw, Herrick, Hoffses, Huber, Jacques, Kauffman, Kilroy, L a P o i n t e , Littlefield, Mills, Norris, O'Brien, Ricker, Santoro, Sheltra, Silverman, Susi, Tanguay, Webber.

Yes, 57; No, 62; Absent, 31.

The S P E A K E R : Fifty-seven having voted in the affirmative and sixty-two in the negative, with thirty-one being absent, the motion does not prevail.

Thereupon, 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 Relating to Severance Pay for Employees" (H. P. 228) (L. D. 308).

Tabled — June 8, by Mr. Martin of Eagle Lake.

Pending — Motion by Mr. Brown of Augusta to accept the Minority "Ought not to pass" Report.

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

Mr. FARLEY: Mr. Speaker, I would ask for a division and would speak briefly.

The SPEAKER: The gentleman may proceed.

Mr. FARLEY: Mr. Speaker and Ladies and Gentlemen of the House: This is my bill and I would like to give you a few reasons why I submitted this legislation and the parts of the bill that work favorably both for the worker and the employers throughout the State of Maine.

Three years ago, in the City of Biddeford we had an industry that moved out of the State of Maine and 850 people were put out of work. And the economic turmoil that followed that act was the reason for my submitting this bill.

Under this bill, any industry that would leave the State of Maine, or relocate in 150 miles, they would be required to pay one week's severance pay for every year that the employee has worked in the industry. I mentioned that this would also help the employers in the State of Maine, employers who pay unemployment compensation, I would like to quote some figures here from the Department of Manpower Affairs.

When this industry moved out or started moving out in May of 1970, the cost percentage ratio of reserve funds in our state unemployment compensation fund, the employers in the state of Maine, were paying at a rate of 0.99. By the time the last unemployment check was drawn by these people who were laid off, the rate for every employer in the State of Maine had doubled, more than doubled and reserve ratio rates for every employer paying unemployment compensation was 2.08.

It would be wise for all of us here if we enacted this legislation here and protect both the employer, who is paying unemployment in this state, and the employee to give him the benefits for industry that has absconded the State of Maine and left us holding the bag.

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

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: On the surface this looks like a very good bill. On the other hand, once we got into it and following our hearing, we determined that it needed something more. For example, this word "severance," when a business has left a community and severance pay might be available to employees, the question is that in some instances they may leave a skeleton crew in the community in that plant, which they had been operating when they moved.

Sometimes they might have a skeleton crew which would continue on for a goodly portion of the time. Generally, we found that that the employees had an awareness of when a company was going to move and had pretty good notices as a rule.

We also have two or three other situations which cropped up. One is when a company is going out of business or when a company is broke or when a company relocates only a portion of its business. There were several of these questions that did arise and which we did not feel were satisfactorily answered here in this legislation.

I might also say that it is my understanding from those that are proponents of the bill that this is inconsistent with other statutes on our books. And those who were proponents, in many instances, felt that further work was necessary. Therefore, I hope you will go with the motion of "ought not to pass."

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

Mr. FARLEY: Mr. Speaker and Ladies and Gentlemen of the House: First of all, this legislation exempts any business that is bankrupt, and you can't get blood out of a turnip, I realize that. Subdivisions are taken care of — that is where units of an industry larger than 100 employees, but also have a subdivision working somewhere with 10 employees, if they should close, they are exempt from this legislation. And any business

relocating within 150 miles again is exempt.

I will make one more thing clear here and that is, under the severance pay plan, say a man received 20 weeks severance pay. He would not be able to get unemployment compensation until the 20 weeks have gone by and with this amount of severance pay, I think it would act as an incentive for this man to find a job in a hurry, rather than use up that kitty or that severance pay that he has. Thank you very much. I urge you to vote against the motion on the floor so we can accept the majority report.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Brown, that the House accept the Minority "Ought not to pass" Report on L. D. 308. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

30 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

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

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

Bill "An Act Providing for Motor Vehicle Operator's License Classification" (S. P. 409) (L. D. 1211) (C. "A" S-201).

Tabled — June 8, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

Mr. LeBlanc offered House Amendment "A" and moved its adoption

House Amendment "A" (H-537) was read by the Clerk.

On motion of Mr. Smith of Exeter, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

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

Bill "An Act Relating to Possession of Marijuana, Peyote or

Mescaline" (H. P. 1553) (L. D. 1986).

Tabled—June 8, by Mr. Simpson of Standish.

Pending — Passage to be enacted.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I have a couple of questions with this bill in the way that it was drafted. Apparently, the intent of the bill was to add onto the laws and the statutes of this state the crime of possessing marijuana with intent to sell. But the bill doesn't define how a court would determine what intent to sell is.

It would also make it possible for a person who had, for example one joint of marijuana on his person to be charged with the crime, first of all for possession and then secondly, with the crime of possession with intent to sell. It seems to me after the debate we had the other day when we were talking about the offenses and the penalties for marijuana related crimes, this is just a step in the wrong direction in making the laws too severe.

An amendment is being prepared, and I would like to ask at this time that this item be tabled for one day so that we might be able to deal with this bill tomorrow.

On motion of Mr. Brown of Augusta, tabled pending passage to be engrossed and tomorrow assigned.

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

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

Tabled — June 8, by Mr. Garsoe of Cumberland.

Pending — Passage to be enacted.

On motion of Mr. McTeague of Brunswick, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-545) was read by the Clerk.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: This amendment is a compromise between those who wish to have the workman's compensation law extended to certain types of agricultural employment and those who felt that to do so would be overly burdensome on the employers involved. In cooperation with certain members of the Committee on Labor and representatives of the industry involved, we worked out what we think no one is 100 percent happy with, but I think I can say we are about 80 percent happy with it.

It is some step — what it provides, basically, is that if an agricultural employee is injured, he doesn't have workmen's compensation rights unless his employer has voluntarily chosen to purchase a policy. However, he does have payment on his medical bills up to \$5,000 maximum.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: As I understand this amendment that is mentioned by Mr. McTeague — I hope you will correct me if I am wrong — I understand this takes the exemption off of the small woods operators with one to three employees. I notice in there it is marked out and it doesn't read that way, so I was wondering why.

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

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I can state that is not the intention of the amendment, but if someone would move to table the matter until later in today's session, we

might work it out and double-check it over.

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

Mr. GARSOE: Mr. Speaker and Members of the House: The situation that Mr. Finemore addresses himself to has been done in prior legislation sponsored, I believe, by the gentleman from Hampden, Mr. Farnham, who is not here right now. I believe this House has already acted on that and has, in fact, removed the exemption for the woods operator employing fewer than three people.

This amendment has been very carefully gone over by representatives of the Maine Farm Bureau, and I concur with the gentleman from Brunswick, Mr. McTeague, that it is a good compromise and one that is worthy of acceptance today.

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

Mr. FINEMORE: Mr. Speaker, Members of the House: I would rather be sure that this has been passed into law before I went along with this amendment. I hope that someone will table it another day so we can check it out.

On motion of Mr. Garsoe of Cumberland, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

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

Bill "An Act Relating to Service Retirement of State Mental Institution Employees" (H. P. 181) (L. D. 223) (H. "A" H-522).

Tabled — June 8, by Mr. Simpson of Standish.

Pending — Motion by Mr. Sproul of Augusta to indefinitely postpone bill and all accompanying papers.

On motion of Mr. Birt of East Millinocket, tabled pending motion to indefinitely postpone and specially assigned for Wednesday, June 13.

Mr. Gahagan of Caribou presented the following Joint Order and moved its passage:

WHEREAS, the primary task of a state Legislature is to make laws

and the quality of such enactments is a measure of its performance; and

WHEREAS, there is a growing interest in acquiring a more formal training for legislators and administrators alike, particularly in the field of law; and

WHEREAS, if the University-wide services of the University of Maine were expanded to include night courses in law at Augusta, the desired training could be acquired; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Education of the 106th Legislature is authorized and directed to study the feasibility of providing night courses in law to legislators, administrators and other interested persons within the Augusta area and any other area within the State where there is a significant demand for said courses through an expansion of University wide services to include services of the University of Maine School of Law; and be it further

ORDERED, that the Board of Trustees and Chancellor of the University of Maine be respectfully directed to assist the committee in carrying out the purpose of this Order to the maximum extent possible; and be it further

ORDERED, that the committee shall make a written report of its findings and recommendations, together with such legislation as it deems appropriate; and subject to its discretion, submit the same at the next special legislative session; and be it further

ORDERED, that upon passage in concurrence, a copy of this Joint Order be transmitted forthwith to said board and chancellor as notice of this objective. (H. P. 1601)

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

The Chair laid before the House the following matter: Bill "An Act to Authorize the Commissioner of Sea and Shore Fisheries to Enter into an Agreement to Lease the Land, Buildings and Facilities of

the National Marine Fisheries Service Biological Laboratory at Boothbay Harbor." (H. P. 648) (L. D. 864):

On motion of Mr. Birt of East Millinocket, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-547) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker and Members of the House: This amendment came across your desks just recently. It is putting in proper order the funding for the biological laboratory at Boothbay Harbor which the federal government is presently giving up. It puts the funding into personal services, the number of employees and all others and capital expenditures, and this will take the place of the one line of appropriation that is presently on the bill.

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

(Off Record Remarks)

Joint Order

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

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government report out a bill or bills relating to the reorganization or restructuring of the Departments of Mental Health and Corrections and Health and Welfare; such legislation to consist of such changes in the statutes as will make the respective departments cabinet level departments; that will make the method of appointments of their heads consistent

with other reorganized departments and to take such other form as the Committee may deem necessary in order that the plan of governmental reorganization be completed by this Legislature. (H. P. 1602)

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

On motion of Mr. Birt of East Millinocket,

Adjourned until eight-thirty tomorrow morning.